RESOLUTION NO. 2014-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AMENDING THE LA PLATA COUNTY LAND USE CODE THROUGH ADOPTION OF TRANSITIONAL AREA DEVELOPMENT STANDARDS

WHEREAS, pursuant to the Colorado Planning Code, C.R.S. §§ 30-28-101, *et seq.*, the Board of County Commissioners of La Plata County, Colorado (the "Board") is empowered to plan and provide for the physical development of the unincorporated territory of La Plata County (the "County");

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101, *et. seq.*, 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 planning for and regulating use of land so as to provide for the planned and orderly use of land;

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 the express powers;

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

WHEREAS, pursuant to these authorities, the Board adopted land use regulations and subdivision regulations set forth in Subpart B of the La Plata County Code (the "Code");

WHEREAS, the Planning Commission for the County held duly noticed public hearings on February 27, 2014 and March 13, 2014, and after receiving competent evidence at the hearings, made a recommendation to the Board to approve Project No. 2014-0041;

WHEREAS, the Board held a duly noticed public hearing on March 18, 2014 AND April 1, 2014, and heard testimony and received competent evidence that the Code should be amended to add Section 82-187 to address new development in the Transitional Area Overlay Zone as set forth in the attached Exhibit A; and

WHEREAS, the Board received competent evidence that it would be in the best interest of the general health, safety and welfare of La Plata County citizens to amend the Code to add Section 82-187 as set forth in the attached Exhibit A.

NOW THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARINGS, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:

1. That the La Plata County Code shall be and is hereby amended to add Section 82-187 to address new development in the Transitional Area Overlay Zone as set forth in the attached Exhibit A.

2. The enactment of this Resolution is necessary for the immediate preservation of public health, safety and welfare and, therefore, this Resolution shall take effect on date of its adoption.

DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 1st day of April, 2014.

BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO

ATTEST:

Clerk to the Board

Julie Westendorff, Chair

Gwen Lachelt, Vice-Chair

Robert A. Lieb, Jr., Commissioner

EXHIBIT A

Sec. 82-187 Transition Area Development Standards

(a) *Purpose*. To protect the health, safety or welfare of the community through the application of appropriate design and development standards within areas in the county, which are either transitioning or likely to transition from a rural character to a more urbanized character. The standards are intended to better address the higher intensity uses in these transition areas.

(b) *Applicability*. The area of the county designated by the board through the adoption of the Transition Area Overlay Zoning Map is subject to the provisions of this section. The standards contained in this Section apply to the development of uses subject to a class II land use application as identified in section 82-4, and subdivisions of land, as defined in section 62-1, including minor exempt subdivisions. The standards identified in this section shall apply in addition to all other applicable standards in subpart B. If the standards identified in this section conflict with any other standards and cannot be read harmoniously with such standards, the standards in this section shall control and apply.

(c) *Roads, Drainage, Access, Surface Material, and Dedications*.

(1) *Roadway Classification and Design Criteria*

a. Roadways classification and cross-sections shall comply with the standards outlined in Table 82-187.A.

Table 82-187.A: Road Cross-Section Design Criteria

Classification	Max. ADTS	Travel Lanes (2)	Left-Turn Lane (1)	Paved Shoulders (2)	*Curb & Gutter Required*	Surface Width	Sidewalk Required	Landscape Buffer (2)	Minimum ROW	Max Grade
Arterial	N/A	12'	11'	5'	Yes	45'	Yes	5'	80'	8%
Collector	2,499	12'	11'	4'	Yes	43'	Yes	5'	70'	8 %
Major Local	999	11'	NA	4'	No	30'	No	NA	60'	8 %
Minor Local	399	11'	NA	2'	No	26'	No	NA	60'	10 %
Low ADT	48	10'	NA	NA	No	20'	No	NA	60'	10 %
Alleys, emergency access	NA	NA	NA	NA	No	20'	No	NA	20'	10%

b. The public works director may authorize exceptions to the standards identified in Table 82-187.A for roads within the La Posta Road Area District boundaries, so long as the proposed design is consistent with the road design criteria identified in the La Posta Road Area District Plan and does not present potential health, safety, or welfare risks to the public.

c. Grass swales shall have a maximum 4:1 side slope;

d. Curbs shall have intermittent cuts to relieve drainage to the grass swales;

e. Horizontal and vertical alignment shall be in accordance with subpart B;

f. Roads shall be designed with a cross slope of 2% from the crown to the edge of the surface with a maximum superelevation of 2%;

g. Turnouts shall be required at fire hydrants for all roads with a surface width of less than 26 feet. Turnouts shall be required every 800 feet for all roads with a surface width of less than 26 feet; however, after receipt of comment from the applicable fire district, the public works director may reduce the number of required turnouts. Required turnouts shall have a surface designed to support 60,000 pound vehicles, be 60 feet in length, and provide 26 feet in surface width with reasonable tapering.

h. Major Local Roads, Minor Local Roads, and Low ADT Roads may include grades of up to 2% greater than those noted in Table 82-187.A if warranted based on alignment, length of segment, terrain or sun exposure and approved in writing by the public works director. The public works director shall seek comment from the applicable fire district prior to allowing a greater grade and such grade shall not exceed the maximum standard identified in Table 82-187.A. for a consecutive length of no greater than 200 feet;

i. Roads and alleys shall be constructed and surfaced with an all-weather, paved surface, such as concrete, asphalt, or other similar surface as outlined in the design and construction standards adopted by the nearest incorporated municipality (Durango, Bayfield, or Ignacio). Where the applicable municipality does not have a standard, roads shall be installed and surfaced as outlined in the current CDOT Road Design Manual (M&S) and as approved by the public works director;

j. Alleys shall have a minimum paved width of 20' and be graded to drain;

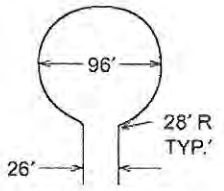
k. Roads, alleys, non-vehicular traffic improvements, required drainage facilities, and traffic signs shall be maintained by the property owner, or other legal entity responsible for such facilities and improvements, in good condition, free of weeds, trash, and debris;

l. The gradient within 100 feet of any street intersection shall not exceed 5%. Every effort shall be made to keep grades at street intersections as flat as possible. The required sight distances as outlined by subpart B shall be provided in all cases;

m. The public works director may require more stringent widths and grades upon a determination that such grades or widths are warranted considering safety, topography, cross-section, drainage, snow storage, maintenance, or other site-specific conditions;

n. An appropriate transitional roadway plan shall be provided where a roadway is proposed to connect to a facility under the jurisdiction of an adjoining municipality and there is variation between the municipality's cross-section and the cross-section outlined herein. The proposed transitional roadway plan shall be reviewed by the adjoining municipality and a determination on the adequacy of the transitional plan shall be made by the public works director. The transitional plan shall be deemed adequate if the transitional cross-section meets the minimum standards provided for herein and allows for a safe and appropriate transition to the municipal facility; and

o. Dead-end roads shall contain a turnaround that complies with the following design standards:



96' DIAMETER
CUL-DE-SAC

The public works director may approve an alternative design if it accommodates the safe turnaround of a vehicle that is 30 feet in length. A Colorado licensed engineer shall certify the design and construction of the turnaround area. The applicable fire district and adjacent municipality, if applicable, shall provide comment on the

adequacy of the design of the turnaround prior to the public works director's approval.

(2) *Drainage*

a. Drainage for arterials, collectors and major local roads shall be designed with curb and gutter and intermittent curb cuts to spill street flow into grass swales. Drainage for minor local roads, low ADT, and cul-de-sac, alley, and emergency roads may be designed solely utilizing grass swales;

b. Grass swales shall be designed based on the current version of *Urban Drainage and Flood Control District Criteria Manual Volume 3* for design of grass swales;

c. The drainage system (curb and gutter and grass swales, or grass swales alone) shall be designed such that the 10-year storm design event is contained below the top of the curb with all travel lanes remaining open;

d. The drainage system (curb and gutter and grass swales, or grass swales alone) shall be designed such that the 100-year storm design event can pass with a minimum of one (1) travel lane remaining open;

e. Grass swales shall be designed with a surface that will remain stable in the 100-year storm event;

f. When the combined flow from intersecting streets cause the allowable cross-street flows to be exceeded, flows shall be intercepted upstream of the intersection and routed appropriately;

g. Roads and grass swales shall be designed with continual fall and nominal ponding; and

h. A storm drain system may be developed in lieu of swales. In such cases, an adjoining municipality or special district must provide written comment that the storm drain plans comply with their respective standards. Connection to the storm drain system shall occur prior to plat recording or permit issuance.

(3) *Road Connectivity and Access.*

a. New roads or road alignments, including street stubs/stub outs, shall connect to adjacent public roads or public rights-of-way, when such public roads or public rights-of-way exist, or are included in an approved plan;

b. New development shall have a secondary access or an emergency access from a public road as outlined in the table below. The primary access to a development

shall meet the applicable county road standards, including any off-site portions of the road until it intersects the nearest county road or state highway;

Table 82-187.B: Secondary and Emergency Access	
Number of ADT	**Access Required**
Less than 200	None
200- 800	20' wide emergency access road
Greater than 800	Secondary access road

c. Upon consideration of written recommendations from the public works director and applicable fire district, exceptions to the requirements in Table 82-187.B may be granted by the board of county commissioners. An exception may be granted upon a finding that: (i) topography challenges or other site-specific constraints prevent compliance with the requirements; (ii) adequate fire mitigation measures exist, such as defensible space, on-site water supply for fire-fighting purposes, internal sprinklers, additional road width, or fire resistant construction materials; and (iii) the granting of the exception would not be detrimental to the health, safety or welfare of the public. The board of county commissioners may limit the extent of the exception to the degree necessary to ensure protection of the public health, safety and welfare.

d. Maximum length of dead-end roads shall not exceed 500 feet when serving 160 or more ADT, or 1,000 feet when serving fewer than 160 ADT.

e. Gated subdivision roads and accesses may be considered within a project when both the applicable fire district, and public works director approve their design, specifically considering public safety for pull-outs along travel lanes and effective accessibility for emergency vehicles (via use of Knox Box or other uniform devices/methods).

(4) *Parking, roadway, and driveway surface material.*

a. All driving surfaces shall be graded for adequate drainage and surfaced with an all-weather, paved surface, such as concrete, asphalt, or other similar surface approved by the public works director. Permeable pavement is allowed on internal surfaces, subject to written approval by the public works director. Gravel surfaces, including surfaces treated with dust retardants, are not permitted unless used as an acceptable alternative for emergency access roads, with the approval of the public works director.

b. Paving requirements may be waived by the public works director for emergency access, when the road is constructed with an all-weather surface material designed to support 60,000 pound vehicles, have a minimum surface width of 20 feet, and include reasonable edge tapering.

(5) *Dedications.*

a. *Public Road Dedication.* All roads and rights-of-way shall be dedicated for public use and shall authorize the use of the rights-of-way for all public uses, including but not limited to vehicular, pedestrian, bicycle, and utility use.

b. *Right-of-Way Width Dedication.* When required, the applicant shall dedicate rights-of-way for the entire length of the existing rights-of-way frontage or future rights-of-way within the boundaries of the development. The minimum rights-of-way are identified in Table 82-187.A. and the amount of rights-of-way dedicated shall be adequate to address future growth as contemplated in the applicable district plan. The determination of the amount of required dedication shall take into consideration existing topography constraints and road design and may not equally burden adjacent parcels due to such factors. If a governmental entity is responsible for maintenance of the rights-of-way, such rights-of-way shall be deeded in fee to the governmental entity at the time of the project approval or at such time the governmental entity assumes maintenance responsibility.

(d) *Outside Storage.*

(1) Movable storage structures, including but not limited to zircons and trailers shall be allowed if they are determined compatible through an approved land use permit. Temporary movable storage structures that are not included in an approved land use permit shall be allowed on a site for up to 30 days without County approval.

(2) Outside storage of items such as merchandise, building materials, tools of trade, or inoperable items (e.g., household appliances, vehicles, refuse) shall be allowed for a period of no more than thirty (30) or more consecutive days without County approval. The storage of building materials for on-site construction that is in compliance with the La Plata County Building Code shall be allowed for more than thirty (30) days without County approval.

(e) *Outdoor Lighting.*

(1) *Exceptions.* The following shall be exempted from outdoor lighting regulations:

a. Lighting for holidays; and

b. Lighting required by law.

(2) *Light Trespass*. Exterior lighting shall not be the cause of light trespass, as provided below:

a. Light that trespasses onto public rights-of-way shall not exceed 1.5 fc as measured from the lot line;

b. Light that trespasses onto an adjacent property shall not exceed 0.8 fc as measured from the lot line; and

c. Light trespass is measured by vertical readings in foot-candles (fc) at the brightest point on the lot line.

(3) *Shield against uplight*. Unless otherwise stated in this section, uplighting from all lights (including street lighting) shall be avoided by using shields. Full cutoff shields may be used unless a particular shield is specified for a particular use as stated within this Section;

(4) *Glare*. To reduce glare, the point source of light shall not be visible beyond any lot line on which the light is located;

(5) *Reduced lighting with reduced activity*. Outdoor lighting, except security lighting and lights illuminating commercial signs, shall be extinguished at the close of business operations, or by 9:00 p.m., whichever is later and shall remain extinguished until two (2) hours prior to resuming business operations;

(6) *Replacement of fixtures*. If an existing light fixture is removed, it shall be replaced with a conforming light fixture; and

(7) *Maintenance of fixtures*. Lighting shall be maintained by the property owner or other legal entity responsible for such facilities and improvements in functioning condition, as initially approved and intended.

(f) *Landscaping*. A scaled landscape plan shall be submitted and include the following minimum requirements:

(1) A 5% minimum area of the total subject parcel(s) associated with a project shall be landscaped. Abutting unimproved portions of public rights-of-way may not be contributed to this minimum area;

(2) When located adjacent to an arterial, collector, major local or minor local road, trees must be planted along all frontages a minimum of two (2) feet from any street curb or pavement edge;

(3) Planning of any landscaping shall be designed with consideration toward existing or proposed underground utilities;

(4) Landscaping may not create visual obstructions to motorists or pedestrians as required in subsection 74-91(7) of subpart b;

(5) All unimproved, open areas shall either be planted, or otherwise protected from erosion and dust; and

(6) Required plant materials shall meet the following standards:

a. *Plant quality*. Plants shall be nursery-grown and adapted to the regional climate, preferably native and drought-tolerant. Grass seed, sod, and other ground cover material must be clean and reasonably free of weeds and noxious pests and insects. Artificial plants or vegetation are prohibited and may not be used to meet any standards of this Section;

b. *Tree size*. Trees planted to satisfy the standards of this paragraph must contain a 2-inch minimum caliper, measured 12 inches from the base of trunk or top of planting root ball;

c. *Shrub size*. When used for screening purposes, shrubs must have a minimum container size of five (5) gallons;

d. *Individual Groundcover plants*. Groundcover plants intended to satisfy the standards of this paragraph must have a minimum container size of one (1) gallon. Ground cover plants used in lieu of grasses, in whole and in part, shall be planted in such a manner as to present a finished appearance and reasonably provide coverage of the entire planted area within one (1) year from initial planting; and

e. *Xeriscape*. Xeriscaping may be used to fulfill requirements identified within this subsection. When xeriscaping 75% or more of the landscaped area of a project, landscape irrigation requirements may be reduced. Plant materials, as identified by the Colorado State University Extension Office *Xeriscaping Fact Sheet*, in conjunction with best practices of Xeriscape principles, shall be accepted for purposes of this subsection.

(7) Ongoing maintenance shall occur for all required landscaping, including the replacement of dead or unhealthy plantings. Landscaping shall be maintained by the property owner or other legal entity responsible for such plant materials as required and/or approved.

(g) *Water Supply.* All water facilities shall be installed in accordance with the standard drawings and construction specifications on file with the service provider.

(h) *Sanitary Sewer.* All wastewater facilities shall be installed in accordance with the standard drawings and construction specifications on file with the service provider.