

RESOLUTION NO. 2014-38**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO REGARDING THE BRUCE LANE ZONING COMMISSION, CENTRAL ANIMAS VALLEY ZONING COMMISSION, HERMOSA ANIMAS VALLEY ZONING COMMISSION, AND HERMOSA CREEK ZONING COMMISSION, AMENDING SECTION 106-411, AND DELETING ARTICLE II OF CHAPTER 106 OF THE LA PLATA COUNTY LAND USE CODE**

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 a duly noticed public hearing November 13, 2014, and after receiving competent evidence at the hearings, made a recommendation to the Board to approve Project No. 2014-0272;

WHEREAS, the Board held a duly noticed public hearing on December 9, 2014 and heard testimony and received competent evidence that Article II of Chapter 106 of the Code should be deleted in its entirety and Section 106-411 of the Code should be amended, as set forth in the attached Exhibit A, to accurately reflect that the Bruce Lane Zoning Commission, Central Animas Valley Zoning Commission, Hermosa Animas Valley Zoning Commission, and Hermosa

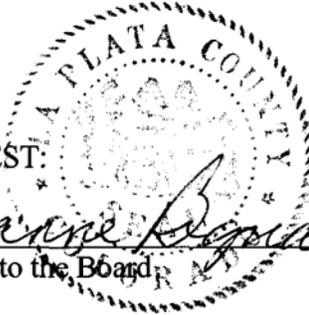
Creek Zoning Commission have not been commissioned in at least six years, serve no function, and should be decommissioned; and

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 delete Article II of Chapter 106 of the Code and to amend Section 106-411 of the Code, as set forth in the attached Exhibit A, to accurately reflect that the Bruce Lane Zoning Commission, Central Animas Valley Zoning Commission, Hermosa Animas Valley Zoning Commission, and Hermosa Creek Zoning Commission have not been commissioned in at least six years, serve no function, and should be decommissioned.

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, THAT:

1. The La Plata County Code shall be and is hereby amended to accurately reflect that the Bruce Lane Zoning Commission, Central Animas Valley Zoning Commission, Hermosa Animas Valley Zoning Commission, and Hermosa Creek Zoning Commission have not been commissioned in at least six years, serve no function, and are hereby decommissioned.
2. Article II of Chapter 106 of the La Plata County Code shall be and is hereby deleted in its entirety and Section 106-411 of the La Plata County Code shall be and is hereby amended, as set forth in the attached Exhibit A.
3. 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 9TH day of December, 2014.

ATTEST:

Sharon Bequith
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO

Julie Westendorff
Julie Westendorff, Chair

Gwen Lachelt
Gwen Lachelt, Vice-Chair

Robert A. Lieb, Jr.
Robert A. Lieb, Jr., Commissioner

EXHIBIT A

Chapter 106 – Zoning

Article II. Reserved.

Section 106-411. Administration.

(a) Applications for land use permits or subdivisions within neighborhood overlay districts shall follow the processes described in Chapters 82, 102 and 106 of this code.

(b) All county regulations, not in conflict with neighborhood zoning district standards and regulations, shall apply within such districts, it being the intent of this article that the most restrictive standards and regulations shall apply.

(c) The standards and regulations of the neighborhood zoning districts shall be required standards for development within such respective district.