

## SECTION 1: PROJECT SUMMARY

### Project Information

<b>Project Number</b>	PL20240239
<b>Project Name</b>	Glacier Club Area G Phase 3 Preliminary Development Plan (PDP)
<b>Project Type</b>	Preliminary Development Plan
<b>Hearing Body</b>	Planning Commission
<b>Hearing Date</b>	May 22, 2025
<b>Staff</b>	David Barnett

**Project description:** Proposal for a Preliminary Development Plan (PDP) to construct a six-unit condominium building.

### Applicant and Property Information

<b>Agent</b>	Dan Burkhart, Burkhart Planning & Permitting, LLC
<b>Property Owner / Applicant</b>	Glacier Properties Associates, LLC
<b>Project Location</b>	TBD Glacier Club Dr., Durango, CO 81301
<b>Parcel Number(s)</b>	537101400831, 537101114006
<b>Parcel Size</b>	411.162 acres
<b>Project Size</b>	3.382 acres
<b>Planning District</b>	North County

**Recommendation:** Approve with Conditions

# SECTION 2: LOCATION AND LAND USE

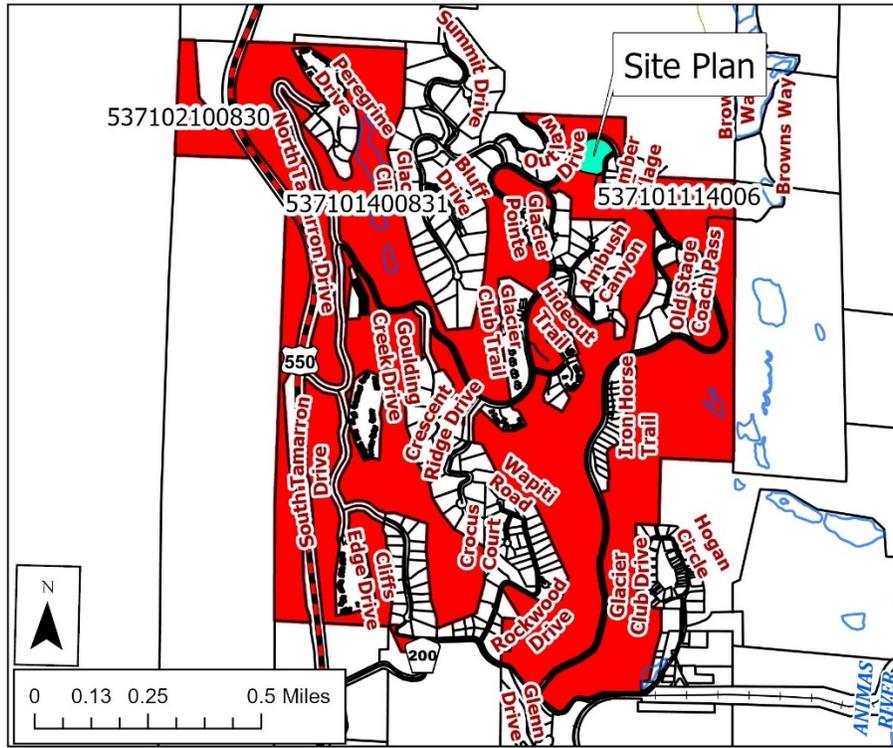


Figure 1: Vicinity Map

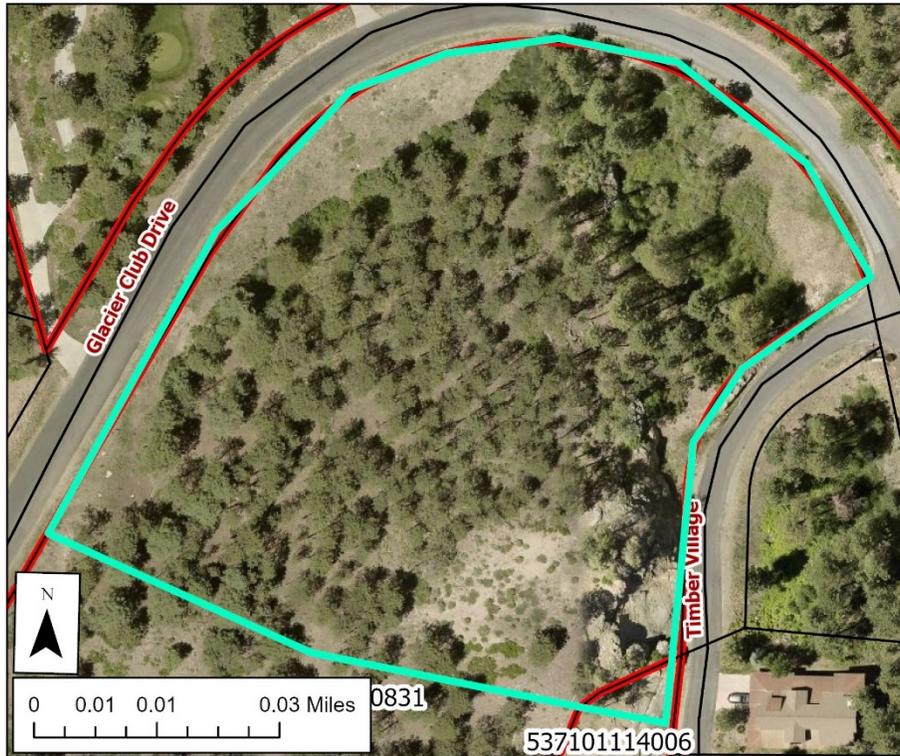


Figure 2: Location Map



Figure 3: Land Use Map

Subject Land Use Classifications

<p>NORTH COUNTY DISTRICT PLAN</p>	<p>Resort</p>	<p>As per approved master plan, subdivision plat or Class II land use permit</p>	<p>A mix of residential (single and multi-family) and commercial development within approved master planned resorts. The approved master plan and Public Benefit Criteria will be used to determine allowable density. Any property located within the Resort classification on the North County Land Use Plan Map which is not subject to a development agreement may apply for development according to the other land use classifications within this table.</p>
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ADJACENT LAND USE CLASSIFICATIONS

NORTH: RESORT  
 EAST: RESORT  
 SOUTH: RESORT  
 WEST: RESORT

## SECTION 3: PROJECT DESCRIPTION

### Proposal:

Preliminary Development Plan for Area G Phase 3 as designated in the Tamarron (Glacier Club) Development Agreement. The proposal is to construct a six-unit condominium building on 3.382 acres. The building will be accessed via a new private driveway access off Glacier Club Drive. The project also includes approximately 1.382 acres of open space.

### Background:

All development within Glacier Club is subject to the Tamarron Development Agreement (DA) established in 2002.

As of the 5th Amendment to the DA adopted in September 2015, there is a subdivision platting process unique to Glacier Club. This includes the utilization of a Preliminary Development Plan (PDP) which functions like a site plan and preliminary plat, defining among other things, a buildable area, vesting for a period to coincide with the expiration of the term of the Development Agreement (Sept 2032), and administrative Director approval of phased final plats. Since the PDP process was introduced in 2015 it has proven to be an effective way to provide for a thorough public process with a hearing before the Planning Commission (PC) for recommendation and to the BOCC for action, then providing the applicant entitlements to begin construction and final platting.

To date, two subdivisions have been platted in Glacier Club Area G. To accommodate this project, one of those platted lots was boundary adjusted through Project #PL20240227, and pursuant to the DA, the Glacier Club Area G Area Conceptual Plan (ACP) was amended through Project #PL20240238. Both of those project staff reports are attached.

**Process:** PDP process unique to Glacier Club described above.

## SECTION 4: AGENCY COMMENTS

Staff notified applicable agencies, and material comments received are included below.

No Comments Provided:

1. US Forest Service – None
2. Colorado Department of Transportation – *“...no comments on this. It appears that the development is within the Access Permit # 505079 and #504111.”*
3. La Plata County Building Department – None
4. La Plata County Weed Management – None
5. La Plata County GIS/Rural Addressing – None
6. Durango School District 9-R – None
7. Southwestern Water Conservation District – None
8. Animas La Plata Water Conservancy District – None
9. La Plata Electric Association – *“LPEA has reviewed these documents and has no comments or concerns.”*
10. Tamarron Metro District – *“Tamarron Metropolitan District has no comments or concerns.”*
11. Elbert Creek Water Company – *“Elbert Creek Water Company has no comments.”*

- 12. Ting Internet – None
- 13. Atmos Energy – None

Comments Provided:

- 14. Colorado Geological Survey – Commented on the geotechnical recommendations submitted and stated that if the recommendations are correctly incorporated into the project plans and specifications and adhered to, they have no objection to approval. Full comments attached.
- 15. Colorado State Engineer’s Office – Commented that the letter provided by the water provider was not dated or signed, and that to obtain a favorable opinion the applicant must specify the water supply source and provide evidence that the source is adequate. Full comments attached.
- 16. La Plata County Planning Engineer – First review, revisions needed to construction plans, PDP, and geohazard report regarding rockfall hazard. Second review, commented that revisions to the construction plans to be addressed after public hearing, including a note regarding rock scaling and road grade. See attached Engineering Compliance Review #2.
- 17. Durango Fire Protection District – Commented that aerial access roads are appropriate, hydrant placement is in-line, and further review will be required for fire flow and underground fire lines. Full comments attached.

## **SECTION 5: PUBLIC NOTIFICATION**

Staff followed the La Plata County Land Use Code (LUC), noticing procedures and standards in Sec. 66-14.

No public comments were received as of the writing of this staff report.

## **SECTION 6: ANALYSIS**

### **SEWER AND WATER**

**Proposed Supply Source:** Elbert Creek Water Company

**Compliance Summary:** The applicant has provided a letter from the Elbert Creek Water Company (ECWC) which provides sewer and water for properties within the Tamarron/Glacier Club development area documenting the commitment to serve Area G Phase 3. In addition, ECWC provided an Agency Comment email stating *“Elbert Creek Water Company has no comments.”* The initial opinion from the Colorado State Engineer’s Office / Division of Water Resources (CDWR) stated that to obtain a favorable opinion the applicant must specify the water supply source and provide evidence that the source is adequate (e.g. a will serve letter from a water provider with valid commitments). A revised letter from ECWC has been provided that details the amount of water committed, referring to the State’s Water Supply Information Summary and provided Water Supply Report. A revised opinion from CDWR has been requested but not received as of the writing of this staff report. Note that several recent Glacier Club projects have been reviewed and approved with no water issues identified.

Additionally, the applicant will be required to submit an updated “Master Binder” which tracks infrastructure supply and demand in a comprehensive manner, including but not limited to

water/sewer taps. There is a recommended condition of approval that the Master Binder be submitted at the time of final plat recording to reflect an up-to-date documentation of development within Glacier Club.

For complete Planning Engineering Compliance Review see attachment.

## **ACCESS**

**Proposed Access:** New Access off of Glacier Club Drive.

**Compliance Summary:** Area G Phase 3 is located on Glacier Club Drive, between Glacier Pointe and Timber Village. It will be accessed from Highway 550 via the main entrance at North Tamarron Drive and Glacier Club Drive. This is a shared access to several other uses and residential areas within the development. The applicant has provided documentation that the proposal is consistent with the traffic volumes permitted by Colorado Department of Transportation (CDOT) access permits #505079 and #504111. CDOT had no comments, and the development is within the existing permits. Tamarron Metro District (TMD) maintains the roads from the main entrance at Highway 550 to the project site. TMD commented that there were no concerns with the project. The proposed access to the property is via a new private driveway which will be compliant with the required standards of the Land Use Code and Development Agreement, with conditions of approval. The condominium's Homeowners Association will maintain this new driveway as part of the General Common Elements. Durango Fire Protection District commented that the aerial access roads provided are positioned appropriately from the building.

Area G does not generally take access from CR 200 as the travel time to HWY 550 is significantly longer than access from the main access via Glacier Club Drive and North Tamarron Drive. CR 200 serves as a second primary access for this project.

For complete Planning Engineering Compliance Review, see the attachment.

## **COMPATIBILITY ASSESSMENT (LUC SEC. 70-5)**

*All applications for minor and major land use permits shall demonstrate compatibility through compliance with the standards set forth in this code and fulfilling the criteria in this section. The standards in this code are those considered to be the minimum necessary to achieve compatibility and shall not be lessened except where a variance is obtained. Fulfillment of the criteria may be achieved through the implementation of mitigation measures for all potential adverse impacts. A compatible development is one which will achieve each of the following:*

*A. Appropriate densities and uses for the parcel, compatible with natural topography and location relative to available infrastructure and community services.*

The densities and uses proposed are consistent with the permitted uses and densities for Area G outlined in the Tamarron (Glacier Club) Development Agreement. The project site is adjacent to central water and sewer services.

*B. Avoidance of unmitigated nuisance conditions (noise, odor, vibration, dust, glare, and hours of operation).*

There were no identified nuisance conditions. The proposed residential use is compatible with the surrounding residential and resort-related uses.

*C. Pollution control practices and permits.*

The proposed drainage plan and erosion control will mitigate stormwater runoff.

*D. Maintenance of existing character (orderly land use pattern, adequate buffering, minimal increase in density, similarity of structures and development, and no increase in hazards).*

The proposal is consistent with the surrounding character, densities, and landscaping/buffering specified in the Tamarron (Glacier Club) Development Agreement.

*E. Adequate provision of services.*

The subject parcel will be served by central water and sewer services, and the applicant has provided adequate documentation regarding access. The development is not anticipated to generate any adverse impacts to local and/or quasi-governmental agencies.

*F. Natural environment and resources.*

There were no wetlands identified within the project area, and it is not anticipated the project will adversely impact existing critical lands within the surrounding area.

**GENERAL APPROVAL CRITERIA (LUC Sec. 66-16)**

*Unless otherwise specified, county review bodies and decision-making bodies shall review all land use permit and development applications, including without limitation requests for director determinations, submitted pursuant to this code for compliance with the general approval criteria stated in this section. The application may also be subject to additional approval criteria and standards specific to the type of application. In case of conflict between a specific approval criterion stated and the general approval criteria stated in this section, the specific approval criterion shall apply.*

*A. Compliance with this code's purposes and use and development standards.*

As evident in the staff report as a whole, and upon compliance with the recommended conditions, the proposal has been found to comply with the code's purposes found in LUC Sec. 62-3.II A through F.

With respect to applicable standards, the preceding parts of this Section 6 identify compliance with water, sewer, and access (LUC Secs. 70-4, 70-3, Ch. 74). Additionally, standards such as compatibility and site design have been addressed with consideration of the appropriateness of the density (LUC Sec. 70-5).

Consideration was given to avoidance of natural hazards (LUC Sec. 70-8) as evident in the delineation of steep slopes on the plan and compliance with the recommendations of the geohazard report. The Tamarron (Glacier Club) Development Agreement provides for development on steep slopes with specific requirements, including the requirement for a site-specific geotechnical investigation at the time of building permit, and dedication of open space under certain site conditions, which the applicant has provided to the maximum amount that could be required for potential disturbance at the time of a building permit. A plat note has been added to require compliance with the recommendations in the geohazard report and associated Colorado Geologic Survey project comments.

The proposed buildable area was determined as the area outside of setbacks per the LUC Sec. 70-6, easements, and open space. Based on these site-specific conditions the buildable area inherently

accounts for site design standards specific to the Tamarron (Glacier Club) Development Agreement to vary the building sites in size and be irregular (DA Sec. 3.9). The result is a buildable area that minimizes visual impacts, conforms to topography, prevents uniform building facades, and creates opportunities for views between buildings.

*B. Consistency with review agency comments.*

With the conditions of approval outlined in section 7 of this staff report, the proposal is consistent with review agency comments noted in section 4.

The applicant will need to meet all standards required by Durango Fire Protection District as applicable at building permit.

Elbert Creek Water Company has stated they have capacity to serve the project, and Tamarron Metro District has no comment.

*C. Consistent with prior approvals.*

The proposal for one condominium building with 6 residential dwelling units is consistent with the approved land use types and a maximum of 32 total units allocated to Area G in the Tamarron (Glacier Club) Development Agreement (see Section 3 for background).

This proposal is also consistent with Project #PL20240238, Glacier Club Area G Area Conceptual Plan (ACP) Amendment No. 4, which provides for up to 6 multi-family residential units for Area G Phase 3.

*D. No significant unmitigated adverse impacts on surrounding property or the natural environment.*

The proposal for multi-family development is consistent with the land use designations and development densities outlined in the Tamarron (Glacier Club) Development Agreement. The proposal is consistent within a resort setting and continues to provide residential housing options to the larger community. The proposed multi-family development does not cause any unmitigated adverse impacts on surrounding properties or the environment.

*E. Conformance with adopted plans.*

Given that this location is part of a master-planned development through the Tamarron (Glacier Club) Development Agreement, such development is consistent with the following goals and policies of the Comprehensive Plan.

Land Use Element:

*Goal 1.1: Develop and maintain a land-use planning system which encourages a high-quality living environment with a mix of compatible land uses; and coordinates managed growth with other Plan Elements, promoting public health, safety and welfare.*

*Policy 1.1.A2: The County should review, consider and evaluate various service areas for accommodating general population needs. Such areas should address both opportunities and needs of the County, relative to residents, business climate, the natural environment and general open areas for recreation. Activity/growth hubs will need to be reviewed and refined on a regular basis to ensure service needs and fiscal responsibilities of the County are balanced considerations.*

*Policy 1.1.A5: The County should promote diversification of land uses to meet economic needs and the County's fiscal responsibilities, within the various forms of the County's natural environment; and create development application processes which are concise as well as consistent with implementing documents*

Recreation and Tourism Element:

*Goal 9.1: Encourage public and private recreation activities which support the public health, safety and welfare of the community.*

*F. Uses and density in general conformance with district plan.*

The proposal for a multi-family condominium building is consistent with both the "Resort" land use classification of the North County District Plan, and the Tamarron (Glacier Club) Development Agreement (see Section 3 for background). The Development Agreement allocates a total of 32 single-family residential lots and/or Townhomes/Condominiums/Patio Homes in Area G, which is consistent with the densities allocated under this Preliminary Development Plan.

*G. Rational phasing plan.*

The project itself is not phased. It is located within the Tamarron (Glacier Club) Master and Conceptual Plan, and Glacier Club Area G Area Conceptual Plan (ACP) Amendment No. 4, Project #PL20240238, outlines the development phases for Area G.

*H. Consistent with intergovernmental agreements.*

The proposal is not subject to any intergovernmental agreements.

*I. Compliance with applicable state and federal laws and regulations.*

The proposal is compliant with state and federal laws and regulations as evident in agency comments from the Colorado Geologic Survey, and CDOT. At this time, there are no particular issues of concern. It is the applicant's responsibility to comply with applicable state and federal laws and regulations.

## **SECTION 7: DEPARTMENT RECOMMENDATION**

Based on specific findings, the Commission may vote to continue the project, approve the project with or without conditions, or deny the project with specific findings stated.

Staff recommends the following:

Approve Project #PL20240239, Glacier Club Area G Phase 3 Preliminary Development Plan (PDP) with the following findings and conditions:

### **Findings:**

- A. Proof of adequate water has been met with a tap reservation for each dwelling unit from the Elbert Creek Water Company (LUC Secs. 67-2 and 70-4).
- B. Proof of adequate sewer has been met with a tap reservation for each dwelling unit from the Elbert Creek Water Company (LUC Secs. 67-2 and 70-3).

- C. Proof of adequate access has been met via the CDOT access permit nos. 505079 and 504111, and the presence of subdivision roads (North Tamarron Dr., and Glacier Club Dr.) that meet County standards for development at Glacier Club (LUC Chapter 74, and LUC Sec. 67-2).
- D. The project is consistent with the Tamarron (Glacier Club) Development Agreement and the Glacier Club Area G Area Conceptual Plan (ACP) Amendment No. 4, Project #PL20240238 (LUC Sec. 66-29 and Tamarron Development Agreement).
- E. The project is compatible with the surrounding area (LUC Sec. 70-5).
- F. Upon compliance with the conditions below, the preliminary plan is in compliance with the general approval criteria stated in LUC Sec. 66-16.II A through I.
- G. Upon compliance with the conditions below, the applicant has demonstrated compliance with the applicable subdivision development standards (LUC Secs. 67-2, 67-3, 67-15 and Tamarron Development Agreement).
- H. Subject to the conditions below, the approved project is for one residential condominium building with six dwelling units.

**Conditions:**

1. Prior to BOCC hearing, all remaining outstanding items on Engineering Compliance Review #2 dated April 23, 2025, shall be resolved.
2. Prior to BOCC hearing, the boundary adjustment plat for Project #PL20240227 shall be recorded.
3. Upon approval of the Preliminary Development Plan by the BOCC, the Preliminary Development Plan shall be recorded by the Planning Director (5th DA-A Sec. 2.2.B.2 Reception #1102451).
4. Upon approval of the Preliminary Development Plan by the BOCC, but prior to issuance of Building Permits for vertical construction, the minimum onsite and offsite improvements shall be completed pursuant to the 5th DA-Amendment Section 2.2.B.5 Reception #1102451.
5. Prior to building permit issuance, all applicable school district fees shall be paid (5th Amendment to Development Agreement Section 8.0, Reception #1102451).
6. Prior to building permit issuance, documentation of rock scaling shall be provided per recommendations of Geotechnical Design Report, The Glacier Club, Area G Building 3, by Moab Technical Group.
7. Prior to construction, one electronic complete set of the signed and stamped engineered construction drawings and drainage report shall be submitted. (LUC Secs. 70-9.III and 74-3.III).
8. Per the Development Agreement, Reception # 1102451, improvements shall be installed per the Construction, Drainage, and Erosion Control Plans as verified by (1) documentation from the applicant's engineer and developer that the improvements have been completed per plans, (2) Tamarron Metro District inspection, (3) Durango Fire Protection District inspection, and (4) County inspection and as-built construction plans submitted (LUC Sec. 70-4.VII.D.7, LUC Sec. 70-9.III.E, LUC Sec. 74-3.III.D).

9. County Road 200 shall not be used as primary access for construction or other development-related activities. Primary access for all construction and development-related activities shall be from North Tamarron Drive to Glacier Club Drive.
10. Prior to final plat recording, documentation shall be provided from a geotechnical engineer that no additional rock scaling or long-term mitigation is needed.
11. Prior to final plat recording, the Geohazard Report and Declarations shall be recorded with reception numbers cross-referenced on the plan and plat (LUC Secs. 67-2, 70-8, and 70-11).
12. Prior to final plat recording, the applicant shall record condominium declarations and covenants (LUC Sec. 67-15.VII.H).
13. Prior to final plat recording, the applicant shall update the "land use table" on page 1 of the plat, to comply with all requirements outlined in LUC Sec. 67-15.VI.B.4.
14. Prior to final plat recording, the plat shall be revised to remove the asterisk indicating "All unsigned signatures to be obtained as part of the final plat per the Development Agreement" and all applicable signatures shall be obtained.
15. Prior to final plat recording, all applicable fees shall be paid, including but not limited to surveyor review fees, and recording fees (LUC Sec. 66-11).
16. Prior to final plat recording, the final plat shall be provided to the County Reviewing Surveyor for review and signature (LUC Sec. 67-15).
17. Prior to final plat recording, the site shall be reclaimed and revegetated adequate to stabilize exposed soil (LUC Sec. 70-9.III.E).
18. Prior to final plat recording, a title commitment or an owners and encumbrance report issued by a title insurance company or attorney within one hundred and twenty (120) days is required prior to the chair of the board executing the final plat. (LUC Sec. 67-15.VII.E).
19. Prior to final plat recording, the applicant shall provide a certification from the county treasurer showing that all ad valorem taxes applicable to the property have been paid for all years prior to the current year (LUC Sec. 67-15.VII.A).
20. Prior to final plat recording, the water, sewer, access, and open space spreadsheets in the Glacier Club Binder shall be provided to update Planning Department records. For example, the highlighted/italicized rows shall be changed to final/platted (LUC Secs. 70-3, 70-4, 70-11).
21. If the applicant chooses to not construct and complete all public improvements prior to recording the final plat, the applicant shall enter into a Development Improvement Agreement with La Plata County.
22. The preliminary plan is vested for a period of time to coincide with the overall terms of the amended and restated development agreement of the Tamarron (Glacier Club) Development Agreement Land Use Regulations (LURs), currently September 5, 2032 per rec. no 1029688) pursuant to LUR Section 2.2 (B)(3) as approved under the Amendment Rec. no 1102451.