

RESOLUTION NO. 2013-11

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF LA PLATA COUNTY, COLORADO,
AMENDING SECTION 106-292 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 December 13, 2012, and after receiving competent evidence at the hearing, made a recommendation to the Board to approve Project No. 2012-0144;

WHEREAS, the Board held a duly noticed public hearing on February 5, 2013 and heard testimony and received competent evidence that Section 106-292 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 106-292 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:**

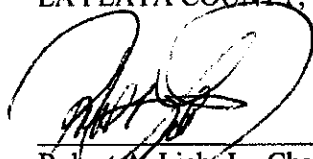
1. That Section 106-292 of the La Plata County Code shall be and is hereby amended as set forth in the attached Exhibit A.
2. The enactment of this Resolution is necessary for the immediate preservation of public health, safety and welfare and, therefore, this Resolution shall take effect on date of its adoption.

**DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this 5th day
of February, 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. 106-292. Uses permitted by right.

Uses permitted by right in the one-acre minimum single-family residential district include single-family residential, granny flats and agriculture operations and their accessory structures. Clustering is permitted for subdivisions that provide a minimum of 30 percent of the site area as maintained and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units. While the individual lot sizes may be as small as 10,000 square feet, in no case shall the overall density be greater than one unit per acre.