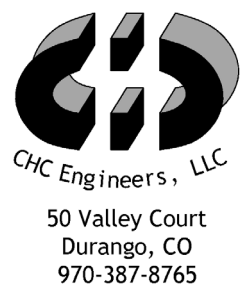


# Vaquero Subdivision Sketch Plan Narrative



September 9, 2024





Background

Jamie Marie Johnson and the Mary Jane Austin Revocable Trust dated April 9, 2020 (“**Owners**”) are the owners of the following parcels:

Parcel Number 566130400322: Jamie Marie Johnson Parcel, 184 Seabiscuit Ln. - 36.32 Acres

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 29, THE SOUTHEAST 1/4 OF SECTION 30, THE NORTHEAST 1/4 OF SECTION 31, AND THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 35 NORTH RANGE 10 WEST, N.M.P.M., LA PLATA COUNTY COLORADO, BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS RECORDED UNDER RECEPTION NO. 639573 AND 639734 (“**Johnson Parcel**”).

Parcel No. 566132200327: Mary Jane Austin Trust Parcel, 303 Vaquero Ln. - 44.71 Acres

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 10 WEST, N.M.P.M., LA PLATA COUNTY COLORADO, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 528250 (“**Trust Parcel**”).

The Johnson Parcel and the Trust Parcel are collectively referred to as the “**Property**”. The Johnson Parcel has one single-family dwelling that was constructed in 2018. Inquiries with the La Plata County Building Department found that there are no code violations for the home on the Johnson Parcel. The Trust Parcel is vacant except for the Lake Durango Water Authority water tank, pumping station and water lines that are located in an easement.

The Property, shown in Figure 1, contains 80.14 acres and is characterized by gently sloping topography set in a ponderosa pine-scrub oak forest. The Owners propose a Major Subdivision to create 19 single-family lots as shown in Figure 2, with lot sizes ranging from 2.8 to 6.8 acres. The proposed gross density of the subdivision is one lot or primary dwelling unit per 4.2 acres that includes the existing easements area for Seabiscuit Drive and Vaquero Way and the proposed easements for Road A and Road B<sup>1</sup>. The proposed land uses for the new lots are single-family residential uses, accessory uses and agricultural uses.

Water

Water for the subdivision will be provided by the Lake Durango Water Authority which has a water tank on the Trust Parcel. The estimated water demand for each lot is 350 Gallons Per Day per dwelling unit. A new water tank is proposed on Lot 7 to ensure required fire flows. An easement for the water tank and water line on Lot 7 will be provided with the Preliminary Plat.

Sewer

Sewer service is and will be provided by septic systems that are designed to meet La Plata County On-site Wastewater System (“**OWTS**”). The estimated septic system demand for each lot is 350 Gallons Per Day per dwelling unit. Each lot owner will need to apply for an OWTS permit concurrent with the required building permit applications and meet required OWTS setbacks.

Access

<sup>1</sup>La Plata County Land Use Code Section 67-15-III-F-1 only requires “...street/and or road rights-of-way” to be excluded from density calculations and not easement areas.

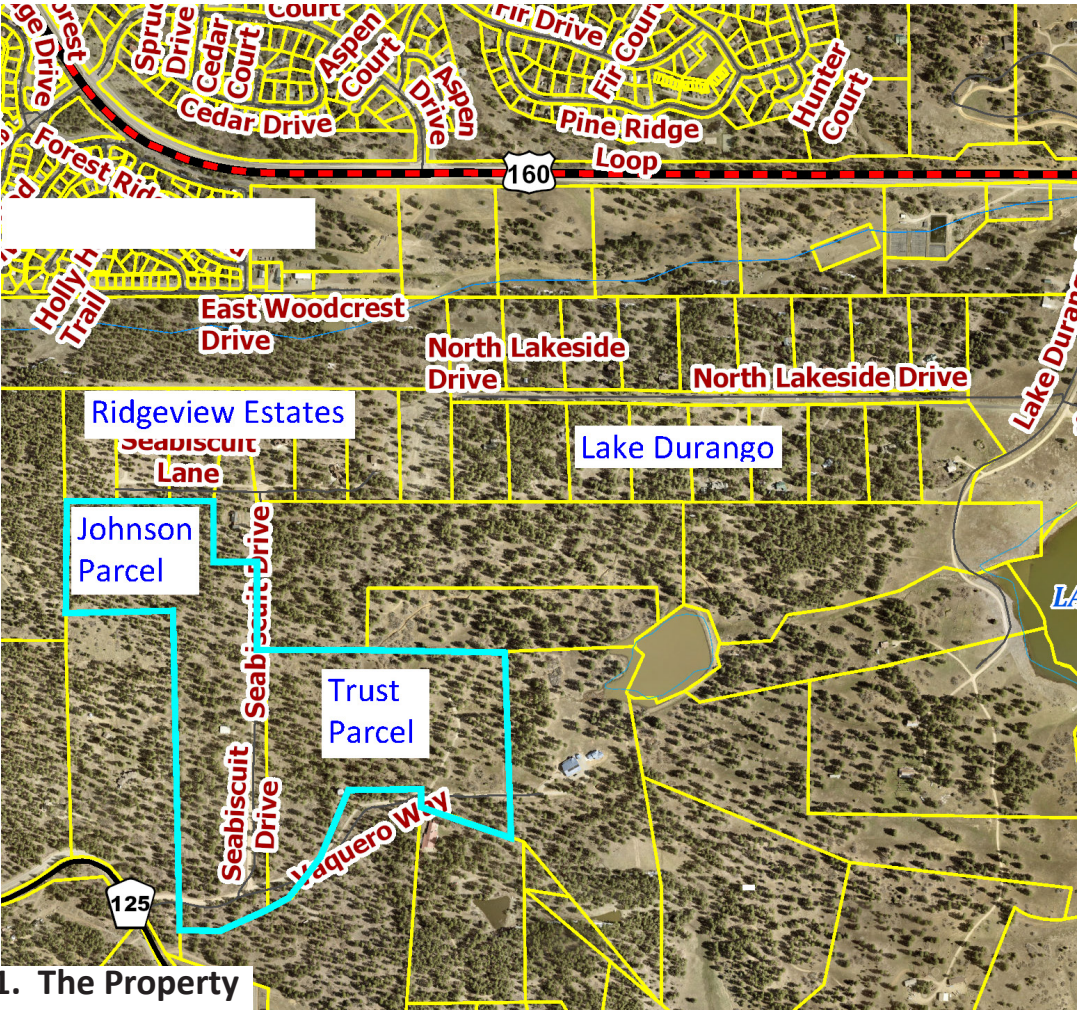


Figure 1. The Property

Access to the proposed subdivision is provided from County Road (“**CR**”) 125 and Seabiscuit Drive. Access is proposed to Lots 1-4 and Lot 19 is from Seabiscuit Drive, Lots 5 - 10 from “Road A”, and Lots 11 - 18 from “Road B”.

There are 11 lots that currently use the Vaquero Way-Seabiscuit Drive access that, when combined with the proposed 19 lots, would provide access for a maximum of 30 lots. Therefore, no emergency and second primary access is required for the proposed subdivision per La Plata County Land Use Code (“**LUC**”) Section 74-4-XIII-A. A plat note will prohibit access from Vaquero Way. The project engineer will provide either certification that Seabiscuit Drive and Vaquero Way meet County standards, or provide detailed plans where improvements may be needed with the Preliminary Plat application.

Road A and Road B will be maintained by the lot owners in the Vaquero Subdivision, with a road maintenance plan and agreement provided with the Final Plat application. The Owners will reach out to property owners in the Ridgewood Estates Subdivision to see if a Seabiscuit Drive maintenance agreement can be created prior to submitting the Final Plat with road maintenance and snow plowing costs equitably shared.

Road A will be designed as a Low ADT Road and Road B will be designed as Minor Local Road pursuant to LUC Sections 72-2-III-A and Chapter 74, Road and Bridge Standards. The project civil engineer will work with the County Public Works Department and the Durango Fire Protection District (“**Fire District**”) to determine needed improvements for Seabiscuit Drive and Vaquero Way.

The County Public Works Department referral for the Feasibility Analysis indicated:



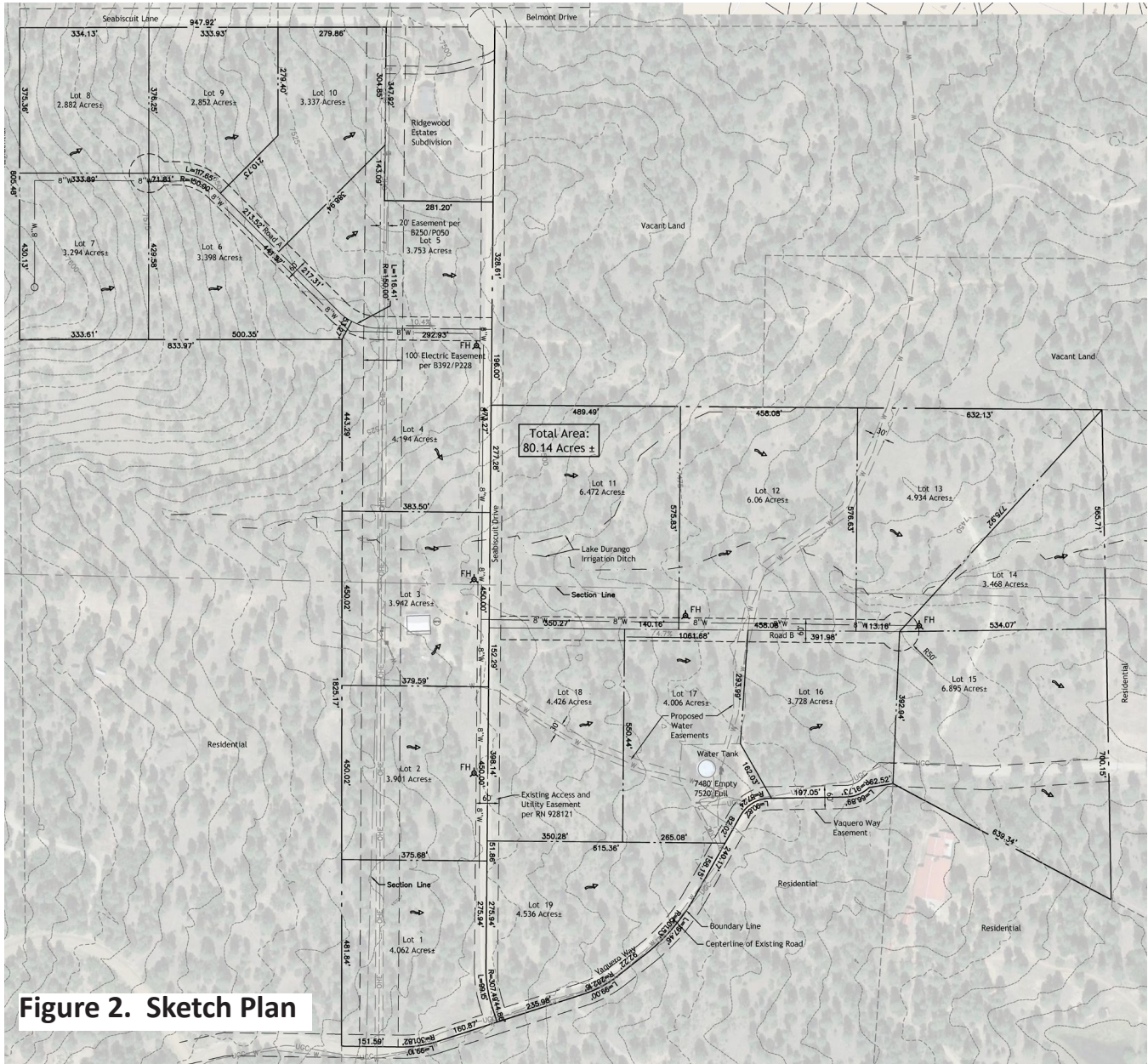


Figure 2. Sketch Plan

“County Road 125 is a paved road that currently meets or exceeds the level of service standards and with the addition of twenty-four lots will not result in the level of service “C” being exceeded on County Road 125 or 141. Driveway permits will be required for all new lots and an access permit will be required to address the increase in use on Vaquero Way at the County Road 125 intersection. As a permit condition for the Vaquero Way intersection, Public Works will require paving the Vaquero Way intersection within the County Road 125 right-of-way.”

Two on-site parking spaces will be provided for each single-family unit.

A Level 2 Traffic Assessment for the intersection of SH 140 and County Road 125 will be provided with the Preliminary Plat application for CDOT review.

## Fire Protection

Access driveways serving each lot will be designed to meet the adopted Fire Code in terms of width with 12-foot driveway that has 2-foot shoulders on either side and a fire truck turnaround for driveways longer than 150 feet. As mentioned earlier, a water tank will be provided on Lot 7 to ensure adequate

fire flow to subdivision fire hydrants. The project’s civil engineer is aware of the Fire District referral comments received during the Sketch Plan Review. All Fire District comments for the Sketch Plan will be addressed with the Preliminary Plat application.

## Solid Waste Disposal

Waste services to each home in the subdivision will be provided by trash bins in coordination with local waste haulers.

## Stormwater Detention

Engineered design for stormwater detention will be provided with the Preliminary Plat application.

## Addressing

An address plat will be submitted to the La Plata County GIS Department for review and approval concurrent with the Preliminary Plat application.

## Compatibility, Landscaping and Buffering

### Compatibility Criteria

The proposed subdivision is compatible with surrounding area development as required by LUC Section 70-5. The proposed development density of approximately one lot or primary dwelling unit per 4.2 acres is compatible with surrounding area development. The Ridgewood Estates Subdivision, located to the north of the Johnson Parcel, has a density of approximately one lot or primary dwelling unit per 4.9 acres with Seabiscuit Lane in between the existing and proposed subdivision. Lake Durango estates, located to the north of the Property has a density of approximately one lot or primary dwelling unit per 5 acres.

The subdivision maintains the subdivided residential character of the area. The proposed subdivision will not create any nuisance conditions for surrounding properties or cause any pollution. Adequate services and infrastructure are available to serve the proposed subdivision with central water provided by the Lake Durango Water Authority; sewer provided by on-site wastewater treatment systems; fire protection from the Fire District; access via CR 125, and Seabiscuit Drive; police protection from the La Plata County Sheriff’s Office; and private road maintenance.

### Landscape Buffering

La Plata County Land Use Code (“**LUC**”) Section 70-17 establishes landscaping and buffering requirements that are applicable to the proposed subdivision and allows for discretion on if landscaping buffers should be required as follows:

“Section 1. Purpose. Landscaping and buffers are used to reduce the external impacts a land use might have on adjacent properties, **especially when neighboring land uses are of a different type or intensity than the subject use.** **Where used**, [emphasis added] landscaping and buffers provide visual barriers between different land uses, enhance the streetscape and public views, provide privacy, and protect uses from wind, dust, noise, traffic, glare, visual impact and harmful or noxious effects.”

“Section 2. Buffer materials and specifications. **Where required** [emphasis added], buffers shall consist of landscaping, rocks, boulders, mounds, fences or walls, berms, or a combination of these techniques...”



The Owners do not believe that any additional landscape buffering is needed for the subdivision due to the similarity of uses to surrounding properties and rural density character.

Noise

The Owners understand that the development of each lot will have to comply with the noise and vibration limitations set forth in LUC Section 70-21 and are willing to add a plat note if needed to ensure future owners are on notice for these limitations.

Natural Hazards and Sensitive Lands

The Property has been identified as a wildfire hazard area by the Colorado State Forest Service’s Colorado Wildfire Risk Assessment mapping. The subdivision will include plat notes that require each lot provide for wildfire mitigation with the development or redevelopment of any lot, and the on-going maintenance of defensible space around homes. Fire mitigation is being implemented on the Trust Parcel.

The proposed subdivision does not include any wetlands, steep slopes or geologic hazard areas.

The development of each lot will comply with any applicable requirements of the LUC including but not limited to Section 70-9, Grading, Drainage and Erosion Control.

Conformance with West Durango District Plan

The Property is located within the West Durango District Plan (“Plan”) with approximately 23.71acres of the Property located in the Suburban Density Residential area and approximately 56.43 acres in the Large Lot Residential area as shown in Figure 3. The Vaquero Subdivision conforms to the following Plan Land Use Classifications:

Suburban Density Residential

“This category includes existing subdivided lands. Lands in this category are classified with a maximum density of 2 units per acre contingent upon the ability to meet subdivision standards contained in the land use code including water, sewer and access requirements. Lands within this classification include areas surrounding Durango West I and II as well as some areas in Lightner Creek. Suburban Density Residential areas include existing residential subdivisions as well as room for expansion at comparable densities where water and/or sewer services are available and can be extended.”

Large Lot Residential

“The density range envisioned for this classification is 1 unit per 3-to 10-acres. Development densities within this range are determined through utilization of the Plan’s Public Benefit Criteria outlined below.11 Generally, existing subdivided land within the 1 unit per 3-to 10-acre density has been classified as Large Lot Residential.”

The proposed density within the Suburban Density Residential Area is 7 lots or primary dwelling units on approximately 23.7 acres or one lot/unit per 3.4 acres that is significantly lower than the maximum density of 47 units/lots. The proposed density within the Large Lot Residential Area is 12 lots or primary dwelling units on approximately 56.43 acres or one lot/unit per 4.7 acres that is approximately the mid-range of density allowed per the Plan.

The Plan’s Recommended Land Use Classifications/Descriptions for the applicable areas are shown in Table 1.

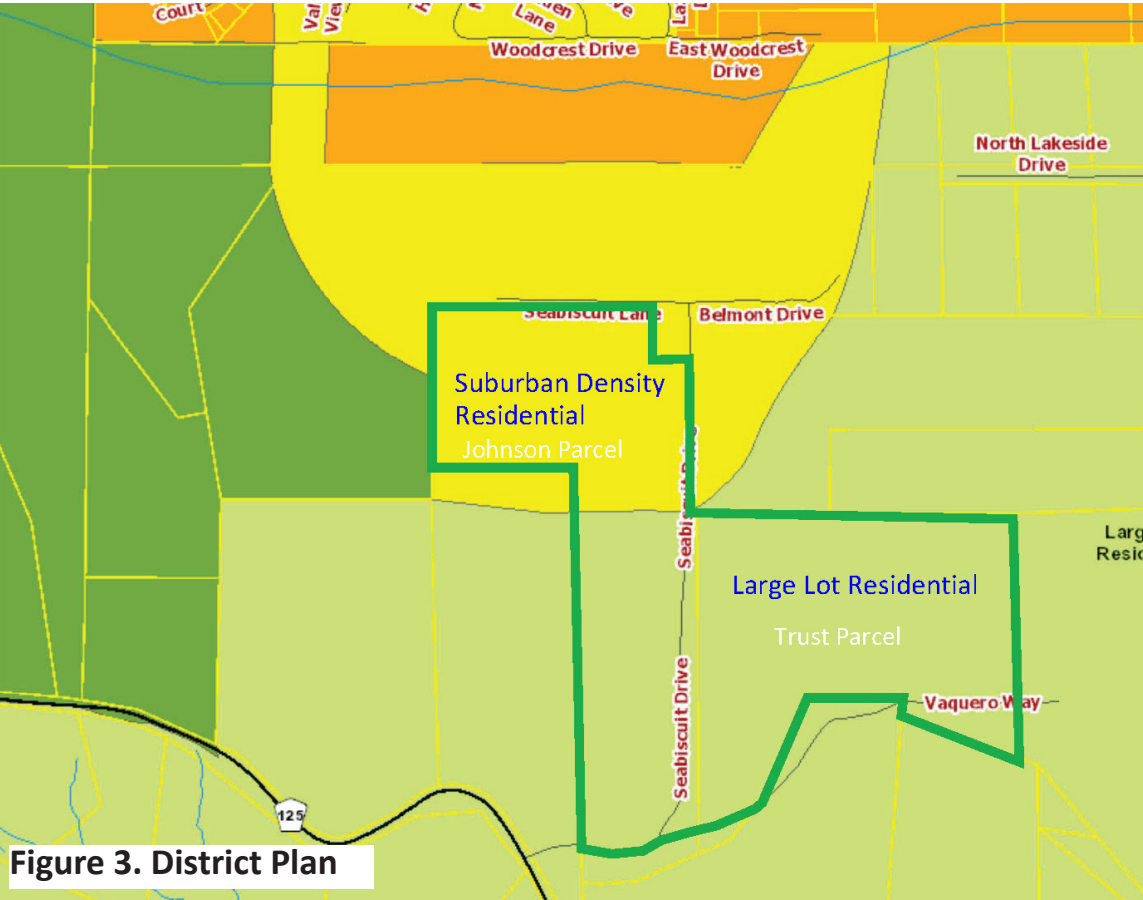


Table 1. Plan Land Use Classifications for the Property.

Land Use	Recommended Residential Density/Size Restrictions	Recommended Description
Suburban Density Residential	1 unit per 1/2 - 3 acres <sup>14</sup>	Lots less than 1 acre in size require both central water and sewer; lots from 1 to 3 acres require either central water or central sewer.
Large Lot Residential	1 unit per 3-10 acres <sup>15</sup>	Private land that can be developed at a density of 1 unit per 3 to 10 acres. Will typically be served by wells and septic systems.

<sup>14</sup>Density should be contingent upon compliance with County Subdivision regulations and Land Use Code criteria.

<sup>15</sup>Density within given range should be determined by Public Benefit Criteria. Proponent should be encouraged to cluster density on smaller lots, creating permanent open space. Minimum lot size should be determined by Code and the subdivision requirements contained therein.”

The Plan’s Public Benefit criteria states:

“In order to determine the allowable density for a project within the Ag/Rural Residential (1 unit per 10 to 20 acres) and Large Lot Residential (1 unit per 3 to 10 acres) land use classifications the Public Benefit Criteria is recommended. In order to make an objective determination of where a specific project falls within a given density range, that density should be based on the following criteria and suggested percentages. It is recommended that the Public Benefit Criteria apply to the Ag/Rural Residential and Large Lot Residential classifications in the West Durango

District with the exception of the Lightner Creek area.”

The Owners propose the following two public benefit criteria:

1. “25% Preservation of designated wildlife corridors and habitats in consultation with the Division of Wildlife, BLM, Forest Service, or other appropriate agency.
2. 25% Structures located to preserve open meadows, structures not located on ridgelines, or within scenic vistas as seen from public roads, and not within floodplains.

The development team will consult with the Colorado Division of Parks and Wildlife to determine if there is any wildlife habitat present on the Property. If there is any wildlife habitat on the Property, it will be preserved by adding building envelopes to each lot where all building and development activity must occur except for expressly allowed uses, such as but not limited to passive recreation uses, agricultural uses, vegetation removal for fire mitigation or implementing forestry management plans, driveways, utilities and other site infrastructure. In either scenario, this should qualify for 25% of the maximum allowed density. We do not believe there ridgelines, scenic vistas, open meadows or floodplains on the Property so this should qualify for 25% of the maximum allowed density. Meeting these two public benefit criteria allow for the proposed density of approximately 1 lot/unit per 5 acres (50% x 10 units per acre = one unit per 5 acres).

The proposed use of a central water system exceeds the Plan requirements for water. Septic systems are envisioned for the Property provided they meet the County OWTS requirements.

Most of the goals and objectives in the Plan are not applicable to the proposed subdivision, with the following goals and actions addressed:

- Goal 12.C. The Owners are supportive of a plat note requiring wildfire mitigation for each homesite.
- Goal 13. The Owners are supportive of plat notes that require dark sky lighting for new residential development within the subdivision.
- Goal 22. The subdivision is not located in a view corridor.
- Goal 23. Subdivision water will be provided through the Lake Durango Water Authority.
- Goal 27. It is not anticipated that any development or redevelopment within the proposed subdivision will impact jurisdictional wetlands.

The proposed subdivision also meets several Plan Overall Guiding Principles, including preserving the natural setting and resources, maintaining the character of the area, and ensuring public safety.

### Sketch Plan Approval Criteria - General Approval Criteria

LUC Section 66-19 III states:

“Approval criteria. All sketch plans shall be reviewed for general consistency with the general approval criteria stated in section 66-16, but not for detailed compliance with development standards referenced in such criteria. The review for general consistency shall include a review of the applicant’s concepts for mitigating potential effects expected to be produced by the proposed development in relationship to the general approval criteria. The application may also be subject to additional approval criteria specific to the type of application.”

### Compliance with Land Use Code Purpose and Intent and Applicable Standards

The proposed subdivision complies with the purpose and intent of the La Plata County Land Use Code because the subdivision: will not cause any adverse impacts to public health, safety or welfare; conforms with the West Durango District Plan and the La Plata County Comprehensive Plan; provides

for the planned and orderly development of the West Durango District; density is designed in line with the underlying property rights and the Plan; preserves the character of the area; encourages single-family development which is needed in the area; promotes compact development pattern with adequate infrastructure and facilities; and avoids any adverse impacts to sensitive lands, natural features or visual corridors.

### Consistency with Review Agency Comments

The proposed subdivision is consistent with review agency comments received during the feasibility analysis, with civil engineering plans designed to meet LUC and agency requirements provided with the Preliminary Plat.

### Consistency with Prior Approvals

There are no prior approvals for the Property other than the development of a single-family home and related accessory uses.

### Adverse Impacts on Surrounding Property or the Natural Environment

The subdivision will not cause any adverse impacts on surrounding property or the environment as outlined in the buffering section above.

### Conformance with Adopted Plans

The proposed subdivision conforms with the Plan as discussed in this narrative. The subdivision is also consistent with the La Plata County Comprehensive Plans’ applicable infrastructure, housing, environmental resource policies that are much broader than the specific policies in the Plan.

### Conformance with District Plan

The proposed subdivision land use and density conforms with the Plan as discussed in this narrative.

### Rational Phasing Plan

The Owners intend on developing the subdivision in one phase so no phasing plan is needed for the development.

### Consistency with Intergovernmental Agreements

No intergovernmental agreements are applicable to this property per the provided title commitments.

### Consistency with State and Federal Regulations

The proposed subdivision will comply with any applicable State or Federal regulations.

### Review of Historic Resources

There are no historic resources located on the Property.