

RESOLUTION NO. 2013-28

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AMENDING SECTION 82-13 OF THE LA PLATA COUNTY LAND USE CODE REGARDING TEMPORARY AND SPECIAL USE APPLICATIONS

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 July 25, 2013, and after receiving competent evidence at the hearing, made a recommendation to the Board to approve Project No. 2013-0204;

WHEREAS, the Board held a duly noticed public hearing on August 20, 2013 and heard testimony and received competent evidence that Section 82-13 of the Code should be amended to address temporary and special use permit applications 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 82-13 of the Code to address temporary and special use permit applications as set forth in the attached Exhibit A.


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 82-13 of the La Plata County Code shall be and is hereby amended to address temporary and special use permit applications 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.

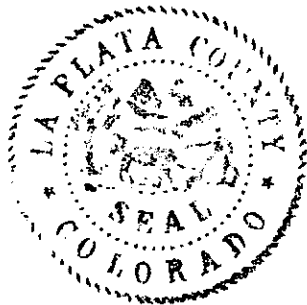
DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 20th day of August, 2013.

**BOARD OF COUNTY COMMISSIONERS OF
LA PLATA COUNTY, COLORADO**

ATTEST:


Clerk to the Board


Robert A. Lieb, Jr., Chair



Absent
Julie Westendorff, Vice-Chair

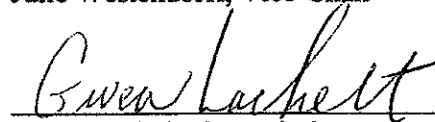

Gwen Lachelt, Commissioner

EXHIBIT A

Sec. 82-13. Special events and temporary uses.

(a) Special events.

- (1) **Defined.** A special event is a use or activity at a specific location at which 50 or more persons may gather, may attract more than 25 vehicles per day, or may create significant onsite or offsite impacts, and does not exceed seventy two (72) hours.
- (2) **Permit required.** Operation of a special event shall require a special event permit. A special event permit is not required for private events at a private residence, including but not limited to weddings, funerals, and family gatherings that do not exceed twenty-four (24) hours, and no admission, rental fee or any other charge is assessed.
- (3) **Requirements.** An applicant for a special event permit shall submit to the planning department an application which shall include plans, narrative, fees, and other documentation deemed appropriate by the director for clearly defining the event. The application shall demonstrate compliance with the following:
 - a. **Water.** If necessary, sufficient potable water shall be provided.
 - b. **Sewer.** Adequate sewage disposal shall be provided. The director may require that San Juan Basin Health Department provide written confirmation that the plans are adequate.
 - c. **Access.** Legal access shall be demonstrated.
 - d. **Parking.** Adequate parking facilities shall be required. The director may consider proposed use of buses and traffic control personnel to determine adequacy.
 - e. **Noise.** Noise that is incompatible with the surrounding area shall be prohibited. The applicant may be required to provide appropriate mitigation measures to reduce noise impacts.
 - f. **Lighting.** All lighting sources shall be directed inward, downward, and away from adjacent properties.
 - g. **Solid Waste.** Adequate and appropriate solid waste collection, disposal and refuse controls shall be demonstrated.

- h. Duration and time. The duration and time of the special event activities shall be limited to the hours between 6:00 a.m. and 10:00 p.m.
 - i. Structures. All existing permanent structures shall be in compliance with the building code.
 - j. Setbacks. All temporary structures shall be setback from property boundaries to ensure compatibility with surrounding uses and LPLUC 82-178(c).
 - k. Set up for event. Set up for the event shall occur no more than forty-eight (48) hours prior to the start of the special event.
 - l. Clean up and removal of temporary structures. All trash and refuse, as well as temporary structures shall be removed from the property within seventy two (72) hours of the conclusion of the approved special event.
 - m. Limitations. A property shall not have more than three (3) special event permits issued per calendar year and no more than one (1) special event permit shall be issued on a property concurrently.
- (4) Notice. The applicant shall provide notice to all property owners within 500 feet of the property lines, (1,000 ft. of the property lines within the Animas Valley), and post a notice on the property. Notice to adjacent property owners shall contain: a description of the special event, a plot plan identifying activity locations, the date(s) and duration of the event, contact information for the planning department, and a date by which the comments must be submitted. Posted notice shall contain: date(s) and duration of event, brief description of event, and plot plan identifying activity locations. The applicant shall provide proof of compliance with the noticing requirements no more than two (2) days after the application submission. The director may require the applicant to send additional notices to property owners or agencies.
- (5) Director determination. The director shall review the application for a special event permit and may approve, deny or approve with conditions based on the requirements of this section. Conditions may be required to ensure compliance with this section.
- (b) Temporary uses.
- (1) Defined. A temporary use is a use or activity at a specific location that is limited to 120 consecutive days or thirty (30) non-consecutive days within a calendar year.
 - (2) Requirements. A temporary use shall meet all Class I standards. The board of county commissioners may provide exceptions, when necessary, to limit the construction of permanent infrastructure or buildings.

- (3) Process. A temporary use application shall be submitted to the planning department and shall follow the Class I process.
- (4) Limitations. A temporary use permit shall expire at the end of each calendar year; unless the approved permitted duration includes a portion of the subsequent year. A property is limited to one (1) temporary use permit issuance per calendar year.