

## **Can family lot splits be done in La Plata County?**

In the State of Colorado, any subdivision of land in an unincorporated area where one or more resulting parcels will be less than 35 acres is required to be reviewed and denied/approved by the County. We have two processes identified in the La Plata County Code, which are the Major and Minor Exemption Subdivision processes. We do not have different rules for subdividing land for family members, as property can be sold immediately after the plat is recorded to a non-family member.

For the Agricultural community, we do have a Minor Exemption Subdivision process that is faster and less expensive than our Major Subdivision process. The MES has these requirements to qualify: Must not ask for any variances to code; must be agriculturally assessed for all five years preceding the submittal; parcel to be subdivided must be either 70 acres or larger, or was created before May 5, 1972 if it's smaller than 70 acres; and cannot need any variances. This subdivision is for the creation of no more than two new "child" parcels, with the third lot being the remainder from the "parent" parcel.

## **Can I build an accessory dwelling unit?**

Properties that are 70+ acres may have 2 dwellings with building permits and no land use permits. If the parcel is 105+ acres, they may build a third dwelling without a land use permit. Having more than 3 dwellings, regardless of the size of parcel, requires a Class II land use permit. Currently, a land use permit must be obtained to have more than 1 dwelling per legally created parcel that is less than 70 acres.

Agriculturally assessed properties are allowed administrative review by the County for 2 dwellings on 30+ acres or 3 dwellings on 45+ acres with no limit on residency, size or location (other than our normal setbacks from property lines per code)

Non-agriculturally assessed properties are allowed administrative review by the County 2 dwellings on 10+ acres with significant residency, size and location requirements. Or, via full review by staff, agencies and County Commissioners, 2 dwellings on 6+ acres with no size limit, but one dwelling must be for the property owner (cannot have more than one rental) and the dwellings must not be further than 150 feet away from each other unless the Commissioners waive this due to topographic or other physical hardship on the site.

The AVLUP has slightly different rules, and in some zones "granny flats" are allowed (<1,000 sq ft and share common wall with main dwelling)

If a built area has a kitchen and bathroom and can be closed off from the rest of the house, we consider it a dwelling unit. Or, if the intention is to have a separate "family unit" living in the space, it is a dwelling.

## **Are there any incentives if buildings are clustered?**

Dwelling clustering policies are found in the Animas Valley Land Use Plan district code (106-113 + zoning sections). In the AVLUP clustering generally doesn't allow for additional density, but does allow for smaller lot sizes than the minimum zoning. This is only true for certain zones, not all. For the rest of the County, clustering policies are found in the district plans. Typically in the district plans, clustering allows for additional density, however, the code-required minimum lot sizes still apply.

Code-required minimum lot sizes are as follow:

- Well/Septic = 3 acres minimum per dwelling (can be more depending on septic issues);
- 1 central service = 1 acre minimum per dwelling;
- 2 central services = 10,000 square feet per dwelling.

## **What uses are allowed on Agricultural Lands?**

The State of Colorado is a Right to Farm state. Growing of crops and raising livestock is allowed anywhere in the unincorporated areas of La Plata County. Some uses commonly associated with agricultural uses which are allowed in some areas of the County without land use permits are uses like farm stands selling food grown on-site (allowed in AVLUP) and horse boarding (whole county).

Typically, when food processing needs to occur, or there are tours, horse riding lessons, sleigh rides, gymkhanas/rodeos, a feed lot, etc., the impacts increase and land use permits are required based on the level of impact and how it fits into either the Seasonal Use, Home Business, &/or Class II permit structure to determine what type of permits are required.

Related definitions for the County (non AVLUP areas) found in our Code are:

***Agriculture*** means the production, keeping or maintenance for sale, lease or personal use, of plants and animals useful to man including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids

thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds and vegetables.

**Home business** means a lawful, revenue-generating activity meeting all requirements of chapter 82, article I, carried on within a dwelling by a member of the family who occupies the dwelling where the business is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

AVLUP Definitions:

**Agriculture-related operations** means the keeping and raising of domestic livestock for personal use, and the raising of crops and produce for personal use or for profit. The sale of goods produced on site is permitted. *(Typically Use Permitted by Right)*

**Commercial livestock** means a business or private operation in which the primary purpose is to raise and sell livestock for profit. For the purposes of the Animas Valley Land Use Plan, this use shall not include cattle or swine feed lots, dairy farms or poultry houses. *(Typically Use Permitted by Right)*

**Feedlot** means a lot, yard or corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation and upon which livestock are allowed to graze or feed. *(Class II/Special Use Permit required)*

**Low-intensity, tourist-related recreational uses** means golf courses, driving ranges, RV parks, riding stables, fishing ponds, campgrounds, glider ports of no more than six planes (two fixed wing, four gliders). This special use permit classification shall not include amusement parks, firing ranges, miniature golf courses, bowling alleys, video arcade amusements or drive-in theaters. *(Class II/Special Use Permit required)*

AVLUP Basic Plan Provisions add:

All **existing agricultural operations** shall enjoy a right to farm and shall not be subject to charges of being a nuisance, lodged by nearby residents.

Uses **permitted by right** need not obtain a land use permit as precondition to a building permit. *Major subdivisions and minor exempt subdivisions* must still go through the public review and approval process even while staying within prescribed densities.

### **Are there siting policies for distributed renewable energy if any (wind mills....not utility scale)**

These are considered Class II or Location & Extent permits and we have no siting policy to my knowledge at this time. Visual considerations would be part of the impact review. Similar to cell towers, setbacks would likely be determined by the tower height x a safety "bounce" factor.

### **Are there any policies in place regarding weeds?**

The State of Colorado and our County extension office determine weed policies/regulations. We require a weed mitigation plan for most, but not all, land use permits we review.

### **Are there policies to protect ranchers/farmers from neighbor complaints or lawsuits?**

Colorado is a "Right to Farm" state.

The following are required Notices to be placed on plats when a subdivision is approved where the subdivision or minor exempt subdivision is located adjacent to agricultural lands:

NOTICE: COLORADO IS A RIGHT TO FARM STATE WHICH MAY PRECLUDE NUISANCE LAWSUITS AGAINST EXISTING FARM OPERATIONS. C.R.S. § 35-3.5-101 ET SEQ.

NOTICE: COLORADO IS A FENCE LAW STATE. OWNERS OF PROPERTY SHALL BE REQUIRED TO FENCE LIVESTOCK OUT IN ORDER TO RECOVER DAMAGES FOR TRESPASSING LIVESTOCK. C.R.S. § 35-46-101 ET SEQ.