

Planning Division Administrative Permit Report

SECTION 1: PROJECT SUMMARY & ANALYSIS

Project Information:

Project Number	20240121
Project Name	Rodriguez Minor ADU
Project Type	Minor Land Use Permit
Staff	Dan Armentano, AICP

Project description: Proposal to add an additional dwelling unit (ADU) pursuant to LUC Sec. 73-3.V.

Applicant and Property Information:

Agent	Dan Murphy, SEH
Applicant	Flor Rodriguez
Property Owner(s)	Rodriguez, Flor
Project Location/Address	156 Linda Lane, Durango CO 81303
Parcel Number	566912405054
Parcel Size	1 acre
Planning District	Florida Mesa
Type of Use	Residential
Land Use Classification	Suburban Density Residential

Attachments:

1. Project Narrative
2. Project Plans
3. Agency Comments
4. Compliance Review

SECTION 2: LOCATION AND LAND USE

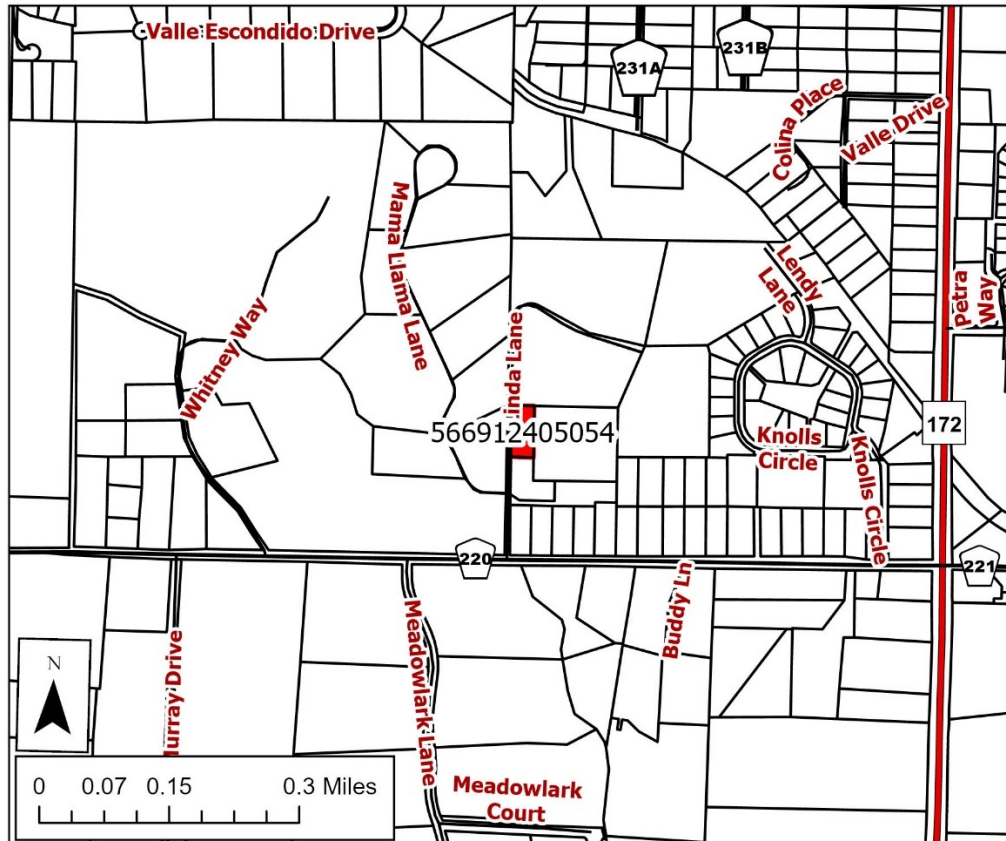


Figure 1: Vicinity Map with subject parcel highlighted in red.



Figure 2: Location Map with aerial or parcel outlined in red.

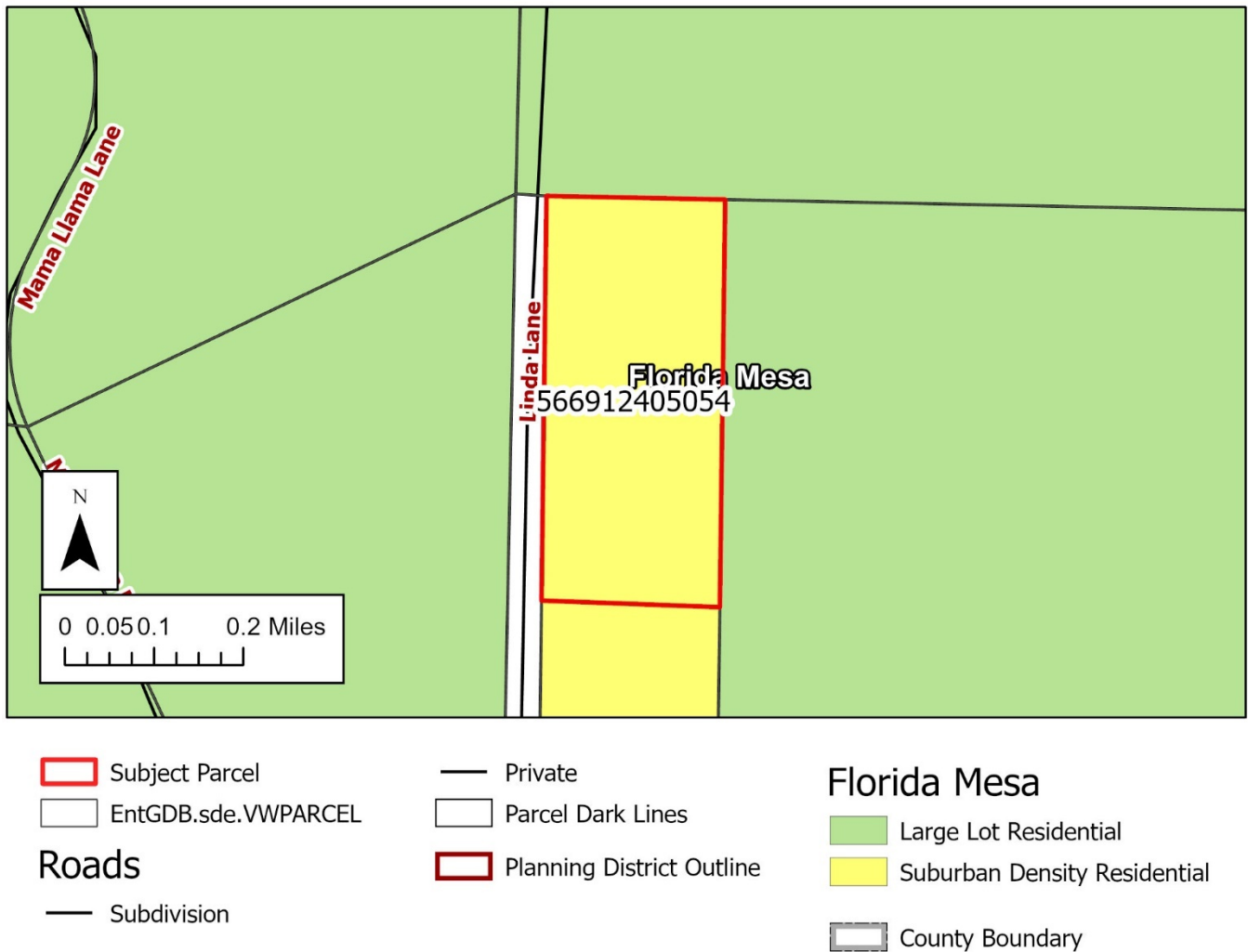


Figure 3: Land Use Map with Florida Mesa Land Use layers depicted.

Subject Land Use Classifications

FLORIDA MESA PLAN	Suburban Density Residential	1 unit per 1-3 acres	This lot size range is typically located where only one central service may exists. These lots are primarily residential with limited agricultural or livestock usage.
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Adjacent Property Classifications

North: Large Lot Residential

East: Large Lot Residential

South: Suburban Density Residential

SECTION 3: PROJECT DESCRIPTION

Proposal:

The applicant is seeking approval for an additional dwelling unit on their property at 156 Linda Lane.

Background:

The subject property is 1 acre and was legally created through a minor subdivision process approved in 2015. The parcel contains 1 single family home with a few additional small outbuildings. It is bisected roughly in half by a driveway and 30' access easement dedicated to the adjacent parcel to the east, 160 Linda Lane. The proposed ADU would be located south of this access driveway, with the existing single family home and outbuildings located to the north.

Process:

Most ADU permits are approved administratively pursuant to the requirements described in LUC 73-3.III and 73-3.IV. These subsections describe requirements for utility provisions, access, unit size, and lot standards. If the requirements of either of those subsections are not met, an ADU permit cannot be approved administratively, and the review is elevated to a minor land use permit.

In this case, the applicant proposes drilling a new well for the ADU, and the unit is larger than both the existing home and the 2,000 square foot threshold. Both of these characteristics of the application would elevate the project from a director determination to an administrative permit. However, the administrative permitting process is only applicable to parcels that are at least 6 acres in size. Since the subject property is one acre in size, it does not qualify for an administrative permit and must be approved as a minor land use permit.

SECTION 4: AGENCY COMMENTS

Staff notified applicable agencies of the proposed development. Relevant comments received are summarized below unless included as attachments in this report.

1. La Plata County Engineer – See attached comments describing the need for a pump test and additional information regarding the traffic on Linda Lane.
2. Loma Linda Sanitation District – See attached comments confirming the property owner has purchased a second residential tap and the district has adequate capacity to serve the ADU.
3. Durango Fire Protection District- *“DFPD Impact Fee due prior to Certificate of Occupancy or Final Inspection. Property Owner has been invoiced for this fee. No other comments regarding this additional single family dwelling unit.”*
4. La Plata County GIS/Rural Addressing- *“Primary residence will retain 156 Linda Ln. ADU has been assigned 124 Linda Ln.”*
5. La Plata County Building Department- *“Building permits are required for new construction. The property is in high expansive soils area and may require an engineered foundation.”*
6. La Plata Electric Association – no comments
7. City of Durango Community Development – no comments
8. Colorado Division of Water Resources – no comments
9. Century Link – no comments
10. US Army Corps of Engineers – no comments

SECTION 5: PUBLIC NOTIFICATION

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

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

SECTION 6: ANALYSIS

SEWER

Proposed Source: Loma Linda Sanitation

The proposed ADU will connect to the Loma Linda Sanitation District. The applicant has paid the tap fee for this connection and the district has provided comments indicating that the unit will connect to the service line for the existing home.

WATER

Proposed Source: Existing well

The proposed ADU will be served by its own existing well, permitted by the Colorado Division of Water Resources under permit number 313386. The applicant has provided a pump test and a water quality test with the submittal, both of which demonstrate compliance with County requirements.

ACCESS

Proposed Access: Linda Lane

Access will be taken from the same driveway as the existing single-family residence off the gravel Linda Lane. Further analysis was required by the County Engineer demonstrating that Linda Lane has adequate right-of-way and travel way widths and capacity to serve the ADU. The applicant's engineering team demonstrated that the width and traffic volume of Linda Lane should classify this roadway as a Minor Local Road. While Linda Lane does comply with minor local road standards for travel way width, surface type, grade, and sight distances, it does not meet the 50' right-of-way width standard. Therefore, the applicant proposed a design exception pursuant to LUC 74-3.V. Upon review of these standards, the County Engineer accepted the proposed design exception, allowing the project to proceed without further right-of-way acquisition.

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 fulfillment of the criteria in this section. The standards in this code are considered to be the minimum necessary to achieve compatibility and shall not be lessened except where a variance is obtained. The criteria may be fulfilled through the implementation of mitigation measures for all potential adverse impacts.

Compliance Summary:

A. *Appropriate densities/uses for parcel. Compatible with topography and density, and location.*

In accordance with LUC 73-3, "Additional dwelling units are allowed in conjunction with a principal single family residential unit provided the additional dwelling complies with the standards of this

section.” Density requirements are not contemplated within the code section governing ADUs. Broadly, ADUs are considered appropriate uses within established residential areas.

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

The proposed ADU is not anticipated to create nuisance conditions, including those described.

C. *Pollution control practices and permits.*

During the project review, staff did not identify any new sources of potential pollution that would negatively affect water, air, or soils.

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 proposed ADU is in keeping with the residential character of the area and is designed in a similar manner to adjacent homes. This use will not increase exposure to natural hazards.

E. *Adequate provision of services.*

While the proposed ADU will modestly increase the demand for sewer services on the subject property, the Loma Linda Sanitation District has stated that there is capacity for this demand. Impacts to additional services provided by La Plata County, including but not limited to road maintenance and law enforcement, are expected to be minimal. The applicant will pay an impact fee to the Durango Fire Protection District.

F. *Natural environment and resources.*

Staff does not anticipate the development will adversely affect the surrounding area's natural environment and/or resources.

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.

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

The proposal is consistent with the code’s stated purpose of providing for orderly land uses and the protection of the environment. The ADU is served by adequate utilities and public services.

B. *Consistency with review agency comments.*

The additional documentation submitted by the applicant addresses all outstanding comments. Therefore, staff finds the development to be consistent with feedback from reviewing agencies.

C. *Consistent with prior approvals.*

There are no prior approvals for the subject property.

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

The proposed ADU will not adversely impact surrounding property owners or the natural environment.

E. *Conformance with adopted plans.*

The proposed subdivision is consistent with the following general goals and objectives of the Comprehensive Plan:

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.*

Objective 1.1.A: *Identify and recognize general planning practice which provides for consistent, fair administration/application, while identifying clear direction for private and public land use.*

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

The subject parcel is located in the Florida Mesa District Plan and carries a suburban density residential designation. Maximum density in this category is 1 unit per acre. District plans do not contemplate ADUs, and these units are prevalent throughout the district, so the inclusion of an ADU does not conflict with density requirements. The Plan does contemplate the need for housing within the district, and states that “future development should include a diversity of housing.”

G. *Rational phasing plan.*

There is no phasing proposed with the subdivision.

H. *Consistent with intergovernmental agreements.*

There are no Intergovernmental Agreements associated with the property.

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

Staff does not anticipate any non-compliance with state and federal laws and regulations.

SECTION 7: DEPARTMENT RECOMMENDATION

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

Staff recommends the following:

Approve Project 20240122 with the following findings and conditions:

Findings:

- A. The application meets the requirements and standards for an additional dwelling unit approved as a minor land use permit (LUC Sec. 73-3.V).

Conditions:

1. Approval of this permit application constitutes a vested property right pursuant to C.R.S § 24-68-101 et seq. and the applicant shall have three years within which to submit for a building permit or the land use approval shall expire (LUC Sec. 66-13.III).
2. Prior to certificate of occupancy, the applicant shall provide documentation from the sewer provider indicating approval of the sewer connection.
3. Prior to the final inspection, all applicable development fees for the dwelling unit, including but not limited to the Durango Fire Protection District impact fee, shall be paid by the applicant.