Summary: 2017 change of classifications of Special Use permits

Presented to the Board of County Commissioners 12/10/24 by Dorothy Wehrly

It seems that the Class II (now "major") classification for Special Use permits in the Animas Valley was reclassified to class I (and thus later to “minor”) 3 years prior to the LUC changes in 2020. This change appears to have been accomplished through blatant misrepresentations made by Planning staff and Community Development Director at that time (who are all different people than now).

I have waded through lots of records and found that that revision came in Resolution 2017-11, an amendment called the “Administrative Code Amendment”. It was first presented at the 2/7/17 BOCC Planning Meeting and continued till 2/21/17; when it was apparently approved and made effective 3/23/17.

By reading through all the discussion in a Public Hearing (which started on 2/7/17) before the BOCC (then Gwen Lachelt, Julie Westendorff and Brad Blake), then Community Development Director **Damian Peduto confirmed that the “amendments were more procedural than substantive” in response to a question by Westondorff**. Chief Planner **Jason Meininger** said **“the purpose of the amendment was to streamline and simplify the process of frequent and minor petitions by the public” assuring the BOCC it would free up 25% of their time.**
(While other changes made through this amendment may have saved some time, through an Open Records Request I determined that actual Special Use Permits in the years just prior to 2017 were pretty rare and thus were not consuming much time).

The Hearing records, which are extensive and detailed, show that **it was specifically mentioned that Special Uses in the Animas Valley would have Class 1 permits heard by the Planning Commission, but Planning did not indicate this was a change from Special Permits formerly being Class II, all being heard by the BOCC**. And Planning gave no examples of what a “Special Use” was. **Peduto and Meininger *repeatedly* refer to minor decisions such as boundary adjustments and lot consolidations as the types of things that would be affected by all the changes in this “Admin” amendment.**

When they continued discussions on 2/21/17 **Meininger reconfirmed the purpose and that it would “save the applicants and county taxpayers money through increased efficiency”. “Blake asked if the majority of the admin approvals were more minor projects that came before the Planning Dept, Mr. Meininger confirmed that was the case.” “Blake said one of the biggest public concerns had to do with neighborhood compatibility…Meininger said compatibility was not a metric that would need to be met due to the fact that administrative land use permits were such inconsequential projects.”** But this Amendment changed things other than just “administrative land use permits”; it

changed all Special Use permits from Major (then Class II) permits to Minor (then Class I) permits.

While the changes were noted in the red-lined version, I don't expect the commissioners read all the way to the end of that redlined version to catch the Sec.106 (AVLUP) changes, which were near the end and difficult to read. The Commissioners had received repeated assurances from Planning and their CDD that everything was just "minor and inconsequential". The Commissioners, as they should be able to do, believed their employees.

This Administrative Amendment changed LUC Sec. 106 (Animas Valley Land Use Plan – ZONING), which *formerly* specifically said in 106-112c (which described Special Uses) that Special Uses "shall only be approved through the class II land use permit procedures". It also changed the Special Use process in 106-373 to a Class I. Again, **ABSOLUTELY NO DISCUSSION occurred between Planning/CDD and the Commissioners as to the effect this had on the Animas Valley**. The Commissioners were just assured everything changed by this amendment would be minor stuff and would save them time and money. In my view, this characterization is **extremely misleading and non-transparent. Additionally, there is absolutely <u>nothing</u> in Planning's power point slides presented at those two BOCC meetings in 2017 (the slides are also in the record) that covers the changes to Special Permits in LUC Sec. 106; only changes made to LUC Sec. 82** (which covered land use permits for the rest of the county)**.**

The result is now projects that would be classified as Major anywhere else in La Plata County and thus get the extra scrutiny and the review by the Board of County Commissioners that Special Projects now only get the lessor scrutiny afforded to Minor projects. This is unfair and the County should do everything in its power immediately to reverse this non-transparent change. This change was made improperly by former County employees and our current County leaders should act fast to correct the changes.

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Animas Valley resident

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