



## MEMORANDUM

DATE: October 9, 2018  
TO: Board of County Commissioners  
FROM: Jason Meininger, Planning Director  
Re: Overlay Zones

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### I. Introduction

Overlay zones are a useful and increasingly common tool employed by communities attempting to address specific problems or issues within a defined area. The overlay zone is a special zone placed over an existing zoning district, over part of a district, or over a combination of districts. Put another way, the overlay zone includes a set of regulations that is applied to property within the overlay zone in addition to the underlying or base zoning district.

The overlay typically provides requirements (or incentives) intended either to protect a specific resource or to encourage development in certain areas. Overlay zones allow for increased flexibility since they more closely address needed requirements (or incentives) to areas within the community which share certain characteristics. They should be carefully drafted to ensure that they achieve planning and policy goals and are not simply another layer of general zoning regulation.

### II. Description

An overlay zone is frequently created to address only one topic or a related group of topics (e.g., hillside, steep slope, and erosion control). The overlay zone should, however, be an enhancement to the existing zoning, not a complete alternative. If a community is attempting to address multiple topics within a single overlay it may be time to explore changes to the underlying zoning classifications. The following overlay zone areas were developed at the request of the Board of County Commissioners to address specific and unique areas of concerns within the community.

- A. **Cooperative Planning Area (CPA).** *The purpose of the cooperative planning area is to protect the health, safety and welfare of all county residents by providing land use regulations and standards that are consistent with and implement a jointly adopted plan for any cooperative planning area established by intergovernmental agreement between the county and a municipality.*
  - i. *Applicability. This overlay applies lands which are subject to the Intergovernmental Agreement (IGA) between La Plata County and the City of Durango regarding Joint Land Use Planning.*

- B. Floodplain Hazard Area (FHA).** *The purpose of the FHA is to limit the loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.*
- i. Applicability. This overlay applies to portions of property, located within Federal Emergency Management Agency (FEMA) identified 100-year floodplain, locally identified flood hazard areas, or areas defined as the 500-year floodplain.*
- C. Geologic Hazard Area (GHA).** *The purpose of the GHA is to reduce the impacts of geological hazards on the lives and property of our citizens. Geologic hazards are adverse geologic conditions that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation.*
- i. Applicability. This overlay applies to those areas identified by the Colorado Geological Survey (CGS) which contain, or may contain geological hazards as identified by CGS.*
- D. Airport Safety Area (ASA).** *The purpose of the ASA is to protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas, ensure compatibility with surrounding land uses and protect the airport from incompatible encroachment.*
- i. Applicability. These regulations apply to the areas surrounding the Durango La Plata County Airport and the Animas Air Park. The exact extent of the ASA will be determined in conjunction with the Federal Aviation Administration and the adopted airport plans.*
- E. Wildfire Urban Interface (WUI).** *The purpose of the WUI is for the safeguarding of life and property from the intrusion of fire from wildland fire exposures and fire exposures from adjacent structures, and to prevent structure fires from spreading to wildland fuels, even in the absence of fire department involvement.*
- i. Applicability. This overlay applies to lands which are identified as “higher” in the La Plata County Community Wildfire Protection Plan (CWPP)*
- F. Transportation Protection Area (TPA).** *The purpose of the TPA is preserve transportation improvement areas and corridors for travel efficiency/capacity in the future and improve safety for the traveling public by reducing the number and severity of accidents.*

- i. *Applicability. This overlay applies portions of property which are located within the limit of construction or right-of-way (ROW) as determined by an Environmental Impact Statement (EIS), Environmental Assessment (EA), or and adopted plan.*
  
- G. **Mineral Resource Area (MRA).** *The purpose of the MRA is to preserve access to sand, gravel, and top soil resources for potential development and extraction.*
  - i. *Applicability. This overlay applies to areas in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise as to be capable of economic recovery. Mineral Resource Area includes any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining. § 24-65.1-104(11), C.R.S.*
  
- H. **Gateway Preservation Area (GPA).** *The purpose of the GPA is to maintain and protect significant view corridors design standards that recognize and preserve unique scenic qualities.*
  - i. *Applicability. This overlay applies to properties along and adjacent to US 550 from the County line with San Juan, south to Hwy marker 36.7 (where the train tracks go under US 550).*