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RESOLUTION NO. 2013-06

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF LA PLATA COUNTY, COLORADO,
AMENDING SECTION 102-105 AND 62-1 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 on January 10, 2013, and after receiving competent evidence at the hearing, made a recommendation to the Board to approve Project No. 2012-0157;

WHEREAS, the Board held a duly noticed public hearing on January 29, 2013 and heard testimony and received competent evidence that Section 102-105 and Section 62-1 of the Code should be amended 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 Section 102-105 and Section 62-1 of the Code as set forth in the attached Exhibit A.

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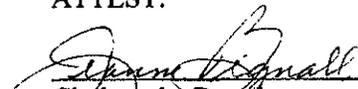
NOW THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARINGS, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:

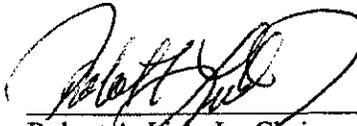
1. That Section 102-105 and Section 62-1 of the La Plata County Code shall be and is hereby amended as set forth in the attached Exhibit A.
2. The enactment of this Resolution is necessary for the immediate preservation of public health, safety and welfare and, therefore, this Resolution shall take effect on date of its adoption.

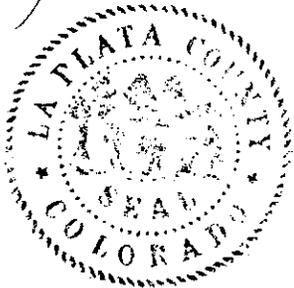
DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 29th day of January, 2013.

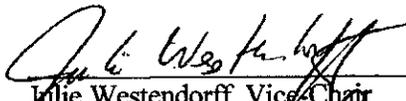
BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO

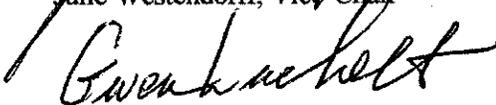
ATTEST:


Clerk to the Board


Robert A. Lieb, Jr., Chair




Julie Westendorff, Vice Chair


Gwen Lachelt, Commissioner

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EXHIBIT A

Sec. 102-105. Lot design specifications.

(a) *Topography.* To the maximum extent practicable, all lots shall be designed to conform to the existing topography in such a way as to avoid future problems or conflicts with access, drainage or utility service, as well as to preserve existing natural features such as unusual rock formations and bodies of water.

(b) *Shape.*

- (1) Lots shall have a depth to width ratio of no greater than four to one, or minimum buildable area of three to one. Depth and width shall be calculated using the average width and depth for the lot.

(c) *Layout.*

- (1) A single lot shall not be divided by a public or private road, alley or another lot; unless the director determines that the lot layout protects the natural features of the site or creates additional open space.
- (2) Side lot lines should be at approximate right angles or radial to the road right-of-way or centerline.
- (3) Each lot shall abut a private street, a private access easement or right-of-way, or a dedicated street.
- (4) Through lots shall be avoided, except where necessary to buffer residential development from conflicting uses, or to overcome specific disadvantages of topography.
- (5) Wedge shape lots shall not be less than 25 feet in width at the front property line, or from the road easement if the property line extends into the easement.
- (6) No single lot shall be divided by a municipal, county or state boundary line.

(d) *Lot size.*

- (1) Minimum lot sizes and dimensions shall exclude street/and or road rights-of-way.
- (2) The following are the minimum lot size for residential development. These minimums may be achieved by counting a prorated share of open space owned in common by all lot owners within the subject subdivision:

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- a. The minimum lot size shall be three acres if the lot is to be served by individual water and individual sewage systems. The ability to achieve this minimum lot size shall be dependent on the ability of the site to meet ideal conditions for standard absorption systems in accordance with the San Juan Basin Health Department's individual sewage disposal system regulations for septic systems, and requirements of the state division of water resources for water.
 - b. The minimum lot size shall be one acre if the lot is to be served by a central/community water or sewer system, but not both. The ability to achieve this minimum lot size shall be dependent on the ability of the site to meet ideal conditions for standard absorption systems in accordance with the San Juan Basin Health Department's individual sewage disposal system regulations for septic, or requirements of the state division of water resources for water, whichever is the applicable individual system proposed.
 - c. The minimum lot size shall be 10,000 square feet if the lot is served by a central/community water and sewer system, except a lot shall be a minimum size of 8,000 square feet if a minimum average of 2,000 square feet per lot is dedicated on the final plat as open space.
- (3) Each lot not served by both common water and sewer shall have included within its boundaries at least one contiguous area a minimum of 15,000 square feet in size, and must contain a buildable area.
- (4) The minimum lot size for commercial and industrial development shall be determined by the following criteria:
- a. *Lot size review.* The applicant shall propose the sizes of the lots intended for the development. The planning commission and/or the board of county commissioners shall review the adequacy of the lot sizes proposed using the required standards outlined in subsections (d)(4)b, c and d of this section. If the board of county commissioners finds that proposed lot sizes and/or number of lots are inadequate in terms of the criteria, they shall request alternative lot sizes/numbers. The permit application shall be denied or continued until the appropriate lot size/numbers are proposed by the applicant.
 - b. *Development shall function on one lot.* The development shall function efficiently and safely without overcrowding, given the lot's topography, location, hazards and the development's:
 1. Utilities;
 2. Vehicular, pedestrian and emergency access;

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3. Parking;
 4. Individual sewage disposal systems;
 5. Storage of trash, snow and other identified items associated with the use;
 6. Existing and proposed structures;
 7. Open space; and
 8. Room for expansion.
- c. *Mitigates external nuisances/effects.* The developed lot shall contain and/or mitigate external nuisances. External nuisances include, but are not limited to:
1. Odor;
 2. Noise;
 3. Vibration;
 4. Glare;
 5. Dust;
 6. Smoke;
 7. Water vapor; and
 8. Radiation.
- d. *Compatibility.* The development shall be compatible with adjoining and/or surrounding densities and uses in terms of the preservation of views; the design, bulk and height of the proposed structures; and the need to preserve the privacy of neighbors. If the proposed development is not similar to adjoining and/or surrounding uses, it shall be made compatible through adequate mitigation of the impacts of its differences as per adopted standards. If mitigation of the impacts is not possible, a different location should be chosen for the project.

(LPLUS, § 2.4.5)

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Sec. 62-1. Definitions.

Buildable area means an area on which a dwelling unit can be placed which is free of avalanche hazard, mine subsidence hazard, slope movement, severe soil limitations, slope over 30 percent, stream/river channels, and road easements; and which contains a minimum 3:1 depth to width ratio.