



Frequently Asked Questions (FAQ) regarding the La Plata County

Comprehensive Plan, Land Use Planning, and Zoning

Land use decisions impact all of us. It affects our water, community character, wildlife and environment, public safety, roads, economy and government fiscal health to name a few. Local governments such as La Plata County, use both regulatory and non regulatory policies to guide development to ensure the public health, safety, and welfare of the community for the long term.

The La Plata County Comprehensive Plan is a guiding policy document that provides the overall framework and vision for community development. The Comprehensive Plan will have a Future Land Use Plan and strategies that will become implemented or codified in the Land Use Development Code and zoning map. While a comprehensive plan can include a wide variety of community development policies, the land use code is the implementation mechanism of the policies that have a specific regulatory land use component. The Land Use Code includes both Zoning and Subdivision regulations.

Land use regulations cover two elements.

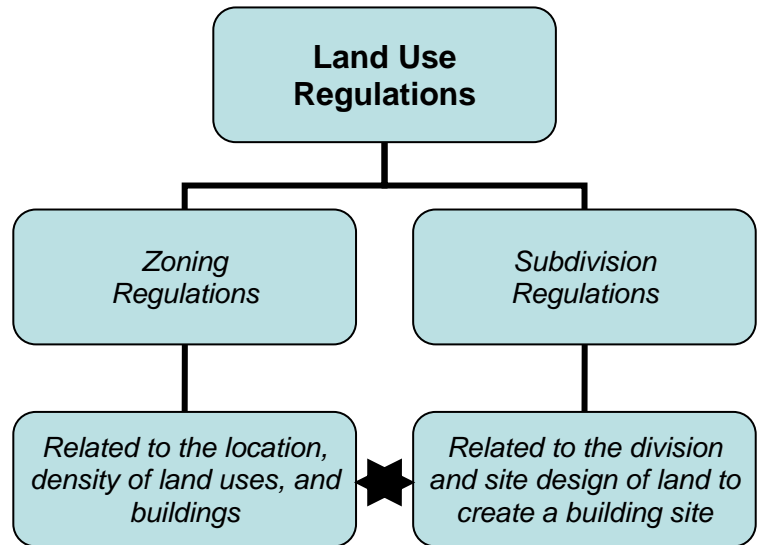
1. Zoning, which deals with the location, intensity, and density of land uses and buildings; and,
2. Subdivision standards which deal with the division of land into two or more parcels having less than 35 acres to create building sites. This includes all the engineering specifications, site layout standards, many of the public health, safety, and welfare types of regulations such as water, sanitation, fire, and roads.

1. What is zoning?

Zoning is a regulatory process that allows local governments to plan for growth by addressing development through the regulation of some or all of the following: the location, intensity, land use, density and architectural elements of buildings.

Zoning has evolved over time and continues to evolve with many types of zoning approaches. Euclidian Zoning was instituted first in the early 1900's separating land use into districts. This is perhaps what most people think of when they think of zoning:

separated uses in districts (Single Family Residential, Multi-Family, Commercial, Industrial, etc) with specified uses, lot setbacks, building heights, densities, etc. within geographically designated zoning districts.



In 1973 the Performance zoning era began with an emphasis on regulating the impacts of a use on neighboring parcels. Performance zoning created impact mitigation standards for use intensity and focused less on location. Beginning in the eighties, performance standards become more common in most land use codes. La Plata County's existing zoning regulations are considered a form of Performance zoning (although a not very effective form).

Floating or overlay zones were developed to help add additional layers for protection on an existing zone for natural and cultural resources or special types of land uses such as historic districts or airport environs.

Planned Unit Developments (PUDs) became another zoning tool that allowed the creation of specific a zoning designation written for a specific parcel or area; often this is used for areas with unique natural features or to allow for an innovative planned community.

Form based zoning followed the heels of the neo-traditional neighborhood design movement to focus more on the building form and design and its relationship to the street, instead of specific land use type. Form based codes provide specific design standards that focus on the form and scale of buildings instead of specific uses.

Zoning codes have evolved over the years as urban planning theory has changed, legal constraints have fluctuated, and political priorities have shifted. In many instances, the best practices of these types of zoning are applied to achieve the community goals by essentially forming a hybrid zoning code that utilizes the strengths and advantages of the various zoning approaches described above.

2. When the Land Use Code is finished, will the County be zoned?

La Plata County currently uses “performance based” zoning (although the Animas Valley district plan utilizes a Euclidean form of zoning). The current code is unpopular due to the fact it is complicated, unclear, difficult to interpret and time-consuming. The goal of the comprehensive plan, future land use plan, and land use code update is to create more user friendly, predictable, and equitable zoning and subdivision regulations. The first step in determining what this may look like will occur during the development of the Future Land Use Plan.

3. Will the individual property owner be able to designate the type of zoning that their property will fall in?

The community planning process during the development of the Future Land Use Plan will provide an opportunity for residents to engage in the development of the types of land uses they want to see in their community. This will include an opportunity to discuss locations of land uses, intensities, and densities. Once this process is completed and agreed upon, the new land use code and zoning map will be based on the outcome of the Future Land Use Plan.

Generally individual property owners are discouraged from creating a different zone solely for their own property versus as part of an overall area. This is usually referred to as “spot zoning” and occurs when a parcel or small area of land is singled out and placed in a different zone from that of neighboring properties similar in character within the zone. Although, a property owner will have the ability to request a rezoning of their land to a PUD or a zone designation that is more appropriate once the overall zoning is established for the area.

4. Will the new Land Use Code mean I can't do whatever I want with my property?

This depends on several factors, such as what the zoning may be on the property, and what use the property owner desires to place on the property. While this is a frequently expressed and important personal value for some community members, it is important to note that the Courts have found that an individual's property rights are interwoven and entwined, and not independent of, other community member's property rights. A role of local government is to balance and protect all community members' interests and property. Thus even under the existing zoning regulations in La Plata County, individual land owners are unable to do whatever they want with their property. But property owners will always have the right to apply for approval to do whatever use they may want, but this approval will be subject to review by the Planning Director or the County Commissioners.

5. Will the new Land Use Plan make the value of my property go up/down? Will zoning decrease the value of some properties?

This is one of the most common question, as well as concern, regarding the impacts of implementing community regulations. The answer is it depends. Although legal and economic precedence is unable to definitively predict the results of specific land use regulation on the value of particular land parcels due to the complex interactions of restriction, amenity, and scarcity effects, the great majority of research shows that land use regulations and zoning increase property values. In many cases, the amenity and scarcity effects of land use regulation offset the restriction effect, and property values increase. Studies show that property values are primarily driven by market demand rather than by supply restrictions resulting from land-use regulations.

Economic data indicate that land-use regulations produce three main effects that can both negatively and positively impact property values. These are:

1. restricting the allowable uses of a parcel of land (restriction effect);
2. creating benefits to the property owner and/or other property owners by regulation (amenity effect); and
3. limiting the supply of developable land (scarcity effect).

To summarize, restriction effects cause property values to decrease, while amenity and scarcity effects cause an increase in value. All three effects may impact the value of a specific property as a result of a particular regulation such that the individual effects are not separable. As a result, it is impossible using economic theory to definitively predict how a particular land use regulation will affect the property value of specific properties. For more information, see the Sonoran Institute report, *Economic and Fiscal Impacts of Smart Growth*, available at www.laplatacountyplan.com

6. Why does the comprehensive plan have strategies that are not implemented by a land use code?

The La Plata Count Comprehensive Plan is a broad policy document that covers a diverse range of community values such as housing, social services, organizational capacity, economic development, transportation as well as land uses. This is because these are all important considerations in creating a viable community with a high quality of life. While the county has several programs in place addressing some of these community values, it has been identified that land use and development in the county has been particularly challenging for the public, property owners and county officials. So the next focus of the Plan is to recommend an improved development process in the county through defining a Future Land Use Plan and revised land use code.

7. How will these strategies be implemented?

There are a number of ways in which these strategies will be implemented. The first step is to identify the strategies that the county can implement on their own that are related to land use and transportation. The next step is the defining of new or revised programs within the county to achieve the strategies. And lastly, many of the strategies will require collaboration and cooperation with the county's partners to implement. These partners can include other local cities, State agencies, Tribal government, school districts, and economic development organizations, to name a few.

8. How will the comprehensive plan be aligned with the county's annual budget process?

The Comprehensive Plan has been organized to align with the County *Compass* strategic plan. The Compass is the management and assessment tool that the county is using to develop the programs and actions to fund during its

budget process. There are several strategies within the Comprehensive Plan that will be reflected in the annual updates to the Compass Plan.

9. How has the county incorporated the towns within the county as part of this process?

During the Comprehensive Plan planning process, the county staff and consultants have been meeting with the other town representatives as well as state agencies. This process is being formalized during the Future Land Use Plan phase with the creation of a Technical Advisory Group (TAG) that will meet monthly to serve as an advisory group on the plan direction and growth assumptions.

10. How does the county comprehensive plan align with other community strategy documents like the Climate and Energy Action Plan (CEAP), Children Youth and Families' Master Plan, Regional Housing Alliance (RHA) Action Plan, TRIP 2030, etc.?

There are several ways that existing plans and organizations have been incorporated in the Comprehensive Plan process. First, in the Plan Community Profile (available online at www.laplatacountyplan.com), these existing plans and their recommendations have been summarized and evaluated. Second, the individuals involved in these plans or organizations are either on the Plan Working Group (members are listed on the plan website) or have been interviewed as part of the process. And third, there have been focus groups organized with individuals involved in the community dealing with housing, economic development, and agriculture.

11. How will these various plans be adopted and what are the steps to their adoption?

The Comprehensive Plan and the Future Land Use Plan will be adopted together as the La Plata County Comprehensive Community Plan. This Plan will be adopted by resolution by the Board of County Commissioners. A resolution means that the plan is advisory as a guiding document. The Land Use Development Code and Zoning map will then be updated and will be adopted by the BoCC as an ordinance. An ordinance is a regulatory approval and will have the effect of law. Both the Comprehensive Plan and the Land Use Code will go through multiple public hearings before the County Planning Commission and BoCC during the approval process.

12. Is there still time for me to be involved and provide input into the comprehensive plan process?

You bet! There are several ways to be involved and have your voice heard. There will continue to be community workshops and education forums around the county during the plan development (there have been over 70 to date); you can submit comments on the draft materials through the plan website at www.laplatacountyplan.com; and, request to be placed on the plan information listserv to receive information to your e-mail address.

There is still much work to be done that requires the community's involvement and input for the plan to be successful!