

1 LAND USE



OVERVIEW

In the state of Colorado, local governments have been granted authority to guide land use planning through enabling legislation. As compared to other locations, both municipal and county governments have the authority to enact regulation drawing from numerous state laws to guide the management of lands within their jurisdictions.

The manner by which a county is granted authority depends upon their classification. Two distinct classifications which a county could be identified in this regard are *statutory* and *home-rule*.

Colorado is home to 64 counties; 60 of which are deemed *statutory*, four are termed *home-rule*. La Plata County, in particular is a statutory county, or a county that derives its powers directly from the State. In simpler terms, if the state has not authorized certain regulation within statutes, the local jurisdiction cannot act. Conversely, home-rule local governments have been granted land use authority via Colorado Revised Statute section *30-11-501*. By way of adopting a charter, local zoning laws and ordinances can be enacted following their own procedures and standards.

Colorado Revised Statute (C.R.S.) Title 29, Article 20, Section 101 (§29-20-101) provides statutory counties with their granted jurisdictional authority, titled in short, the *Local Government Land Use Control Enabling Act of 1974*. Provided within that document, is the broad authority granted to those local jurisdictions to plan and regulate the use of land, ranging from preservation of areas with historical importance, correlation of growth relative to infrastructure, to regulation of development that may impose risk to wildlife.

Going on, as part of the County's land use planning process, C.R.S. §30-28-101 through §30-28-139 provides requirements by which the County must abide. This includes the appointment of a Planning Commission and adopting a Comprehensive or Master Plan. As stated directly, "*it is the duty of a county planning commission to make and adopt a master plan for the physical development of the unincorporated territory of the county.*" (§30-28-106). This document, as adopted by the Planning Commission, is strictly advisory in nature; meaning this document should be used to guide development rather than as an instrument to control land use (not intended for direct regulation). Moreover, specific to the state of Colorado, a county's Comprehensive or Master Plan must include a component dedicated to the *recreation and tourism industries*, and how the local jurisdiction will provide for their associated uses.

As the population of the County grows, lands which were once predominately rural and dedicated to agricultural uses have seen shifts toward more dense and higher intensive uses. Guidance documents, such as this Plan, will identify changes and patterns, and promote effective growth management policies to be utilized and refined for years to come. The following sections will identify such policies, to include areas identified as growth hubs, adopted District Plans, locations dedicated to open space, and more.

1 LAND USE



Finally, this Element of the Plan focuses on the County's land use system and how it shapes the development pattern of the County; with particular consideration to the general health, safety and welfare of the place and its residents.

BACKGROUND

The impacts of unmanaged growth can create adverse and uncertain outcomes which the County cannot react to, nor respond to the needs of its residents, in an effective manner. Sprawl can occur in volumes which produce decreased levels of general service and threaten the quality of life which people seek when they move to the County. In order to balance the needs of the people and serve general health, safety and welfare demands, it is imperative that the County considerately develop a *growth management system* which accommodates economic vitality, inspiration for innovative development projects and businesses, preserve open, accessible areas to the natural environment for recreation, encourage higher levels of service to be maintained with expanding, concentrated infrastructure sources, as well as identify areas which could most effectively and economically serve the population's needs.

With declining gas production, taxing entities throughout the County are faced with the challenge of finding new sources of revenue to supplement associated revenues, in order to maintain level of service responsibilities. Therefore, managing growth provides reasonable expectations for levels of service, and opportunities for innovative economic development throughout the County, while recognizing the need to capitalize upon the Counties natural assets. New business development, as well as recreational opportunities should translate into any managed growth program for the County; as well as maintaining and expanding infrastructure in an affordable and responsive manner, to meet the needs of a growing La Plata County.

General levels of service could include:

- Construction, Function & Maintenance of Roadways/Roadway Network
- Sheriff/Jail/Search & Rescue, Emergency Preparedness
- Social Services
- Recreational Opportunities/Fairgrounds/Natural Environment Access
- Animal Control
- Accessible Resources such as Potable Water, Septic/Sewer, Electric Power, etc.

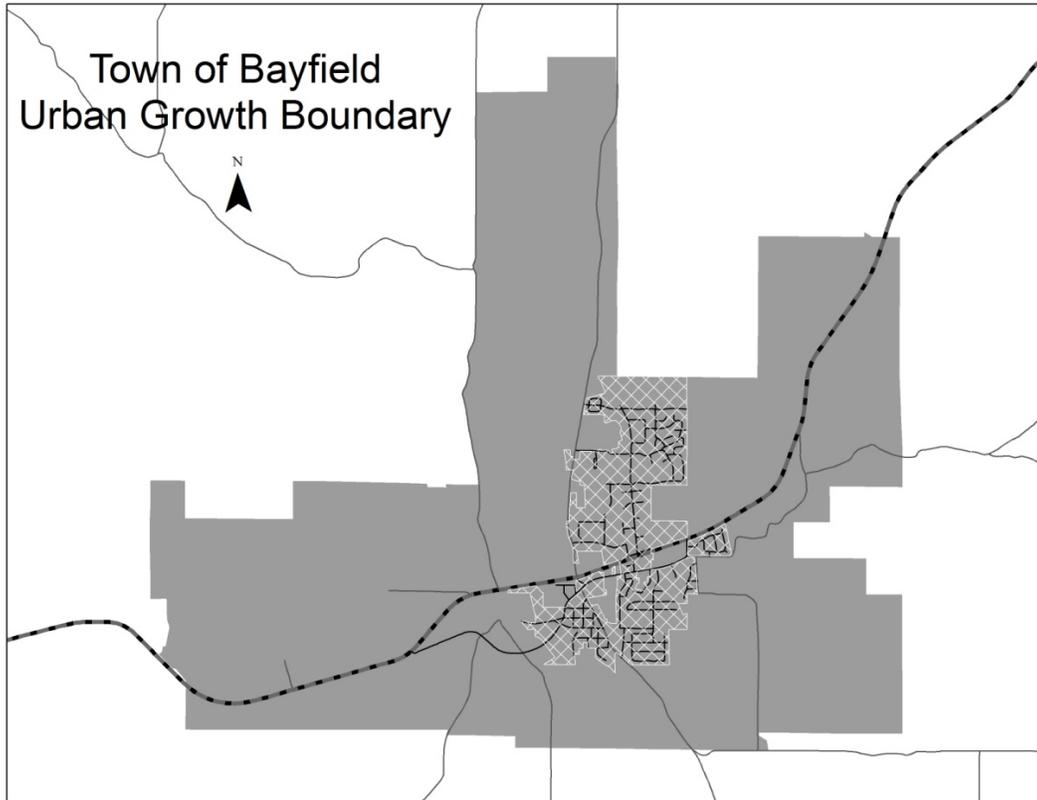
MANAGED GROWTH

Municipal Service Areas (3-Mile Plans)

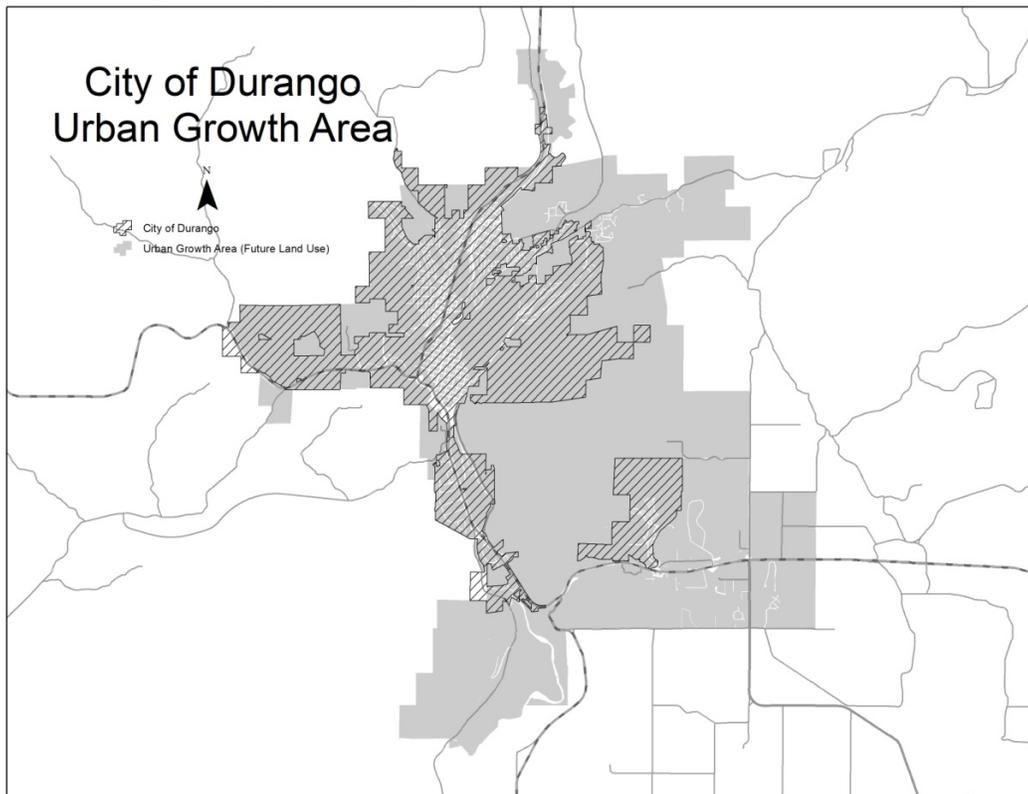
The state of Colorado provides that municipalities may actively plan annexable areas outside of their jurisdictional boundaries, future service areas, within three (3) miles. Therefore, maps identifying future potential annexation/service areas for the municipalities of Bayfield, Durango and Ignacio are identified below (Map 1-1 thru Map 1-3).

1 LAND USE

Map 1-1 Town of Bayfield Municipal Service Area (3-Mile Plan)

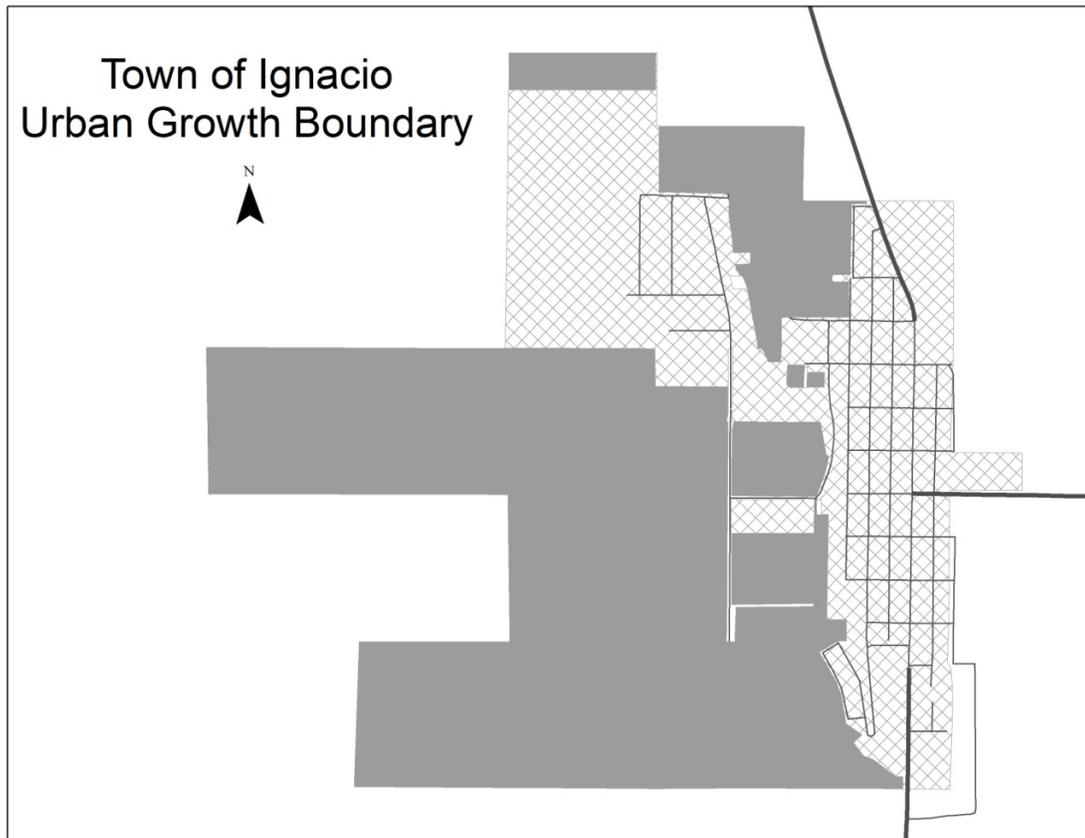


Map 1-2 City of Durango Municipal Service Area (3-Mile Plan)



1 LAND USE

Map 1-3 Town of Ignacio Municipal Service Area (3-Mile Plan)



In order to achieve higher potential for increased levels of service for future residents and businesses within these communities, the County should strive to accommodate the planned and managed growth of the municipalities, and coordinate more closely with their individual “3-Mile Plans”. This intergovernmental effort can be an effective measure to encourage the realization of the individual municipal interests, and overall financial plan for the County to maintain a general level of service to the largest areas of potential future growth. This also provides for a mutually beneficial outcome for all local governments involved, in its basic form.

There are also two distinct Tribal Governments (Nations) which intersect within La Plata County, Colorado. These two sovereign nations are the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe. The boundaries of these are depicted within the map of La Plata County (Map 1-5).

There are also larger areas of State and Federal lands within La Plata County, primarily dedicated to open space, recreation, and parks. The following Map 1-4, identifies these areas within the County.

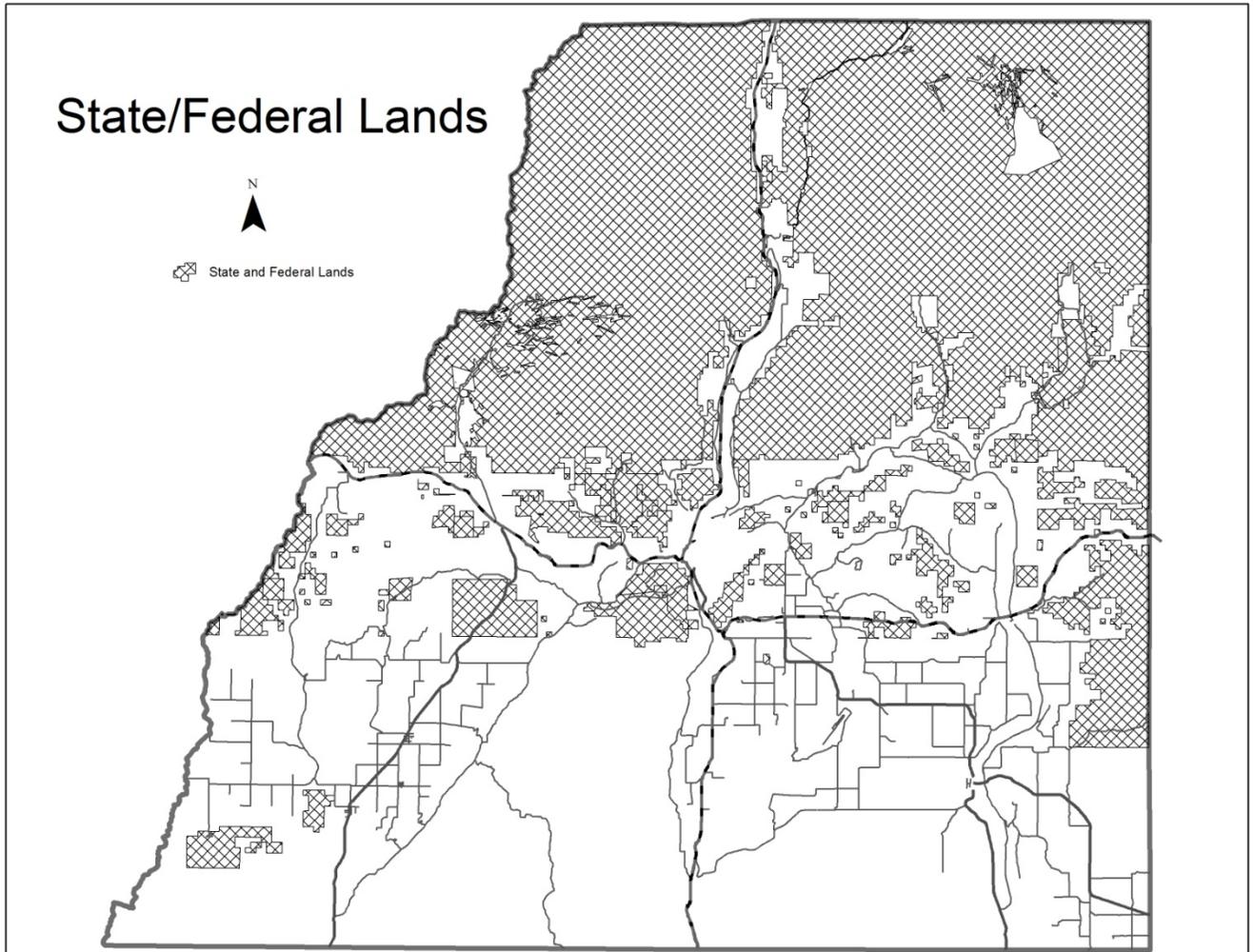
Other Planned Service Areas

In areas of the County where central water and sewer services are available, these services are provided by entities such as local municipalities, metropolitan districts, private companies, homeowner associations, and, in some cases, Tribal governments. Existing Infrastructure

1 LAND USE

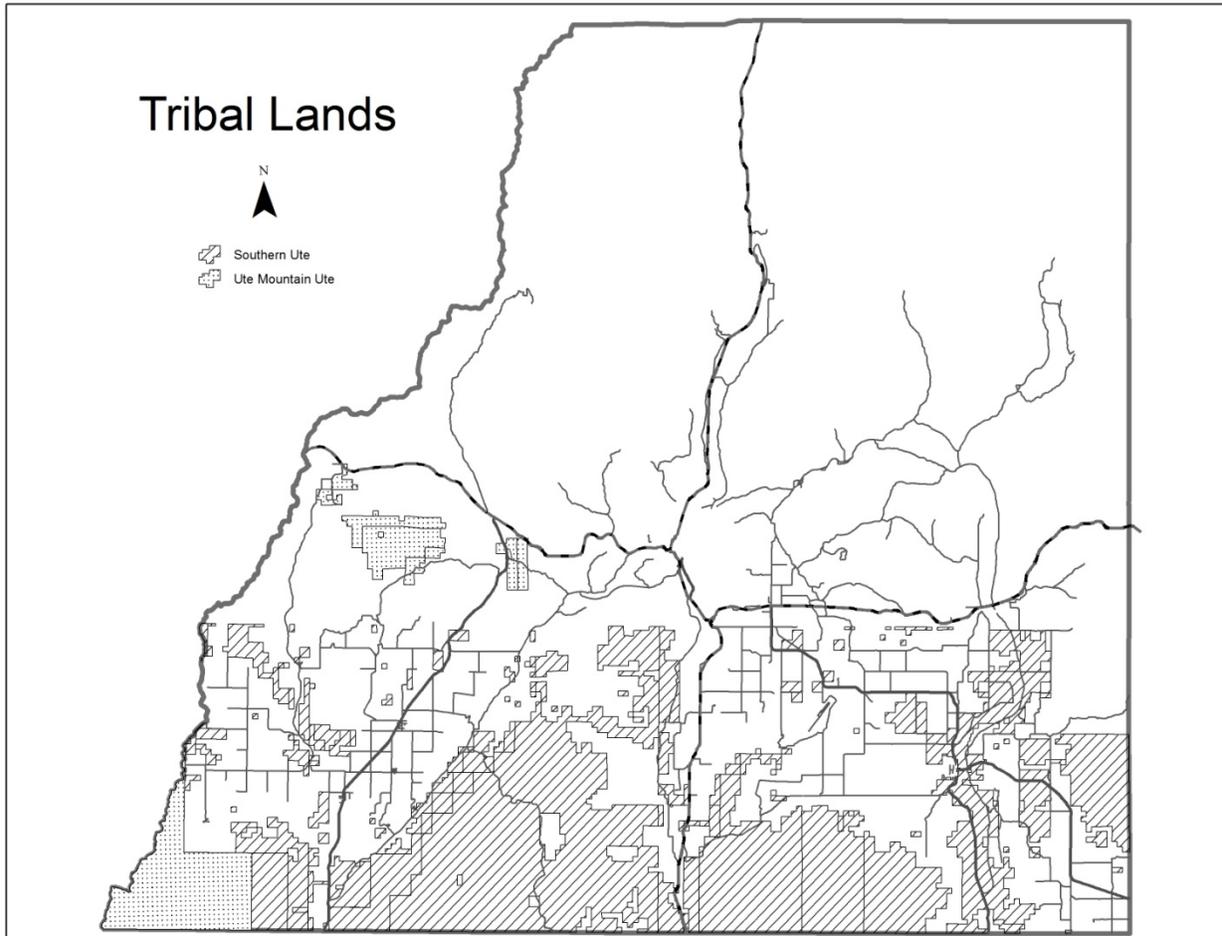
Maps (appendix) identify major central services in the County. Several of these systems serve smaller developments or *hub activity* areas throughout the County.

Map 1-4 State and Federal Lands within La Plata County



There are several terms which identify various nodes of service activity in the County for different purposes. Those include *Rural Activity Centers* (RAC) which tend to provide general or neighborhood services for various rural locations; *Urban Service Areas* (USA) which entail an extension of municipal services into the unincorporated areas surrounding a given municipality; *Crossroads Centers*, which may only serve a smaller volume of activity for a highly discrete purpose (i.e. independent feed store located in a rural area only serving local agricultural goods for the types of farms in the area); and *Recreational Service Areas* (RSA), which generally serve several, or a particular, recreational activity, isolated from broader urban services. However, we use a broad term here to capture all of these as *activity/growth hubs*, recognizing that they all vary slightly but share a similar value to the County.

Map 1-5 Tribal Nations Transecting La Plata County



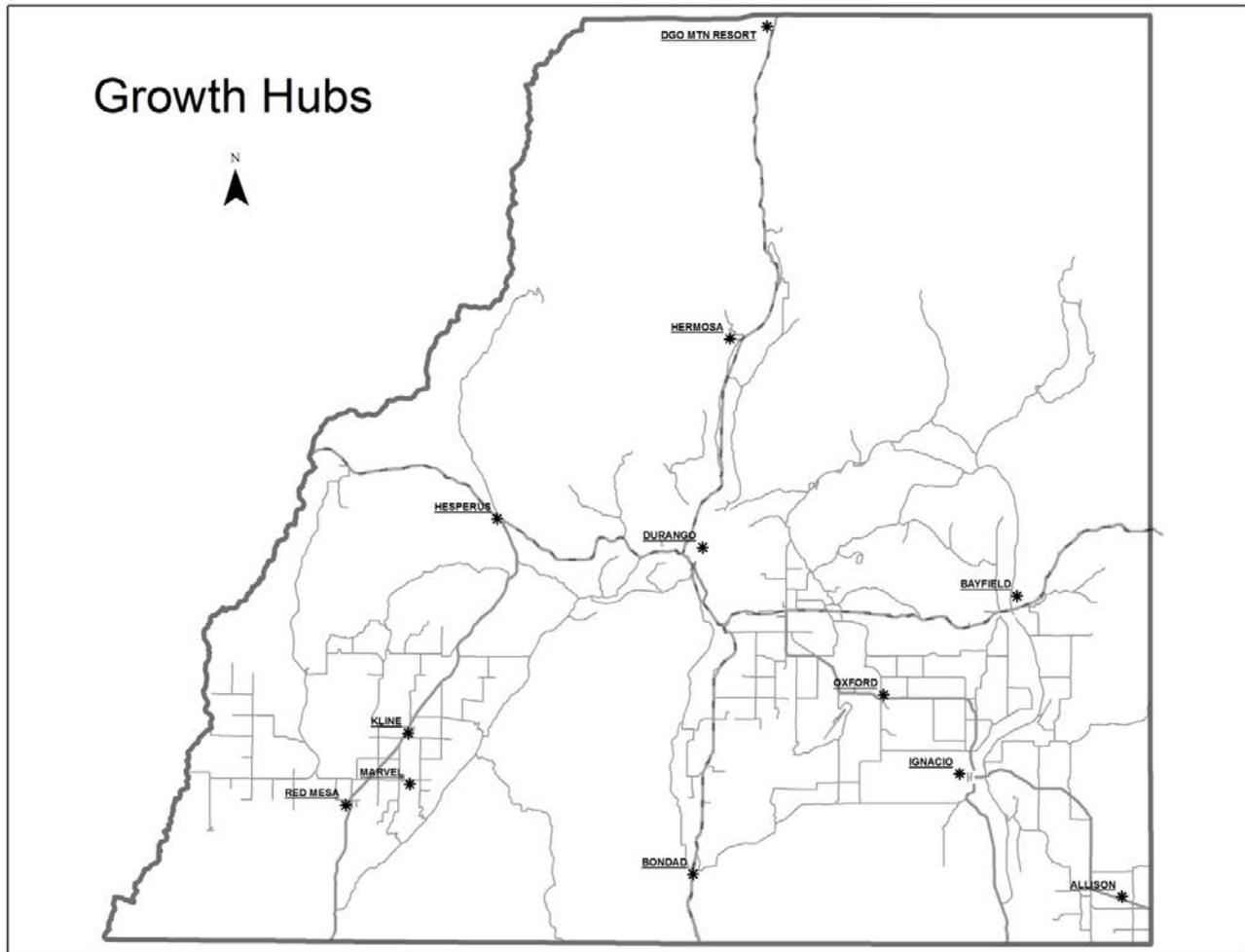
Activity/Growth Hubs

Where activity hubs exist throughout the County, there may be opportunities for further growth to occur in these areas. Being flexible and able to accommodate such growth is, therefore, important. The County has recognized opportunities for growth based upon availability, or the potential for available, expanded resources and infrastructure. Planning for future growth adequately and flexibly, should continue to be recognized by the Plan.

Map 1-5 illustrates the existing, known major activity/growth hubs within the County; however it is not all-encompassing and should be evaluated during a future effort of updating the County's adopted District Plan maps.

1 LAND USE

Map 1-5 Activity/Growth Hubs La Plata County



District Land Use Plans

During the mid-1990s, the County created land use planning districts with associated district plans. These plans contain and identify hub activities and assigned land use classifications. These were originally prepared for seven districts; however today include a total of 13 identified planning areas/districts. The Animas Valley District had previously established a plan that was subsequently codified and incorporated in the adopted land use code (implementing document of the County's land use policy) making that district plan regulatory, rather than advisory. Each of the other district plans remain advisory in nature and should be revisited in order to update them, as well as coordinate with this Comprehensive Land Use Plan. Particular emphasis and character of each Plan varies somewhat, however with an underlying theme to reflect a desire to maintain unique qualities of each district as growth occurs.

Each plan was prepared with extensive input from the residents within the planning district areas. The preparation process spanned several years, during which time more than 100 district planning group meetings were held to solicit public involvement. These plans are integral to a refined and thoughtful land use classification system. Such system should include consideration, and

1 LAND USE

correlation, of the comprehensive policies identified within this Plan, as well as the classifications designated within each of the area plans.

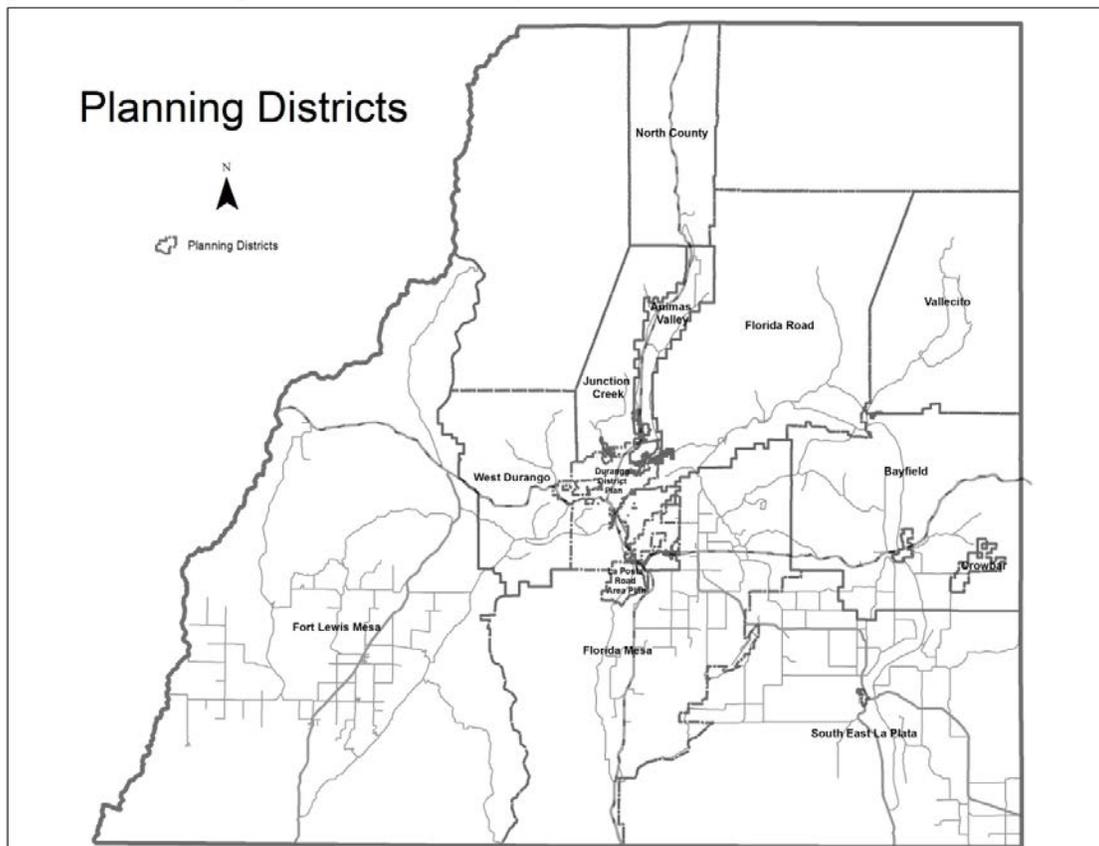
A land use classification system should include an inventory of all classifications defined, and then applied within each area plan (district map). This exercise should take place upon a complete update of this Plan, in order to ensure such consideration/correlation. Also, extending the public process of such updates should target participation from members of the planned district areas.

During the exercise, attention should also be made to identify appropriate hub activities within each district area, so that particular, unique attributes of the areas could be adequately planned with the area’s needs and intentions captured.

This Plan, then, should be updated to reflect much of what is identified during the area plan exercise as well. Any planning tools or methods identified for use within the district area plans, should be clearly articulated, explained and identified within this Comprehensive Plan.

A map identifying the current district area plans within the County can be viewed below:

Map 1-6 La Plata County District Area Planned Areas



1 LAND USE



Land Use Code

The adopted Land Use Code is the primary means by which the comprehensive planning goals found throughout this document can be implemented via regulatory measures to be utilized in the County. How the Plan is intended to correlate with the implementing document(s), is by way of formal recommendation by professional staff and the appointed Planning Commission (and other recommending bodies to the BOCC). It is therefore important to establish sound policy relative to growth management in order to capture the recommended policy within considered implemented documents of the County.

As the Plan is amended from time to time, so should the Land Use Code and other such documents to maintain consistency with the Plan. Recommendations could be made, also regularly, to the appropriate decision-makers for considerations of consistency implementation.

Capital Expansion Fees

Colorado State Statutes authorize statutory Counties such as La Plata to collect certain, narrowly defined capital expansion fees (such as fees-in-lieu of school and park land dedication, or road impact fees). They are a one-time charge assessed on new development that is intended to ensure new development provides minimal contribution toward capital facilities it impacts.

Therefore, capital expansion fees must be specifically tied to impacts of development to public facilities, and used to provide or improve, facilities which benefit the development. In order to satisfy these parameters, a careful analysis of existing conditions and public facility needs, attributable to new development, must be undertaken. La Plata County currently uses capital expansion fees on a limited basis. School fees-in-lieu are regularly collected, as are road maintenance/improvement fees associated with development.

GOALS

LAND USE GOALS

Goal 1.1: Develop and maintain a land-use planning system which encourages a high quality living environment with a mix of compatible land uses; and coordinates managed growth with other Plan Elements, promoting public health, safety and welfare.

Objective 1.1.A: To identify and recognize general planning practice which provides for consistent, fair administration/application, while identifying clear direction for private and public land use.

Policy 1.1.A1: The County should promote the use of a refined and considerate land use planning system (land use classification) in areas of the County which are developed, or anticipated future developing areas. The existing District Plans should be reviewed and evaluated

1 LAND USE



regularly in order to ensure that they address the County's goals, and correlated with fiscal responsibilities.

Policy 1.1.A2: The County should review, consider and evaluate various service areas for accommodating general population needs. Such areas should address both opportunities and needs of the County, relative to residents, business climate, the natural environment and general open areas for recreation. Activity/growth hubs will need to be reviewed and refined on a regular basis to ensure service needs and fiscal responsibilities of the County are balanced considerations.

Policy 1.1.A3: The County should create a uniform and consistent land use classification palate from which uniform and certain understanding of each classification can be communicated to the public, at large, via District Plans, and other planning tools.

Policy 1.1.A4: The County should review, consider and evaluate for use, various planning tools such as strategic performance measures for planned uses which match uses' demanded values; themed overlay boundaries; traditional zoned districting for consistent and compatible land use application (within classification system); and master planning, or planned development applications to coordinate elements of project development over longer time periods.

Policy 1.1.A5: The County should promote diversification of land uses to meet economic needs and the County's fiscal responsibilities, within the various forms of the County's natural environment; and create development application processes which are concise as well as consistent with implementing documents.

Objective 1.1.B: To coordinate intergovernmental practices which encourage higher, and enhance existing, level of service standards for residents; as well as can be maintained with a growing population.

Policy 1.1.B1: The County should coordinate with the municipalities of Bayfield, Durango and Ignacio in order to develop strategies for encouraging higher, more intense development within the municipal planning areas.

Policy 1.1.B2: The County should coordinate with the Southern Ute Indian Tribe, as well as the Ute Mountain Ute Indian Tribe in order to realize mutual goals with Tribal government planning efforts.

Policy 1.1.B3: When possible and appropriate, the County should assist the local municipalities during their planning efforts to achieve a higher level of service for residents within the County.

1 LAND USE



Policy 1.1.B4: The County should coordinate with special districts and local authorities in order to ensure that land use and infrastructure needs correlate with fiscally responsive and responsible development, which can be maintained over time; and accommodate level of service needs.

Policy 1.1.B5: The County should develop level of service (LOS) thresholds and standards for measuring performance of development elements. These should correlate infrastructure, land use as well as other service measures.

Objective 1.1.C: To coordinate recommendations for general land use classification and application with Goals, Objectives and Policies of this Plan, as well as appropriate physical conditions and characteristics of land; and economic viability and benefit to the County.

Policy 1.1.C1: The County should measure proposed land uses with other Element's Goals, Objectives and Policies for consistency and compatibility during considerations for land use application.

Policy 1.1.C2: The County should consider physical characteristics of the land, such as geo-hazard areas, soil conditions, topography and the availability of public facilities and services during considerations for land use application.

Policy 1.1.C3: The County should consider economic development and the County's fiscal responsibilities, as well as cost-benefit to the County, during considerations for land use application.