

**RESOLUTION NO. 2016-2-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF LA PLATA COUNTY, COLORADO AMENDING THE LAND USE CLASSIFICATIONS WITHIN SECTIONS V AND VI OF THE FLORIDA MESA DISTRICT PLAN.**

**WHEREAS**, CRS § 29-20-102 provides that it is the policy of this state to provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions in order to provide for planned and orderly development and a balancing of basic human needs of a changing population with legitimate environmental concerns; and

**WHEREAS**, CRS § 30-28-106 provides that it is the duty of a county planning commission to make and adopt a master plan, with accompanying maps, for the physical development of the unincorporated territory of the county; and

**WHEREAS**, CRS § 30-28-108 provides that a county planning commission may adopt the county master plan as a whole by a single resolution or, as the work of making the whole master plan progresses, may adopt parts thereof and that the commission may amend, extend, or add to the plan or carry any part of it into greater detail from time to time; and

**WHEREAS**, CRS § 30-28-109 provides that the county planning commission shall certify a copy of its master plan, or any adopted part or amendment thereof or addition thereto, to the board of county commissioners of the county and to all municipalities within the county; and

**WHEREAS**, pursuant to the foregoing authorities, the La Plata County Planning Commission certified the Florida Mesa District Land Use Plan and Land Use Classification Map to the La Plata County Board of County Commissioners on October 9, 1996; and

**WHEREAS**, the Planning Department requests a change to the land use classifications and land use table; and

**WHEREAS**, the La Plata County Planning Commission held a duly noticed public hearing on the 12<sup>th</sup> day of May, 2016 regarding the proposed changes to the Florida Mesa District Plan as identified in the Staff Report for Project No. 2016-0104, Florida Mesa District Plan Amendment, Resolution 2016-2-PC, and at such hearing, heard testimony and received competent evidence that the Florida Mesa District Land Use Plan should be amended to change the land use classifications and the Land Use Table.

**NOW THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARING CONDUCTED THIS 9<sup>th</sup> DAY OF JUNE, 2016, BE IT RESOLVED BY THE LA PLATA COUNTY PLANNING COMMISSION OF LA PLATA COUNTY, COLORADO, AS FOLLOWS:**

1. The Florida Mesa District Land Use Plan is hereby amended by changing the land use classifications and Land Use Table.
2. The Florida Mesa District Plan Map is hereby amended to reflect the adopted Land Use Table Classifications.
3. This amendment to the Florida Mesa District Land Use Plan shall become effective upon approval and execution of this Resolution.
4. The amended Florida Mesa District Land Use Plan shall be certified to the La Plata County Board of County Commissioners, City of Durango, Town of Ignacio, and Town of Bayfield for any further action that is deemed appropriate by the respective jurisdictions.

**APPROVED AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 9<sup>th</sup> day of June, 2016.**

LA PLATA COUNTY PLANNING  
COMMISSION

ATTEST

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

# FLORIDA MESA DISTRICT LAND USE PLAN

## *I. PURPOSE OF THE PLAN*

La Plata County, like many other Southwestern Colorado communities, has been experiencing considerable growth in recent years. Population growth rates of over 3% per year have been recorded between 1992 and 1996. Until the adoption of this land use plan, development proposals in the Florida Mesa District were considered on a case by case basis. The case by case review did not provide an opportunity for citizens, the Planning Commission, and County Commissioners to consider the cumulative impacts that individual projects could have on the County. This land use plan was prepared in order to provide the citizens and County with a framework for evaluating development proposals with the perspective of how the project relates to the Planning District and County as a whole. This plan is intended to provide citizens a picture or vision of what the Florida Mesa District will look like in the future. This plan will also provide the citizens and County the opportunity to begin to shape future development within the Florida Mesa District to insure that it is compatible with the current lifestyles, businesses, homes, and natural features. The Plan is intended to provide citizens with more predictability about what kinds of communities, commercial developments, recreational areas, residential areas, and agricultural areas may exist in the future within the District.

This Plan was created under the premise that it would provide landowners with general guidance and positive incentives for developing their property. Development proposals submitted to the County for review by the La Plata County Planning Commission will be reviewed for conformance with this plan's goals, objectives, and Land Use Classification Map, which were developed by the District's residents. This is not to say that the plan cannot be changed. However, it is important that changes to the plan be considered outside the context of the details of a specific project. Therefore, if a specific application is not in conformance with the Plan, this application should be preceded by a plan amendment to bring it into conformity. It is the policy of the Planning Commission that projects that are not in conformance with the Land Use Classification Map will be recommended for denial.

Plan amendments will be reviewed and considered for approval by the Planning Commission at a public hearing prior to consideration of the specific project by the Planning Commission. Issues to be considered when reviewing plan amendments include:

- Road Capacities
- Water and Sewer Availability
- Visual Impacts
- Wildlife Impacts
- Conformance with Goals / Objectives / Vision of Plan

## ***II. GENERAL CHARACTERISTICS***

The encircling rim of mountains, mesas and hills against the deep blue sky frames the homes and farms of the Florida Mesa. The rivers and the streams, the mesas and the bottom lands, the clean air and clean water, the wildlife and the long uncongested views — all are important, not just for the intrinsic worth of natural beauty but for the economic value of natural beauty in an economy that seems to be undergoing a transition from the farming/ranching community of fifteen years ago to a more service/tourist/retirement community, which may predominate fifteen years from now. Florida Mesa is a place of great natural beauty. This beauty is integral to the Mesa's attraction, and therefore its property value. Current subdivision practices are developing the Mesa into smaller and smaller lots, gradually eroding the very qualities that attracted most residents. It is important that Florida Mesa's future growth, that surely will come, be directed to areas and development patterns that will preserve rural character.

Historically, Florida Mesa has been the largest and most productive agricultural area in the County. As such, the essential character of Florida Mesa has been very rural with large land holdings used for farm and ranch purposes. But some of the factors, which make it valuable for agricultural purposes, such as the availability of water, relatively flat cleared ground and large areas under single ownership, make the Mesa attractive to residential development.

The overall topography and existing vegetation patterns of the Florida Mesa may lend themselves to an attractive mix of residential development and agriculture. On the East side of the Animas River at least three long north/south trending alluvial terraces rise like giant stair steps. The pinon / juniper cover has long since been cleared from the productive flat terrace areas leaving north /south trending bands of residual pinon / juniper cover on the slopes between the flat terraces.

La Plata County and San Juan Basin Health Department regulations regarding central services also have an effect on density distribution. The existing regulations allow development on lots as small as one acre with either common water or common sewage disposal, or on lots as small as 10,000 square feet if both central water and central sewer are available.

The State has not substantially improved the arterial (State) highways (i.e. 550,160 and 172) to keep pace with La Plata County's recent population boom. Consequently, the congested arterial roads cause drivers to use the County roads as primary travel routes, a purpose for which they were never intended. The increased travel on County roads is causing the predictable deterioration and heavy commercial traffic on roads that were designed for light, local flow. Because the County roads are being used for long-distance travel (to avoid the overly-busy State highways), drivers tend to travel at high, unsafe rates of speed; this causes further deterioration of the road surfaces. There is a need for greater enforcement of speed and weight limits on county roads and state highways.

The needs for roadway improvements far exceed the fiscal resources available. This problem is symptomatic of other growth-related issues facing the District.

## Overview of Key Issues:

- ☐ Most of the residential development on Florida Mesa is dependent upon wells. A recent study by the US Geological Survey confirmed that wells in the area are dependent upon water that percolates into the ground (aquifer recharge), the largest portion of which comes from irrigation water from farming. Ground water levels can decline if there is a reduction in irrigation recharge. Increasingly, farms are being subdivided for single family homes. Even though many of the new properties are 35 acres or larger, a significant number are not being irrigated. If this conversion to non-irrigation land uses continues, there will be an increasing reduction in recharge of groundwater and the many homes in the area that rely on wells will have to deepen them, or seek other sources of water. Although the groundwater eventually finds its way to the Florida and Animas rivers through seeps and springs, it is unknown what impact reduced groundwater recharge will have on streams and fisheries. Thus, the source of the water supply is linked to this plan's first goal of maintaining a substantial portion of the Mesa in agricultural production.
- ☐ If current trends continue, there will be a gradual decrease in the amount of water utilized for agricultural purposes on the Mesa. This shift is already being noted in the amount of "excess" water available from the Florida River. If that trend continues additional centrally distributed (by pipeline) surface supplies may become available. However such water supplies may not be available until many years into the planning period.
- ☐ The ease of the Minor Exempt Subdivision (MES) process was leading to a proliferation of three acre lots (lots of three acres or more do not require a public water or sewer system, up to three lots can be subdivided through a simple "exempt" process) throughout the District — resulting in a further erosion of open space and agricultural character. (The MES process was revised in 1998, significantly reducing the number of parcels eligible to use the MES process).
- ☐ By state law, parcels of 35 acres or larger do not require local subdivision approval. As a result, property owners desiring or needing to sell land find it advantageous to do so in 35 acre tracts. These tracts however are not large enough to farm efficiently, and the purchaser typically is more interested in a large lot for open space value rather than in agricultural production. The proliferation of homes on 35+ acre parcels results in still further reduction in open space and rural character. The creation of large lots also results in reduced availability of housing for moderate incomes, and a resulting loss of diversity of income levels in the County.
- ☐ In the absence of zoning, commercial uses are, or have the potential of, scattering throughout the District, undermining the rural, low density characteristics (and potentially the property value and attraction) of adjacent properties.

- ☐ The County presently permits individual, surface water lagoons as an alternative to septic systems. While not particularly problematic at low densities and widely dispersed, as development infill continues, and concentrations of three acres (or less) lots are created with sewage lagoons, there is a growing concern about odors, insect breeding grounds and soil contamination.
- ☐ The fiscal impacts of development on taxpayers can be substantial. It will be important to find ways to ensure that the infrastructure and service delivery costs of new development is offset, perhaps by the creation of a realistic schedule of development impact fees. Such a scheme may involve the execution of intergovernmental agreements between various special districts and the county to institute one fee that is used to address a variety of impacts.

**Vision: Florida Mesa in 2010**

The residents of Florida Mesa envision a rural agricultural atmosphere on the alluvial terrace tablelands with corridors and scattered islands of higher density residential and commercial/light industrial development. They value the riparian areas along the Animas and Florida Rivers not only for their scenic beauty but also for their value as habitat for the wildlife populations that inhabit them.

***III. GOALS, OBJECTIVES, POLICIES AND ACTIONS***

**RURAL ATMOSPHERE**

**A. Goal: Protect the rural atmosphere of the District by maintaining a significant portion of the land as agricultural (farm and ranch) land.**

- Objective 1.** To allow productive farm and ranch land to stay in agricultural use as long as there are farmers and ranchers willing and able to run the farms and ranches.
- Objective 2.** To direct development to those portions of farms and ranches, which are less useful for agricultural purposes (due to conditions such as soil or slope unsuitability).

**Action a.** Revise County regulations to:

- (1) Make it easier to add one additional home for a family member or tenant farmer (without actual subdivision of the land) on large agricultural lots.
- (2) Mitigate the potentially negative impacts of the Minor Exemption Subdivision process on rural character and agricultural preservation;

- (3) Limit the size of a parcel that can be created through the MES process to 3 acres irrespective of the availability of central water and/or sewer.
- (4) Limit the use of the MES process to once every seven years.
- (5) A proposed subdivision action would require notice to landowners with property within 1000' of the proposed development. After notice, if any of the noticed landowners so requires, a neighborhood compatibility meeting conducted by an experienced facilitator will be held. The meeting will be open to all members of the public. If agreement cannot be reached on one or more issues, the Planning Department will develop mitigating measures on the contested issues.

**Action b.** Encourage conservation easements as a way of lowering taxes on a piece of land without the requirement of productively farming the land.

**Action c.** Investigate the utility of transferable development rights as a mechanism for allowing people to receive remuneration for not developing their property.

**Action d.** Establish a program for the long-term leasing of agricultural lands.

**Action e.** Develop a parkland/“in-lieu fee” dedication ordinance to facilitate the acquisition of parks and open space.

## HOUSING

**B. Goal: To assure that residents with a diversity of income levels reside within the District. In order not to become “Aspenized” in the sense that service workers cannot afford to live in the community, which needs their services.**

**Objective 1.** Assure an adequate supply of housing that is affordable for all income groups within the District. Utilize the definitions of affordability by the Colorado Division of Housing and the Colorado Housing and Finance Authority.

**Objective 2.** To encourage medium density housing only in areas served by central water and central sewer systems. Consideration must be given to the nature of homes and existing land uses in the area. Mobile and modular home developments should be subject to the same kind of incentives and regulations as for other medium density housing. The actions recommended below would encourage landscaped, medium density, affordable development surrounded by open space, which would be tax neutral to surrounding development and could be located in various locations around the District in order to take advantage of existing infrastructure.

**Objective 3.** To promote the development of affordable housing by encouraging the construction of multiple family housing in areas that can be serviced by central water and sewer.

**Objective 4.** To require all new development to maintain the aesthetic quality of the land developed and maintain compatibility between adjacent developments.

**Action a.** For new subdivisions, if the proposed lots are substantially different in size from the majority of subdivided parcels along the subdivision boundaries, the transition of lot sizes will be created within the new project, not along the property line. To implement this concept, the proposed lot sizes along property lines will be no less than ½ the lot size of the average of adjacent subdivided property. An alternative means of transition will be the creation of a buffer zone (enlarged setback from the property line, with trees preserved or planted). Lot sizes within the subdivision may be adjusted to compensate for the transition, with project density no greater than permitted by the applicable land use classification.

**Objective 5.** To discourage future building in the 100-year flood plain. As long as development is allowed in flood plains, and federal flood insurance pays for damage, all of the taxpayers are being required to subsidize the risk of those who build in a floodplain. Recreation and wildlife would also benefit from such regulations.

**Action a.** Reduce the service connect fees (and developer impact fees if instituted) paid by developers for all units of housing that meets the affordable housing criteria outlined in Goal B, Objective 1. above.

**Action b.** Designate key areas that are currently, or potentially served by central water and central sewer for either commercial and/or ~~higher~~medium density residential development as appropriate.

**Action c.** Adopt a short, clear, common sense suite of regulations for medium density residential zones. The purposes of the guidelines are to:

- (1) reduce developer's regulatory costs so that they are more inclined to build affordable units in these zones, and;
- (2) protect the neighbors from nuisance type harms (by requiring buffers, etc.)<sup>i</sup>

## COMMERCIAL / LIGHT INDUSTRIAL / MIXED USE DEVELOPMENT

**C. Goal: Confine commercial and light industrial growth to areas that already support some degree of such use. These areas should be designated on the Land Use Map**

**in order to prevent such uses from migrating into residential areas.**

- Objective 1.** To direct commercial development to: the Grandview and Elmore's Store areas, a short distance from Elmore's Store down Hwy. 172, and the Sunnyside area.
- Objective 2.** To direct light industrial growth toward areas near the La Plata County Airport, the Animas Airpark, and the north 1/3 of Koshak Mesa.
- Objective 3.** To analyze and mitigate the traffic, safety and highway issues, lights, noise, and cumulative impacts of commercial and light industrial development prior to approval.
- Objective 4.** Home businesses should continue to be permitted as long as impacts associated with these home occupations are minimal such as: no outside storage, minimal signage and lighting, and minimal traffic.

## **OIL AND GAS**

### **D. Goal: Minimize the adverse impacts of oil and gas development on other land uses.**

- Objective 1.** Ensure that the County adequately regulates issues of local concern, such as:
  - (a) ground water contamination related to the extensive dewatering of the coals;
  - (b) lights at night, noise from pump jacks, work overs, fracing operations, and compressor stations;
  - (c) objectionable heavy equipment and truck traffic;
  - (d) disposal of formation waters; and
  - (e) "Downspacing" of wells.
- Objective 2.** If at some time additional targeted downspacing is approved, encourage the Colorado Oil & Gas Commission to regulate access to the resource via directional drilling from existing well pads.
- Objective 3.** Support the Board of County Commissioners in their opposition to downspacing beyond that already approved.

## WATER AND SEWER

### **E. Goal: Ensure the future availability of ground water and protect it from contamination from wastewater and other pollutants.**

- Objective 1.** To anticipate and plan alternatives to the current water and sewage disposal systems, given that the population densities will both increase and change in pattern over the next fifteen years.
- Objective 2.** To develop and, as needed, to strengthen county regulations, which decrease and/or mitigate water well contamination and dewatering.
- Objective 3.** The County and irrigation water providers in the District must work cooperatively to ensure that issues regarding water conveyance through a development and water allocation within a development are addressed prior to development approval.
- Action a.** Develop an adequate data base and forecasting system to anticipate water uses and sources over the next fifteen years. Water quality parameters should also be incorporated in such a data base.
- Action b.** Develop a long-range plan for both water and sewage disposal. Such a plan should be subject to public notice and comment.
- Action c.** Within ten years eliminate the use of sewage lagoons. As population density increases they will increasingly be breeding grounds for undesirable insects and create health hazards, and decrease aquifer recharge. To achieve this new development should not be allowed to install lagoons and redevelopment projects should remove existing lagoons.

## NON-AGRICULTURAL OPEN SPACE, WILDLIFE & PARKS

### **F. Goal: Preserve a harmonious and mutually beneficial relationship between humans (and their domestic animals and crops) and wildlife habitat.**

- Objective 1.** To work with the State and Federal governments to maintain and improve public land open space and recreational access to public lands.
- Objective 2.** To consider a reduction in County taxes for easements that are established for riparian protection or wildlife purposes.

**Action a.** To map and encourage preservation of high priority wildlife habitat such as severe winter elk range, riparian corridors, migration corridors, and wetlands.

**Action b.** To establish a fund for purchase or lease of these high priority areas. Possible sources of funding include: Great Outdoors Colorado, a sales tax, some percentage of hunting and fishing licenses, etc.

**Action c.** To encourage aggressive federal and state land exchange programs to consolidate viable wildlife habitat and to protect high priority areas.

**Action d.** Designate school sections as open space and encourage the Division of Wildlife to continue leasing of such lands for wildlife purposes.

**Objective 3.** To encourage maintenance of viable wildlife habitat.

## **HIGHWAYS AND TRANSPORTATION**

**G. Goal: Develop a safe and efficient traffic system that does not adversely affect adjacent land uses.**

**Objective 1.** To eliminate dangerous bottlenecks on state highways within the County (especially on highways 160, 550, and 172).

**Objective 2.** To anticipate, rather than react to increased traffic flow by improving and maintaining capacities on highways and arterials to reduce community and commercial truck traffic on local roads.

**Action a.** In the absence of a County Transportation Plan decision makers should give greater weight to potential traffic impacts when approving new development.

**Action b.** Ensure that weight limits are enforced on High Flume and La Posta Roads.

**Objective 3.** To protect riparian corridors from increased traffic to the maximum extent possible in order to protect these high priority wildlife areas and to minimize danger to drivers and wildlife alike from collisions.

**Objective 4.** To develop more attractive “gateway” areas along the main roads into the City.

**Action a.** Formulate a Comprehensive County Transportation Plan for the anticipated future needs, including adequate setback for all new development (as much as 100 feet) along county roads and future arterials so that as highways need

to be created or improved to accommodate increased traffic flow, the purchase price/ condemnation cost will be lower and “takings” actions will be minimized. The corridor needs to be wide enough to accommodate utilities, surface water distribution and central sewer lines.

**Action b.** Adopt the planning concept of satellite commercial/retail centers to reduce the number of trips in to Durango each day.

**Action c.** Adopt criteria for highway location and widening including:

- (1) Through areas of low or no population,
- (2) away from riparian areas and wetlands, (dry areas preferred),
- (3) minimal impacts on wildlife, agriculture, rural lifestyles and archaeological sites,
- (4) use existing corridors as much as possible, and minimize funds required for land purchase and construction.

**Action d.** Take steps necessary to qualify County roads to receive State surface transportation funds as the “major collectors”, which they in fact, are.

**Action e.** Determine if there are transportation routes in the County that could support bus routes funded by user fees. For example, perhaps there could be bus transportation, between commercial or business areas medium density residential areas.

## **POLLUTION**

**H. Goal: Do not increase, but reduce where appropriate, the current, generally low levels of water, air, noise and light pollution and non point sources of water pollution. (See also Oil & Gas Section)**

**Objective 1.** To phase out sewage “lagoons” within ten years.

**Objective 2.** Review and amend as necessary County regulations, which govern noise, visual obstruction and degradation, and light pollution.

**Objective 3.** Authorize at least one private landfill in the District with priority consideration given to pollution issues, convenience to residents, traffic impacts and reasonable hours of operation.

## EMERGENCY SERVICES

**I. Goal: Expand fire and emergency services within the District in order to maintain an adequate level of protection as the population grows.**

**Action a.** Assess impact fees, a portion which should be allocated for fire and emergency services.

**Action b.** Require developers to provide adequate fire flows to serve new development.

**Action c.** Review the County Building Code in order to ensure that adequate wildfire mitigation measures are included.

## REVISION OF THE COUNTY COMPREHENSIVE LAND USE PLAN

**J. Goal: A County Comprehensive Land Use Plan should be adopted by the County Commissioners and should, along with the Land Use Code guide future land use decisions.**

**Objective 1.** To reconsider on a periodic basis the public policy goals expressed in the Plan to make sure that they are still congruent with the goals of the citizens.

**Objective 2.** To hold public meetings, every three to five years, to reexamine the plan and to revise and reformulate, as necessary, the goals and implementation ideas expressed.

**Objective 3.** Require an amendment of the Land Use Plan for proposals that are not generally consistent with the Plan. The amendment process should involve a separate Planning Commission hearing.

**Action a.** Adoption by the County Commissioners of the La Plata County Comprehensive Land Use Plan, including the Florida Mesa District Land Use Plan. The plan would specify land uses and densities (commercial, light industrial, medium/low/rural residential and agricultural, etc.) Compliance should be required for a land use permit.

## EFFECTIVE CITIZEN INPUT

### **K. Goal: Obtain effective input from residents and landowners in major land use decisions.**

**Objective 1.** To encourage proponents of development projects to meet with adjacent landowners and Mesa residents during the initial stages of project design.

**Action a.** Encourage applicants to meet with adjacent landowners early in planning process, prior to submittal of application. Make review of neighborhood comments a standard part of project review.

**Action b.** The County should integrate the Master Plan with the plans of the Southern Ute Indian Tribe particularly with respect to future development and expansion of gaming facilities.

## *IV. DESCRIPTION OF THE PLAN*

The proposed land use plan is based on a vision for the Florida Mesa District that will evolve over the next ten to twenty years. The primary and overriding objective of the Florida Mesa Land Use plan is to preserve agricultural and rural character while accommodating growth. To accomplish this, the plan encourages future higher density growth to be channeled to several 'growth centers' in the District, leaving the remainder of the District in agriculture and *Rural Residential* development. The following section discusses the land use classifications that are included in the Land Use Classification Map that accompanies the text of this plan. The Land Use Classifications / Descriptions Table contained in Section IV of this Plan also discusses the various land use classifications compatible land uses their locations and the approximate densities are based upon the goals and objectives set forth in the Section II, and are guided further by a desire to maintain compatibility with adjacent and neighboring existing uses. Development proposals must be reviewed for consistency with the plan's goals, objectives, and Land Use Classification Map.

### **A. LAND USE CATEGORIES**

#### **Mixed Use Area — Commercial and Residential**

A mixed use area where ~~medium~~-higher density residential and commercial uses are encouraged to concentrate around existing similar uses is designated along Hwy. 160 through the Grandview area. Existing uses include mobile homes, a campground, small businesses, a lumber yard, and outdoor equipment storage. Central sewer service exists throughout much of the area and central water service will likely be established sometime in the not too distant future. It is anticipated that this area will continue to evolve toward commercial uses. The boundary of the mixed use zone is defined by the natural topography and existing land uses.

## Local Commercial

Several commercial areas are designated in the district. At Elmore's Store, *Local Commercial* area is indicated. This area is served by central sewer and has an elementary school at its center, making it a prime location for higher density (affordable) development convenient to essential services. It is anticipated that central water service will be extended to the Grandview in the not too distant future.

In the Sunnyside area, two commercial designations are indicated: one in the mobile home park where a commercial center currently exists, and an alternative near the school house in the eventuality that the existing commercial center is converted to another use.

## Office/Light Industrial

Future office/light industrial development is directed to designated areas near La Plata and Animas airports. These areas have most of the necessary infrastructure as well as existing office / light industrial uses. Additionally, "Fly-in / fly-out" single family residential uses may be considered in the Animas Air Park.

## Industrial

Industrial uses, such as gas production facilities, exist in the industrial area west of the La Plata County Airport. There is some potential for expansion of industrial uses in this area.

## Residential

Existing and proposed residential development densities vary considerably throughout the District. A variety of residential land use classifications are included in the Plan. It must be noted that the residential densities contained within land use classifications are intended to be used for the purpose of calculating overall density –within a project. Minimum lot sizes are determined via the land use code and the subdivision requirements contained within.

Home occupations are acceptable in all residential classifications, providing the use appears to be residential in nature and the impacts are minimal such as: no outside storage, minimal signage and lighting, and minimal traffic generation.

### (1) Medium Density Residential

Lands intended to accommodate medium density residential development (six units per acre max.) –are identified in the area near the intersection of State Highways 160 and 172. ~~Medium density is also the underlying residential density in the mixed use areas along Hwy. 160 in the Grandview area.~~ These designations are in accordance with this plans intention of locating denser residential development in developed areas that possess a road network, commercial development, and infrastructure capable of supporting such

development.

### **(2) Small Lot Residential**

The Small Lot Residential category is typically found where both central water and sewer services exist, or their existence is imminent. These areas are typically adjacent to other higher density residential, local commercial, or mixed use areas. The density range within this classification is up to four units per acre.

### **(3) Suburban Density Residential**

This category includes existing subdivided lands. Lands in this category are classified with a maximum density of ~~two one~~ units per acre, contingent upon ~~the ability to meet subdivision standards contained in the land use code (including, water, sewer, and access requirements).~~ Lands within this classification ~~include: Suburban Density Residential areas include~~ are typically found between and Suburban Density Residential and Large Lot Residential. These properties are typically found where one or more central service ~~existing residential subdivisions as well as room for expansions at comparable densities, where water and/or sewer services is~~ are available ~~or could easily~~ and can be extended.

### **(4) Large Lot Residential**

Lands within this category are typically found adjacent to larger tracts of land, and serve as a buffer between suburban and agricultural uses. The density range for Large Lot Residential of one unit per 10 to 3 acres may be suitable for smaller scale agricultural operations. When central water and/or sewer become available, and the transportation network is adequate, it may be appropriate to support a land use change to the next most intense land use classification.

## **Agricultural / Rural Residential**

The majority of unsubdivided private lands within the District have been classified as *Agricultural / Rural Residential*. The overall development densities envisioned under this classification are 1 unit per 10 to 20 acres. Development densities within this range are determined through utilization of the Plan's public benefit criteria. Minimum lot sizes are determined via the land use code and the subdivision requirements contained within.

The Agricultural / Rural Residential Density designation is prescribed to preserve, insofar as possible, agricultural production and ensure development that maintains a rural character. The Agricultural / Rural Residential Density designation on the Land Use Classification Map is an area in which the *cluster development* is encouraged and credit for higher densities (within the prescribed range is given for clustering).

Consideration for cluster development locations include:

- ☐ tucked in the long bands of pinion/juniper trees that extend north-south through the District,
- ☐ along, but set back from, the mesa edges overlooking river corridors,
- ☐ adjacent to areas already subdivided into non-agricultural parcels.
- ☐ in other non-agricultural areas of the District.

Recognizing that Pinon / Juniper trees are sensitive to disturbance and in general grow very slowly, where possible site design should visually screen structures while preserving as many trees as possible. In areas lacking vegetation, landscaping should be established to screen new development.

Areas where residential clusters are *discouraged* include:

- ☐ on prime agricultural land
- ☐ in locations or layouts that would compromise irrigation systems for agricultural lands
- ☐ in floodplains, drainage ways, and riverbanks
- ☐ on ridgetops, steep open hillsides and open meadows that are highly visible from major roadways

In addition, major physical features are recommended for preservation: the Animas and Florida river corridors, other significant drainage ways, steep slopes, and prominent ridgelines.

## **Critical -Lands**

This classification is an overlay category, which identifies areas that possess significant constraints to development. This category encompasses lands with slopes over 30%, lands possessing landslides and unstable slope hazards<sup>ii</sup>, lands within 100 year flood plains, and wetlands<sup>iii</sup>.

The base density for lands in this category is 1 unit per 35 acres. If *Critical Lands* within a proposed development are protected and permanent development exclusions or dedicated open space, such as conservation easements are established, a density bonus may be granted to transfer development to more suitable portions of a project. Such density bonuses should not exceed 1 unit per 17.5 acres of critical lands. e.g., if *Critical Lands* are protected, allowable densities are 1 unit per 17.5 acres versus 1 unit per 35 acres if *Critical Lands* are developed.

The *Land Use Classification Map* identifies the general location of some of the District's *Critical Lands*. In most cases, however, site specific studies must be conducted to determine the location and extent of these lands. *The Land Use Classification Map* identifies the general location of Slopes over 30%, and lands classified as *Landslides* and *Unstable Slopes*. Flood plains and wetlands are not currently designated on the *Land Use Classification Map*.

## **Agricultural / Timber / Recreational**

Lands within this category are primarily used for agricultural, recreational, and timber harvesting purposes. This land use designation recognizes these uses. A public lands overlay has been assigned to properties in this classification that are under public ownership. Public lands, whether currently being used for agriculture/ timbering/public recreation or having no specific designated use are assigned an underlying residential density of one unit per 35 acres. That is not to say that this designation is in any way a permanent open space designation. However, it This will give the community, and the County, maximum flexibility if a land exchange or another land use is proposed for this public land in the future.

## **Public and Community Facilities**

This land use designation identifies public and community facilities. Sunnyside, Florida Mesa Elementary School, a cemetery and the La Plata County Airport are included in this designation.

## **Pinion/Juniper bands**

Existing bands of pinion/juniper that generally extends north-south are identified on the Land Use map. When possible development should be clustered in these classification areas.

## **Tribal lands**

Lands owned by the Southern Ute Tribe and/or its members are identified on the Land Use map. Land use planning on these lands is done by the Southern Ute Tribe.

## **Affordable Housing Classification**

This classification has been created to promote the Florida Mesa District Land Use Plan's goal to assure an adequate supply of housing that is affordable for all income groups within the District. This classification is an overlay category for all residential classifications in the District. In addition to the project's base density determined by the District Land Use Plan, District Land Use Classification Map and/or Public Benefit Criteria, a 25 percent density bonus will be given to residential projects where at least ~~25~~50% of the project's total units meet the definition of affordable housing within the La Plata County Land Use Code. This density bonus is contingent upon County designation of an appropriate organization, such as Habitat for Humanity, Colorado Housing Incorporated, or Southwest Community Resources, to qualify home buyers or renters for the specific project as meeting the income requirements for such housing. This organization will also be responsible for tracking the resale of these properties/ structures over time to ensure that the resale of the homes continues to be available to other County residents in need of affordable housing. Deed restrictions and plat notes shall be assigned to the individual properties in order to ensure continued affordability for a minimum of 20 years. Such restrictions shall be added prior to the project's final public hearing in order to ensure adequate public review.

## V. LAND USE CLASSIFICATIONS / DESCRIPTIONS

Land Use	Residential Density/ Size Restrictions	Description
<b>Agricultural/Timber / Public Recreation</b>	1 unit per 35 acres	Public land that is used primarily for agricultural, forestry or land/water recreation uses. Public lands that are transferred to private ownership will retain a 1 unit per 35 acre density classification.
<b>Agricultural/ Rural Residential</b>	1 unit per 10-20 acres <sup>iv</sup> *	Private land that can be developed at a density of 1 unit per 10 to 20 acres. Will typically be served by individual wells and septic systems
<b><u>Large Lot Residential</u></b>	<u>1 unit per 3-10 acres<sup>iv</sup></u>	<u>Typically these lands are seen as a buffer around larger agricultural lands and smaller residential lots. This classification may also be appropriate for smaller scale agricultural operations.</u>
<b>Suburban Density Residential</b>	<u>1 unit per 1-3 acres<sup>iv</sup></u>	<u>This lot size range is typically located where only one central service may exist. These lots are primarily residential with limited agricultural or livestock usage. Lots less than 1 acre in size require both central water and sewer, from 1 to 3 acres require either central water or central sewer.</u>
<b><u>Small Lot Residential</u></b>	<u>Up to 4 units per acre</u>	<u>Lots less than 1 acre in size require both central water and central sewer. Typically these areas are located adjacent to urbanizing areas</u>
<b><u>Medium Density Residential</u></b>	<u>Up to 6 units per acre</u>	<u>Single-family detached and attached (townhouse, patio, etc.) units. Central water and sewer required.</u>
<b>Local Commercial</b>	6 units per acre. max. Underlying residential density	Small-scale commercial development (not malls or large establishments) providing goods and services primarily oriented to the needs of the local and tourist community (e.g., convenience stores, hair salons, video stores, liquor stores, restaurants and gas stations). May include 2nd floor residential units (over the shops), or bed-and-breakfast type lodging.
<b>Mixed Use</b>	6 units per acre. max. Underlying residential density	A transition area that contains a mix of residential and commercial development, including overnight accommodations.
<b>Critical Lands<sup>vi</sup></b>	1 unit per 35 acres	Land with natural constraints such as steep slopes (over 30%), landslides, unstable slopes and flood plains. If density is transferred to non-critical lands, a density bonus of 1 unit per 35 acres will be granted (a total of 2 units for each 35 acres of critical land that is left permanently undeveloped).
<b>Industrial</b>	none	Permits gas refineries, gas compressors, concrete batch plants and manufacturing uses with outdoor operations.
<b>Office and Light Industrial</b>	none	Commercial, Office, and light industrial uses
<b>Public and Community Facilities</b>	none	Public and quasi-public uses, such as schools, government facilities, cemeteries, hospitals and churches, trail heads, recreation facilities.
<b>Tribal Lands</b>	none	Southern Ute Tribal Lands
<b>Pinon and Juniper Bands</b>	none	Identifies bands of Pinon Juniper woodlands that can be suitable for clustering development in agricultural areas.
<b>Affordable Housing</b>	25% density bonus, overlay to all residential classifications	25 percent density bonus will be given to residential projects where at least <del>25</del> <b>20</b> % of the project's total units meet the definition of affordable housing within Section 1.8.19 of the La Plata County Land Use Code.

## VI. PUBLIC BENEFIT CRITERIA

In order to determine the allowable density for a project within the ~~Rural~~ Residential Classification, the County will allocate densities above the lower end of the density ranges upon demonstration that there is a public benefit in doing so. To make this determination as objective as possible the density range shall be granted based upon the following criteria and percentages:

- 35% Clustering the units so as to preserve the maximum portion of the land in contiguous open space, which could be owned by a single entity or multiple entities with undivided interests, or overlain by an open space or agricultural easement. (50% open space = full 35% of density range).
- 15% Structures not located on ridgelines or within view corridors as seen from public roads.
- 15% Structures located so as to preserve open meadows, located in or against trees if present and not within floodplains.
- 10% Houses located near other houses — so as to maximize clustering on an area-wide basis.
- 10% Preservation of designated wildlife corridors or habitats.
- 15% Granting of easements for trails for public use and/or public lands access.
- 100% Total

Full compliance with all of the above would result in granting of 100% of the density range. For example, if the range is 1 unit per 10 - 20 acres, and all of the criteria were fully met, the proponent would qualify for a density of 1 unit per 10 acres. If only the first two criteria were met ~~-(35% + 15% = 50%)~~ the owner would qualify for only 50% of the range, or 1 unit per 15 acres.

If site conditions do not permit compliance with any specific criteria, credit for compliance will be granted, ~~-e.g.~~ if a site does not possess any ridgelines then the applicant would receive the full 15% density bonus for avoiding ridgelines.

### Additional Density Bonus Options:

- 25% A 25 percent density bonus may be granted in any residential land use classification if ~~25~~ 50 percent or more of a project's housing units are considered "affordable" as defined in the La Plata County Land Use Code.
- 50% A density bonus of 50 percent (on top of whatever is obtained through regular criteria above) may be achieved in the **Agricultural/Rural Residential Classification** by meeting all of the following public benefit criteria:
  - a) Public benefit criteria 1 through 6 above are **substantially** met (90%).
  - b) State approved and monitored central sewer and water systems are utilized by the clustered portion of the project.
  - c) Development is clustered in one cluster located on no more than 20% of the total land area. A maximum of 3% of the total number of approved units may be clustered outside of the main cluster if they are located in a manner which does not interfere with open space, wildlife protection, agricultural, view protection or other goals of the project and this plan. The building envelopes of the 3% shall be included in the 20% developed area.
  - d) The remainder parcel (outside of the development cluster) shall:
    - be generally contiguous
    - be maintained in an agricultural use, or in an undeveloped, natural state that allows for some passive recreational uses.
    - be permanently restricted in a manner acceptable to the County
    - have a management plan to address such issues as wildlife, noxious weeds, wildfire, fencing, access, irrigation, etc.

## **APPENDIX**

### **Background: Initial Work of the FMA Group**

Since May 1995, the Planning Action Group for Planning District 10 (PAG 10 or the Group) has met numerous times to discuss the Group's vision of land use in the Florida Mesa planning district. Meetings were held at the Florida Mesa Elementary School and were announced in the Herald and in a newsletter which was distributed to over fifty people who have participated in the grassroots planning process.

Nancy S. Greif, a resident, who is also a trained mediator, was selected at the first meeting to facilitate each meeting. The mediator also wrote a newsletter after each meeting summarizing the Group's recommendations so that participants who were unable to attend every meeting would have a record of the discussion. The newsletter was distributed by the La Plata County Planning Department. Numerous guest speakers provided helpful technical and policy information.

The Group's initial task was to look 15 years into the future and to articulate, as goals, the long-range ends toward which county efforts should be directed with respect to land use. The second task, finding ways to achieve those goals, was more difficult. Many participants expressed concern about the potential for over-regulation, so the starting point for implementation discussions was to ask "Is it reasonable to expect that this goal will be achieved in 15 years if no new regulations are adopted?" We also asked, "If we do believe that the goal would be achieved with no new regulations, then are there any existing regulations that could be scrapped and still achieve the goal?"

The third step became necessary if the Group decided that the goal probably would not be achieved by simply allowing the continuation of existing trends and regulations. The next inquiry then was "What non-regulatory incentives and volunteer compliance programs could be used to further our progress toward the goal?"

Finally, - if we did not believe that incentives and volunteer efforts would be sufficient to attain the goal in the next 15 years, as a last resort we asked, " Are there limited regulations which are necessary to achieve the goals developed by the citizens?"

The result of the above process was a statement of goals and implementation recommendations which is summarized below. Some of the recommendations listed are clearly beyond the authority of the County to implement; for example, the ideas expressed which relate to the tax status of agricultural land. However, we recognize that growth and agricultural issues are currently being debated at the state level and some of these ideas are included simply to express our support for rational analysis of creative alternatives at all levels of government. We urge our County officials to pass along our support for the detailed analyses going on at the state level with respect to these issues.

While the Group recognizes that even broader citizen participation would have been desirable to reach an even more meaningful consensus, nevertheless, we believe that great weight should be given to this document as a genuine expression of the consensus of the many people who contributed a great deal of their time, energy and thought to searching for ideas that would be acceptable to most of the residents of the District. Diverse viewpoints were expressed and participants included both new and long-time residents, farmers, ranchers, "environmentalists", homeowners, renters, developers, owners of home businesses and other businesses, etc.

### **Goals and Objectives: The Central Theme of the Discussions**

Three points came through loud and clear again and again: 1) Everyone values the rural atmosphere of the Mesa and wants to maintain that quality in the District for at least the next 15 years; -2) that government is best which governs only enough to achieve the goals of a majority of its citizens and no more. In other words, regulation should be a last resort. Even though the District realizes that it is more difficult to develop creative incentives and to work with other levels of government to discover non-regulatory ways to progress toward grassroots objectives, nevertheless, the extra work up front will pay big dividends in citizen satisfaction and compliance; -and 3) -the infrastructure effects of development need to be mitigated by assessing impact fees on development. Fire and emergency services, roads, schools, etc. are suffering because no impact fees are currently assessed.

A fourth major theme has been that there is no point in adopting regulations that are either unenforceable or not enforced. If existing regulations and “mitigating measures” that are required as a condition of development approval are not being enforced now, it is foolish to promulgate still more unenforced regulations. The implementation suggestions which follow are predicated on the belief that regulations should be enforced or scrapped.

Two related concepts raised by the planning group are: 1) that all County regulations should be written in clear, plain, unambiguous language, and 2) that if the Planning Department wishes to require “mitigating measures” that go beyond the actual regulations, then the staff must justify those requirements by relating the additional measures to the goals expressed in this plan.

A final insight is that rational planning for growth is likely to become a self-fulfilling prophecy. In other words, by adopting a comprehensive land use plan the development environment will become more predictable than it is under the existing permit system. By creating more certainty with respect to allowable development, it will make development investment money easier to obtain and will create a climate which is more conducive to development. The group has no problems with development, *per se*, but believes that growth must be managed in a way that prevents or mitigates conflicts with the goals expressed by the citizens of the District.

The only thing which we can say for sure is that change will come. The Florida Mesa Planning Action Group appreciates this opportunity to work together to shape the future by articulating what we want the future to look like and to suggest ways to get there from here.

## **SUPPLEMENTAL RECOMMENDATIONS**

### **Regarding Agricultural Preservation**

A second recommendation is to encourage state legislators to analyze the public policy underpinnings of the agricultural tax classification in order to ensure that it is clearly understood what kind of economic behavior the classification is designed to foster and to make certain that the tax structure does, in fact, foster the desired behavior. It may be time to make it easier for farmers and ranchers to attain and maintain the agricultural classification. Historically, the classification was initiated to promote the increased production of food for the nation. Later, it acquired a second purpose which was to contribute to the economic base of areas of the country that were not prime farmland but which could be managed at a profit if they got a bit of a break on real estate taxes.

Recently, a third major purpose has emerged which may result in making the Ag classification easier to attain and to keep. That purpose is the maintenance of “open space.” The legislature may want to consider making the productivity requirements more lenient so that in areas that are marginal as profit producing agricultural ventures it would be easier for farmers and ranchers to keep on farming and ranching.

However, the Group also mentioned the concern that if the effect of the lower tax rate for Ag land is to make it easier for large landholders to hold large tracts for eventual subdivision, then that kind of tax structure may defeat the purpose it was designed to serve.

One alternative which would address all of these concerns would be to reduce the productivity requirements for the Ag land classification but to also require that if an agricultural tract is sold for non-agricultural purposes, then the landowner would have to pay the difference between what the tax would have been, if the land had been valued at its fair market value for its “highest and best use,” and the tax that was paid on the land that had an Ag classification. This deferred tax could be limited to perhaps 5 years of deferred taxes.

A final point which the Group would like noted is the under Colorado fence law it is not the responsibility of a livestock owner to fence animals in; rather it is the responsibility of landowners to fence the animals out. New residents from other parts of the country may not be aware of this rule and it can cause needless friction between neighbors.

## Objectives

### A. Provide Incentives to Maintain Land in Agricultural Use:

- (1) Encourage farmers and ranchers to raise “new,” and potentially more profitable, kinds of crops and livestock by allowing them to attain or retain an agricultural classification, for the purpose of calculating real estate taxes, for a period of at least five years without the requirement of demonstrating a profit.
- (2) Adjust the current productivity requirements to make it easier for farmers and ranchers to attain and keep the agricultural classification in areas such as La Plata County where factors such as elevation and a short growing season make it difficult to manage Ag land productively.
- (3) Require landowners to pay back taxes (deferred for a period not to exceed five years) equal to all or some portion of the difference between what the tax would have been if paid on the full fair market value and the actual tax paid on land valued as agricultural land, if and only if the landowner sells the land for non-agricultural purposes.

### B. Voluntary Measures to Preserve Agricultural Land:

- (1) Encourage farmers and ranchers to carefully analyze their own land and then to put the productive ag land into agricultural easements or districts and to retain the residential development potential only for the unproductive land. Such land could be used for medium density cluster development with common ground landscaped “buffers” deeded to Homeowners’ Associations.
- (2) Develop and publicize an easy method for devising land to the County if individuals die without a will and there are no heirs under intestate succession. This would be an alternative to allowing the land to “escheat” to the State of Colorado. The land could be used as parkland, maintained as open space, or sold to provide funds to purchase or maintain parks and open space at other locations.
- (3) Develop a handout for real estate agents and Ag extension agents to distribute titled something like “Being a Good Neighbor in Farm and Ranch Country.” Issues could include fences, water and ditch issues, dogs and livestock issues, noxious weed control, etc.
- (4) Set up a cooperative program sponsored by the County, the Southwest Colorado Women’s Bar Association and the Southwest Colorado Bar Association to aide income-qualified farmers and ranchers set up estate plans to avoid large transfer taxes at the death of a landowner. The goal is to avoid the forced sale of large landholdings.
- (5) Encourage the state legislature to pass legislation that would reduce and/or defer the payment of the estate transfer tax on agricultural land. One alternative that could be considered would be to eliminate the transfer tax at the death of a landowner as long as the land passed to an entity that agreed to maintain the land in agriculture for at least a ten year period.

## Oil and Gas Development

Even though the Group realizes that the County effort to review and revise the existing County Oil & Gas Regulations is essentially a separate effort from the development of a Comprehensive Land Use Plan, nevertheless the Group feels strongly that there should be a discrete section of the Land Use Plan that addresses the overall goals of the County with respect to petroleum development. The revision of the County regulations could constitute the implementation section but the fundamental importance of well thought out goals simply cannot be neglected.

Regulations - The County regulations need extensive revision with respect to protecting the health, safety and welfare of La Plata County citizens who live in close proximity to the commercial/industrial operations of the gas industry. Our group did not examine the proposed regulations in detail but there is considerable interest in forming a subgroup to do this.

## Preservation of Non-Agricultural Wildlife Habitat and Open Space

### Volunteer Efforts:

- (1) The County, in conjunction with the DOW, should sponsor a series of public education programs about wildlife safety issues (i.e. bears and hummingbird feeders, bar-b-que grills and trash), wildlife habitat improvement, the negative effects on wildlife of domestic cats and dogs and how to mitigate those effects and fencing to keep stock in and still allow wildlife movement.
- (2) The use of covenants and deed restrictions that aid wildlife and promote open space should be encouraged.
- (3) Encourage local developers to voluntarily work with the DOW before they develop an initial subdivision plan. If areas that are important for wildlife are identified before money has been spent on plan development the developer positions are less entrenched and more flexible. This could be done by a joint County/DOW mailing to permit applicants and developers.

### Pollution

While the Group realizes that many pollution issues are covered under state and federal law, the planning group definitely wants the County to “fill in the gaps” where necessary. For example, many aspects of noise and visual disturbance related to oil and gas production, transportation and processing are not currently regulated by the State or the Federal governments. County regulations are appropriate in such circumstances.

### Emergency Services

Numerous residents noted that fire and emergency services have deteriorated in recent years due to the recent influx of new residents. With the recent passage of public finance measures which should improve rural fire services the planning group would like a reexamination of the adequacy and efficiency of emergency medical services so that a fair share of publicly financed services is allocated to rural areas.

### Volunteer Efforts

- (1) The County should adopt a voluntary standardized Fire Protection Code for residences that would be pre-negotiated with the insurance rating service (ISO) so that compliance would result in lower homeowners’ insurance rates.
- (2) The County needs a better publicized wildfire protection education program.

<sup>i</sup> The internal arrangement, amenities and character *within* each development that would be visible from or affect surrounding landowners would largely be left to the developers and the market.

<sup>ii</sup> The location of landslides and unstable slopes was determined using the County’s Geologic Hazard Maps, Circa 1976.

<sup>iii</sup> Wetlands are those areas as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987.

<sup>iv</sup> Overall project density within given range is determined by Public Benefit Criteria. Proponent is encouraged to cluster density on smaller lots, creating permanent open space. Minimum lot size is determined by County Subdivision regulations and Land Use Code.

<sup>v</sup> ~~Overall project density within given range is determined by Public Benefit Criteria. Proponent is encouraged to cluster density on smaller lots, creating permanent open space. Minimum lot size is determined by County Subdivision regulations and Land Use Code.~~

<sup>vi</sup> ~~6~~ Critical Land designation only applies to unsubdivided land. Environmental conditions on subdivided land are regulated through the approved subdivision plan and Land Use Code. Critical Land designation on Land Use map only partially or generally portrays the Critical Land constraint area. Specific analysis may be required to refine location of Critical Land boundary.