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RESOLUTION NO. 2013-07

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF LA PLATA COUNTY, COLORADO,
AMENDING SECTIONS 82-2, 82-4, 82-15, AND 82-201 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. 2012-0158;

WHEREAS, the Board held a duly noticed public hearing on January 29, 2013 and heard testimony and received competent evidence that Sections 82-2, 82-4, 82-15, and 82-201 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 Sections 82-2, 82-4, 82-15, and 82-201 of the Code as set forth in the attached Exhibit A.

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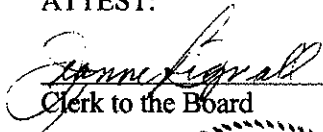
NOW THEREFORE, BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARINGS, BE IT RESOLVED BY THE LA PLATA COUNTY BOARD OF COUNTY COMMISSIONERS:

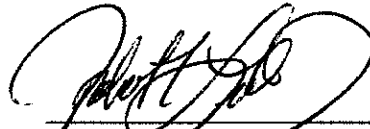
1. That Sections 82-2, 82-4, 82-15, and 82-201 of the La Plata County Code shall be and is hereby amended as set forth in the attached Exhibit A.
2. The enactment of this Resolution is necessary for the immediate preservation of public health, safety and welfare and, therefore, this Resolution shall take effect on date of its adoption.

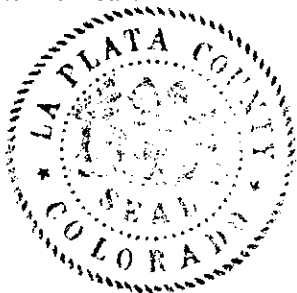
DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 29th day of January, 2013.

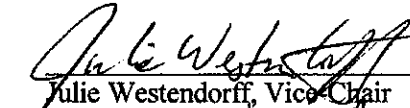
BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO

ATTEST:


Clerk to the Board


Robert A. Lieb, Jr., Chair




Julie Westendorff, Vice Chair


Gwen Lachelt, Commissioner

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EXHIBIT A

Sec. 82-2. Administrative land use permit.

Administrative review defined. Administrative land use permits shall include and a permit shall be required for any one or more of the following minor projects:

- (1) Site plan review of projects in the Business/Industrial Park Overlay District pursuant to section 106-534.
- (2) Second or third dwelling units on a parcel pursuant to section 82-3.
- (3) Changes in land use from one previously permitted class II use to a different class II use, when the different use will not generate more or different impacts from the existing use, or increase the intensity of the class II use.

Sec. 82-4. Class II land use permit.

(a) *Class II defined.* Class II development or use shall include, and a permit shall be required for, any one or more of the following major projects:

- (23) Changes in land use from one previously permitted class II use to a different class II use, if the different use is likely to generate more or different impacts from the existing use, or increases in the intensity of a class II use; and

Sec. 82-15. Amendments.

There are two types of amendments: amendments of approved permits and amendments to planning documents.

(1) *Permits.*

- a. *Major.* Major changes to an approved plat or permit shall require a new application. Major changes shall include, but not be limited to: changes in use, access, any condition of approval, any change resulting in increased offsite impacts, and any similar changes. The director may reclassify the type of application required for a major change. An application to amend an approved permit for a major change shall be a condition precedent to an appeal under section 82-15 based upon such proposed amendment or major change.
- b. *Minor.* Minor changes to an approved permit shall require a new application. Minor changes shall include, but are not limited to: corrections of minor drafting errors, modifications of the configuration of structures, reconfiguration of parking areas resulting in no net loss of spaces, changes with no potential for new and increased adverse impacts

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associated with such a change, and similar changes. The director may reclassify the type of application required for a minor change.

- (2) *Planning documents.* Amendments to planning documents shall be considered in accordance with state statutory procedures. Planning documents, for the purposes of this article, shall include this subpart B, comprehensive plans, district plans, and maps. All amendments shall require a public hearing, notice of which has been published at least 14 days in advance in a newspaper of general circulation in the county. Amendments to floodplain boundaries shall conform to the requirements of the National Flood Insurance Program and the Federal Emergency Management Agency.

Sec. 82-201. Land use permit conditions and requirements.

The following conditions and requirements shall apply to all permits:

- (2) Modifications to a permit are subject to Section 82-15(1).