

LocalNews

Laying plans

La Plata County reworks complicated process

by Leslie Swanson



As 2010 draws to a close, La Plata County is preparing to unveil its updated Comprehensive Plan; foundation and forerunner to the Future Land Use Plan (FLUP) and eventual Zoning Map.

Proponents claim the new plan and map will solve problems that have plagued the planning process for years. Less optimistic residents are watching the plan's progress with a wary eye.

Planning is a hot topic in these parts. Since regulations were initiated in the early 1970s, county attempts to manage local land use have been marked with debate. At the center of many complaints is a permitting process that many say is expensive, complicated and unpredictable.

Part of that problem may be structural. The procedure La Plata County employs, "performance-based zoning," reviews eligible applications on a case-by-case basis according to a set of performance standards and guidelines. By comparison, the simpler yet stricter method of "Euclidean zoning" determines land use by a colored map. Performance-based zoning is meant to allow for flexibility but is slower and more arduous than its cohort. Also, its flexibility can make it difficult to administer or predict its outcome.

To handle the complexities of performance-based zoning, La Plata County's Planning Department employs 16 full-time staffers (recently reduced from 18). This is relatively large compared to other counties of similar size, such as Eagle County, which has eight. Yet many permit applications can take months or years to be approved. Some applicants complain that when projects are denied, they do not understand or agree with the reasons. In some cases, they say they do not even know what those reasons were.

For example, at a Sept. 23 La Plata County Planning Commission meeting, attorney Tom Geyer – representing a client – asked for an explanation: "The applicant has done everything that the planning staff asked it to do, jumped through every hoop that was put in front of him, with the exception that the planning staff has said the applicant has not provided proof of mitigation against adverse offsite impacts," he said. "However, the county planning staff engineer, or anyone else for that matter, has never told us why. We have no idea how we failed ... at least getting an understanding of why our application is deemed insufficient would be part of that mitigation process."

Speaking in support of the above project, Vallecito resident Jim Custer concluded his public comments with, "The system is designed to make people spend huge amounts of money and then fail. It shouldn't be that way. It just shouldn't be that way."

Prior to the Nov. 2 election, all three county commission candidates declared support for a more consistent, "user-friendly" permitting structure. Winning candidate, Bobby Lieb, made completion of the new land use plan one of his campaign goals.

While the new Comp Plan and FLUP are moving ahead on schedule, another permitting issue is less simple to address – high staff turnover within the Planning Department itself. In the past five years, at least 14 department jobs have changed hands, including top-level director and manager positions. Turnover was partly to blame for the false start of La Plata County's most recent land-use code. It was adopted in 2008 and



The sky shows through the framing of a house under construction in La Plata County. The Planning Department is undergoing a revision of its current land-use code. Among the things being considered is whether to switch from the labor-intensive "Performance-Based Zoning" to the stricter yet simpler "Euclidean Zoning."/Photo by Stephen Eginore

scrapped in 2009 because after a year the department realized the plan would exacerbate the issues of sprawl and red tape rather than alleviate them.

Interviews with former planners revealed some common reasons for departure – stress, low morale and better job options elsewhere. Some reported a prevailing sense of uncertainty within the department. One employee, who preferred to remain anonymous, explained: “In some cases, planners will be told that they ‘didn’t handle that right,’ but there is no definition of the right way to do it. Sometimes decisions are made to ‘just do it’ because of angry constituents. We’re following a process that takes time, then we get told to ‘hurry it up.’”

The new land use plan promises to bring clarity to planning staff and permit applicants alike. Once in place, permitting will supposedly move faster and everyone will be clearer on the process. Whether it eases the department’s turnover rate is yet to be seen, but is certainly hoped for. Whether La Plata County’s citizens go along with the program is another question all together.

The new plan’s greatest remaining hurdle is public acceptance, which is crucial to its success. To their credit, county officials have made numerous efforts to get people involved – open meetings, focus groups, a special website, even a Facebook page. Yet with all this grassroots and high-tech outreach, La Plata County’s new plan appears to be getting a lukewarm reception: Currently the Facebook discussion board has a total of three posts – two from the county itself and one from a member of the public. The open meetings have attracted more attention but not necessarily support.

At a much-publicized Aug. 5 “prioritization meeting,” participants used keypad polling to rank the importance of community issues. The goal that got the most votes was to “Reduce the time and steps required in the permitting process.” The last question on the poll was “Based on what you know, is the county moving in the right direction with the comprehensive plan so far?” The results were: “Yes” – 16 percent; “Generally seems OK” – 36 percent; and “No” – 47 percent.

When asked about the polling numbers, Planning Director Erick Aune noted that the Comp Plan and FLUP remain works in progress. The final result will be determined by the people who choose to participate, he said. On questions regarding the department’s turnover rate, any immediate steps to streamline the permitting process, or the future of performance-based zoning in the new plan, Aune declined comment. However, he did note that like it or not, the Future Land Use Plan and Zoning Map will affect everyone who has a stake in La Plata County. “The comprehensive planning process is a pivotal moment for La Plata County and the Planning Department,” he said. “I would encourage as many people to inform themselves of the direction in which the community is taking us forward and to participate in this process.” •

The website, www.laplatacountyplan.com, includes the draft comp plan and an information package on the future land use plan. Anyone with comments or questions can reach the Planning Department at 382-6263 or post a comment on the Facebook page.