

Land Use Code Audit For Barriers To Housing

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La Plata County Colorado

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LAND USE CODE AUDIT FOR BARRIERS TO HOUSING

ABOUT THIS CODE AUDIT

This Code Audit was developed for La Plata County alongside the Housing Framework. While this Code Audit can be used alone, referencing the full Housing Framework will provide a bigger picture of the County's housing goals as well as other policy-related recommendations.

It is important to recognize that land use regulations alone do not produce new housing or ensure housing at the price points needed. However, they can significantly slow, constrain, or prevent new development, innovative housing types, and the adaptive reuse of existing properties. For this reason, regulatory reform, while often complex and politically challenging, is a foundational and necessary step toward achieving the County's housing goals as described in the Housing Framework.

While many drivers of housing supply are outside local control, regulatory policy is firmly within it. Aligning the Land Use Code with community housing goals is therefore one of the most direct and consequential actions available to the County.

This analysis examines barriers to housing in the La Plata County Land Use Code (Chapters 62 through 68, 70 through 74, and 79 through 81 of the La Plata County Code), and related regulations. The purpose of this audit is to 1) identify the barriers to housing in the code, 2) suggest edits to remove those barriers, and 3) help the County prioritize code edits and start a few within this project timeline.

This audit was completed early 2026 and informed by the following:

- Interviews with ten people, including County staff, a member of the Planning Commission, and other professionals who work with the Land Use Code.
- Current County plans and studies, such as the following:
  - Housing Needs Assessment, November 2025
  - Board of County Commissioners (BOCC) retreat in August 2022 and assessment in July 2024
  - Cost of Land Use Study Update, May 2021
  - Comprehensive Plan, 2017
  - Multiple district plans
  - Responses to the County published survey "Navigating Housing Project through the Land Use Code", January – February 2026
- Research and best practices, including but not limited to the following:
  - Template Land Development Code, Colorado Department of Local Affairs (DOLA): https://dlg.colorado.gov/land-use-codes
  - Land Use Best Practices, DOLA: https://dlg.colorado.gov/land-use-best-practices
  - Code audits for other Colorado communities

This code audit is intended to inform decisions about potential improvements to the La Plata County Land Use Code, specifically to remove barriers to housing. The purpose of this review is forward looking; it evaluates how the current code functions today and where adjustments could better support housing goals. This audit does not modify the code. It offers observations and suggested edits for the County's consideration. This is not a legal review of the regulations, nor a fair housing review.

EXISTING PROCEDURES AND REGULATIONS THAT SUPPORT HOUSING

It is worth noting that the County has some procedures and regulations that support housing development. While this is not an exhaustive list, examples are provided below.

- The Land Use Code is electronic, making it easy to navigate. The code is also kept up to date with recent ordinances, which is helpful to the public who may not know to look for recent code changes in separate documents.
- Updates are continuing to be made to the code to improve it, which is great. The code should be a living document, constantly adjusted to the community's needs.
- Section 44-22 exempts affordable housing projects from road impact fees, which could financially help an affordable housing project.
- Chapter 62 consolidates most definitions in the Land Use Code, which helps with navigation and understanding. This section also defines tiny homes and tiny homes on wheels, which are types of housing that are often more affordable.
- The procedures in Chapter 66 are mostly completed by one body, which can help keep review times reasonable.
- Section 66-22 allows permit adjustments to be done by the Director, which can help save time and therefore money.
- Section 66-11 allows for concurrent review of applications, which helps save time and therefore money.
- Section 66-31 sets up a process for fair share reimbursement for improvements. This provides the first development in the area an opportunity to recoup the costs of improvements that others may benefit from in the future.
- Section 67-15 allows minimum lot sizes to account for open space owned in common. This can help reduce land costs.
- Section 70-18 allows for shared parking in certain situations, which can help with overall development costs.
- Section 73-3 allows for multiple dwelling units on one parcel, which increases available housing units without the extra time and expense of having to subdivide.
- Section 73-15, Manufactured Home Parks, Tiny Home Communities or Manufactured Home Subdivisions, purpose states that it is to help allow for affordable residential development.
- Section 79-6 contains a disaster re-build program that could help reduce the process required to rebuild housing after a disaster.
- The large 2020 Land Use Code update sounds like it made many improvements from past code regulations to streamline steps and increase predictability with more administrative reviews, the addition of the sketch plan procedure in Section 66-19, and more.
- The additional guidance offered on the County's website for additional dwellings provides an easier way for the community to understand the complex regulations.

Many of these are helpful to housing development, but they are not strong enough on their own to overcome today's construction costs and development challenges or to meaningfully increase housing supply.

CODE AUDIT

Explanation of the Code Audit Table

The code audit table below is organized first by the **code section** within the Land Use Code. The second column identifies the **barrier to housing and recommended edits or additions** to the code. The third column **explains the recommended edit or addition**. The fourth column identifies the potential **impact** using a scale of low, moderate, or high. Impact descriptions are as follows:

- **Low** indicates that the suggested edit or addition will have a smaller impact on housing as compared to the other suggestions. It may be best to combine these edits with others to make a greater impact. These edits may also be focused on simply removing a barrier and opening possibilities, so the impact will only be realized if those newly available options are used.
- **Moderate** indicates that the suggested edit or addition will have an impact on housing, but it may not be significant. Many suggested edits or additions identified as moderate could actually be low or high, depending on the specific language used. The impact here is likely to vary because the suggested edit or addition will open the potential for housing but will not guarantee that it is built.
- **High** indicates that the edit or addition will likely have a very positive impact on housing and may make it easier to be built.

In the fifth and final column, the level of **difficulty** is included to identify the complexity of each recommended edit or addition. The scale ranges from easy to hard and is described as follows:

- **Easy** indicates simple text edits that do not affect other areas of the code. These likely won't be controversial or require extra public process, and staff could potentially complete these without consultants or additional funding.
- **Medium** indicates slightly complicated edits that may affect other areas of the code. They may be controversial and require additional public process. The complexity may require additional capacity through consultants and have an accompanying cost.
- **Hard** indicates complex edits that affect other areas of the code. They are likely to be controversial and require more public process. They will likely require consultants (and funding for them) because the work is likely to exceed the capacity of the existing staff.

The last column also includes a note if the suggested edit or addition was required with the scope of work for this project or too large and outside of the scope of work for this project. This information was included to assist in prioritizing the code edits as explained below.

Code Audit Table

The below table includes a detailed assessment of the code organized by the section number.

Table 1: Code Audit for Barriers to Housing

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
Chapter 62 Title, Effective Date, Purposes and Definitions				
62-5 Definitions	Refine the definition of "Affordable housing" to align with the state's definition for Proposition 123 fast-track requirements.	The state established a minimum definition of what qualifies as affordable housing. This will need to be incorporated with the addition of a fast-track process.	High	Easy, required with scope
	Define more dwelling types, such as triplexes, fourplexes, and live-work. Update the multi-family dwelling definition to include at least 5 dwelling units.	Defining additional housing types can allow other edits to provide greater flexibility in procedures, allowing more housing with less procedure.	Moderate	Easy
	Define "Factory built" or "off-site built."	This will make it clear that residential units built off-site in one or more parts are treated the same as all other buildings. This type of construction can be more affordable.	Low	Easy
New	"Growth area; growth hub" is defined as 1) areas designated as growth hubs in the comprehensive plan or district plans, or 2) other areas classified as growth hubs/area, resorts, or high-density residential areas (> 4DU/ac) in an applicable district plan. This term does not appear to be used in the code. Either 1) remove the definition or 2) use them as areas where residential growth is deemed appropriate	The Comprehensive Plan identifies Activity/Growth Hubs where there may be opportunities for further growth based on availability, or the potential for available, expanded resources and infrastructure. Adding that all, or some, of these hubs are appropriate for higher-density residential uses could make getting them approved much easier.	Low - High	1) Easy 2) Medium, may be out of scope if it requires a plan amendment
Chapter 64 Long Range Planning Tools				
64-1 Comprehensive Plan and 64-3 District Plans	Requires a determination of general conformance with the comprehensive plan for any land use permit application. General conformance is typical, but not with the way the County's plans and codes are set up, where the district plans dictate use and density through land use classifications. This is a major barrier to housing. Either 1) remove use and density from plans or 2) do not require conformance with it.	The way that use and density restrictions are defined in the district plans limits housing options. This is a form of traditional zoning that is implemented through a policy document.	High	1) Hard, out of scope 2) Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
64-3 District Plans	II.E. Says that the district plans should identify appropriate locations for a diversity of employee or affordable housing and permanent resident housing types. Either 1) update the district plans to include this information or 2) remove this from the code.	Identifying locations for affordable housing or housing variety in the district plans could make it much easier to secure approval for such a project. It is misleading to state this in the code when the plans do not appear to comply.	High - Low	1) Medium, out of scope 2) Easy
Chapter 65 Animas Valley Zone Districts and Economic Development Areas				
65-3 Animas Valley Land Use Plan Districts	These regulations do not function like traditional zoning, even though it claims to. This Chapter has very few uses by right (almost none that would be affordable housing) and basically only establishes lot sizes, which are all quite large. The names and purposes of the districts are misleading. Allow more residential uses by right, or at least make them special uses. For example, allow granny flats in the 3-acre minimum single-family residential restricted district and allow duplexes in the one-acre minimum single-family residential districts.	The district plan indicates that the Animas Valley does not want much change; however, it is a good location for development considering things like the availability of infrastructure. At least allowing slow density, or just slightly more density, could be helpful with housing goals. This doesn't mean it will all be built at once, but a little infill can happen at a time, with almost no impact on the area's character. Given constraints like infrastructure, natural hazards, and topography, few places in the County are feasible to address housing needs so areas with fewer constraints must be allowed to support it.	Moderate	Medium
	It is not necessary to have impervious coverage limits and minimum area requirements for landscape and dedicated open space. These are very similar, so consider picking one or the other.	Having both adds another layer of regulation that adds unnecessary complication and cost to housing projects.	Low	Easy
	Having 13 districts and 4 overlays in the Animas Valley seems unnecessarily complicated. Separate districts should only be used to establish truly unique types of desired development. Simplify this.	Overly complicated regulations make it more difficult to comply with and enforce the code, adding cost to all development and requiring more staff time.	Low	Hard
	X. Purpose of the multifamily residential district states "provides the opportunity for a redevelopment of existing multifamily projects, but with a compromised, downward adjustment in density." Remove this and the regulations related to decreasing density.	This is directly at odds with preserving existing housing variety, let alone increasing it.	High	Medium

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
	X. The multifamily residential district only allows single-family dwelling units by right on a minimum of 1 acre, while multifamily uses are special uses with a maximum density of 6 units per acre or 12 units per acre for existing developments. Allow more housing types by right at higher densities.	It is unacceptable to have a multifamily district that doesn't actually allow multifamily uses or aims to decrease those that already exist. This is a major barrier to housing.	High	Medium
	Neighborhood commercial, general commercial, and industrial districts have no uses allowed by right. Add desired housing types as uses permitted by right. If not appropriate for the industrial district, add this to the commercial districts.	Single-use districts are no longer common. Allowing residential uses in commercial or even industrial areas can help provide housing units, typically more affordable ones.	Moderate	Medium
65-4 Animas Valley Overlay and Special Zoning Districts	III, IV and V. The purposes of these overlay districts are exclusionary. For example, two of the purpose statements include "preventing high-density housing development." Remove this and the related regulations.	This is a barrier to higher-density housing types, especially given the high cost of land.	Low	Easy
	V. The Hermosa / Animas Valley Zoning District (overlay) only makes granny flats a special use requiring a minor land use permit. Remove this overlay entirely.	This limits granny flats, which generally offer more affordable housing options. This is an unnecessary layer of regulation.	Low	Easy
65-5 Economic Development Areas	This section establishes a path to create an economic development area "with an efficient process and predictable land uses." These areas could be expanded to include housing uses, or this concept could be used to establish areas appropriate for housing, such as a "Local Housing Development Area." Establish these areas, do not just create a process to establish them.	Defining areas appropriate for housing could make it easier to secure approval for projects in designated areas. This edit would exempt certain uses in certain areas from certain regulations which is quite complex. It would be best to fix the root of the barrier first, such as the processes required for each use, the compatibility assessment criteria, and the requirement to comply with district plan land use classifications.	High	Medium
Chapter 66 Permits and Procedures				
General	Remove timelines for staff or update them to be achievable.	The code's timelines appear to set unrealistic expectations for applicants.	Low	Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
General	The complexity of the procedures requires a lot of time and a professional to understand, let alone be successful. Simplify procedures where possible by removing unnecessary steps and grouping similar procedures, with most fitting into a common review procedure.	Process is a large part of this code and a major barrier to housing. This is likely due to the nature of a performance-based code, where each application is reviewed against specific criteria rather than checkboxes. It not only takes time and money from the applicant but also from County staff and appointed and elected officials. Streamlining processes will help everyone involved save time and money.	Moderate	Hard
66-3 Land Use Development Not Requiring a Land Use Permit to 66-7 Projects Classified as Major Land Use Permits	Move desired housing types to require less process. For example, duplexes should be a Director determination or an administrative land use permit, and multifamily up to 5 (or 10) units should be a minor land use permit.	Reduce the processes required to build desired housing, such as duplexes, townhomes, dwellings on smaller lots, and other more affordable housing types. Major land use permits should be reserved for projects with the potential for significant impacts, super complex projects, or really large developments.	High	Easy
66-7 Projects Classified as Major Land Use Permits	There is a huge jump in the amount of process required from a minor land use permit to a major land use permit, essentially 3 times as much. This is generally appropriate for major and minor subdivisions but not for other types of development. Consider creating a separate process for major subdivisions so that the major land use permit process can be simplified to fewer steps.	More process adds more cost to a project. Sometimes it is necessary and productive to have 3 separate processes for large developments like major subdivisions but multifamily dwellings (currently 4 or more units) going through the same process as 100+ unit subdivision is not necessary.	High	Easy
New	Add an expedited review process for affordable housing to comply with Proposition 123.	Establishing a new procedure for truly affordable housing will save time and, therefore, money. This process should allow for a Director determination of qualifying projects. Consider expanding the state's minimum requirements to incentivize more affordable housing development.	High	Medium, required with scope
66-10 Pre-Application Process	Assess whether the feasibility step (not required by the code) adds any value to the process. Either simplify it, combine it with preapplication, or remove it.	There are already so many steps that reducing by one full step or making this step much easier could reduce time and, therefore, costs.	Moderate	Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
66-11 Submission and Review of Development Application	I.A.2. Requires applications to change a plat to be signed by 67% of the property owners. This promotes neighbors' control over land use decisions and is a barrier to housing. Remove this requirement. Replace with notice of hearings if not already in place.	This basically gives the other property owners the authority to deny the application by not signing it. Requiring notice is more typical, so neighbors are directly aware of the application and can participate in public meetings or provide comments.	High	Easy
	I.B. Requires that all applications be submitted by making an appointment with staff unless otherwise specified by the Director. Remove this, as it is unnecessary and adds extra work for everyone.	Staff is not requiring this. Update the language to state how applications may be submitted (e.g., by email or hard copy to the front desk).	Low	Easy
	IV. Neighborhood meetings are either n/a or TBD (Table 66-15) for all procedures and can be required where neighbors have raised objections based on compliance with this code. This is too large a requirement to be unknown for developers. Either 1) reduce the number of development types where neighborhood meetings are TBD or 2) exempt desired housing types from neighborhood meetings.	Since regulations on compatibility and adverse impacts are open to interpretation, this optional meeting opens the door for neighbors to shut down projects because no one seems to want development in their backyard. More process costs more time and money.	Moderate	1) Easy 2) Easy
66-13 Actions Following Decision-Making Official or Body Decisions	II.C. Require all appeal requests to include the specific section of the code that is believed to have been applied incorrectly. Also, do not review appeals de novo (starting over); review them based on the regulations, submittals, and testimony to determine if a mistake was made. Appeals to minor land use permits should be heard by the Board of Appeals, not the BOT.	Appeals take more time and money and should not be used to delay projects or exhaust applicants. The recommended edits aim to protect against appeals from people seeking a different answer or wanting to submit more information to change the result, and to remove politics from decision-making.	Low	Medium
66-14 Notice Requirements	Reduce notice requirements. Consider what is required by state statute and what is desired by the community. Keep what is necessary and most effective, remove what is not.	Noticing can add time to the process, thereby increasing the cost.	Low	Medium

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
66-16 General Approval Criteria for Land Use Permits	II.D. Requires "no significant unmitigated adverse impacts on surrounding properties or the natural environment." This is subjective and would be hard for many housing projects to comply with. Either 1) revise this criteria to be clearer and more objective, or 2) remove it, at least for desired housing types.	Regulations that are open to interpretation like this make it easy for housing developments to be denied. By either defining "significant unmitigated adverse impact" or detailing what impacts are unacceptable, this criteria can be more objective.	High	1) Medium 2) Medium
	II.E. and F. Requires conformance with adopted plans and district plans. The land use classifications in the district plans seem to mirror existing land use and densities, so conformance with those plans makes it very difficult to secure approval for higher residential densities. Either 1) do not require compliance with district plan land use classifications, 2) update the land use classifications to reflect a desired future, or 3) establish areas for higher density residential uses, considering things like access, infrastructure, and other existing conditions - Growth Hubs may be appropriate for this.	By freezing land uses in time with the land use classifications reflecting existing land uses, the regulations essentially exclude density, except maybe near where it might already exist. This excludes opportunities for housing developments where they are more practical, such as near roads and existing infrastructure. This criteria essentially establishes traditional zoning in the County without the clarity of it being in the code and on a zoning map.	High	1) Easy 2) Hard 3) Hard
66-27 Variances	I. Variances are specifically not allowed to alter use (which is typical), but they also cannot alter density or intensity (which is not typical). This is odd to call out, since most of the County is not traditionally zoned with use, density, or intensity standards, and there is a separate rezoning process for the Animas Valley. Allow a variance or another relief procedure for density and intensity requirements outside of the Animas Valley if the regulations that require this are not otherwise removed.	Variances shouldn't be needed in a truly performance-based code since the idea is that any adverse impacts can be mitigated. However, having a relief mechanism is always helpful. In addition, allowing some sort of process to change density and/or use should also exist.	Moderate	Medium
	III. Revise the variance approval criteria to be more flexible. Consider adding an "or" or requiring a certain number of the 7 criteria to be met, rather than all of them.	These variance criteria are quite restrictive. While variances should not always be approved (in that case, you need to adjust the standard that is always being varied), they should allow exceptions in unique situations.	Low	Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
New	Add a new "deviation" process that allows an exception to be granted with less stringent criteria. Or utilize the existing "waiver" allowances throughout the code.	Deviations can allow for exceptions to the regulations that are less serious than a variance. These can be allowed only for certain sections of the code or for defined amounts of flexibility. Adding another process to the code is not ideal, so consolidating the waiver allowances might be more streamlined.	Moderate	Medium
66-30 Development Improvements Agreement	Revisit this section to determine if there is any room for flexibility or other approaches.	Development agreements add another step to the development process, but are critical to ensure public improvements are completed properly. Reviewing this section to balance developer needs with continued protection of the public from substandard or unfinished development could help reduce housing development costs.	Moderate	Medium
66-31 Fair Share Reimbursement for Improvements	Reduce the $300,000 threshold and expand the types of development that qualify for this section. Consider whether the County should be the entity that fronts the money for improvements that benefit other properties rather than the developer, perhaps only for desired housing developments.	Improvements can add significant cost to a housing project, making it financially infeasible. Adding flexibility to this standard could help with project financing.	Low	Easy
66-37 Animas Valley Rezoning	I. In order to rezone, the AVLUP has to be amended first. This requirement should be removed.	This is an unnecessary and non-typical extra step that makes zoning in the Animas Valley too restrictive. Going through the rezoning process, which has many steps, is adequate.	Low	Medium
	III.A and B. The approval criteria for the rezone are a mix of plan amendment and rezoning criteria. Modify this to address rezoning criteria only.	This is confusing and needs clarification.	Low	Medium
Chapter 67 Division of Land				
67-3 Major Subdivisions 67-4 Minor Subdivisions	Major and minor subdivisions should have higher thresholds for the number of lots created.	This would reduce the required process for smaller subdivisions.	Moderate	Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
67-15 Standards	I.C. Requires an HOA or other legal entity to maintain improvements without expense to the County. Explore other options and models.	HOAs can easily fail and are not efficient. This adds unknown costs to future tenants/owners and even the County. Sorting this out up front will likely provide a longer-lasting, more fiscally sustainable approach.	Moderate	Hard, out of scope
	III.F. This establishes the lot size and density standards. Review these requirements and consider allowing smaller lots, taking into account minimum state requirements for wells and on-site water treatment (septic).	Allowing smaller lots where it makes sense could open up options for more housing variety.	Moderate	Medium
	III.F.7.a Requires a compatibility assessment to determine lot size and density. Remove this requirement.	This excludes most housing varieties, especially affordable housing.	High	Easy
	IV and V. Consider if any easements and right-of-way dedication requirements can be reduced.	These requirements can add to a project's cost and reduce the amount of buildable land.	Low	Medium
Chapter 68 Planned Unit Developments				
General	PUDs are typically used to override base zoning regulations and can create a new zone or an overlay zone. Performance-based codes should not need these because the full code should already function the same way. Delete this Chapter if the goal is to keep performance-based zoning.	Removal of this Chapter will help simplify the code.	Low	Easy
68-4 Sketch Plan	Sketch plan reviews the development for substantial compliance with the code, general conformance with the comprehensive plan, and compatibility. Remove this if not deleting the full Chapter.	All of this is at odds with the purpose of a PUD, which is to vary regulations.	Low	Easy

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
Chapter 70 General Site Development Standards Applicable to All Development				
General	There appear to be many requirements for infrastructure and safety. Review and refine the County's requirements, and work with partners to review their requirements to ensure they are related to and reasonable for each development and its potential impacts. Only use regulations stricter than the state when truly necessary.	It is tough to determine where to draw the line at which certain improvements are triggered. It is also difficult to determine which improvements are needed to ensure the community's health, safety, and welfare. It seems this is currently out of balance and needs to be revisited. Keep in mind that sometimes when these requirements for developers are relaxed, there is more pressure on all taxpayers to make up the difference.	High	Hard, out of scope
70-1 Applicability	These regulations apply to "all new development." Development is defined very broadly. Either 1) refine the definition of "development" or define "new development", 2) refine what types of development are subject to Chapter 70, or 3) exempt desired housing from all or some of the regulations.	A lot of these requirements are common and considered a baseline for any development, such as connecting to utilities and a public road. Revising the applicability of these standards to ensure they do not require too much could significantly reduce costs.	High	1) Hard 2) Hard 3) Medium
70-4 Domestic Water	VII. Reduce or eliminate microsystem standards for water systems serving 3 or fewer dwelling units.	Recommended by the County Engineer since it has been a stumbling block for some ADUs and small subdivisions.	Low	Easy
70-5 Compatibility Assessment	This section is a major barrier to housing. Unless certain types of housing already exist, they could never be built because they won't meet the criteria. Either 1) apply this to major land use permits only (and remove desirable housing types from requiring major land use permits as mentioned above), 2) exempt desired housing from this assessment, 3) revise the compatibility criteria to remove compliance with plans, density, use, and character, and/or 4) allow mitigation like screening and buffering for uses and densities that don't match the surrounding properties.	Requiring conformance with district plan land use classifications essentially freezes all land uses to what they are today, allowing very little change. It also appears to promote low-density, spread-out development, which contradicts other community goals, like protecting agricultural and natural lands. Over time, we have learned a lot about development, and so much has changed. It is not always appropriate to limit uses and densities to what exists today. Also, performance-based zoning should not regulate use and density but rather allow impacts to be mitigated so there is no need to match surrounding uses and densities.	High	1) Easy 2) Easy 3) Medium 4) Medium



Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
	III. Requires a variance to lessen compatibility. Consider replacing this with a new "deviation" process with simpler criteria.	This would allow an easier relief mechanism than a variance. Consider that a variance or deviation from compatibility shouldn't be needed, since the idea behind performance-based zoning is that impacts are mitigated.	Moderate	Medium
	III.D. The existing character of the area (within 1/4 mile) must be maintained, and density and structures must be about the same. This would make many housing types impossible. See recommendations above to remove criteria addressing use, density, and character.	This compatibility standard is not always good planning. For example, just because two single-family homes exist along a highway doesn't mean the lot between them should be restricted to single-family use. The lot may have great vehicular access and easy utility connections, making higher densities or intensities more appropriate. Limiting everything to be like the neighbors leaves out many best practices in land planning, such as building more intensive uses where access and infrastructure are available, and it also doesn’t allow for innovation.	High	Easy
	III.E. Adequate services are required elsewhere in the code. It appears this is an additional and repetitive submittal requirement. Consider removing.	Simplifying submittal requirements can help reduce time and, therefore, costs.	Low	Medium
70-6 Setbacks and Structure Height	I. Reduce setbacks where possible. For example, a 50' setback for mixed use development seems much too large.	Setbacks consume land by making it undevelopable. Reducing setbacks opens more land to development, thereby reducing costs.	Low	Easy
	I.B. Requires 50' setback from streams, lakes, rivers, and wetlands, including roads or driveways. Roads or driveways can be decent uses for setback areas. Revise this.	Land is expensive, so having more buildable land can help reduce development costs.	Low	Easy
	II. Establishes a maximum building height of 30'. Allow taller buildings, at least in certain areas, where fire department equipment allows.	Taller buildings can yield more dwelling units, reducing overall project costs.	Low	Easy
70-7 Lighting	Requires a lighting plan for multi-family dwellings, which is currently defined as 3 or more dwellings. Consider 1) exempting desired types of housing or 2) increasing the threshold to more than 3 units.	All requirements add cost.	Low	Easy



Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
70-17 Landscaping and Buffering	This section suggests that landscaping and buffering can be used to mitigate differences in land use or intensity, whereas 70-5 doesn't allow much variation in density or land use from neighboring properties. Review this section to determine whether the regulations could be simplified or eliminated for the desired housing types.	Landscaping and buffering are expensive and can add significant cost to a project.	Low	Medium
	IV.G. Allows the applicant to submit a written waiver to the standards in 70-17.III. Consider allowing waivers or "deviations" from all development standards, with criteria that are less stringent than those required for a variance.	There are many specific waivers allowed throughout the code. Consolidating them into a single process and allowing waivers for most standards can add flexibility. But first, the standards should be reviewed to be sure they are set correctly.	Moderate	Medium
70-18 Off-Street Parking and Loading Standards	Consider reducing parking requirements for certain types of housing or reducing the requirement to 1 space per dwelling containing 1 bedroom or less.	Parking spaces take up land and are expensive. Allowing less parking gives the developer the option to provide what they feel is appropriate. This can be especially helpful for communities that don’t drive or have limited access to cars such as seniors, people with disabilities, and many lower income households.	Low	Easy
Chapter 72 Overlay Areas and Supplemental Overlay Standards				
72-2 Joint Planning Area Overlay Standards	Revisit these standards to determine if 1) any can be reduced, or 2) desired housing types could be exempt from some of the standards.	All street, drainage, access, surface material, and dedication requirements can add to development costs. Exempting desirable housing types from these requirements could help lower costs.	Moderate	Hard
New	Establish an overlay district or a floating zone district that allows desired housing types with defined standards and minimal procedures.	This could create predictability in certain areas for housing development. Overlays are not ideal as they modify current regulations, but they can work as a temporary fix for complex codes. Floating zone districts are traditional zone districts created in the code with defined standards, but not placed on a zoning map. It would be up to a property owner or developer to request that this zoning be applied and then mapped.	High	Hard

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
Chapter 73 Standards and Additional Submittal Requirements for Specific Uses				
73-3 Additional Dwelling Units	Simplify these regulations and make it easier to build additional dwelling units. For example, reduce the lot acreage per land use permit type to reduce process requirements, allow more units without a land use permit, or allow any unit if it is deed restricted.	Loosening these regulations may result in additional dwelling units for family members, workers, and others who need more affordable housing.	Moderate	Medium
New	In the Animas Valley zoning "granny flats" are permitted by right in some zones. This term is used for what is traditionally called an accessory dwelling unit (ADU), a smaller dwelling that is accessory to a primary single-family detached dwelling unit. Consider creating a new specific use to allow for one or more granny flats throughout the County via a Director determination. This could only be for units that can share infrastructure and/or deed restricted units. They can be restricted from being used as a short term rental.	Newer state legislation (HB24-1152) requires certain communities to allow an accessory dwelling unit to all single-family detached dwelling units via administrative approval. While this is not required in La Plata County, if you choose to comply, funding is available to promote construction. More information is available on DOLA's website: https://dlg.colorado.gov/accessory-dwelling-units.	Moderate	Hard
73-15 Manufactured Home Parks, Tiny Home Communities or Manufactured Home Subdivisions	Consider reducing the roadway standards, minimum lot sizes, property line setbacks (specifically those from right-of-ways), and common open space requirements.	This can enable more efficient use of the property and result in additional housing units.	Low	Easy
73-18 Short Term Rentals	Add regulations to this reserved section. Consider starting with simple restrictions such as a cap on the total number allowed or limiting them to certain types of dwellings.	The HNA states that about 4% of the total housing stock Countywide appears to be full-time short-term rentals. Limiting additional units from converting or adding units being rented short term back to the housing supply for locals could help with housing costs.	Moderate	Hard

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
Chapter 74: Road and Bridge Standards and Permits				
General	Revisit this Chapter to identify opportunities to decrease the requirements and procedures.	Roads are very expensive to build, so reducing any of these requirements could help lower housing costs.	Moderate	Hard, out of scope
74-1 General Provisions	Exempt more residential uses from the standards in this Chapter 74. Either 1) move desired residential types (maybe duplexes, additional dwelling units, or deed restricted housing) to not require a land use permit per 66-3 or 2) add desired housing types to the list of exceptions.	The applicability of this Chapter is quite broad, which adds significant cost to developing housing. By exempting at least some housing types, costs would be reduced.	Moderate	Easy
74-2 Road Classification Standards and Level of Service Standards	Consider reducing the standards in this section. For example, reduce right-of-way widths and surface types.	Be sure the requirements are necessary for the community's health and safety, and reduce them where possible. Often, wider, paved roads cost the County more to maintain in the long run, so consider the long-term maintenance costs when establishing these minimums.	Low	Medium, out of scope
	I. Consider whether private roads need to meet the County's standards or if there could be some exceptions.	Roads are very expensive to build, so reducing any of these requirements could help lower housing costs.	Low	Easy
	II.A. Requires any development that causes an increase in traffic to make all the improvements that meet the standards. Consider a different approach that allows for some improvements, or a fee-in-lieu proportional to the development.	One new lot can trigger these requirements, placing a huge burden on the development of the one lot. While most communities prefer that developers pay their own way, and it is very common to require some road improvements with development, be sure the required improvements are commensurate with the development's impact. Road improvements and maintenance are a much larger County finance issue, and any code edits should not be considered alone.	Low	Medium, out of scope
74-3 Review of Development Subject to this Code	Consider exempting certain desired residential uses from these requirements, or requiring less information for those uses.	Every study, analysis, report, or similar adds cost to a development project. Ensuring the County requires no more than necessary can significantly reduce development costs.	Moderate	Medium

Code Section	Barriers to Housing with Recommended Edits and Additions	Explanation	Impact	Difficulty
Chapter 44: Road and Bridge Standards and Permits				
44-2 Road Impact Fees	The Road Impact Fees adopted in 2024 add an impact fee to new development. It is great that some affordable housing development is exempt from the fee; however, the road improvements section still seems to apply (unless eligible for credits). Consider replacing some of the road improvement standards with this fee rather than the complex credit system.	Simplify regulations where possible to make it easier to work through the code.	Moderate	Medium, out of scope

Broader Code Barriers to Housing

While the scope of this project was to identify specific barriers to housing within the Land Use Code, the code shouldn't be analyzed in isolation as it operates alongside the comprehensive plan and various district plans. This audit has revealed that barriers to housing extend well beyond the code's regulations into the broader planning framework. For example, the land use classifications in the district plans, the application of the district plans, and the hybrid approach to land use regulations all pose barriers to housing development. This report does not address barriers outside of the County's code, nor does it offer recommendations to address them.

The land use code audit revealed numerous obstacles to housing development that are detailed in the above table. The following text provides an overview of the broader barriers to housing found in the code.

- **Flexibility is Not Fully Realized**
  - The community's commitment to a performance-based code and flexible land uses has, over time, evolved to introduce layers of complexity that now limit the intended adaptability.
  - Applicants often face uncertainty about what is permitted and what will be required until they are well into the review process. Clearer pathways and more predictable expectations would reduce time, cost, and risk for property owners and small-scale developers.
  - Staff's ability to modify many regulations on a case-by-case basis can offer valuable flexibility, though it also increases workload and may unintentionally create perceptions of inconsistency.
- **Opportunities to Simplify**
  - The code's structure and layering of regulations can make it challenging for everyday users to navigate, sometimes requiring professional assistance. Simplifying and consolidating overlapping provisions would make the code more accessible.
  - Many regulations that could support housing, such as those for additional dwelling units, are currently difficult to interpret and implement, limiting their effectiveness.
  - Review procedures can be lengthy relative to the scale of many proposed projects. Aligning process requirements with project complexity would improve efficiency and predictability.
- **Reducing Subjectivity**
  - The reliance on terms that are entirely open to interpretation, like "compatible" and "character," encourages arguments instead of objective assessments. More objective criteria would help shift discussions from debate toward shared understanding.
  - The abstract nature of some standards leads to varying interpretations among staff, elected and appointed officials, and community members. Greater clarity would support consistent application and reduce frustration.
- **Strengthening Code Structure**
  - The organization of the code can make it difficult for users to find related regulations. Grouping similar standards, removing regulatory language from purpose statements, and reducing repetition would improve usability.
  - Procedures would benefit from clearer sequencing and more streamlined steps.
  - Terminology is not always used consistently across planning documents and tools, which can create confusion.

- While legal precision is essential in a code, balancing it with user-friendly language would make the code more accessible for planners, builders, and community members who rely on it daily.

Most importantly, the current outcomes of this code do not seem to reflect what the community truly wants, especially regarding housing options. A code should be designed to implement community goals, and this code is no longer doing that.

PRIORITIZING CODE EDITS

Staff

The Code Audit was shared with staff in February 2026. Staff reviewed the audit and it was edited accordingly. Staff then identified the items they felt would be most helpful in addressing persistent issues and community desires, excluding those items they felt were more political. Staff priorities included:

- Add an expedited review process for affordable housing to comply with Proposition 123 and refine the definition of "affordable housing" accordingly (Chapters 62 and 66). Note that this is required by the State grant that funded this project.
- Define areas appropriate for housing and make it easier to develop via economic development areas or a new overlay or floating zone district (Section 66-5 and Chapter 72).
- Reduce process for desired housing types (Section 66-3 through 66-7).
- Remove specific requirement for 67% of property owners to sign an application to change a plat (Section 66-11).
- Ensure actionable public notice requirements (Section 66-14).
- Adjust variance approval criteria to be more flexible (Section 66-27).
- Revise compatibility criteria and adjust applicability (Section 70-5).
- Simplify additional dwelling unit regulations (Section 73-3).

Board of County Commissioners

The Code Audit along with staff's list of priorities were presented to the BOCC during a work session on April 14, 2026. The BOCC determined that all items from staff's list were priorities and discussed which items to focus the consultant's time on for this project. Then on May 11, 2026, the BOCC reviewed and discussed the Community Development Department's full code amendment workplan that covers all topics, including the list of priorities for code edits that address housing. The following code edits related to housing were prioritized as listed below.

- Consultants to begin addressing with this project:
  - Add an expedited review process for qualifying affordable housing projects per state Proposition 123 and refine the definition of "affordable housing" accordingly, as required by the State grant that funded this project.
  - Reduce process for desired housing types.
  - Define areas appropriate for housing.
- Staff to work on/continue working on:
  - Remove specific requirement for 67% of property owners to sign an application to change a plat. This was already in progress as of the work session and then adopted via Resolution No. R-2026-15 on May 19, 2026.

- Ensure actionable public notice requirements. This was already in progress as of the work session and then adopted via Resolution No. R-2026-15 on May 19, 2026.
- Revise compatibility criteria and adjust applicability.
- Adjust variance approval criteria to be more flexible.
- Simplify additional dwelling unit regulations. This topic may be in coordination with a discussion on short-term rental regulations.

DRAFT CODE EDITS

Progress was made on the code edits prioritized for the consultants as part of this project. A brief explanation of what steps were taken for each topic is included below and the most up-to-date document for each topic is attached to this report for reference.

Expedited Review Process

- March: A draft expedited review process was prepared by the consultants and sent to staff.
- March through May: Discussions among consultants and staff to refine and plan next steps.
- May: Staff presented a resolution to the Planning Commission at their regular meeting. After discussion and careful consideration, they approved it for BOCC consideration.
- June: BOCC work session with staff and consultants to discuss the expedited review process. Afterward, the BOCC considered and adopted Resolution No. R-2026-19: A resolution amending the La Plata County Land Use Code to adopt Proposition 123 expedited review requirements at a meeting on June 30, 2026.

Reducing Process for Desired Housing Types

- May: Consultants prepared and sent a document that outlined challenges and potential solutions for discussion with staff.
- May into June: Discussions between consultants and staff to determine an appropriate approach. Consultants edited the document based on staff input and sent it to staff.
- June: BOCC work session with staff and consultants to discuss reducing process for housing. After the work session, the consultants prepared a draft resolution, worked with staff to refine it, and prepared a revised draft resolution for staff. Staff plans to get community input and then start the review process for a resolution with the Planning Commission and BOCC later this year.

Defining Areas Appropriate for Housing

- April: Consultants prepared and sent a document that outlines challenges and potential solutions for discussion with staff.
- April to May: Discussion between consultants and staff to refine the document. Afterward, the consultants edited the document based on initial staff input. Staff plans to incorporate this topic with the current project to develop a growth element for the County's comprehensive plan.

Revise Compatibility Criteria and Applicability

Consultants started working on this topic based on the direction given at the April BOCC work session. It was later determined that the topic of reducing process for housing was a higher priority for the consultant's time and that staff would work on the compatibility assessment. A summary of the consultant's research, findings, and suggestions was sent to staff in May 2026.

ATTACHMENTS

Attachment A – Resolution No. 2026-19 A resolution of the Board of County Commissioners of La Plata County, Colorado amending Chapters 62 and 66 of the La Plata County Code

Attachment B – Draft resolution of the Board of County Commissioners of La Plata County, Colorado amending Chapters 62, 65, 66 and 67 of the La Plata County Code

Attachment C – Defining Areas Appropriate for Housing – May 12, 2026, For Discussion with Staff

Attachment D – Revising Compatibility Assessment Criteria and Applicability (70-5), May 26, 2026, Information for Staff

RESOLUTION NO. R-2026-19

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO AMENDING CHAPTERS 62 AND 66 OF THE LA PLATA COUNTY CODE

WHEREAS, pursuant to C.R.S. §§ 30-11-101(1)(e) and (2), 30-11-103, and 30-11-107(1)(e), the Board of County Commissioners of La Plata County, Colorado (the "Board") has the legislative authority to manage the business and concerns of the County and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the best interests of the County and its inhabitants, and is further authorized by, *inter alia*, C.R.S. §§ 30-28-101, *et seq*., C.R.S. §§ 30-28-201, *et seq*., and C.R.S. §§ 29-20-101, *et seq*., to adopt regulations for the protection of the public health, safety, and welfare of the inhabitants of La Plata County; and

WHEREAS, pursuant to the Colorado County Planning Code, the Board is empowered to plan and provide for the physical development of the unincorporated territory of La Plata County (the "County"). C.R.S. § 30-28-102; and

WHEREAS, the Local Government Land Use Control Enabling Act empowers the Board to plan for and regulate the use of land within the unincorporated territory of the County, including, but not limited to: regulating the use of land on the basis of the impact thereof on the community or surrounding areas; regulating the location of activities and developments which may result in significant changes in population density; providing for phased development of services and facilities; and otherwise providing for the planned and orderly use of land and protection of the environment, in a manner consistent with constitutional rights. C.R.S. § 29-20-104; and

WHEREAS, the Colorado County Planning Code and Local Government Land Use Control Enabling Act constitutes a broad delegation of authority to the County, generally encompassing the subject of land use; and

WHEREAS, Colorado counties possess those powers enumerated by the Colorado Constitution and Colorado Revised Statutes, and such further incidental implied powers as are reasonably necessary to carry out their express powers; and

WHEREAS, the Board has previously adopted land use code of regulations (the "Land Use Code") with respect to development throughout the County; and

WHEREAS, the voters of Colorado approved Proposition 123 in 2022 creating the State Affordable Housing Fund to make certain funds available to local governments as defined by C.R.S. § 29-32-104; and

WHEREAS, La Plata County opted into Proposition 123 on October 18, 2023, thereby committing to increase affordable housing by 108 units and to adopt an expedited review process that provides eligible housing projects with a fast track for review and decision within 90 calendar days, both to be completed by the end of 2026; and

WHEREAS, adopting the expedited review process for affordable housing, as set forth in Exhibit A, provides fast-track review for qualified housing projects to facilitate the creation of housing within La Plata County and to comply with Proposition 123, C.R.S. § 29-32-105(2); and

WHEREAS, on May 28, 2026, the Planning Commission held a public meeting and heard testimony that it would be in the best interest of the general health, safety, and welfare of the people within the County to amend Chapters 62 and 66 of the Land Use Code and made a recommendation to the Board to adopt the related amendments; and

WHEREAS, on June 15, 2026, the Board held a work session with staff, and following the work session, staff recommended nonmaterial revisions to the Planning Commission's recommendation for clarification and to comply with SB26-040; and

WHEREAS, notice of a public hearing to be held before the Board on June 30, 2026, on the proposed amendments set forth in Exhibit A was published on June 12, 2026 in the Durango Herald, a newspaper of general circulation in the County; and

WHEREAS, in accordance with the published notice, on June 30, 2026, the Board held a public meeting and heard testimony that it would be in the best interest of the general health, safety, and welfare of the people of La Plata County to amend Chapters 62 and 66 of the Land Use Code, as more particularly set forth in Exhibit A, to address the County's needs for a Land Use Code compliant with state law and capable of use by the County in its future planning of development within the unincorporated parts of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:

1. The foregoing recitals are incorporated herein and made a part of this resolution.

2. Chapters 62 and 66 of the La Plata County Code are hereby amended as set forth in the attached Exhibit A.

3. This resolution shall apply within the unincorporated territory of La Plata County. This resolution shall in no way limit the application and enforcement of any statutes of the State of Colorado, but shall be in addition thereto.

4. This resolution shall be liberally construed so as to further its purposes.

5. The County Attorney's Office is authorized to make additional form and style-type revisions, including, but not limited to, spelling, grammar, punctuation, structure and numbering, statutory references, internal cross-references, and other conforming-type revisions, but not revisions that are substantive in nature.

6. The proposed amendments are appropriate and lawful land use regulations for the

unincorporated territory of the County and address the County's needs for a code capable of use by the County in its future planning of development within the unincorporated parts of the County.

7. This resolution shall supersede any and all prior resolutions or motions inconsistent with this resolution, except to the extent a new provision is held invalid, in which case a prior resolution and prior code provision will remain in effect. If any portion of this resolution is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution. The Board of County Commissioners hereby declares this resolution and the provisions contained in Exhibit A to be severable and further declares that it would have passed this resolution and each amendment to Chapters 62 and 66 of the Land Use Code irrespective of the fact that any one part of the amendments in Exhibit A be declared invalid.

8. The enactment of this Resolution is necessary for the preservation of public health, safety, and welfare and, therefore, will be effective immediately upon adoption by the Board.

DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this ____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO

ATTEST:

_____
Clerk to the Board

_____
Matt Salka, Chair

_____
Elizabeth Philbrick, Vice-Chair

_____
Marsha Porter-Norton, Commissioner

EXHIBIT A

SEC. 62-5 DEFINITIONS

Affordable housing. Deed restricted housing for a minimum of twenty (20) years including: ~~Housing for which households with an area median income of eighty (80) percent or lower, as determined by the Department of Housing and Urban Development, pay thirty-three (33) percent or less of their household gross monthly income on monthly housing costs.~~

a. Rental housing that is affordable to a household with an annual income at or below sixty (60) percent of the area median income, as determined by the Department of Housing and Urban Development, and for which the monthly rent payment costs the household no more than thirty (30) percent of its gross monthly income.

b. For-sale housing that could be purchased by a household with an annual income at or below one hundred twenty (120) percent of the area median income, as determined by the Department of Housing and Urban Development, for which the monthly mortgage payment costs the household no more than thirty (30) percent of its gross monthly income.

Attainable housing. ~~Housing for which households with an area median income between eighty (80) percent to one hundred twenty-five (125) percent, as determined by the Department of Housing and Urban Development, pay thirty-three (33) percent or less of their household gross monthly income on monthly housing costs.~~

a. Rental housing that is affordable to a household with an annual income above sixty (60) percent and up to one hundred (100) percent of the area median income, as determined by the Department of Housing and Urban Development, and for which the monthly rent payment costs the household no more than thirty (30) percent of its gross monthly income.

b. For-sale housing that could be purchased by a household with an annual income above one hundred twenty (120) percent and up to one hundred forty (140) percent of the area median income, as determined by the Department of Housing and Urban Development, for which the monthly mortgage payment costs the household no more than thirty (30) percent of its gross monthly income.

SEC. 66-33 EXPEDITED REVIEW FOR AFFORDABLE HOUSING

I. Purpose. Expedited review for affordable housing provides fast-track review for qualified housing projects to facilitate the creation of housing within La Plata County and to comply with Colorado Proposition 123, C.R.S. § 29-32-105(2).

II. Applicability. This process may be requested by an applicant if the proposed development contains one or more dwelling units and at least fifty (50) percent of all residential units will be affordable housing.

A. The following permits and procedures qualify for expedited review:

1. Director determinations pursuant to section 66-4;
2. Administrative permits pursuant to section 66-5;
3. Minor land use permits pursuant to section 66-6;
4. Sketch Plan for a major land use permit pursuant to section 66-19;
5. Preliminary Plan for a major land use permit pursuant to section 66-21;
6. Final Plan for a major land use permit pursuant to section 66-18;
7. Special uses in the Animas Valley Land Use Plan pursuant to chapter 65 and section 66-22;
8. Location and extent review pursuant to section 66-24;
9. Use reviews pursuant to section 66-25;
10. Permit adjustments and modifications pursuant to section 66-26;
11. Variances pursuant to section 66-27

.

B. The following permits and procedures do not qualify for expedited review:

1. Comprehensive Plan adoption and amendments pursuant to chapter 64;
2. Appeals to Board of Adjustment pursuant to section 66-28;
3. Conceptual development plans pursuant to section 66-29;
4. Development improvements agreement pursuant to section 66-30;
5. Review of historic resources pursuant to section 66-32;
6. Development agreements pursuant to section 66-34;
7. Animas Valley rezoning pursuant to section 66-37;
8. Economic development area designations pursuant to section 66-38;
9. Division of land pursuant to Chapter 67; and
10. Planned unit developments pursuant to chapter 68;
11. Non-residential portion of mixed use development when the code authorizes a separate review process;

C. Where it is unclear which permits and procedures qualify for expedited review, the director shall have the authority to make this determination in compliance with C.R.S. § 29-32-105(2).

III. Procedures. Expedited review for affordable housing shall follow the applicable procedure for the specific permit or application, with the following additional requirements.

A. An applicant shall request review under this expedited process in writing to the director at least 10 days prior to any pre-application meeting and if no pre-application meeting is required, prior submittal of a complete application.

B. Upon submittal of a complete application pursuant to paragraph 66-11.I.D, a final decision on the permit or approval shall occur in not more than ninety (90) calendar days. This does not include the pre-application process or post-approval steps such as obtaining signatures or recordation of documents.

C. Planning permit fees shall not be imposed on any application processed under this expedited review process. If an applicant opts out of this process pursuant to paragraph E of this subsection, they shall be required to pay all applicable planning permit fees that were not imposed before processing of the application may continue.

D. Each qualifying permit and procedure has a separate ninety (90) calendar day review timeframe. Permits and procedures will be run concurrently where possible.

E. The ninety (90) calendar day review timeframe may be extended in the following circumstances:

1. The director may offer:

a. A one-time extension up to ninety (90) calendar days at the request of the applicant.

b. An extension to allow time to comply with a state law or court order, the length of the extension is determined by the law or court order.

c. An extension to allow time to address comments from an agency that has approval authority over the application, the length of the extension is determined by the agency.

2. At the discretion of the director, a thirty (30) calendar day extension may be provided to address comments or concerns that arise during review. The director shall notify the applicant of the intent to extend the process, and the applicant is encouraged to respond within five (5) calendar days acknowledging the extension.

E. The applicant can opt-out of this process at any time by notifying the director in writing.

IV. Approval criteria. The approval criteria for each specific procedure applies.

RESOLUTION NO. R-2026-XX

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO AMENDING CHAPTERS 62, 65, 66 AND 67 OF THE LA PLATA COUNTY CODE

[insert recitals, etc.]

EXHIBIT A

SEC. 62-5 DEFINITIONS[1]

Condominium; condominium project. A building, or group of buildings, in which dwelling units, offices, or floor area are designated for separate ownership, and the remainder of the structure, land area, and facilities is commonly owned by all the unit owners on a proportional, undivided basis.

Condominium unit. An individual air space unit in a condominium, together with the proportional, undivided interest in the common elements appurtenant to such unit.

Dwelling unit. A building, or portion thereof, intended for occupancy by one household and includes permanent provisions for living, eating, cooking, sleeping, and sanitation.

~~Dwelling, attached. A dwelling unit structurally attached to one (1) or more other dwelling units by common walls.~~[2]

~~Dwelling, detached. A dwelling unit having no roof, wall or floor in common with another dwelling unit.~~[3]

Dwelling, duplex. A single building containing two (2) dwelling units, all located on a single lot, and designed to be occupied by two (2) households living independently of each other.

Dwelling, fourplex. A single building containing four (4) dwelling units, all located on a single lot, and designed to be occupied by four (4) households living independently of each other.

[1] Many definitions are included simply for reference and no edits are proposed.
[2] This is the same as a townhome dwelling and would now overlap with duplex, triplex, and fourplex dwellings. Term is no longer needed.
[3] Removed and merged into the definition of single-family dwelling since it can't apply to any other type of dwelling.

Dwelling, multi-family. A building containing five (5)~~three (3)~~ or more dwelling units and designed for occupancy by five(5)~~three (3)~~ or more households living independently of each other. All the dwelling units in a multi-family dwelling are located on the same one (1) lot. Commonly referred to as apartments or condominiums.

Dwelling, single-family detached. A dwelling unit designed for and occupied by not more than one (1) household having no roof, wall, or floor in common with any other dwelling unit or commercial building. ~~As applied to the AVLUP only, a detached building designed exclusively for and occupied by one (1) household.~~[4]

Dwelling, townhome. A dwelling unit located on a separate lot but attached to one (1) or more other dwelling units by common vertical walls. A townhome dwelling is in a row of at least two (2) such units, in which each unit has its own front and rear access to the outside and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

Dwelling, triplex. A single building containing three (3) dwelling units, all located on a single lot, and designed to be occupied by three (3) households living independently of each other.

Manufactured home. A structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" unless such recreational vehicle is intended to be used as a permanent dwelling unit and is required to be converted to such use under this code or the building code.

Manufactured home park. A parcel of land held in single ownership designed and developed into three (3) or more manufactured home spaces for rent.

Manufactured home subdivision. A parcel of land divided into three (3) or more lots configured for development of manufactured homes with private ownership of each lot.

Multifamily residential. A ~~building or~~ development of two (2) or more attached dwelling units, whether such dwelling units are multi-family dwelling(s); fourplex(es); triples(es); duplex(es); townhome dwellings; or any combination or configuration of multi-family dwelling(s), fourplex(es), triples(es), duplex(es), and/or townhome dwellings.

Single-family residential; single-family residence. A freestanding dwelling unit intended for occupancy by a household.

Tiny home. A dwelling unit that has less than four hundred (400) square feet of livable space, including lofts. A tiny home is not a vehicle or recreational vehicle and has no wheels.

Tiny home communities. A collection of three (3) or more tiny homes or THOWs on one (1) lot.

[4] This last sentence is no longer needed with the addition of "detached" to the definition.

Tiny home on wheels (THOW). A tiny home that is constructed on a chassis where the suspension/axle components remain and the unit is transportable by being towed by a vehicle. A tiny home on wheels does not have its own motor power.

SEC. 65-3 ANIMAS VALLEY LAND USE PLAN DISTRICTS: USE, DENSITY AND LOT STANDARDS[5]

IX. High-density, single-family residential/PUD.

B. Uses permitted by right. Uses permitted by right in the high-density, single-family residential/PUD district include ~~attached or detached~~ single-family detached and townhome dwellings~~residential~~ with a maximum density of one (1) unit per ten thousand (10,000) square feet, based on net area. Such a development shall dedicate thirty (30) percent of the original site area as perpetual and landscaped open space.

SEC. 66-3 LAND USE DEVELOPMENT NOT REQUIRING A LAND USE PERMIT (BUILDING PERMITS MAY BE REQUIRED)

I. No land use permit required. No land use permit shall be required for any of the following developments unless specifically required by other sections of this code:

A. One single-family detached dwelling ~~residence~~ on a vacant legal lot of record;[6]

B. Placement of a manufactured home on a vacant legal lot of record;

C. AgPlus uses pursuant to subsection 66-3.II. below;

D. Agriculture as defined in Chapter 62;

E. Barns, garages, and sheds intended solely for noncommercial use;

F. Decks, fences, retaining walls, sidewalks;

[5] The minor edits to this section were made to maintain consistency with the refined definitions herein. The regulation and meaning have not changed.
[6] This line contains the only proposed edit to Sec. 66-3 to maintain consistency with the refined definitions herein. The remainder of this section is included for reference.

G. Removal, alteration, and replacement of existing landscaping with new landscaping materials; provided that any ground disturbance is addressed in a manner that complies with an applicable permit (if any) and standards in this code, including without limitation 70-9, 70-12, and 70-17;

H. Seismic, stratigraphic test, core or other exploratory holes drilled for the purpose of obtaining geological information only;

I. Change of use to a land use which does not require a permit;

J. Second or third dwelling units on a lot pursuant to subsection 73-3.II.;

K. Accessory uses pursuant to subsection 73-2.II.;

L. Day care home;

M. The deposit of clean, natural fill with minimal organic content, without payment of any compensation or consideration to the owner, lessor, or other lawful occupant of the property receiving the deposit;

N. Participating in a disaster re-build program pursuant to section 79-6;

O. Installation, operation and maintenance of emergency recovery measures to relieve imminent hazards to life or property created by a natural disaster administered by Natural Resources Conservation Service NRCS or any other federally approved program;

P. Micro solar.

Q. Installation, operation and maintenance of electrical infrastructure intended to convert one or more legally existing parking spaces into EV charging stations, including without limitation the installation, operation and maintenance of one or more pieces of EV charging equipment to serve one or more legally existing parking spaces, provided that the installation is not resulting in the creation of an EV charging facility. The installation, operation and maintenance must be conducted consistent with applicable standards in section 70-18.

R. Micro BESS.

II. AgPlus uses not requiring a land use permit.

A. Purpose. This subsection 66-3.II. and subsection 66-5.II. below address a unique set of uses by right and types of administrative land use permits specifically related to agriculture. Historically, agriculture has been the predominant land use in the unincorporated areas of La Plata County. Agriculture has defined the area's character and agricultural enterprises and activities are an important sector of the county's economy. While rural living is a life-style choice for many residents, some generate a considerable portion, if not all of their livelihood from agriculture. An important component of agriculture is the production of commodities produced and sold on the farm or sold from the farm to be processed elsewhere. Key policy

goals of several district plans and this code are to encourage, promote and foster agricultural enterprises and activities in the county. It is for these reasons and others that uses referred to as AgPlus are addressed in this chapter. In this context "plus" is a qualitative rather than a quantitative measure, the objective being the preservation of agricultural lands by focusing on the use to which a parcel may be put plus any "value added" activities that support the agricultural use or the ability of the property owner to sustain the land for agricultural purposes.

B. Applicability. This subsection applies to uses by right which the county has determined are customarily incidental or directly related to a pre-existing agricultural activity conducted on a single agricultural parcel. The second type, addressed in subsection 66-5.II., are AgPlus uses that require administrative review because such uses are secondary and clearly subordinate to the pre-existing agricultural activity conducted on the agricultural parcel but support the sustainability of the agricultural use. To qualify for either type of AgPlus use, the proposed use must occur on a single agricultural parcel meeting the following criteria:

1. The parcel was classified by the county assessor as agricultural in the previous two (2) years and is presently used for agricultural purposes;

2. Except for accessory rural occupations, home occupations, direct market business / community supported agriculture, or farm stands, the parcel is a minimum of fifteen (15) acres;

3. The parcel subject to the application shall not be in violation of this code or the building code.

C. Uses by right. Uses in this paragraph shall be considered uses by right not requiring a land use permit:

1. Agricultural research facility;

2. Accessory rural occupation or home occupation;

3. Equine or llama activities;

4. Direct market business/community supported agriculture; and

5. Farm machinery repair.

III. Minimum requirements. Development not requiring a county land use permit as specified in this code, shall meet all applicable established minimum requirements, including, but not limited to the following:

A. Building permits required as applicable;

B. Compliance with all applicable site development standards, such as setbacks and parking, and all use provisions specified in this code;

C. The director may require compliance with section 81-2 Sections Necessary for Immediate Preservation of Public Health and Safety when circumstances warrant.

IV. Building permit referral. Building permit applications shall be referred to the CDD for review of compliance with the standards of this code. CDD review shall include but is not limited to: compliance with the land use permit and division of land requirements of Chapters 66 and 67, development on a legal lot of record, setbacks within section 70-6 and Chapter 90, and the height requirements of sections 65-6 and 70-6. Building permit applications shall include a site plan and any other documentation that contains all information needed to demonstrate compliance with applicable standards. Referral to the CDD is not intended to preclude or conflict with the applicability of the building code or other sections of the code.

SEC. 66-4 PROJECTS CLASSIFIED AS DIRECTOR DETERMINATIONS

I. Director determination required. A director determination shall be required for any of the following developments or matters:

A. Agricultural second or third dwelling unit pursuant to paragraph 73-3.III.A.;

B. General second dwelling unit pursuant to paragraph 73-3.III.B.;

C. Use reviews pursuant to section 66-25;

D. Permit adjustments pursuant to section 66-26;

E. ~~Reserved~~Duplex dwellings;

F. Adjustments to an approved, but not recorded plat, pursuant to section 67-11;

G. Lot legalizations pursuant to section 67-14;

H. Written code interpretations pursuant to section 66-17;

I. Lots split by county road pursuant to section 67-13;

J. Deployment of a telecommunications facility that does not amount to a substantial change pursuant to section 73-21;

K. Applicable level of permit review for areas and activities of state interest pursuant to section 69-8;

L. Applicability of the technical revision review process or denial of a technical revision for areas and activities of state interest pursuant to section 69-15;

M. Waiver of the width requirement for an emergency access easement pursuant to subsection 74-4.XIII;

N. Permissible alterations or expansion of a nonconforming use or structure pursuant to section 79-3;

O. Extension of time for abandonment or discontinuance of a nonconforming use pursuant to section 79-3;

P. Re-building and re-establishing nonconformities subject to the disaster re-build program pursuant to section 79-6;

Q. Cooperative planning area waiver pursuant to subsection 72-2.IX~~.~~;

R. Triplex dwellings;

S. Multifamily residential containing three (3) or fewer dwelling units.

II. Procedures. Except as otherwise provided, an application for a director determination shall be subject to section 66-17 director determination procedures.

SEC. 66-5 PROJECTS CLASSIFIED AS ADMINISTRATIVE LAND USE PERMITS

I. **Administrative land use permit required.** An administrative land use permit shall be required for any of the following developments:

A. AgPlus uses pursuant to subsection 66-5.II below;

B. Second dwelling unit pursuant to subsection 73-3.IV;

C. Accessory uses pursuant to subsection 73-2.III;

D. Special events pursuant to section 73-20;

E. Economic development area uses pursuant to section 65-5;

F. Phased elements of major projects pursuant to section 66-21;

G. Final plans pursuant to section 66-21;

H. Final plats pursuant to section 67-3;

I. Amendments to recorded plats pursuant to section 67-11;

J. Vacation of utility easements pursuant to 67-12;

K. Lot consolidations pursuant to section 67-9;

L. Boundary adjustments pursuant to section 67-9;

M. Boundary adjustments – Animas Valley pursuant to sections 65-4 and 67-9;

N. Deployment of telecommunications facilities using existing structures pursuant to section 73-21;

O. Small scale solar pursuant to section 73-19.

P. Small scale BESS intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid pursuant to section 73-6;~~.~~

Q. Fourplex dwellings;

R. Multifamily residential containing four (4) or fewer dwelling units.

II. AgPlus uses by administrative land use permit. Uses or applications subject to the contents of this subsection shall meet all of the criteria set forth in paragraph 66-3.II.B. above and shall be required to obtain an administrative land use permit:

A. Farm stand and direct market business/community supported agriculture that sell agricultural products produced off-site;

B. Agritourism enterprise;

C. Bed and breakfast facilities;

D. Public livestock or farm implement auction;

E. Day care facility;

F. Sale rooms of products grown on site;

G. Assisted living residence;

H. Veterans assistance programs;

I. Wineries, cideries and distilleries;

J. Grain storage facilities;

K. Small scale processing facility.

III. Procedures. Except as otherwise provided, an application for an administrative land use permit shall be subject to section 66-18 administrative land use permit procedures.

SEC. 66-6 PROJECTS CLASSIFIED AS MINOR LAND USE PERMITS

I. **Minor land use permits required.** A minor land use permit shall be required for any of the following developments:

A. Commercial development or industrial development meeting all of the following criteria:

1. Less than ten thousand (10,000) sq. ft. in gross floor area;

2. Less than three (3) acres in gross site disturbance;

3. Less than one thousand fifty (1,050) gallons per day water demand or served by a public water system or designated regional public water system;

4. Less than twenty (20) percent increase in background traffic on the adjacent roadway.

B. Mixed use development containing commercial or industrial development meeting all of the criteria in paragraph 66-6.I.A. above and containing five (5)~~three (3)~~ or fewer dwelling units;

C. Multi-family dwellings and multifamily residential~~development~~ containing ten (10)~~three (3)~~ or fewer dwelling units;[7]

D. Sketch plan pursuant to section 66-19;

E. Conceptual development plan pursuant to section 66-29;

F. Special uses in the Animas Valley Land Use Plan pursuant to chapter 65;

G. Accessory uses pursuant to subsection 73-2.IV.;

H. Temporary uses pursuant to section 73-22;

I. Second or third dwelling unit pursuant to subsection 73-3.V.;

J. Minor subdivisions pursuant to section 67-4;

K. ~~Reserved~~Manufactured home parks and tiny home communities pursuant to section 73-15 containing ten (10) or fewer units;

L. Clustered rural development pursuant to section 67-7;

M. Cooperative planning area development pursuant to section 66-23;

[7] During the BOCC work session there was a desire to better understand why this threshold was set at 10 units. Here is some additional information:
-Generally, up to 10 dwellings units will have a similar impact to those allowances in part A for commercial or industrial development (e.g., less than 10,000 sf in gross floor area, less than 3 acres in gross site disturbances). Adding residential development with similar impacts to be classified as a minor land use permit simply evens out the permit requirements for commercial/industrial and residential development.
-If the county wants to go beyond removing the barrier to housing, it could encourage or incentivize missing middle housing by allowing up to maybe 15 or 20 dwelling units to be classified as a minor land use permit.
-Keep in mind that the County is trying to balance housing goals and needs with neighbor concerns and desires. Also note that this change only removes process steps, not other code requirements like roads, utilities, etc.
-While it is possible to set limitations for residential development similar to item A for commercial and industrial development, those limitations would also serve as a barrier to housing. Picking a unit count allows for a little more flexibility and creativity to work with particular site and location.

N. ~~Duplex dwellings~~Manufactured home subdivisions pursuant to section 73-15 containing five (5) or fewer lots;

O. Day care facility serving five (5) to fifteen (15) individuals;

P. Religious institutions;

Q. Community facilities;

R. Commercial and industrial operations meeting the criteria in paragraph 66-6.I.A. above for the processing or manufacturing of crops, forage or livestock including, but not limited to, dairies, poultry processing and meat packing plants.

S. Deployment of telecommunications facilities using a new stealth tower as the structure or small wireless facilities that do not qualify for administrative review pursuant to section 73-21;

T. Large scale solar pursuant to section 73-19;

U. Agricultural exemption subdivisions pursuant to section 67-6.

V. Large scale BESS intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid pursuant to section 73-6.

II. Procedures. Except as otherwise provided, an application for a minor land use permit shall be subject to section 66-20 minor land use permit procedures.

SEC. 66-7 PROJECTS CLASSIFIED AS MAJOR LAND USE PERMITS

I. Major land use permits required. A major land use permit shall be required for any of the following developments:

A. Commercial development or industrial development meeting any one (1) of the following criteria:

1. Ten thousand (10,000) sq. ft. or larger in gross floor area;

2. Three (3) acres or larger in gross site disturbance;

3. One thousand fifty (1,050) gallons or greater per day water demand if not served by a public water system or designated regional public water system; or

4. Twenty (20) percent or greater increase in background traffic on the adjacent roadway.

B. Mixed use development containing commercial or industrial development meeting any one (1) of the criteria in paragraph 66-7.I.A. above or containing more than five (5)~~four (4) or more~~ dwelling units;

C. Multi-family dwellings and multifamily residential~~development~~ containing ~~four (4) or~~ more than ten (10) dwelling units;

D. Fourth or subsequent dwelling units pursuant to subsection 73-3.VI.;

E. Major subdivisions pursuant to section 67-3;

F. Planned unit developments pursuant to Chapter 68;

G. Manufactured home parks~~,~~ and tiny home communities ~~or manufactured home subdivisions~~ pursuant to section 73-15 containing more than ten (10) units;

H. Commercial outdoor storage and sales pursuant to section 73-7;

I. Recycling processing facility, salvage yard and junk yard pursuant to section 73-16;

J. Day care facility serving sixteen (16) or more individuals;

K. Gravel, sand, topsoil and mineral extraction pursuant to section 73-10;

L. Sexually oriented businesses pursuant to section 73-17;

M. Aggregate processing and asphalt plants, pursuant to section 73-10;

N. Airstrips and heliports;

O. Campgrounds and recreational vehicle parks pursuant to section 73-5;

P. Commercial outdoor shooting range pursuant to section 73-8;

Q. Land applied septage pursuant to section 73-13;

R. Commercial and industrial operations meeting the criteria in paragraph 66-7.I.A. above for the processing or manufacturing of crops, forage or livestock including, but not limited to, dairies, poultry processing and meat packing plants.

S. Marijuana facilities pursuant to section 73-14;

T. Deployment of telecommunications facilities using new structures other than a stealth tower pursuant to section 73-21;

U. Event venues pursuant to section 73-9~~.~~;

V. Manufactured home subdivisions pursuant to section 73-15 containing more than five (5) lots.

II. Procedures. Except as otherwise provided, an application for a major land use permit shall be subject to section 66-21 major land use permit procedures.

SEC. 67-3 MAJOR SUBDIVISIONS

I. Applicability. The major subdivision procedures shall be applicable to all land divisions into six (6)~~four (4)~~ or more lots and to all condominium and townhome dwelling developments containing eleven (11) or more units.

SEC. 67-4 MINOR SUBDIVISIONS

I. Applicability. The minor subdivision procedures shall be applicable to all land divisions into five (5)~~three (3)~~ or fewer lots and to all condominium and townhome dwelling developments containing ten (10) or fewer units.

Updated May 12, 2026
For Discussion with Staff

La Plata County: Removing Barriers to Housing from the Land Use Code

Defining Areas Appropriate for Housing

Purpose

Make it easier to build a variety of housing types in desired areas of the County by reducing processes and other requirements.

Challenges with Current Approach and Solutions

- The process required to build more than a single-family dwelling on a vacant lot can take a lot of time which adds cost.
  - Define areas where different types of housing are allowed by-right would reduce the amount of process and make it more affordable and quicker to build.
- To build most housing types, a compatibility assessment is required along with comprehensive and district plan compliance. This makes development outcomes unpredictable and limits density to only where it is today.
  - Allowing different housing types in defined areas will get rid of the need for a compatibility assessment and plan compliance. This will create more predictable development outcomes with faster and less expensive review processes.
  - Defining clear and measurable development standards will also simplify the review process.
- Growth hubs as identified in the comprehensive and district plans help certain projects that don't fully meet other requirements (i.e., compatibility) get approved, but the process is the same as development elsewhere.
  - Reduce the process required.

Potential Approaches

Four different approaches are offered in the tables below. Each approach includes a brief description, pros, cons, and suggested steps. Thoughts or questions specific to the approach are listed at the end of each approach. Questions that apply to all approaches are listed after the tables.

Potential Approach	Pros	Cons	Suggested Steps
1. Create a new "Community Housing **Overlay**" district where desired housing is permitted based on specific development standards and map/designate multiple areas in which the overlay would apply throughout the County.	• The County gets to define the areas where desired housing types can be built and the development standards that would apply. These standards can be as restrictive or flexible as desired. • This would not add any extra steps to development but rather reduce the steps. • Can have the regulations within the overlay be independent or supplemental of the existing regulations. Independent regulations would be easier. • This overlay could not only make it easier to build housing but even attract it if process and standards are simplified enough.	• The County would need to map this overlay meaning designate areas of the County where it applies. If not mapped it won't make any impact. This can be controversial to do. • Does not work well for individual parcels, only cohesive areas. • Without significant reduction in process and regulations within this overlay, it won't make much of an impact on the development of housing. It will be important to permit different types of residential uses by right, not require a compatibility assessment, nor compliance with plans/land use classifications.	• Add a new section to Ch. 72 that creates the new overlay, allows desired housing types, and establishes regulations: modified approval criteria, no compatibility assessment, no need to comply with comp/district plan land use classifications, director determination or admin permit (unless subdivision), subdivision standards 67-15 and site development standards 70 still apply (except where they references compatibility and plan compliance), establish allowable densities/min. lot sizes, and maybe try to simplify submittal requirements. • Designate areas on the map where this overlay applies.
Thoughts/questions: • This feels like it would be the most impactful approach. Feels most beneficial. • This overlay could act like traditional zoning by having uses by-right and other dimensional standards. This could be a good test for how traditional zoning works but may also deter people from it since it may be incentivizing affordable housing that people tend to dislike. • Could use growth element in comp plan to think through what areas may be appropriate • Maybe do this WITH the floating approach? Would need to add a process to rezone to the overlay district. • Maybe prepare a map with areas where growth is most feasible and talk to the BOCC about it. This may help determine if the overlay or/and the floating district approach may be appropriate.			

Potential Approach	Pros	Cons	Suggested Steps
2. Create a new **floating** "Community Housing District" where desired housing is permitted based on specific development standards and make this district available to applicants who want to rezone.	• Establishes a district that allows housing that could be applied if desired by a property owner or developer. • Can apply to just one parcel at a time anywhere in the county. There would be no need for the County to map/designate areas. • Regulations would be fully independent of existing regulations and replace all regulations on the parcel, which is much easier to understand and enforce. • This floating district could not only make it easier to build housing but even attract it if the standards are enticing enough.	• A floating district is not put on a map until requested by a property owner or developer so its impact could be minimal, but reach could be broad. • A rezoning process would be required for the property before the district could be used. • Without a variety of allowed residential uses, flexible development standards, and minimal process, this district won't be requested or used. • It is more difficult to create development standards for a floating district since it would be applied parcel-by-parcel rather than defined areas.	• Add a new section or chapter to the code that creates this new district. The district would permit desired housing and contain specific development standards (e.g., min. lot size or max. density, setbacks, height, etc.). This district will not require a compatibility assessment or compliance with plan/land use classifications. • Create a new rezoning process in Ch. 66 to apply this district on a parcel. If needed, a criterion to qualify for this district could require the land to be within a certain distance of a growth hub, municipality, or have minimum infrastructure requirements.
Thoughts/questions: • This could also act like traditional zoning, similar to the overlay in approach #1. • Have a rezone process that the separate from the development application so one could rezone before investing fully in a development proposal.			

Potential Approach	Pros	Cons	Suggested Steps
3. Allow desired housing types **by-right within a certain distance** of growth areas/growth hubs, municipalities, and/or some other qualifier.	• No need to map exact areas. • Doesn't require changing current procedures for different types of development. • Would remove the need for initial steps that tend to delay projects like compatibility assessment and district plan compliance.	• May not be easy to define a distance or qualifier that could apply across the County. • Adds more complexity to the code as this would exempt certain development types in certain locations from certain parts of the code. • Given the procedures mostly stay the same with this approach, this would be more impactful if it is paired with moving residential uses to easier processes so only large developments have to go through the major land use permit process.	• Add a new section to the code (maybe in Ch 73) that allows desired housing types at certain densities within X distance of growth hubs, municipalities, and/or another qualifier. • Edit applicability of sections 66-16 and 70-5 (plan compliance and compatibility) to not have them apply to certain housing types within X distance of growth hubs, municipalities, or other qualifier. Remove all other cross references to this.
Thoughts/questions: • This approach is similar to exempting certain housing types from compatibility assessment and plan compliance, but would be limited to certain areas. •			

Potential Approach	Pros	Cons	Suggested Steps
4. Create a new "Community Housing **Development Areas**" section of the code and designate multiple areas.	• Could be structured similarly to existing Economic Development Areas (65-5). • Would allow for an administrative land use permit for all housing or certain types of housing in these areas. • Development is exempt from compatibility assessment, after the area is designated.	• If the County does not initiate designating areas with this code amendment, it is unlikely an area will ever be designated due to the process required by the code. No one individual is going to ask the County to make this designation for an area they do not own, and the criteria will be hard to meet. • Designating areas can be controversial. • Designation of Economic Development Areas requires a compatibility assessment which will make this hard to apply if that requirement is not edited or removed for these new areas. • This is a quite complex approach to allow more housing types to be administrative land use permits and only in some areas. It would be more helpful to move more housing types to easier processes.	• Add a new section to Ch. 72. Potentially amend the purpose. • Revise 66-38 to apply to EDAs and the Local Housing areas. Suggest removing neighborhood meeting step and would need to heavily edit the approval criteria (remove the requirement for compatibility). • Designate/map some areas.
Thoughts/questions: • This is the approach to take if you want to look like you are being helpful but don't want housing built anywhere in the County. Sorry for even offering it as a potential solution. I thought it might work but when I reread the EDA sections in detail, it feels like having your foot on the gas and brake at the same time. •			

Additional Questions

- Except for approach #2, areas would need to be designated. What is a good way to start to determine appropriate areas? This might actually help determine which approach might work best. If possible, let's look at a map and start to identify opportunity areas.
    - Growth hubs
    - Certain distance from municipalities/Joint Planning Area
    - Availability of utilities
    - Access to certain types of roads
    - Other ideas?

- What types of housing would best fit the County's needs? What might be acceptable and where? Does it differ by area?
  Note the County's Housing Needs assessment says the County needs "264 units (124 for sale and 140 rental) are needed for current county residents" and "to add 2,954 units (2,070 for sale and 884 for rent) in the next 10 years to keep up with projected population and job growth." Also, that "resident respondents are open to small-scale density housing products including duplexes, townhomes, tiny homes, and apartment buildings with three or less stories both in their neighborhoods and in other neighborhoods in the county."
    - Duplexes, triplexes, and fourplexes?
    - Townhouses up to 4 units? 8 units? A different number of units?
    - Multi-family up to 8 units per building? A different number of units?
    - Others?

- What level of permit feels appropriate? Does it vary by housing type?
    - Ideally, we would try to get as many housing types as possible to not require a land use permit.
    - Some can be a Director determination or Administrative land use permit, especially if the only other options is not allow the residential use at all.

Observations

All of these approaches include some combination of:

- defining residential uses-by-right,
- simplifying the process by allowing for a director determination or administrative land use permit,
- exempting the development from a compatibility assessment, and
- exempting the development from compliance with the district plans.

It would be much more effective and impactful to address those topics across the full County rather just in certain areas and just for housing. However, addressing those barriers in a more comprehensive sounds like it may open the County for more development than desired.

May 26, 2026
Information for staff

La Plata County: Removing Barriers to Housing from the Land Use Code

Revising Compatibility Assessment Criteria and Applicability (70-5)

Purpose

Modify the compatibility assessment to make it more feasible to build a variety of housing in the county.

Background

The foundation of zoning is to regulate land uses so they are consistent or compatible with neighboring uses. In a traditional or "Euclidean" zoning code, compatibility is mostly predetermined by dividing the county/city/town into zoning districts and listing specific uses that are permitted, not permitted, or conditional (certain extra standards apply) in each district.

In a performance-based code, zoning districts are not established and uses are not directly regulated. As such, in a performance-based code, compatibility is determined through an assessment with established criteria to ensure the proposed use and development on a property doesn't clash with its neighbors. For example, noise, odors, traffic, and building bulk. Generally, compatibility is determined by analyzing how the proposed use and development will behave along with potential impacts. Often, the impacts can be mitigated by things like hours of operation, screening, setbacks, and more. This performance-based concept was created to provide more flexibility, allow for a greater mix of uses, and encourage innovation as compared to traditional zoning.

If the county prefers to stick with a performance-based code, this assessment should be made fully performance-based. If the county wants to transition to traditional zoning, this assessment could be removed once traditional zoning districts are established.

Challenges with Current Approach and Solutions

- The current compatibility assessment is performance-adjacent, but not fully performance-based.
    - Remove standards related to use within the compatibility assessment (and elsewhere in the code) since regulating performance, and not use, is the one of the main features of a performance-based code. Regulating use is what traditional zoning does, not performance-based zoning. Note that traditional zoning can work great with some performance-based elements in it but performance-based zoning

does not work well with traditional elements in it, like the use regulations implemented through the district plans.
    - Revise standards related to density to not be based on an established number set in district plans but rather based on the existing conditions of the land (e.g., steep slopes, natural habitats) and the proposed development (e.g., clustered lots, granting of public easements, affordable housing).
    - The code already contains standards on things like avoidance of natural hazards and protection of sensitive lands. Is this compatibility assessment simply the process of checking compliance with existing standards? If so, state that clearly like 70-5.III.B.1 does by referencing section 70-21.
- This compatibility assessment applies to all applications for minor and major land use permits. The current list of projects that qualify for minor and major land use permits includes a lot of residential uses that are not very impactful and don't need to be subject to such stringent standards (e.g., projects with 4 dwelling units).
    - The County may be considering changes to what types of projects qualify for different permits. That will help address this issue.
- Part II requires compliance with adopted plans, like the comprehensive and district plans. Requiring general conformance with plans is typical and should remain. However, the land use classifications in the district plans lead back to the rigidness of traditional zoning by essentially defining uses and densities. A true performance-based code would not directly regulate use and density (as mentioned above).
    - Maintain the criteria to comply with adopted plans and clearly exempt compliance with the land use classifications in the district plans.
    - Note that compliance with district plans is required elsewhere in the plan, including subsection 66-16.II General Approval Criteria for Land Use Permits and subsection 64-3.VI Use of District Plans. If part II is removed from the compatibility assessment entirely, compliance with district plans would still be required due to those other sections in the code. Ideally, those sections would be modified as well.
    - It would be more beneficial to replace the land use classifications in the district plans with a future land use map that shows the County's desired future. However, this would be a large undertaking that would require a lot of public engagement and time. So, for now, not requiring compliance with the land use classifications can serve as a temporary fix.
- Reliance on terms like "compatible," "character," "conflicting," "appropriate," "illogical," and "negative impact" are too subjective, not measurable, and allow everyone to use these terms to mean whatever they want to best support their opinions. This leads staff to say "maybe" most initial questions about what might be allowed where which can be frustrating and time consuming for staff and applicants. This invites arguments where no correct answer exists.

- Replace qualitative criteria with quantitative performance metrics that are measurable and data driven. A good example of a quantitative metric in the existing code is the noise regulations. Decibel levels are established for different uses for specific times of the day. This is measurable and is a pass/fail metric. A example of a qualitative metric that should be made more quantitative is “orderly land use pattern” because it will mean something different to most people and is not a pass/fail metric. Quantitative metrics will move the analysis from being discretionary to predictable.
- Consider assigning points to certain metrics and creating a scoring system. This helps with items that are not black and white or can give more weight to topics that are more important to the community. Allow for mitigation of impacts to help the proposed development reach the required score.
- Note that that even quantifiable metrics are hard to enforce as measuring things like noise, light, and odors is complicated because it requires special tools and knowledge. Also, things like light, noise, and odor can change by the minute so enforce is time consuming.
- Criteria D, maintenance of existing character, contains the most subjective terms and regulations within it. This criteria should be completely revised because requiring that new development match what exists today limits the use of logic and sound planning principles. This criteria is extremely limiting on what people can do with their property. The concept of a compatibility assessment is to check proposed development for friction with neighboring uses and determine mitigation measures to address them. By requiring new development to essentially match what is on the ground today means that the County could be promoting uses that are not actually desirable today because conditions have changed.
- Consider adding compatibility criteria related to the County’s goals and desires, such as financial stability.

- Subsection 70-5.III states that the standards cannot be lessened except when a variance is obtained. In a true performance-based code, a variance shouldn’t be needed for compatibility because the whole concept is that impacts can be mitigated. The criteria should be a matrix where there is a minimum score required with mitigation measures allowing additional points to achieve the required score. Also, the existing criteria to obtain a variance are quite stringent.
  - The suggested edits above should address this issue by revising the full assessment.
  - Consider also revising the criteria for a variance or creating a process, like a deviation, with less stringent criteria that could apply to some regulations within the code.

Examples

There are not a lot of examples as pure performance-based zoning is practically non-existent. Many land use codes today use a hybrid approach that has a traditional or "Euclidean" zoning foundation with performance-based standards where desired or deemed necessary. Commonly, performance standards are included for things like telecommunication facilities, sexually oriented businesses, home occupations, heavier industrial or manufacturing uses and more. As mentioned above, traditional zoning can work well with performance-based elements sprinkled in, but performance-based codes do not work with any traditional zoning elements added in.

One of the primary examples of performance-based zoning was Fort Collin's Land Development Guidance System for Planned Unit Developments. It was in place from 1981 to 1997. Eventually they transitioned back to traditional zoning because this approach had too much uncertainty and was difficult to administer (see "Performance-Based Planning, Perspectives from the United State, Australia, and New Zealand" by Baker, Sipe and Gleeson). The regulations applied only to PUDs and contained use categories (e.g., community/regional shopping center, business service uses, and residential uses) where each category contained required criteria and a menu of criteria that awarded the development points. Each development had to have a certain minimum number of points. If they had points over the minimum, they got extra density. See Ordinance No 33, 1981 and No 34, 1981 of the Council of the City of Fort Collins for the initial adoption of this system and see the Land Development Guidance System for PUDs that includes all amendments through 1993.

Breckenridge apparently has performance-based regulations, but I have not looked at them in any detail. See attached 9-1-19 where I believe the regulations that are similar to the County's compatibility assessment is contained.

Gunnison County also apparently uses a performance-based zoning system but I have not looked at it in detail yet.

The County is essentially using a totally unique zoning system that almost no other communities in the United States use. This makes it very difficult to reference other codes for examples of regulations that achieve certain outcomes. The County will have to continue to use a trial-and-error system if the desire is to continue a performance-based approach. While the concept of this approach is to allow anything anywhere with impacts mitigated, the way it appears to work now is to not allow anything anywhere unless it completely matches the neighboring properties (which doesn't actually align with the County's plans).

[All attachments referenced herein are not included in the Land Use Code Audit for Barriers to Housing report because it would have added 378 pages. Please contact County staff for a copy if desired.]