

**RESOLUTION NO. 2016-8**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO AMENDING SECTIONS 82-182(A) AND 102-107(A) TO CLARIFY REQUIREMENTS FOR CERTAIN DEVELOPMENTS TO CONNECT TO EXISTING CENTRAL UTILITY SERVICES**

**WHEREAS**, pursuant to the Colorado County 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”); and

**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; 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 the express powers; and

**WHEREAS**, the Colorado County 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; and

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

**WHEREAS**, the La Plata County Planning Commission held a duly noticed public meeting on January 14, 2016, and after receiving competent evidence at the hearing, made a recommendation to the Board to approve Project No. 2015-0355; and

**WHEREAS**, the Board held a duly noticed public meeting on February 16, 2016, and received competent evidence that Sections 82-182(a) and 102-107(a) of the Code should be amended, as set forth in the attached Exhibit A, to clarify requirements for certain developments to connect to existing central utility services; 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 Sections 82-182(a) and

*Rtn: BOCC*

102-107(a) of the Code, as set forth in the attached Exhibit A, to clarify requirements for certain developments to connect to existing central utility services.

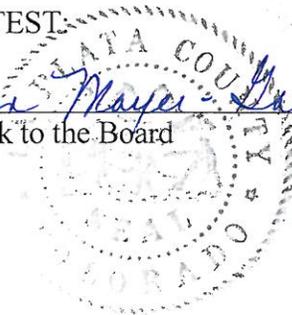
**NOW, THEREFORE, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:**

1. Sections 82-182(a) and 102-107(a) of the La Plata County Land Use Code shall be and hereby are 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 immediately.

**DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 16<sup>th</sup> day of February, 2016.**

BOARD OF COUNTY COMMISSIONERS OF  
LA PLATA COUNTY, COLORADO

ATTEST:

A circular seal for La Plata County, Colorado, featuring a central emblem and the text "LA PLATA COUNTY COLORADO" around the perimeter.  
*Jan Mayer Dawlik*  
Clerk to the Board

  
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Brad Blake, Chair

  
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Julie Westendorff, Vice-Chair

  
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Gwen Lachelt, Commissioner

## EXHIBIT A

### **Section 82-182(a) shall be amended as follows:**

#### **Sec. 82-182. Utilities and services.**

(a) *Connection to existing systems.* Except for boundary adjustments and lot consolidations regulated by Section 102-22, development within 400 feet, measured from the lot line to any existing central water and/or sewer system's facilities, shall be connected to such central system, unless the existing system's owner certifies in writing that sufficient capacity to serve the proposed development is not available; or that it is not feasible to make such connection.

### **Section 102-107(a) shall be amended as follows:**

#### **LPLUC Sec. 102-107. Utilities and services.**

(a) *Connection to existing systems.* Except for boundary adjustments and lot consolidations regulated by Section 102-22, development within 400 feet, measured from the lot line to any existing central water and/or sewer system's facilities, shall be connected to such central system, unless the existing system's owner certifies in writing that sufficient capacity to serve the proposed development is not available; or that it is not feasible to make such connection.