



Archuleta County Development Services Department  
**ARCHULETA COUNTY PLANNING COMMISSION AGENDA**  
County Commissioners Meeting Room, 398 Lewis Street  
Public is welcome and encouraged to attend.

**REGULAR PLANNING COMMISSION MEETING FOR JULY 27, 2016, 6PM**

**ROLL CALL**

**CONSENT:**

**Approval Of Minutes**

Regular Meeting, May 25, 2016

Special Meeting, June 8, 2016

Documents:

[MINUTES 052516 DRAFT.PDF](#)

[MINUTES\\_SIGNIN 060816 DRAFT.PDF](#)

**OLD BUSINESS:**

**NEW BUSINESS:**

**Public Hearing On Proposed Amendments To The Archuleta County Land Use Regulations**

Archuleta County Development Services is proposing amendments to the *Archuleta County Land Use Regulations*. The proposed changes:

- 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions,
- 2) Clarify provisions for Accessory Uses and Structures, and
- 3) Clarify cross-references and certain provisions of Table 1 and Table 4.

These changes amend portions of Sections 2.1.2, 2.2.1, 3.1.1, 3.1.4, 3.2.5, 3.2.6, 5.5.2, 11.2.1. The specific text proposed to be adopted is attached.

Documents:

[MEMO-AMENDMENTS\\_TO\\_LAND\\_USE\\_REGULATIONS-20160727.PDF](#)

[ACCESSORY\\_USE\\_AMENDMENTS-20160614.PDF](#)

**Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat At 633 Navajo Trail (PLN16-054)**

Jeremiah "J" Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by the Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales for Recreational Vehicles in the PUD zone.

Applicant has also made a concurrent request for a Variance from requirements to pave the parking area, which will be heard separately by the Board of Adjustment (PLN16-055).

Documents:

[PLN16-054\\_HOLIDAYRV SOUTH\\_PC-20160727\\_STAFFREPORT.PDF](#)  
[A1-PLN16-054\\_055\\_AREA\\_MAPS.PDF](#)  
[A2-MEMO-PUD ZONE DEVELOPMENT REQUIREMENTS.PDF](#)  
[A3-PLN16-054\\_055\\_REVIEWCOMMENTS.PDF](#)  
[A4-PLN16-054\\_055\\_LAMEREAUX-ILC\\_SKETCHPLAN.PDF](#)  
[A5-PLN16-054\\_055\\_HOLIDAYRV SOUTH-NARRATIVES.PDF](#)  
[A6-PLN16-054\\_055\\_HOLIDAYRV SOUTH-SITE\\_SKETCH\\_600DPI.PDF](#)

**WHEC Event Center CUP, On Lot 2M, Fairgrounds Minor Impact Subdivision, At 344A US Hwy 84 (PLN16-071)**

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84, Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds.

Applicant has also made a concurrent request for Variances from Development Standards to be heard separately by the Board of Adjustment (PLN16-072).

Documents:

[PLN16-071\\_WHEC\\_EVENT\\_CENTER\\_PC-20160727\\_STAFFREPORT.PDF](#)  
[A1-PLN16-071\\_072\\_AREAMAPS.PDF](#)  
[A2-PLN16-071\\_072\\_REVIEWCOMMENTS.PDF](#)  
[A3-PLN16-071\\_072\\_WHEC\\_EVENTCENTER-NARRATIVE.PDF](#)  
[A4-PLN16-071\\_072\\_WHEC\\_BUILDINGPLANS.PDF](#)  
[A5-PLN16-071\\_072\\_WHEC\\_SITEPLANS-20160719.PDF](#)

**REPORTS, ANNOUNCEMENTS:**

**Discussion Of Property Owner Request For Land Use Text Amendment**

Property Owner Sally Capistrant has asked the Planning Commission to consider amending Table 5: Animal Regulations so that the Residential (R) zone has the same restrictions as Rural Residential (RR), in particular to allow domestic fowl (chickens, etc.) for residents of that zone.

Documents:

[CAPISTRANT\\_EMAIL-20160610.PDF](#)  
[FPA BEST PRACTICES HANDOUT - EV-3.PDF](#)

**NEXT MEETING**

Policy Meeting August 10, 2016, 6pm  
Regular Meeting August 24, 2016, 6pm

**ADJOURN**

Please Note: Agenda items may change order during the meeting; it is strongly recommended to attend the meeting at the start time indicated.



**Archuleta County Development Services Department**  
**ARCHULETA COUNTY PLANNING COMMISSION MINUTES**

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**Archuleta County Planning Commission Minutes, Regular Meeting May 25, 2016**

The Archuleta County Planning Commission held a meeting on Wednesday, May 25, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Michael Frederick called the meeting to order at 6:02 PM.

**Commissioners in attendance:**

Michael Frederick, Anita Hooton, David Parker, Betty Shahan, and Peter Adams.

**Staff in Attendance:**

John Shepard, AICP, Planning Manager and Sherrie Vick, Planning Tech

**Public in Attendance:**

Jim and Paulette Harkness; Jeff and Cynthia Heitz, Applicant; Duke Eggleston, Attorney for Mr. Heitz; and Ron Ault, Applicant.

**Consent:**

Approval of the Minutes for April Meetings. Commissioner Shahan moved to approve the minutes from the April 13, 2016, meeting with the minor changes. Commissioner Parker Second. Commissioner Adams moved to approval the April 27, 2016, meeting minutes with minor correction. Commissioner Shahan seconded. Consent approved 5-0.

**Old Business:**

None.

Mr. Shepard ask Chairman Frederick if he wanted to reverse the order of the projects because the applicant for the first project was not yet present but was planning on attending the meeting. Chairman Frederick felt they should proceed with the Cimarrona project first because it did not appear to be controversial in nature. Mr. Shepard continued with his presentation of the project.

**New Business:**

**Cimarrona Ranch Water Utility CUP (PLN16-022)**

Cimarrona POA, represented by Ron B. Ault of Phoenix, Arizona, has applied for a Conditional Use Permit for the Cimarrona Ranch Water Utility, on property owned by the Christopher S. & Lorraine M. Publow Family Trust; Parcel 2 Cimarrona Ranch being a 35-acre tract located in Section 1, T35N R1W NMPM at 285 Grouse Dr., Pagosa Springs, CO. The proposal will permit expansion of the existing water treatment facility building to house two 2,500 gallon water storage tanks. Applicant has also made a concurrent request for an Administrative Variance to build less than 25' from the setback in the Agricultural/Ranching (AR) zone (an administrative approval).

This project is considered a Public Utility by our definition. A Public Utility is a Conditional Use in all zone districts. All notices were done in compliance with the regulations. The water treatment facility serves 18 parcels over 35 acers and is located out Mill Creek Rd past the High West subdivision. This expansion will provide redundancy in capacity to help serve those 18 parcels. The original facility was constructed before our current regulations so is viewed as existing non-conforming. The expansion will double the size of the building foot print and add an additional tank.

The project was put out for review. La Plata Electric, County Engineering, and Black Hills Energy had no objections to the project and there were no public comments. The Pagosa Fire Protection District noted that this property was out of the District. Staff noted that the preassigned address of the property is not the correct address for the structure and it will need to be reassigned a proper address for emergency services. The Administrative Variance for the 25' setback required a letter from the adjacent property owner. That property owner had no objections and added he looked forward to better water quality.

Based on evidence provided, staff recommended the Planning Commission find that:

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the request by Cimarrona POA for the Cimarrona Ranch Water Utility Conditional Use Permit, in Section 1, T35N R1W NMPM, at 285 Grouse Dr., with the following conditions:

1. Correct the structure address to 60 Grouse Drive.

After conclusion of the staff report, Commissioner Shahan asked why the subdivision did not go through public review. Mr. Shepard responded that these were 35 acre tracts and by statute did not need to go through public review, the plat could just be recorded. There were no more questions.

Commissioner Hooton move to recommend Approval to the Board of County Commissioners, of the request for the Cimarrona Ranch Water Utility CUP, with the Findings A and B, and condition #1 of the Staff Report. Commissioner Parker Second. The motion was approved by a vote of 5-0.

### **A Affordable Storage CUP Minor Amendment (PLN16-036)**

Jeff Heitz, dba A Affordable Storage LLC, and represented by Duke Eggleston, Eggleston Kosnik LLC; applied for a minor amendment to his approved Conditional Use Permit (CUP) for storage and equipment rental at 4340B US Hwy 160W. Applicant's access to US Highway 160 is at CDOT's capacity limit, and would normally require improvements to Highway 160. This request would permit an approximately 1,000' long secondary access at 122 Meadows Dr., across vacant residential property also owned by the Applicant, as an alternative access. Applicant has also made a concurrent request to the Board of Adjustment for a Variance from the *Archuleta County Road & Bridge Design Standards Sec. 27.1.7.3 Design Standards for Driveways*, to construct a commercial access meeting *Sec. 27.2.3 County Gravel Road Standards*, which will be heard separately.

Mr. Shepard explained that the Planning Commission has only seen a couple of minor amendment to conditional use permits, as provided in the Land Use Regulations. The Planning Commission can approve site plan changes that does not affect vehicular movement, without the application going back to the Board of County Commissioners. There is some history on this project. In 2002, the first CUP was approved, and the use had been expanded since then. In 2011, the Town, County and CDOT developed an access control plan along US Highway 160 which addressed development from Vista Blvd. through downtown. New development would need to improve access on HWY 160 or develop a supporting or "backage" road system to keep additional traffic off Highway 160. Once the supporting road system was developed, direct accesses on Hwy 160 would be closed.

In 2014, the Applicant applied for a new CUP, which was approved to include indoor and outdoor storage with an office and U- Haul business. Two of the conditions were that a new site plan be submitted for Planning Department review, and the site plan needed to meet the CDOT Access Control Plan requirements. At that time, CDOT commented on review that the County should require easements for the backage road and once that was developed the access to Highway 160 would be closed. In 2015, the Applicant submitted a drainage plan and a site plan which was approved with comments. The south access noted on the site plan was excluded from Staff's approval. The Applicant received building permits for two more storage buildings at that time, with CDOT approval to modify the existing access permit.

Over the winter, the Applicant, County Road and Bridge, and the Planning Manager had conversations about what would meet the conditions of approval from 2014. The Applicant has proposed a private driveway on the adjacent residential property (which he also owns) from Meadows Dr. to a back entrance to the commercial property. This access will also be used for the Applicant's residence which he is building on the residential parcel. The address will need to be changed to accommodate the new location of the driveway.

The updated plans were sent out for review. Comments were received from CDOT, the Town, County Engineering, Fire Department, PAWSD, and neighbors, which were in the staff report. Jo Heinlein from CDOT gave options for the Applicant, to manage closing the access at HWY 160 when the supporting road system was constructed. Town Planner James Dickhoff commented that the easement for the

CDOT Access Management plan was in place from South Pagosa with development at the Hospital. The Town required the Hospital to give those easements. County Engineering recommended not approving the project, citing the Access Management plan's requirements which could be met with a 60 ft. access easement along the north boundary of the residential parcel. The Fire Department required that the driveway would need to meet the Fire code requirements for construction of the road. The Pagosa Area Water and Sanitation District noted that there was a manhole on Meadows Dr. The neighbors didn't want a commercial access so close to the residential area. The Lutheran Church also objected to having a commercial access next to their property and on a residential parcel.

Staff suggested that, should the Planning Commission accept that Applicants have provided sufficient evidence in support of their proposal, the Planning Commission find that:

- a. The application meets the review criteria for a Minor Amendment to a Conditional Use Permit in Section 3.2.3.7 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission approves the request by Jeff Heitz, dba A Affordable Storage LLC, for A Affordable Storage CUP Amendment, in Section 20, T35N R2W NMPM, at 4340B US Hwy 160W and 122 Meadows Dr., with the following additional conditions:

1. The address for the new access will be corrected.
2. Applicant shall record a shared drainage easement, covering the improvements shown on the existing site plan, in case the properties are ever sold separately.
3. Applicant shall record a public access easement, 60' in width adjacent to the entire northern property line of the residential property.
4. Applicant shall provide confirmation by a professional engineer that the access design and construction meet the 2009 International Fire Code, prior to any application for a certificate of occupancy.
5. Applicant shall provide an updated access permit issued by the Colorado Department of Transportation prior to any application for a building permit.

Chairman Frederick asked if Condition Three satisfied the CDOT Access Management plan. Mr. Shepard explained it was a middle ground that no one was happy with. He explained further that in the Land Use Regulations the only way to dedicate a road right of way was through a subdivision process and these parcels had not gone through that process so the easement was the best option. There was further discussion of the location of where the hospital access is located and where the Heitz easements would be. There was further discussion on what options were open to the applicant and other property owners in regard to the access on Highway 160. Chairman Frederick asked if the applicant builds the back access, would CDOT close the Highway access. Mr. Shepard said yes for the storage facility but not Selph's propane. If the applicant gave an easement to Selph's to use the back access they might do a right-in, right-out access at Highway 160.

Duke Eggleston presented the application. Mr. Eggleston clarified that A Affordable Storage LLC owns the commercial property and Jeff Heitz owns the residential property individually. He pointed out that the driveway that the applicant is proposing will meet the Road and Bridge Standards. If CDOT insisted that the highway access be closed, Mr. Heitz will not continue with his development plan for the property. Mr. Eggleston continued by saying the access issue at Highway 160 is something the Applicant would work out in detail with CDOT directly. The Applicant should not be responsible for the 60' road easement, so an easement the full length of the property was not acceptable. The Applicant is willing to construct a gravel road from Meadows Dr. to the back entrance of the Commercial property and dedicate this as a public road which he believes will comply with the access plan. There is no proposal to build a through road and no financing for a road to connect to the hospital development. The Applicant is asking that Condition Three be modified to "provide a commercial driveway which is to be dedicated to the public" only and condition five to say specifically the Applicant will not proceed if CDOT requires the closing of the access on Highway 160 and only if the terms of the access to Meadows Dr. is agreeable to the Applicant. The site plan for the additional building was already approved and the Applicant has provided a rear access as requested.

Commissioner Adams asked for clarification regarding CDOT's statement that they will close the access at Highway 160 to A Affordable Storage if they put the rear access in. Mr. Eggleston replied that he would apply to CDOT to keep that access open but they need County approval on the minor amendment before taking up the expense of modifying the CDOT access permit. The Applicant's plan is to propose to

CDOT to put a gate at the new development area and have the new access serve only the new development, while the Highway 160 access would continue to serve the existing buildings.

Chairman Frederick stated that he didn't feel this met the conditions of a minor amendment. Mr. Eggleston pointed out that the site plan was already approved and the applicant is only adding a secondary access. Staff had recommended taking this to Planning Commission as a minor amendment.

Chairman Frederick then asked by what instrument would the easement be dedicated? Mr. Eggleston answered he would use an easement deed from Mr. Heitz to A Affordable Storage and the Public. There was more discussion regarding the paving of this driveway and standards to build as a public road.

Mr. Shepard interjected that staff did suggest the minor amendment and the question still stands if it meets those requirements. Also, the variance to the road standard is under the Board of Adjustment purview not the Planning Commission. The variance was customized to meet what the Applicant had designed, which was to build a road to meet the County gravel road standards and not a commercial driveway.

Commissioner Hooton asked if the easement was dedicated to the County would the County be responsible for maintaining it. Mr. Shepard responded the County Board could accept the easement without accepting the responsibility for maintaining it. Commissioner Adams commented that it will be a public road on private property, how we manage that was not clear.

Chairman Frederick opened the floor for public comment at 7:13 PM.

Jim Harkness, 194 Paciente Place, questioned if the Applicant is required to put a commercial road on residential private property, will that make the property commercial? As a resident he doesn't want to live behind a commercial business which is why he bought in a residential area. He asked the Commission to deny this request. To have commercial traffic behind him as well as in front of his house would create a health concern because of the dust. In addition commercial traffic on to Meadows Dr. past the Lutheran Church creates a safety hazard for their school and the children.

Paulette Harkness, 194 Paciente Pl., added that the commercial access would be open twenty four hours a day and would increase the noise and dust in the area and she asked the Commission not to approve this access.

Chairman Frederick closed the public comments on the matter at 7:17 PM.

Commissioner Hooton asked the Applicant under what conditions from CDOT would they accept the closure of Highway 160 access. Mr. Eggleston reiterated the Applicant would not continue with the project if the access to Highway 160 is going to be closed.

Chairman Frederick commented that it was more likely that the parcel between South Pagosa Blvd. and A Affordable would take access from S. Pagosa Blvd rather than Meadows Dr. because there is already legal access created there. Also, he added that the impact to the residential and church properties would not be any greater than it is now because the development is not getting closer to those properties than it is currently. The Applicant is asking to approve the addition of the access and then will go to CDOT and deal with their concerns. He continued, stating that he was not sure this met the conditions of the minor amendment. The Board of County Commissioners would need to accept the easement deed for the road or not.

Commissioner Adams asked about the width of the road easement. Mr. Eggleston repeated that it would be a 60 foot easement to meet the County Road and Bridge Standard for a gravel road.

Commissioner Shahan express concern regarding doing an approval before the Board of Adjustment had ruled on the variances requested by the applicant. Mr. Eggleston stated they have been asked to provide a back access that is what they are doing. There was then some discussion on how the County would accept the easement or if they could, and that the County Attorney and the County Board would have to make that determination.





**Archuleta County Development Services Department**  
**ARCHULETA COUNTY PLANNING COMMISSION MINUTES**

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**Archuleta County Planning Commission Minutes, Special Meeting June 8, 2016**

The Archuleta County Planning Commission held a meeting on Wednesday, June 8, 2016, at 6:00 PM at the Centerpoint Church, 2750 Cornerstone Dr., Pagosa Springs, Colorado. Chairman Michael Frederick called the meeting to order at 6:28 PM.

**Commissioners in attendance:**

Michael Frederick, Anita Hooton, David Parker, Betty Shahan, and Peter Adams.

**Staff in Attendance:**

John Shepard, AICP, Planning Manager; Todd Starr, County Attorney; and Sherrie Vick, Planning Tech

**Public in Attendance:**

See attached sign in sheets

**Consent:**

None

**Old Business:**

None

**New Business:**

**Two Rivers Gravel Pit Major Sand & Gravel Permit, located in Section 11, T33N R2W NMPM at 12500 County Road 500. (2015-035SG)**

Chairman Frederick opened the meeting and noted that all of the Planning Commissioners were present. Because of the large number of people in attendance there were going to be rules to conduct the meeting. The Planning Commission will evaluate the evidence in writing and verbally presented, according to our land use regulations and make a decision to recommend approval or disapproval of this project. The Planning Commission decision is a recommendation to the Board of County Commissioners based on the majority of the Commission. Chairman Frederick asked the audience to move forward if they could not hear and that they be as quiet as possible during the proceedings. If attendees would like to address the Commission they will need to come up to the podium so Commissioners can hear and so comments can be recorded. Also, speakers must give their name, address, if representing a group of people, and the interest in the project. The Chairman also instructed the group that it was disrespectful to applaud or cheer. These proceedings do not allow for the speaker at the podium to answer questions from the audience. The order of the proceedings were to be that first the County Attorney would address legal matters, the Planning Manager would review the staff report, the Applicant would speak and then there would be public comment, in a certain order and time limits will be imposed. After the public comment, the Applicant will be allowed to address any comments made during that time. The Planning Commission would then close the public part of the meeting and discuss the project and give a decision.

Mr. Starr started with his comments at 6:34pm. Mr. Starr asked if anyone had any objections that the meeting moved from the fellowship hall to the sanctuary of the building. There were no objections made. Mr. Starr continued to address the Planning Commission's ability to deny a project by law. Archuleta County is a statutory county; our only power is granted by State statutes and local regulations cannot conflict with State or Federal Law. There are limitations regarding mining that are only under the State review, such as ground excavation, remediation of the mine, surface water and ground water pollution, and reclamation of the land. The fact that Archuleta County has not adopted 1041 regulations limits the County's ability to address those items. The County can address the impact of the development on the community or surrounding areas. The Commission can approve or deny an application based on specific standards in the *Archuleta County Land Use Regulations*. The Board's and the Planning Commission's primary duty is to protect the health, safety and welfare of the citizens of Archuleta County. Any decision

the Planning Commissioners make in respect to the health, safety and welfare of the county and citing specific sections of the Land Use Regulations can be defended. Mr. Starr continued regarding the question, could the County deny the use of public roads? If it involves protecting the health, safety and welfare of the community the County can restrict vehicle access to public roads. However, this cannot be used as the sole criteria to approve or deny a permit in a quasi-judicial setting like this.

Mr. Shepard began the staff report at 6:39 PM. C&J Gravel Products, Inc, of Durango, Colorado, represented by Nathan Barton, Wasteline, Inc., applied for a Major Sand & Gravel Permit for the proposed Two Rivers Pit, to be located on property owned by the James A. Constant Jr Revocable Trust and Leila B. Constant Revocable Trust; NW¼NE¼, S½NE¼ and NE¼SE¼ of Section 10 and N½SW¼ and S½NW¼ Section 11, T33N R2W NMPM at 12500 County Road 500 (Trujillo Rd), Pagosa Springs, CO. C&J Gravel proposes to construct and operate a sand and gravel mining and processing facility on approximately 62.6 acres of the 100 acres of the property east of the San Juan River, in accordance with Colorado Division of Reclamation Permit M-2015-004.

At a special meeting on February 10, 2016, the Archuleta County Planning Commission continued the noticed public hearing to their regular meeting on April 27, 2016. At that meeting, this hearing was opened and continued to June 8, 2016.

The *Archuleta County Land Use Regulations* Section 9.1 governs Sand, Soil and Gravel Mining. Sec. 9.1.5 provides that all sand, soil and gravel mining operations other than those qualifying for a Minor Sand and Gravel permit, are reviewed as a Conditional Use Permit (CUP, Section 3.2.3). Conditional Uses have potential for causing adverse impacts on other uses, requiring review and evaluation of their effects on surrounding properties and Archuleta County at large. Where conditions cannot be devised, or it is not possible to mitigate adverse impacts, an application shall not be approved. The Planning Commission will review this application's conformance with the *Archuleta County Land Use Regulations*, and make a recommendation to the Archuleta County Board of County Commissioners, who will make a final decision on the proposal.

Performance Standards for sand, soil or gravel mining are outlined in Section 9.1.6 of the Land Use Regulations. Mr. Shepard reviewed each section. Applicants believe the proposal complies with the requirement for compatibility (Surrounding uses are primarily agricultural, forestry, or industrial). The pit itself, while a 30-year project, will likely only have a few acres disturbed at any one time, and provide a buffer of at least 200 feet from the nearest property line and the San Juan River. However, no permanent screening has been proposed to mitigate impacts. Adjacent property owners have objected to the application as submitted.

Truck traffic is a major concern on County Road 500, including both the adequacy of the existing road network and the sufficiency of proposed mitigation. Haul routes would typically be limited to County Primary Roads (arterials and collectors) such as CR 500 and Pagosa Blvd. Existing traffic counts found 238 ADT on CR 500 at the Landfill, and 157 at the Constant ranch, in June 2014. While the application did not discuss the logistics of tracking truck movement, staff understood the operator intended to have a portable scale in place that can be used for all loaded trucks. On request of the County Engineer, a full Traffic Impact Assessment (TIA) was completed by Roadrunner Engineering, LLC, on May 9, 2016. The study projected 37 Average Daily Trips (ADTs) of truck traffic, 9 passenger car/light truck trips per day, and 1 other single unit truck trip on average. Traffic would be split 72% northbound on Cascade/Buttress/South Pagosa Blvd, 18% through the Town of Pagosa Springs, and the remaining 10% southbound on CR 500. Roadway impacts were evaluated using 18,000 equivalent single axle loading (ESAL) procedures to estimate proportionate share impacts to the roadways. The TIA estimates the Two Rivers Pit would account for 34% of traffic on CR 500, and 45% of traffic on S. Pagosa Blvd over 20 years. The Traffic Impact Assessment also analyzed accident records along the haul routes and sight distances on CR 500, proposing three locations for safety improvements.

Although the mining operation would not directly access dense residential or recreational areas, the only direct access to US Hwy 160 is through such areas, and the existing road network is limited. CR 500 is a narrow gravel road, especially south of the Landfill, and not built to accommodate heavy industrial truck traffic. Closer to Town, the current paving project on CR 500 was not designed for heavy truck traffic, nor were Town of Pagosa Springs streets. Large trucks cannot safely navigate turning movements at intersections in town, such as at S. 8th north of the high school, S. 8th at Highway 160, nor at S. Pagosa Blvd and Highway 160. The Town may be required to update their access permits with CDOT if this

proposal is approved. On the primary traffic route, restrictions on Cascade were lifted at some point, but adjacent property owners are very concerned about the existing truck traffic (especially garbage trucks and contractors going to the County Landfill), speeding, and the lack of trails for pedestrians, bikes, horses, etc. No analysis has been provided about the adequacy of the existing gravel on Cascade and Buttress, nor the pavement on S. Pagosa Blvd.

Visibility from adjacent property and the public road will be limited by the sequence of mining operations and terrain, and protected soil stockpiles. A visualization from CR 500 was provided. This may not be sufficient to screen immediately adjacent property. Applicants state that noise and vibration would not exceed the performance measures in Section 5.4.2.1, which is about 45db. This provision would apply to impacts on the immediate neighbors from site operations. Noise from truck traffic on haul routes would be subject to the more general County Noise Ordinance (#2003-8A). Monitoring these standards is the responsibility of the developer.

Section 9.1.6.2 covers Air Quality. Applicants state they would control dust on access roads, stripped areas, and excavations, and included copies of permits in their application. The County Engineer's review found that the increase in traffic from the Two Rivers Pit would exceed the current standard for application of Magnesium Chloride on County Road 500, which is one of the measures the County and Town have taken to comply with EPA standards.

Section 9.1.6.3 addresses Visual Amenities and Scenic Quality. All equipment would be temporary, and move with the phasing plan. No landscaping or buffer screening is proposed. Buffers or screening may be necessary to mitigate impacts on adjacent property. The proposed mining operation is not located near any other current operations. Section 9.1.6.4 covers Crushing, Processing, Batching and Hot Mix Operations, with only crushing proposed at this site. Two sections listed under Sec. 9.1.6.4, but apply to all of the review criteria, including the term of approval and DRMS bonds. The maximum permit term is 20 years, with a 5-year review.

A Conditional Use must also meet the development standards in Section 5, including Environmental standards, Infrastructure standards, and Site Development standards. There are also additional review criteria for a CUP in Section 3.2.3.4 to consider. Before acting on the application, the Commission must make necessary findings under Section 3.2.3.5.

On the 13th of May, Applicants made a revised offer for mitigation of impacts, which they value at approximately \$1,030,000 over 20 years, including:

- Archuleta County to receive 5,000 ton credit, material of choice, as up-front payment for 5 years of impacts to roads.
- Three (3) year contract to provide road base at \$5.00 per ton loaded or \$4.00 per ton stockpiled.
- First three (3) years C&J Gravel to pay \$0.50 per ton mitigation fee. After 3rd year, \$0.37 per ton.
- C&J to pay for and install safety lights described in the TIA, approximately \$25,000 cost.

The project was forwarded for agency reviews. The County Engineer reviewed the Traffic Impact Assessment and provided comments. The County Building Official reviewed the Fire Safety Plan, since the site is not located in a Fire District. USDA NRCS provided comments on stockpiling topsoil, re-vegetation, and other considerations. The Army Corps of Engineers stated their jurisdiction would only apply if additional work is done on the river or wetlands. The Town of Pagosa Springs Planning Director provided several concerns with heavy truck traffic. SUIT Tribal Planning has asked for more time to review the full proposal.

Many members of the public contacted the Development Services Department since January regarding this application. Concerns of immediately neighboring property owners include compatibility of pit operations, truck traffic, and impacts on wildlife. Representatives of adjacent property owner Diamond T Ranch submitted extensive comments in objection. The majority of concerns received regarded impacts of proposed haul routes through developed subdivisions, including current substandard conditions of these roads, dust/PM air quality and traffic safety. Several members of the public provided detailed critiques of the application and supplemental materials. Support for the project was also received, citing the need for gravel and construction materials without driving from Durango, and in support of private property rights. All correspondence received was provided to the Planning Commission.

The Staff Report included recommendations and findings. If the Planning Commission concluded that, based on evidence provided the Applicants met the goals and objectives of the Land Use Regulations, then staff would recommend positive findings and 20 potential conditions of approval. If the Planning Commission concluded that, based on evidence provided the Applicants had NOT met the goals and objectives of the Land Use Regulations, then staff recommended the Planning Commission make specific findings to support that decision.

The Applicants' representatives started their presentations at 7:17PM. **Mike Olson**, 1315 Main Ave. Durango, CO, civil transportation engineer for C & J Gravel, spoke first. The owner John Gilleland, could not make it due to a medical emergency. C & J is located in Durango by the Mercy Medical Center. The company provides a good quality gravel to La Plata County and Archuleta County clients and has no violations on their record with State or Federal agencies. The gravel material at the Two Rivers pit is of good and hard quality. The next closest sources are in Durango or Arboles. This pit would reduce the cost of transporting the gravel from these other sources. **Nathan Barton**, Cortez, the mining engineer, spoke next. They submitted an application to the State Division of Mining, including an environmental statement, which address safety, soils, wildlife, water, vegetation, and impact on neighboring properties. The review by the State is a three-step process and in their case there was an additional review hearing. The project was approved through this process and now it is filed with Archuleta County. The project also went through an injunction filing with the District Court which was dismissed. C & J agrees to meet all 20 of the conditions recommended by the Planning staff and meet all the County regulations. Mr. Barton continued to show how the visual mitigation from the nearest neighbor would be met. The processing operation and stock pile of materials would be in the lower level of the pit and sheltered from view of the neighbor's property and County Rd 500. He also showed the reclamation of the project after 5 years and the continuation of the mining in additional areas. Mining will only be 2 acres at a time; the whole 60 acres will not be mined all at one time. There is water available for dust control on site through the property owner's rights, which will not affect downstream users. The setback of the project will protect water quality for downstream users as well. The access road is existing on the property and construction of the access to the County road will meet the County's road and bridge standards. They will be monitoring the trucks leaving the site and will know all the information required by the county and the routes the trucks are taking for final destinations. Mr. Starr asked **Daniel Gregory**, attorney for the Applicant, if the enlarged photo that Mr. Barton used to show the developments site was being submitted as evidence for the Planning Commission to keep? Mr. Gregory replied in the affirmative.

Mike Olsen continued the Applicants' presentation by explaining the traffic study information. Existing traffic counts were taken on March 30th in the middle of a week at 5 locations. At S. Pagosa and Highway 160, there were 1307 trips, on County Rd 500 just outside of the Town limits 452 trips, on Cascade Ave 189, and north of Cascade Ave. on CR 500 168. Approximately 90% of trips would be going northbound. 80% of the traffic would travel to S. Pagosa Blvd, 20% would travel to Apache Street in the Town and 10% would go south on CR 500. These counts were used to do equivalent calculations for the trucking of materials. Mr. Olsen estimated that 350 passenger vehicle trips equals one semi-truck loading trip. There would be 47 trips made when there is crushing going on. Once the crushing is done there would be 37 trucks trips per day which would include loading and unloading. At the pit site, County Road 500 is designated as a low-volume road. In most areas the county road is wide enough to meet the classification needed for the truck traffic. Analysis was done to through accident reports to see where problem areas were on County roads. A problem area was identified on County Rd 119 and that area will need further study. On County Rd 500 most of the reports were single car accidents related to weather or road conditions. The next evaluation was done on sight distances and reaction time required to avoid accidents. There are three curves on CR 500 which do not have sufficient sight distance. In these areas they would install warning signs in both directions that would warn motorists of oncoming traffic. The evaluation shows that the road is adequate for the truck travel as a gravel road. Further study would need to be done on the paved roads. The evaluation also included the pit's proportion of the impact to that travel route to S. Pagosa and the pit would be responsible for 45% of the impact, 4% of the impact to the travel route through the Town of Pagosa Springs which is CR 500 north of Cascade Ave. Road maintenance necessary would include 5" of aggregate on the gravel roads every 5 years and on the paved areas chip seal every 10 years. C & J is proposing just over one million dollars in a mitigation plan which is detailed in the application.

Chairman Frederick asked the Commissioners if they had any question for Mr. Olson. Hearing none, the chair opened the public portion of the meeting and directed the representative from Diamond T Ranch to start this segment.

The representatives for Diamond T Ranch started their presentation at 7:52PM. **Rob Podoll**, Greenwood Village, CO, the attorney representing Diamond T Ranch, contended that the Applicants have not shown how this industrial use fits into a residential, recreational, and agricultural area, or to provide adequate mitigation of the impacts to the area or the roads. **Devin Joslin**, Centennial, CO, transportation engineer, evaluated the traffic study information provided by the Applicants. The study shows that the mitigation measures proposed are not adequate to mitigate the impacts the traffic generated by the project will have on the roads. Three key concerns are not addressed in the Applicants' proposal. The current condition of the paved roads is not adequate to handle the volume of the truck traffic which would trigger a greater need for improvements. The Town of Pagosa Springs in its review comments state the roads have not been constructed to handle the truck traffic purposed. The intersection at S. Pagosa Blvd and Highway 160 was not addressed in the assessment, and lights and striping at this intersection may have to be modified to meet the CDOT requirements. Mr. Joslin highlighted key locations of impact not included in the Applicants' study. Guard rail is needed at mile marker 7 and 9 of County Road 500. Intersections at Cascade Ave. and CR 500, Apache and 8th Street, and Apache and CR119 need to be evaluated for passing ability of these trucks. These impacts identified should be addressed before an approval is given so the mitigation of these impacts can be added.

**Dr. Erin Lehmer**, 22 Kennebec Dr., Durango, biologist for Diamond T, presented information on wildlife impacted. Studies indicate that when operations like this become active, wildlife leave the area and do not return. Fish and river life will be affected by run off from the operations, in the ditch and the river, due to sediment which clouds the water. It will affect the insect populations and the fish will leave the area or die. The buildup of sediment also affects eggs laid by the fish which will reduce the fish population as well. If an area like this where hunting and fishing is a source of income for the community this kind of development can have a large impact on wildlife and economically. After Dr. Lehmer's presentation, Mr. Starr asked Mr. Podoll if the State Permit required an environmental impact study, and if so why is the County not preempted from considering this testimony. Mr. Podoll responded that the state application was in the packet and the only wildlife study that was done is Exhibit H.

**John Hill**, Ranch Manager for Diamond T, 3900 S Wadsworth Blvd., Lakewood, CO, stated this is a recreational area and people come out here to enjoy the peace and quiet. The home on the ranch was built in 2010. This is a residential area, not an industrial area. **Steve Harris**, Durango, CO, water engineer for the Harris Ditch and the ranch, stated there are 3 water issues. First, the drainage study states that there are two drainage ditches that exist currently. The uphill side drains in the river by the mouth of the Harris ditch and the downhill side drains in to a grassy area which will flow into the Harris ditch. This is unacceptable and there should be conditions that the drainage plan address the road drainage and it not be allowed to flow into the Harris ditch. Secondly, there is a question whether the gravel pit is going to be a "well". By definition, if the gravel pit hits water, the pit will need to get a well permit from the State. The Applicants did not do test holes to see if they would encounter water. The well on the adjacent property is only 340 feet deep and they started getting water at 120 feet. The application stated that they would be excavating down 100 feet. If they encounter water that the Applicant be required to notify the division of water resources immediately and operations are stopped until a permit is received from the State. The third issue is the legal right to, and the amount of, available water. In the application, the source of the water is vague and they will need a water court ruling on water rights. This Court application should have to be submitted and approved and in the mean time they should have a subsequent water supply available.

Mr. Podoll addressed the legality of the access. The access was part of a lawsuit for a bridge over the Harris ditch and maintenance rights along the ditch. In conclusion, Mr. Podoll pointed out that the Applicants have failed to show how this industrial use is compatible with the current uses in the area, and have not provided accurate studies to show how the use meets the land use regulations. Also, there is not adequate site mitigation for noise and dust and the traffic mitigation, and safety measures equally fall short.

Chairman Frederick asked for a representative from the Friends of the Meadows to proceed and limit it 15 minutes, then they would take a break.

The Friends of the Meadows started their presentation at 8:32PM. **Gary Waples**, 2980 Meadows Dr., stated his organization contracted with James Hawkins, an engineer, to evaluate the roads in the Meadows area. Mr. Hawkins' study of the roads showed that the roads are in poor condition and are not

adequate for the proposed traffic load. The road will be destroyed and need to be reconstructed in a short amount of time. Mr. Waples submitted pictures of the roads taken by Mr. Hawkins. Reconstruction for the paved roads is estimated to be over 3 million dollars and the proposed mitigations is only a million. Chairman Frederick ask Mr. Waples to submit Mr. Hawkins' report for the record.

**Beth Tollefsen** 706 Buttress Ave., expressed her concern of how the traffic from the gravel pit will affect the value of their neighborhoods, quality of life and safety of people in this area. She also researched the restrictions originally accepted by the County on Cascade and County Rd 500.

**Howard Strahlendorf** 300 Cascade Ave. read the letter he had submitted which documented the history of the Cascade Ave agreements with the County.

At 8:56 PM Chairman Frederick announced a 10 minute break. The meeting recommenced at 9:12 PM with the announcement that each speaker would be given 3 minutes to be heard.

**JR Ford**, 452 Pagosa Street, stated that, in 1991, Cascade Ave was an easement agreement between land owners and the County, and at the time there was a limit on the weight of commercial vehicles and an agreement to maintain the road. There were signs with those limits and restrictions until 6-7 years ago they were removed. He and a group of property owners have been working with the County for several years to straighten out some the most dangerous curves on County Road 500 but much more is needed. It is unsafe for those large commercial trucks to be traveling up and down County Rd. 500 with only a few warning signs.

**Jean Strahlendorf**, 300 Cascade Ave, addressed road issues. She recalled that the limit was 15,000 lbs. Dust and noise caused by commercial trucks on gravel roads in the area already cause health issues because they stir up more than just dirt, it also makes airborne metals and fumes from the trucks. The noise levels are twice what the County Noise ordinance allows.

**Barbara Kennedy**, 605 Cool Pines Dr., representing the Colorado Timber Ridge HOA and members, would like to know how the truck routes are going to be monitored and how the County is going to keep the trucks off Bristlecone. Her HOA has its own metro district and they pay to have their roads in Colorado Timber Ridge Subdivision paved and maintained. Kennedy submitted a report from their road engineer stating the roads can't handle these loads. The HOA and its members can't afford replacing the roads sooner than scheduled. In some areas the grade on their roads is 5-10% and have tight curves. Large trucks cannot make these turns and should not be traveling on their privately maintained roads.

**Joe Lister Jr.**, 626 S. Florida, stated that C & J have historically given back to the community they serve and have worked to solve problems in the community. The roads are an issue the community needs to solve.

**Rodney Hubbard**, 63 Antero Dr., stated the EPA report shows we fail to meet the air quality standards now. There is need to look at the impact these trucks will have on the area. The environmental assessment that the applicant submitted to the State was not a complete environmental study.

**Mark Espoy**, 1905 S. Pagosa Blvd., stated the Applicants were not taking in consideration the wear on the paved roads and did not address that in their mitigation measures.

**Beverly Cuyler**, 2017 S. Pagosa Blvd., stated she loves walking, riding bicycles and running in her neighborhood. With these trucks running up and down, the road will no longer be safe for people or the wildlife that crosses the road.

**Paul Grave**, 154 Pebble Cir, stated we need the gravel to continue economic growth for our County.

**George Dougherty**, 191 Columbia Ct., stated that gravel trucks and trash trucks damage the roads much more then cars do. There needs to be a greater detail to the mitigation of the road wear so the taxpayer is not footing the bill for their business.

**Larry Hefling**, 41 Pacifica and Meadows Dr., stated the trucks and traffic on the road today don't follow the speed limits. Adding more trucks will only make it more unsafe for automobile drivers and wildlife on the road.

At 9:48 PM, Chairman Frederick closed Public Comment. Mr. Starr reiterated that wildlife issues were under the State's purview not the County's, except as they relate to the character and nature of the neighborhood. Water-related issues were also under the State's jurisdiction. Wastewater is an issue in our criteria which should be taken into consideration.

The Applicants' representative started his rebuttal at 9:50 PM. Mike Olsen spoke to traffic. The routes shown follow best management practices consolidating traffic. The routes follow where demand is. They did look at intersections with state highways, but the additional traffic would not trigger CDOT access review requirements, although they would be willing to look at those in more detail. Looking at impacts, currently impacts are generated in Durango so La Plata County receives the benefits rather than Archuleta County. Mitigation offered is a suggestion to address concerns raised by the County.

Daniel Gregory of Durango, attorney for the Applicants, addressed the criteria as described by the County Attorney and Planning Manager. Information has been submitted by experts on both sides to the County, the State and to the courts. The State and the Court rejected the opposition arguments. The State order covered geologic, hydrologic and environmental concerns and the state approved the mitigation plans for these concerns. Mr. Gregory described results of the Court order, which was provided to the Planning Commission. Further, nothing is wrong with the bridge and the access. The issue here is the standards under the land use code, and whether or not this particular application has an incremental impact that would violate those standards. C&J Gravel has been in business for 38 years, and there is no evidence of any violations at a State level or local level. C & J is a good community member, has found a good source of gravel the community needs, and has accepted all 20 conditions the staff has recommended for this application's approval.

At 10:05 PM, Chairman Frederick closed the public meeting and requested a motion from the Commissioners and discussion.

Commissioner Hooton made a motion to recommend disapproval of the Two Rivers Pit Major Sand & Gravel Permit, with the findings that the Applicant has not met the Land Use Performance Standards by not providing mitigation that adequately addresses the impact on the roads, and the nature of the community, that is required in Sec. 9.1.6.1(1) and 9.1.6.1(2). Commissioner Parker seconded, and discussion commenced.

Chairman Frederick commented that he agreed that the major issue was the traffic impact. The road system that has developed is insufficient to support this gravel pit to access the arterial road system. Trujillo Road dead ends in residential streets. We should not be sending this traffic down streets designed as residential roads, in the Town or in the unincorporated area of the County.

Commissioner Shahan expressed concern with large commercial vehicles traveling through the downtown area.

Chairman Frederick called for the vote. Motion to recommend disapproval passed unanimously (5-0).

**Reports and Announcements:**

None.

**Next Meeting:**

Regular Meeting on June 22, 2016 at the Administration Offices.

**Adjourn:** Commissioner Shahan moved to adjourn the meeting, Commissioner Adams seconded. Meeting adjourned at 10:11PM.

Approved this        day of        , 2016

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Sherrie Vick  
Planning Technician

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Michael Frederick  
Chairman

# Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
John Shepard	PO Box 1543 Pagosa Springs	jshppard@archuletacounty.com			
✓ NATHAN A BARTON	PO Box 88 Cortez	SDLiberty@aol.com			
David Wilson	48 CR 250 STE 3 Durango	970-385-6774			
Steve Harris	954 E 2nd Ave Durango	970-259-5322			
David Campbell/Kriss	511 Yarrow Circle, Pagosa	970-946-0761			
JACQUI HILL	5619 DTC Pkwy #1100 Greenwood Village	303 861-4000			Y
✓ Bob Podoll	5619 DTC Pkwy #1100 Greenwood Village	"		Y	
✓ JOHN HILL	3900 S. WADSWORTH BLVD LAKEWOOD CO 80235	980 4640 303 988		X	
✓ Erin Whinn	22 Kennebec Dr Durango 81301	970-769-7031		X	
BRIAN HUBBS	12800 CR 500 PAGOSA SPRINGS CO 81147	970-264-1325			X
170 JIE ABLER	3190 MEADOWS DR 81147	970-731-4277	✓		
170 Hie Jean Strahlendorf	300 Cascade Ave	970 7312340		✓	
Kitty Mathis-Shultz	95 manposa Dr	970 731 5572			

170 JIE  
170 Hie

# Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Friends of Meadows

Friends of Meadows

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
Devin Joslin	6300 S. Syracuse Way, Ste. 600 Centennial, CO 80111	303.721.1440 devin.joslin@flivng.com		✓	
GARY WAPLES	2980 MEADOWS DR. P.3	GARY@CENTURTEL.net	✓	✓	
Judy Waples	2980 Meadows Dr AS	"			✓
Carol Chiffon/Nelson	2650 Meadows Dr	731-5520			
HOWARD STRATHELDORF	300 CASCADE AVE	7312340	✓	✓	
ELLA OLSON	265 CASCADE AVE.	398 9016			
Barbara Wayne Kennedy	605 Cool Pines Dr	903-6327		✓	
Jim Rains	3190 Meadows Dr.				
DAN ROSENBLATT	105 MARMOT CT	731-5005	✓		
Theresa Snyder	105 MARMOT CT	731-5005			
LEE VOCHIEZ	2153 SO PARK BLVD	731.2688	—	—	
Bruce Gouge Woods	200 Shooting Star Dr	731.3938	✓		X TOC T.M.B.
DANIEL GREGORY	1199 MANOR AVE	247-8123		✓	

# Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

2

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
FREDERICK A. JAY	418 COOL PINES	(512) 626-0775 fjay@jeo.com	✓		
MIKE DAVIS	470 HEATH DR	405-802-5002 DAVISMIKEJAN@GMAIL.COM			✓
<sup>&amp; LEE</sup> KRISTIN VORHIES	2153 So Pagosa	KVorhies@centurytel			
Joe Lister Jr.	626 S. Florida	970-946-5015 joe.listerjr@kotmail.com	✓		
MIKE OLSON	1315 MAIN AVE SUITE 221 APO	970 799 0336	APPLICANT		
Bill Hudgins	2605 MEADOWS DR	946-1624 olshud@comcast.net	✓		
Karen Bynum	949 Buttress Ave.	903-3877			
Beth Tolgson	706. Buttress	731-2838		✓	
Margaret Klein	315 Heath	731-1674			✓
Stephane Mills	104 Buttress Ave	731-6639			
CHRIS MILLS	104 BUTTRESS AVE	731-6639			
Trisha Arrighetti	1408 S pagosa Blvd	731-4361			
DANIEL ELLIS	49 S. Feather Ct	303-910-5391			

Friends  
 of  
 Friends  
 of  
 Friends

**Archuleta County Planning Commission**

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
George Dougherty	191 Columbia Ct	682-492-8484		X	NO
HARRIS BYNUM	949 BUTTRESS	903-4520			
Ray [unclear]	706 Butters Camp	970 731 2838			X
Michael Hayward	392 Antero Drive	970-946-2032			X
ERIC NELSON	168 BUCKEYE PL	731 0693	X		
Wes Arrighetti	1408 S PAPA BLVD	731 4361	X		
RICHARD HUMM	59 CASCADE	817-319-1947	-	-	-
Larry + Pat Patchen	58 N Feather Ct	303-906-7493	-	-	-
MARK ESPY	1905 S. PAGOOSA BLVD 225 S WOOTEN STAR BLVD	970-946-6658	X		
ALAN BUNCH	94 NATALIES WAY CT	970-731-0951			
David Heaton	2529 S. PAGOOSA BLVD	970-731-3454			
Donna [unclear]	316 Capriolo Circle	970 507 0342			
Jim & Rebecca Bradshaw	97 EVANS CT	970-731-1280			

Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
MARY + JOHN PECK	445 BRISTLEcone Dr,	970-731-3933			
Valerie Moller	155 Shooting Star Dr				
Larry Haffling	41 Pacific DR	970 731 1560	possibly		
Mark Kicher	10300 CR 500	970-264 6129			
Goreb M Kicher	"	"			
Ray J Woods	200 Shooting Star Dr. TR	970-731-3938			✓ To B. Kennedy
Ivo BRIEVEN	1428 Cool Pines	731-2678			To B. Kennedy
DAN MEYER	136 CASCADE	731-3255			
Katherine Hampton	1441 Corvino Place	731-1060			
RICHARD HAMPTON	"	"			
DONAVO FARR	65 Caballero Drive	731-1184			
Stan + Missy Champion	129 Shadow Place	731-1929			
Ron Christman	3052 Meadows Dr	946-5010			✗

**Archuleta County Planning Commission**

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating Time to a Group?
			Individually?	For a Group?	
Brittany Newsome	3417 Meadow Dr	970-880-0076			
Leah Hellerich	145 Buckeye Drive	816-585-2892 lhellerich@gmail.com			
Rev. Richard J. Bollard	145 Buckeye Place	770-222-8249 rabollard@icloud.com	✓		
Mike & Teri Danielson	67 Elbert Pl	970 731-6627			
Richard/Bennie Anderson	313 SHADOW PL, POCOSA	970 731-9303	✓		
Brian Duffin	3097 meadows Dr, Pocosin	970 731-3020	✓		
Neil Postolese	194 Columbia ct. Pocosin	970-398-0777			
Greta Sloan	1464 S. POCOSA BLVD				
Cathy & Joe Eck	657 Meadows Dr.	cathy.joe.eck@gmail.com			
Chuck & Eileen Anderson	61 Sage Cir				
Kim Kron	1421 Cool Pines Dr	713 859 1567			
Steven McPeck/Denise McPeck	560 Antero Dr	731-9114			
PAUL GRAVES	154 PEBBLE CIRCLE	970-946-7864		✓	

**Archuleta County Planning Commission**

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating Time to a Group?
			Individually?	For a Group?	
Marlene Crandall	3056 Meadows Dr	970-903-9268			
Suzette Gary Cass	431 Talisman Dr #106	970-731-0224			
Emily Olson	1627 Silver Mesa Dr	970-903-0799	<input checked="" type="checkbox"/>		
MzJ Conrath	348 Meadows Cir	-	<input checked="" type="checkbox"/>		
Jim & Kaye Hawkins	3252 Meadows Dr	970-731-2028			
Becky Todd	65 Buffalo Ct	225-205-2519			
Lyn Carreras	1945 Meadows	970-759-8518	<input checked="" type="checkbox"/>		
Bob & Glen Beyer	398 Yarrow Circle	214-769-1791			
John [unclear]	139 Rob Snow Rd	970-264-5924			
Marshall Dunham	[unclear]				
Kathryn Lervani	2187 S. Rock Bluff Ln	970-946-3197			
Paul Dillon	1230 Bristlecone Dr	303-472-3850			
CHRIS HART	3361 MEADOWS DR.	970-759-3384			

**Archuleta County Planning Commission**

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
Dennis & Penny Crowl	273 Meadows Dr.	731-4612			
Dot Burkham	136 Reple	731-2308			
Lincoln Stewart	40 WATERFALL CT	731-0377			
Joeb Cole	Southern Ute Folor Tribe	1970 563-4749			
Tracy Smith	207 Poston Ranch Dr.	970-759-2074			
Charmain L. Smith	207 Poston Ranch Dr.	970 759 4419			
Ben Langwell	904 Scenic Ave	970-731-0859			
Kathy Zebauer	203 Bradley	903-2818			
w. Tom ZEHAVEN	203 BRADLEY	907-7022			
Mariah Korman	594 Balford Place	731-3579			
JEFF HONES	417 BLANCA	970 693-6066			
Marie Hatcher	56 Sage				
Sally Ruffin	160 Perrow	731-0762			

Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
JACKI HART	3361 MEADOWS DR	749-5444			
Rick Lafferty	280 Bradley PL	646-400-2637			
Pie Lafferty	280 Bradley PL	646 306-8907			
TIM SHUMAKER	585 BELFORD PL	749-8425			
Scott Tonges	309 BLANCA PL	970-946-5758			
Marlyn Krings	305 Estero Circle	970-264-5210			
Brent Christians	380 Mesa Dr	970-264-0629			
Robbin Shackleton	30 Washington	970-946-6922			
Matt Hunt	41 Carols Curves	970-749-4709			
Angela Selph	262 Cloud Cap Ave	970-946-9069			
Gene & LuAnn Fox	129 Kinley Ct. P.S	970 731-5525			
<del>Daron Selph</del>	242 Cloud Cap AVE	970-749-1473			
Mary Forman	1236 Cool Pines	970 731 0880			

25

**Archuleta County Planning Commission**

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
Paul Lerwa	1257 Henschel	731 5173			
Linda Lerwa	1257 Henschel	731 5173			
Bob Johnson	Durango Co.	769 6921			
Beth Ochsenreiter	Durango CO	759-5598			
LYNN HAY + NANCY HAY	165 KIRKLEY CT	731-0862			
Sarah Daulton	PO Box 5841 Pagosa	731-4048			
James Hoffman	898 HERSCH AVE PAGOSA	731-9257			
ROBERT MERCER	705 BUTTRESS AVE	731-2477			
Deborah Hainer	884 Buttress Ave	731 3157			
Kim Mays	1137 Card S00	903 0546			
MICHAEL GRIMM	198 CARRICHO CIR	731-1038			
General Reup	2595 Spruce BLVD	731-5933			
Marie Anderson	3233 Meadows Dr.	731-9014			

## Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating Time to a Group?
			Individually?	For a Group?	
<del>GEORGE GESSNER</del>	1021 Cool Pines	817-229-4259			
Charles Ritter	2647 MEADOWS DR.	785-408-5789			
Barbara Palmer	31 Vista San Juan	970-946-9441			
Don Palmer	31 " "	" 946-3241			
<del>Lyndie and Anthony</del>	198 Capricho Blvd	731-1038			
Ken Koy	40 Paciente	731-4568			
HAROLD & Rebecca Custing	2804 CR 119	264-6938			
TERRY WYATT	2005 MEADOWS	512-627-8288			
Bill Hudson	268 Hermosa St	970 236 6116			
Phyl Dalesie	217 Pinon Causeway #3013	970 731 4589			
Kimberley Bradshaw	20 Quartz ct.	970-576-8076			
Jay & JoAnn Jessor	25 ALDWOOD CT	970 420 1485			
DALE & BETTY SCHNICKER	1000 HARVARD AVE	931-3363			

Archuleta County Planning Commission

Special Meeting - Wed. June 8, 2016, 6pm

Meeting Attendance

Name	Address	Phone/email	Do You Wish to Speak?		Are You Donating
			Individually?	For a Group?	Time to a Group?
CHERYL PRESTIANNI	2113 Meadows Dr, Pagosa 81427	cprestianni@yahoo.com 619 9186379	NO		Yes
Shirley Jane Brinkmann	113 Columbia Ct	903-6735 brinkmann.j.s@gmail	NO		NO
Jim + Kristen Roth	519 Loma Vista Ct PS	970 264-2753 Kristenroth@gmail.com	NO		
J.R. Ford	452 Pagosa st PS	Pagosaford@pagosa.co	YES		NO
Linda Rigney	330 Engleman Pl PS	970-731-9730	Y	Yes	
Graham Poulter	218 Sage Circle	2813574186	N	N	N
Jack Constant	12272 CR 500				
James Poulter	12500 C.R. 500		N		N
Bryan & Sue Meekins	19 Peak Ct	970-731-9173 meekins@centurytel.net	N		N
DEBBIE FORD	603 ANTERO DR.	dmford.alm@gmail.com			
Kim + Walt Moore	48 Fisher Ct	kimmoore@centurytel.net			Y
R. Johnson	437 Haly Pl		N		N







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## MEMORANDUM

TO: Archuleta County Planning Commission  
FROM: John C. Shepard, AICP; Planning Manager  
DATE: 7/27/2016  
RE: Proposed Amendments to the Land Use Regulations

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The *Archuleta County Land Use Regulations* may be amended when the Planning Commission certifies changes to the Board of County Commissioners, who must approve any proposed changes at a public hearing after public notice specified by CRS 30-28-116. Notice of this proposal was published in the *Pagosa Sun* as required, and posted on the County website.

Archuleta County Development Services is proposing amendments to *the Archuleta County Land Use Regulations*. The proposed changes:

- 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions,
- 2) Clarify provisions for Accessory Uses and Structures, and
- 3) Clarify cross-references and certain provisions of Table 1 and Table 4.

These changes amend portions of Sections 2.1.2, 2.2.1, 3.1.1, 3.1.4, 3.2.5, 3.2.6, 5.5.2, 11.2.1 (see attached, additions in **RED UNDERLINE**, deletions in ~~strikeout~~, commentary in *italics*).

### I. Non-Commercial Cultivation

The *Archuleta County Land Use Regulations* (Sec. 2.1.2.1(1)) were amended in March 2015 to provide that cultivation of marijuana for any reason requires a Land Use Permit, and classifies licensed Marijuana Establishments as Uses by Right in Commercial and Industrial zones. Concerns have been raised by neighbors of property where large numbers of marijuana plants have been grown purportedly for unlicensed personal or medical use.

Proposed amendments are intended to clarify requirements for *non-commercial* cultivation, as an accessory use on any parcel in any zone, the same as gardening. Amendments define the terms “marijuana”, “marijuana caregiver” and “industrial hemp”, with reference to terms of the Colorado Constitution. Hemp is not included in restrictions on marijuana cultivation.

A 12 plant count is provided for personal use. A licensed Medical Marijuana Caregiver has a 36 plant count per parcel, with performance standards. A Land Use Permit would be required for

any Medical Marijuana Caregiver, meeting the Land Use Regulations' development standards for the parcel whether residential, commercial or industrial. Limitations on home-grows have been adopted in at least 19 Colorado counties.

- Eagle County allows 18 plants/9 mature for personal use, and 36 plants/18 mature for medical use, indoors only.
- Pueblo County adopted more complicated provisions—18 plants for single-family dwelling, 12 per unit multifamily, 36 per building in Industrial zones, all indoors, or 36 per parcel in Agricultural zones and may be outdoors. Pueblo County also has a full-time zoning and nuisance enforcement officer.
- Summit County limits production to 12 plants, with maximum square footage, and is only allowed in a person's primary residence/accessory structure or caregiver's residence/accessory structure. Fairly straight-forward provisions are proposed in recognition of limited enforcement resources.

## II. Accessory Uses and Structures

In response to a request from a local property owner, the proposed text allows a Greenhouse as a Conditional Use in a Commercial (C) zone or a Use by Right in an Industrial (I) zone. Since Marijuana Establishments are uses by right in these zones, this would allow cultivation facilities built for marijuana to grow other plants as well. Proposed text also provides standards for fences, to clarify the existing regulations.

Since public notice, a local business owner brought to staff's attention a discrepancy in previous text amendments adopted in 2011. At that time, changes were considered to specifically allow Cargo Containers as Portable Accessory Structures. However, the definition of Outdoor Storage was not amended to complete the change. The Planning Commission is asked to add the following amendment to their recommendation:

**Outdoor Storage:** The keeping, in an unroofed area, of any equipment, goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.  
~~Containers and semi-trailers may not be used for residential or storage uses except on construction sites.~~

## III. Table 1 and Table 4

Housekeeping amendments are proposed for **Table 1: Review Process**, to note approval processes previously added to the Land Use Regulations, and clarify cross-references. Changes to **Table 4: Zone District Standards** address what appear to be typographic errors in reference to corner setbacks, and adjust setbacks in the Residential (R) zone, the smallest lot zone district.

## ATTACHMENTS.

Attachment 1: Proposed Amendments 6/14/16

## Proposed Amendments to the Archuleta County Land Use Regulations

6/14/16 Additions in RED UNDERLINE, deletions in ~~strikeout~~; commentary in italics

*Classifying non-commercial marijuana cultivation as an Accessory Use, and adopting limits and definitions.*

### 11.2.1 definitions

**Agricultural Uses:** Those farm or ranch uses which primarily involve raising, harvesting, producing or keeping plants or animals, including agricultural structures which house farm or ranch implements, hay, grain, poultry, livestock or other horticultural products. An agricultural structure shall not be a place of human habitation. Agricultural uses exclude any business whose primary function is to provide on-site services or retail sales of non-agricultural products. Agricultural Uses also excludes any use governed by either the Colorado Medical Marijuana Program (CRS §25-1.5-106 et seq), Colorado Medical Marijuana Code (CRS §12-43.3-101 et seq) or ~~the~~ Colorado Retail Marijuana Code (CRS §12-43.4-101 et seq).

**Industrial Hemp:** As defined by the Colorado Constitution, the plant of the genus cannabis and any part of such plant, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

**Marijuana:** As defined by the Colorado Constitution, all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate; does not include Industrial Hemp.

**Marijuana Caregiver:** A person, other than a medical patient or the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition, as defined by CRS §25-1.5-106(2)(d.5).

### 2.1.2 Exemptions from Land Use Permit Requirement:

The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Agricultural/Forestry or Agricultural Ranching:

2.1.2.1 Agricultural Uses ~~operations~~ that do not require a Land Use Permit include:

- (1) Production, cultivation, growing, and harvesting of crops and plants. ~~Provided, however, m~~ Marijuana operations and activities of all any types, including but not limited to cultivation, growing or harvesting, ~~shall require a Land Use Permit~~ are not considered an Agricultural Use.
- (4) Harvesting, storage, grading, packaging, ~~processing,~~ distribution, and sale of agricultural commodities occurring at the point of production.

**2.1.2.3** Accessory structures and one additional dwelling allowed by these Regulations that are associated with the exempt uses and activities herein do not require a Land Use Permit.

**(1)** Multiple dwelling units in conjunction with an active agricultural operation require an agricultural ~~Use By Right~~ **Land Use** Permit.

**(2)** Approval of a Land Use Permit shall be required prior to commencing a Marijuana Caregiver use.

### **3.2.5 Accessory Uses:**

Accessory uses shall comply with all requirements for the principal use, including obtaining a building permit, except where specifically modified by this Section, and shall also comply with the following limitations:

**3.2.5.1** Gardening and raising animals for personal use, within the requirements of Sec. 5.5.2, shall be considered a customary Accessory Use with no sales from the premises.

**(1)** A greenhouse or hothouse may be maintained accessory to a ~~dwelling only~~ if there are ~~no sales from the premises~~ principal structure.

### **5.5.2 Animals and Gardening as Accessory Uses**

**5.5.2.1** Cultivation of marijuana may be conducted as an accessory use on any legal parcel.

**(1)** No more than six (6) marijuana plants may be cultivated for personal use by a Colorado resident, 21 years of age or older, as provided in Sec. 14(4) and Sec 16(3) of Article XVIII of the Colorado Constitution, with no more than 12 marijuana plants on a single parcel.

**(2)** No more than 36 marijuana plants may be cultivated by a Medical Marijuana Caregiver, registered with the State licensing authority, with a Land Use Permit.

**a.** Cultivation must be conducted in an enclosed, locked building, with plants screened from public view.

**b.** Caregiver cultivation facilities shall follow all health and safety requirements of Archuleta County marijuana licensing ordinances.

**c.** Caregiver operations shall comply with the Industrial Performance standards in Sec. 5.4.2, including sound, vibration, emissions, outdoor storage and water pollution. Any extraction must follow requirements of Colorado statutes.

**(3)** Marijuana operations and activities are expressly prohibited as a Home Occupation.

**5.5.2.2** The following chart identifies limitations on the number and type of animals permitted in each zoning district.

#### **TABLE 5: ANIMAL REGULATIONS**

Clarify provisions for Accessory Uses and Structures.

**3.1.1 Zoning District Uses:**

**TABLE 3: USES BY ZONING DISTRICT**

USE	AF	AR	AE	RR	R	MH	C	I
AGRICULTURAL								
<u>Greenhouse or Plant Nursery and Greenhouse</u>		R	C				<u>C</u>	<u>R</u>

**11.2 WORDS AND TERMS**

**11.2.1 Plant Nursery and Greenhouse:** Any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

**3.2.6 Accessory Structures:**

**3.2.6.2** No part of any accessory structure shall be located closer than ten (10) feet to any principal structures unless it is attached to, or forms a part of the principal structure.

**3.2.6.3** ~~No part of any An accessory structure shall be located closer than twenty five (25) feet to any adjacent property line or shall meet recorded deed restrictions, property development by laws or than~~ meet the same required setback distances for as a principal structure or as provided in recorded subdivision covenants, whichever is less.

(1) A fence over 8' in height must meet all required setbacks.

(2) A fence over 6' in height or a security fence as defined in Sec. 11.2.1 must meet the minimum front or corner setback, unless located in Commercial (C) or Industrial (I) zoning districts.

(3) Fences must maintain the required Vision Clearance Area in Sec. 5.4.7.

**3.2.6.5 Portable Accessory Structures...**

A portable Agricultural accessory structures in Agricultural Use as exempted under Section 2.1.2 ~~are~~ is also exempt from the limits of this Section 3.2.6.5.

*Insert section number for clarity*

**3.2.6.6** Accessory structures including portable accessory structures, used for Commercial and/or Industrial purposes shall be by a minor amendment to a Conditional Use Permit (CUP) or Use By Right (UBR) permit only and shall comply with all applicable Regulations and Standards thereof. There shall be no additional fee charged to amend ~~the CUP or a~~ a UBR to allow accessory structures.

Clarify cross-references and certain provisions of Table 1 and Table 4..

2.2.1 Review Process Chart:

TABLE 1: REVIEW PROCESS

	<u>Pre-App</u>	<u>Sketch</u>			<u>Preliminary</u>			<u>Final</u>				
<u>Approval Requested</u>		<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>BOA</u>	<u>Notes</u>
Floodplain Development Permit	M							A <sup>3</sup>			APP	<a href="#"><sup>3</sup>Sec 10.2.2</a>
Sign Permit	M							A <sup>3</sup>			APP	<a href="#"><sup>3</sup>Sec 7.1.3</a>
Temporary Use Permit	M							A <sup>3</sup>			APP	<a href="#"><sup>3</sup>Sec 3.2.4</a>
Minor O&G Permit	M	M <sup>1</sup>						A <sup>3</sup>			APP	<a href="#"><sup>1</sup>Sec9.2.6.9</a> <a href="#"><sup>3</sup>Sec 9.2.6.10</a>
Minor S&G Permit	M							A <sup>3</sup>			APP	<a href="#"><sup>3</sup>Sec 9.1.4</a>
Major O&G Permit	M	M <sup>1</sup>						M	P	H <sup>3</sup>		<a href="#"><sup>1</sup>Sec9.2.6.9</a> <a href="#"><sup>3</sup>Sec 9.2.6.11</a>
Major S&G Permit	M							M	H	H <sup>3</sup>		<a href="#"><sup>3</sup>Sec 9.1.5</a>
<a href="#">Geothermal Exploration Activity Notice</a>	M							A <sup>3</sup>		APP		<a href="#"><sup>3</sup>Sec2.5.6.3</a>
<a href="#">Geothermal Resources Permit</a>	M	M <sup>1</sup>						A <sup>3</sup>	H <sup>3</sup>	H <sup>3</sup>		<a href="#"><sup>1</sup>Sec 2.5.6.4(1)a</a> <a href="#"><sup>3</sup>Sec 2.5.6.4(1)b</a> <a href="#">Sec 2.5.6.5</a> <a href="#">Sec 2.5.6.7</a>
Access Permit	M							M	P	HP <sup>3</sup>		<a href="#"><sup>3</sup>Sec 5.3.2</a>
Use by Right <a href="#">Site Plan</a>	MA							A <sup>3</sup>			APP	<a href="#"><sup>3</sup>Sec 3.2.2</a>
Conditional Use Permit	M							M <sup>43</sup>	H	H		<a href="#"><sup>3</sup>Sec 3.2.3</a>
Concept Review	M	M		H <sup>1</sup>				M	H	H		<a href="#"><sup>1</sup>Sec 2.2.12</a>

General Development Plan	M	M				H <sup>2</sup>		M	H	H		<sup>2</sup> Sec 2.2.13
PUD	M	M	P <sup>1</sup>		M	H	APP	M	H	H		<sup>1</sup> Sec 4.2.3.2 <del>3.1.6.2</del>
Rezoning	M							M	H	H <sup>3</sup>		<sup>3</sup> Sec 3.1.7.3
Major Subdivision	M	M	P <sup>2</sup> <u>1</u>		M	H <sup>2</sup>	APP	M	P	H <sup>3</sup>		<sup>21</sup> Sec 4.2.3.2 <sup>2</sup> Sec 4.3.3 <sup>3</sup> Sec 4.4.3
Minor Subdivision	M	M	A/ P <sup>2</sup> <u>1</u>					M	P	H <sup>3</sup>		<sup>21</sup> Sec 4.2.3.2 <sup>3</sup> Sec 4.4.3
Rural Land Use Process	M	M	P <sup>2</sup> <u>1</u>		M	H	APP	M	P	H		<sup>21</sup> Sec 4.2.3.2 <del>4.5</del>
Site Specific Development Plan	M									H <sup>3</sup>		<sup>2</sup> Sec 2.3.1
Amended Plat - Major	M	M	P <sup>2</sup> <u>1</u>		M	H <sup>2</sup>	APP	M	P	H <sup>3</sup>		<sup>21</sup> Sec 4.2.3.2 <sup>2</sup> Sec 4.3.3 <sup>3</sup> Sec 4.6.4.3-1, <del>4.6.4.3-2</del>
Amended Plat - Minor	M	M	A/ P <sup>2</sup> <u>1</u>					M	P	H <sup>3</sup>		<sup>21</sup> Sec 4.2.3.2 <sup>3</sup> Sec 4.6.4.3-1, <del>4.6.4.3-2</del>
Lot Line Adjustment	M							M	P <sup>4</sup>	P <sup>43</sup>		<sup>43</sup> Sec 4.6.4.3-3
Lot Consolidation	M							M		P <sup>3</sup>		<sup>3</sup> Sec 4.9.5, Sec 4.10.4
Subdivision Vacation	M							M	P	H <sup>3</sup>		<sup>3</sup> Sec 4.8.3
<u>Variances-Administrative</u>	<u>M</u>							<u>A<sup>3</sup></u>			<u>APP</u>	<sup>3</sup> Sec 2.4.3
<u>Variances-General</u>	<u>M</u>										<u>H<sup>3</sup></u>	<sup>3</sup> Sec 2.4.3

### 3.1.4 Zoning District Standards

**TABLE 4: ZONE DISTRICT STANDARDS**

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres <i>(w/H<sub>2</sub>O or Sewer)</i>	8,000 ft <sup>2</sup>	2,500ft <sup>2</sup>	10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	75 feet	25 feet	20 feet	<del>20</del> 15 feet	10 feet	25 feet	50 feet
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	<del>10</del> 15 feet	10 feet	10 feet	25 feet
Minimum Corner Setback (street side )	<del>150</del> 100 feet	50 feet	<del>50</del> 25 feet	<del>40</del> 20 feet	<del>25</del> 15 feet	<del>25</del> 10 feet	25 feet	50 feet
Minimum Rear Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet

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## MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: July 27, 2016

RE: Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail (PLN16-054)

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### EXECUTIVE SUMMARY

Jeremiah “J” Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by the Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales for Recreational Vehicles in the PUD zone.

Applicant has also made a concurrent request for a Variance from requirements to pave the parking area, which will be heard separately by the Board of Adjustment (PLN16-055).

### REVIEW PROCEDURE

*Archuleta County Land Use Regulations* Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. The Planning Commission can recommend conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4.

Public notice was provided to the applicant for publication in the *Pagosa Springs Sun*, to be posted on site, and to mail to adjacent property owners as required. Notice was originally mailed on June 1, 2016; however, the newspaper notice was not published on time and the public hearing was delayed to this date.

### DISCUSSION

In July 2015, Holiday RV South Inc. of South Fork, Colorado, opened for business at 633 Navajo Trail, at the corner of Bastille Dr., without a Land Use Permit or approval from the Pagosa Lakes Property Owners Association (PLPOA). The business sells new and late model used recreational vehicles (RVs). Applicant also graded and finished RV parking display areas without County approval. There is unimproved property to the east and north, and an auto sales lot to the west.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map shows this area as High Density Residential transitioning to Industrial to the east (the commercial area along N. Pagosa Blvd north of Highway 160). The *Joint Town County Planning Commission Zoning Discussion 2010* map recognizes this parcel as part of the Planned Unit Development (PUD) area, with areas further east and directly across US Hwy 160 as Commercial. This property is zoned PUD, and the project was approved by PLPOA on 5/19/2016, even though the recorded covenants state “the operations from such stores, shops or businesses shall be conducted entirely within an enclosed building.” Bastille Drive and Navajo Trail are Local Access roads on the Primary road system.

This property was approved as the one-lot Unique Mountain Log Homes PUD in the year 2000, as an office/sales building, under the regulations then in place. In 2005, the use was changed by Derek Lamereaux to the Clarion Mortgage Limited Impact Use (2005-02) for office space. After the Applicant occupied the property without required permits, County and PLPOA staff tried to work with him to determine appropriate approval process (since the property is located in the Planned Unit Development) and to complete an application packet. While an application to amend the approved PUD Development Plan would be the usual process, the County did approve Outdoor Retail Sales at the Ace Hardware on the same block with a Conditional Use Permit in 2005. Section 5.4.2.6(2) of the Land Use Regulations requires outdoor merchandise displays to be approved only by the Planning Commission or Board of County Commissioners, and a CUP would provide that process.

On November 15, 2015, the County Attorney ordered the property owner and Applicant to apply for a Conditional Use Permit. Applicant submitted an application on May 23, 2016, for a CUP and Variance from requirements for paving. The application was accepted, but lacked several items required by Sec. 3.2.3.2 of the Land Use Regulations, including:

- (3) No Site Development Plan. The sketch submitted is entirely inadequate for review against Development Standards or Engineering Standards. Parking lot layouts must be approved by the County Engineer.
- (8) Incomplete Proof of Ownership.

The County would not normally enforce covenants, but the covenants provide the basis for development standards in the PUD zone. A wide variety of commercial uses are permitted at this location, but as noted the covenants specifically require commercial activity be entirely within an enclosed building—the proposed use appears to be prohibited. Ridgeview Subdivision Replat was approved in 1999, with a 20’ utility easement along both frontages on Navajo Trail and Bastille Drive. The covenants declare different easements, including a 25’ drainage easement. No improvements may placed in easements; however, no objections have been received by utility providers (see comments below). The Improvement Location Certificate approved with the original PUD shows a setback of 30’, which would apply unless the PUD was amended; however, it is not clear if Outdoor Retail Sales are permissible within the setback as shown on the site sketch. No RVs or other improvements could be located within the Vision Clearance Area (Section 5.4.7 of the Land Use Regulations) or Sight Triangle (Section 27.1.6.3 of the Road & Bridge Design Standards).

No public comments have been received. This application and the concurrent Variance were referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5.

Comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations.
- Pagosa Fire Protection District: A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.
- PAWSD had no comments.

The Planning Commission's review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations* include:

- (1) The relationship and impact of the use on the development objectives of Archuleta County.
- (2) The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3) The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4) The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5) The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6) The effect of the use upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Planning Commission must be able to make the findings under Section 3.2.3.5:

- (1) That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2) That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Applicant discusses justification of their request in their narrative (See attached). In summary:

- Holiday RV South (HRVS) has served Archuleta County for 14 years from South Fork.
- There are no other dealers in or around Pagosa Springs.

In summary, the Applicant occupied the property without required permits, in violation of the *Archuleta County Land Use Regulations*. The application, once submitted 11 months later, is inadequate to recommend approval. As well, the use does not appear to be permitted under the covenants; however, similar outdoor retail sales have been permitted along Navajo Drive in the past.

## RECOMMENDATION AND FINDINGS

If the Planning Commission concludes that, based on evidence provided the Applicants have met the goals and objectives of the Land Use Regulations, then **staff would recommend the Planning Commission find that:**

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

**That the Planning Commission recommend approval of the** Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail, **with the following conditions:**

1. Applicant shall submit a detailed site development plan meeting the requirements of Section 3.2.3.2(3) of the *Archuleta County Land Use Regulations*, for approval by the Development Services Department, within 30 days.
2. Applicant shall submit a drainage study, signed and sealed by a professional engineer, meeting the requirements of Section 5.3.4 of the Land Use Regulations, within 30 days.
3. Applicant shall submit parking area construction plans signed and sealed by a professional engineer, as required by Section 5.4.5 of the Land Use Regulations and Section 27.1.7.4 Design Standards for Parking Areas in the *Archuleta County Road and Bridge Design Standards*, within 90 days.
4. Recreational Vehicles shall not be parked in a Vision Clearance Area required by Section 5.4.7 of the Land Use Regulations, or Sight Triangle required by Section 27.1.6.3 of the Road & Bridge Design Standards.
5. Recreational Vehicles shall only be parked with adequate spacing between units (minimum 8'), as required by the Pagosa Fire Protection District.

## PROPOSED MOTION

**I move to recommend Approval to the Board of County Commissioners, of the request for the Holiday South RV CUP, with the Findings A and B, and conditions 1-5 of the Staff Report.**

**ATTACHMENTS.**

Attachment 1: Area Maps

Attachment 2: Staff Memo on PUD Zone Development Requirements, 8/17/2015

Attachment 3: Review Comments

Attachment 4: Original PUD PILC and Site Sketch

Attachment 5: Applicant's Narrative

Attachment 6: Applicant's Site Sketch



## Site Map

Holiday RV South  
CUP/Variance  
16-054/-055

### Legend

- Highway
- Primary Road
- Lakes
- Pagosa Springs
- Parcels
- Project Location



633 Navajo Trail

W US Hwy 160

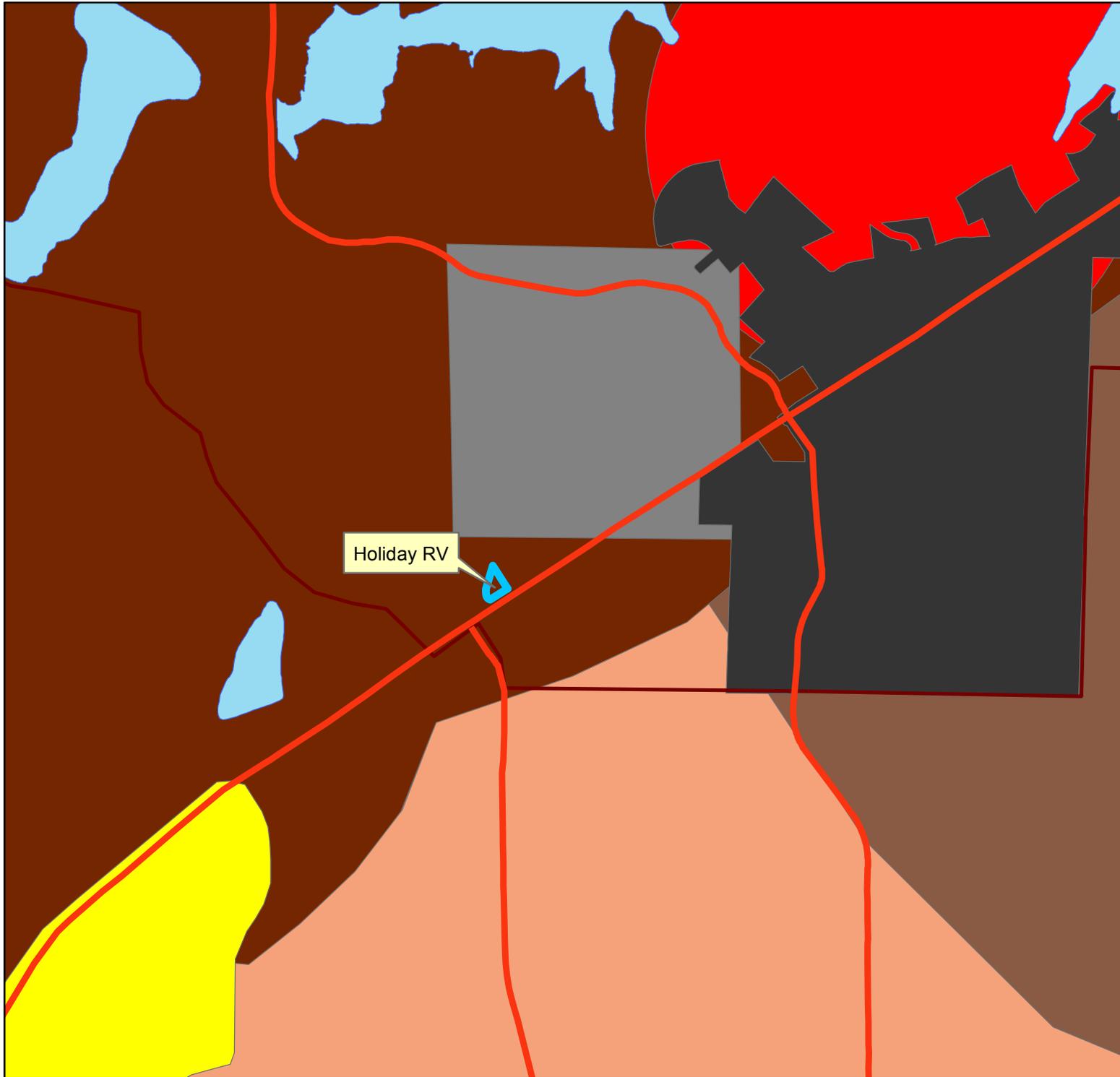
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



280 140 0 280 Feet



# Archuleta County Community Plan Detail: Future Land Use



## Legend

- Major Roads
- Rivers & Streams
- Lakes
- Critical Wildlife Habitat
- Migration Corridor
- Joint Planning Area
- Pagosa (2009)

- Tier 1
- Tier 2
- Industrial Park
- Commercial Area

## Future Landuse

- High density residential
- Medium density residential
- Low density residential
- Very low density residential
- Public land
- Village Center



Detail of map developed 21 Sept 2011

Archuleta County Development Services  
1 July 2016





# Site Map

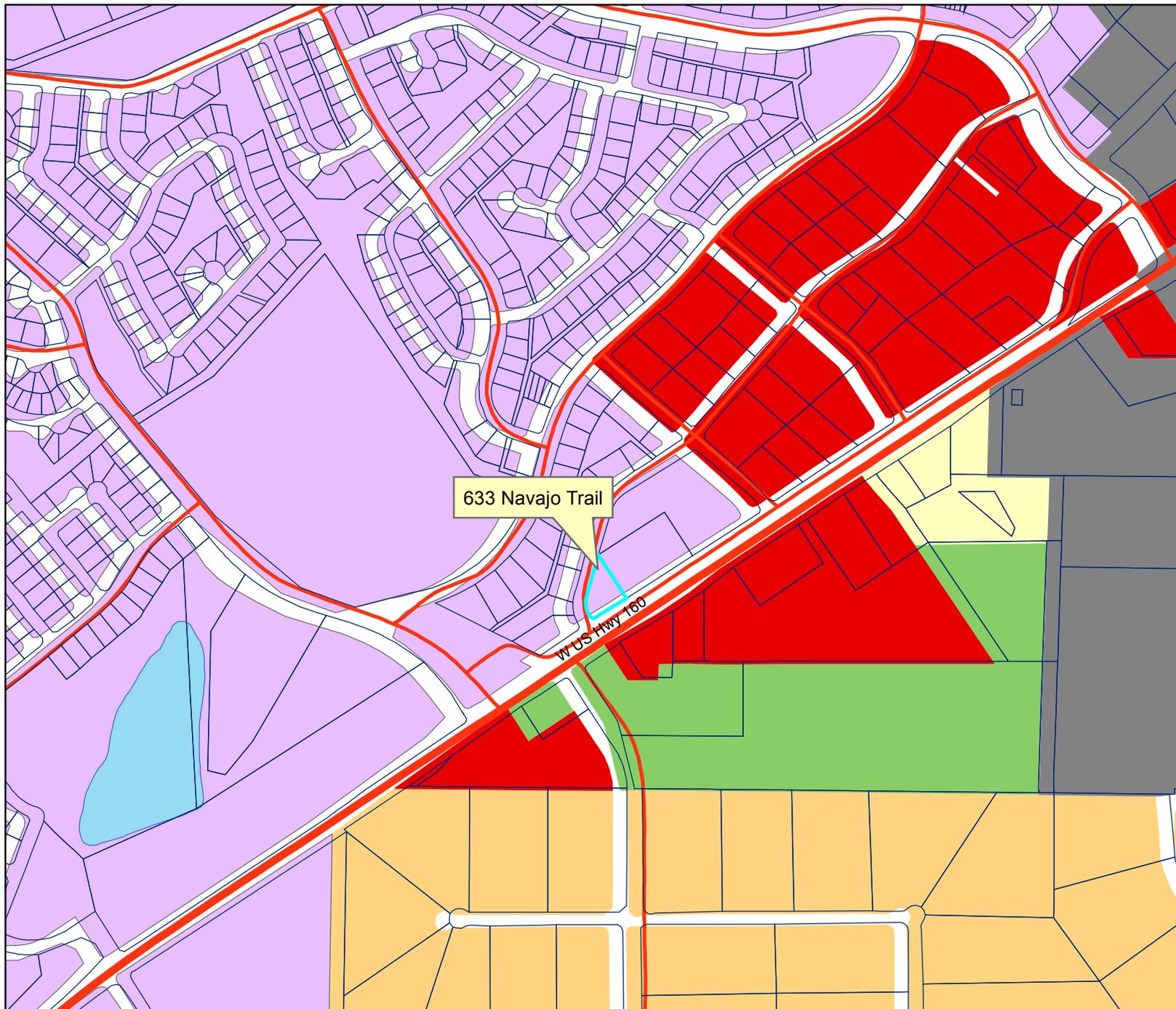
Holiday RV South  
CUP/Variance  
16-054/-055

## Legend

- Highway
- Primary Road
- Lakes
- Pagosa Springs
- Parcels

## Zoning Map 2011 Zoning Districts

- Agriculture Forestry (AF)
- Agriculture Ranching (AR)
- Agricultural Estate (AE)
- Rural Residential (RR)
- Residential (R)
- Mobile Home Park (MHP)
- Commercial (C)
- Industrial (I)
- PUD
- Project Location



280 140 0 280 Feet



This map has been produced using various geospatial data sources. The information displayed is intended for general planning purposes and the original data will routinely be updated. No warranty is made by Archuleta County as to the accuracy, reliability or completeness of this information. Consult actual legal documentation and/or the original data source for accurate descriptions of locations displayed herein.



# Site Map

Holiday RV South  
CUP/Variance  
16-054/-055

## Legend

- Highway
- Primary Road
- Pagosa Springs
- Parcels
- Project Location



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



50 25 0 50 Feet





Archuleta County  
Development Services—Planning Department  
1122 HWY 84  
P. O. Box 1507  
Pagosa Springs, Colorado 81147  
970-264-1390  
Fax 970-264-3338

## MEMORANDUM

TO: Archuleta County Planning Commission  
FROM: John C. Shepard, AICP; Planning Manager  
DATE: August 17, 2015  
RE: PUD Zone District Development Requirements

---

Development in a Planned Unit Development is a partnership between property owners, a property owners' association, and the County.

The Board of County Commissioners adopted a comprehensive revision of the *Archuleta County Land Use Regulations* on May 23, 2006, and adopted the first Official Zoning Map on August 22, 2006 (since revised and updated by resolution). Work sessions at the time on the Zoning Transition Program discussed mapping subdivisions, then developed as master-planned communities, into the newly created Planned Unit Development (PUD) zone district which addresses both zoning and subdivision standards. These areas included:

- Pagosa Lakes Property Owners Association subdivisions (approximately 6,000+ parcels)
- Reserve at Pagosa Peak
- Crowley Ranch Reserve
- A number of parcels adjacent to these areas, to avoid spot zoning.

Since adoption of the Official Zoning Map, areas zoned PUD that had been subdivided into lots for final development have been considered a "final" PUD. Areas not previously subdivided are considered a "preliminary" PUD; a final PUD would be required prior to further development. The private land use designations specified by covenants of record at that time serve as the Development Plan for future approvals.

Two new PUD developments have also been established since 2006 through the rezoning process, but have not proceeded to final approval:

- Reservoir River Ranch PUD (2009)
- River's Gate PUD (2010)

Section 3.1.6 of the Land Use Regulations provides for review of development in a PUD. An application for creation or amendment of a PUD follows Rezoning provisions for land use standards, as well as Major Subdivision review for sketch plan, preliminary plan, and final plat.

In a PUD, the Development Plan (as defined in Section 11) outlines detailed provisions for development, which may include use, setbacks, density, and other provisions. Development standards in the Land Use Regulations still apply, including the need for Conditional Use Permits and Variances, unless addressed in a Development Plan.



**MEMO**

Date: June, 23, 2016

To: John Shepard

From: Yari Davis

CC: Bob Perry

RE: Holiday RV South Inc.

The Engineering Department has reviewed the variance requested by Holiday RV South Inc. from Archuleta County Road & Bridge Design Standards, Section 27.1.7.4.C, "that requires parking serving commercial uses must be paved". The Engineering Department has no objections with the variance approval but before this approval our requirement comments follow:

- We are agreed with the letter from G/T Structural Engineers submitted by the Applicant that there would only minimal change in the value for existing grassy field versus gravel surface. The Engineering Department is not concern with the change from grass to gravel, we are concern that the existing structure and pave driveway when was propose back in 2002 the County did not obtain a drainage study and according to our new regulations, the applicant shall submit storm water runoff calculations for historic and developed runoff to the Engineering Department with the plans and shall be prepared by a qualified Colorado Registered Professional Engineer. If runoff calculations show that stormwater detention is required the applicant shall supply calculations and plans for detention pond location, volume, and outlet structures with the plans. Also, provide engineering and construction details for all drainage structures adequate to handle the drainage.
- After construction and before the Planning Department issued a permit , the applicant shall submit to the Engineering Department a signed and sealed letter from the design engineer that drainage and detention basin was built according to approved plans.

⊕ 970-264-5660 ⊕ FAX: 970-264-6815 ⊕

⊕ PO Box 1507 ⊕ 1122 S. HIGHWAY 84 ⊕ PAGOSA SPRINGS, CO 81147

YARCENEUX@ARCHULETACOUNTY.ORG ⊕



# Pagosa Fire Protection District



May 27, 2016

Review of Land Use Permit Application:

Project: Holiday RV South

Address: 633 Navajo Trail

Applicant: Jeremiah Webb

Fire District Comments:

A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.

Randy Larson

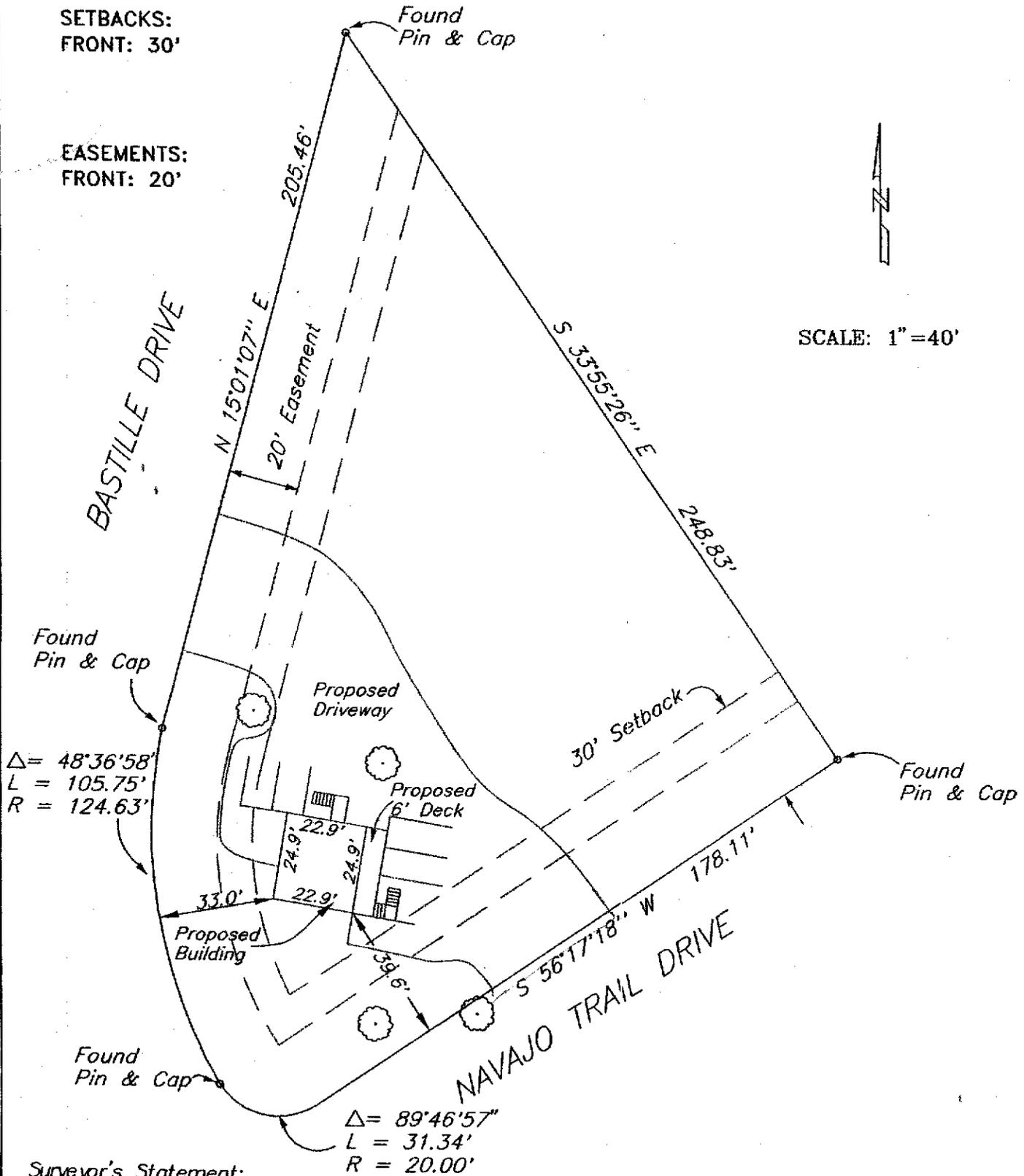
Fire Chief

# PROPOSED IMPROVEMENT LOCATION CERTIFICATE

PARCEL 3, RIDGEVIEW SUBDIVISION - ARCHULETA COUNTY, COLORADO  
633 NAVAJO TRAIL DRIVE, PAGOSA SPRINGS

SETBACKS:  
FRONT: 30'

EASEMENTS:  
FRONT: 20'



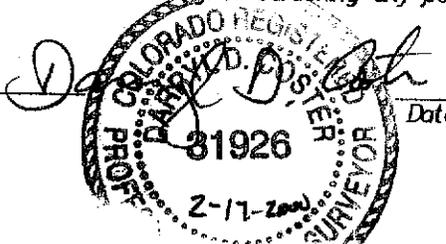
SCALE: 1" = 40'

**Surveyor's Statement:**

I hereby certify that this proposed improvement location certificate was prepared for Unique Mountain Log Homes, LLC, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

I further certify that the proposed improvements on the above described parcel, on this date, February 18, 2000, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Darryl D. Coster, PLS  
Colorado Registration No. 31926



Date

According to the laws of the State of Colorado, legal action based upon any defect in this survey must commence within three years from the date after which it is first discovered. In no event, may action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DWG: SHELBY	SCALE: 1" = 40'	DRAWN BY: DDC
JOB: 00-104	DATE: FEB. 18, 2000	CHECKED BY: DDC

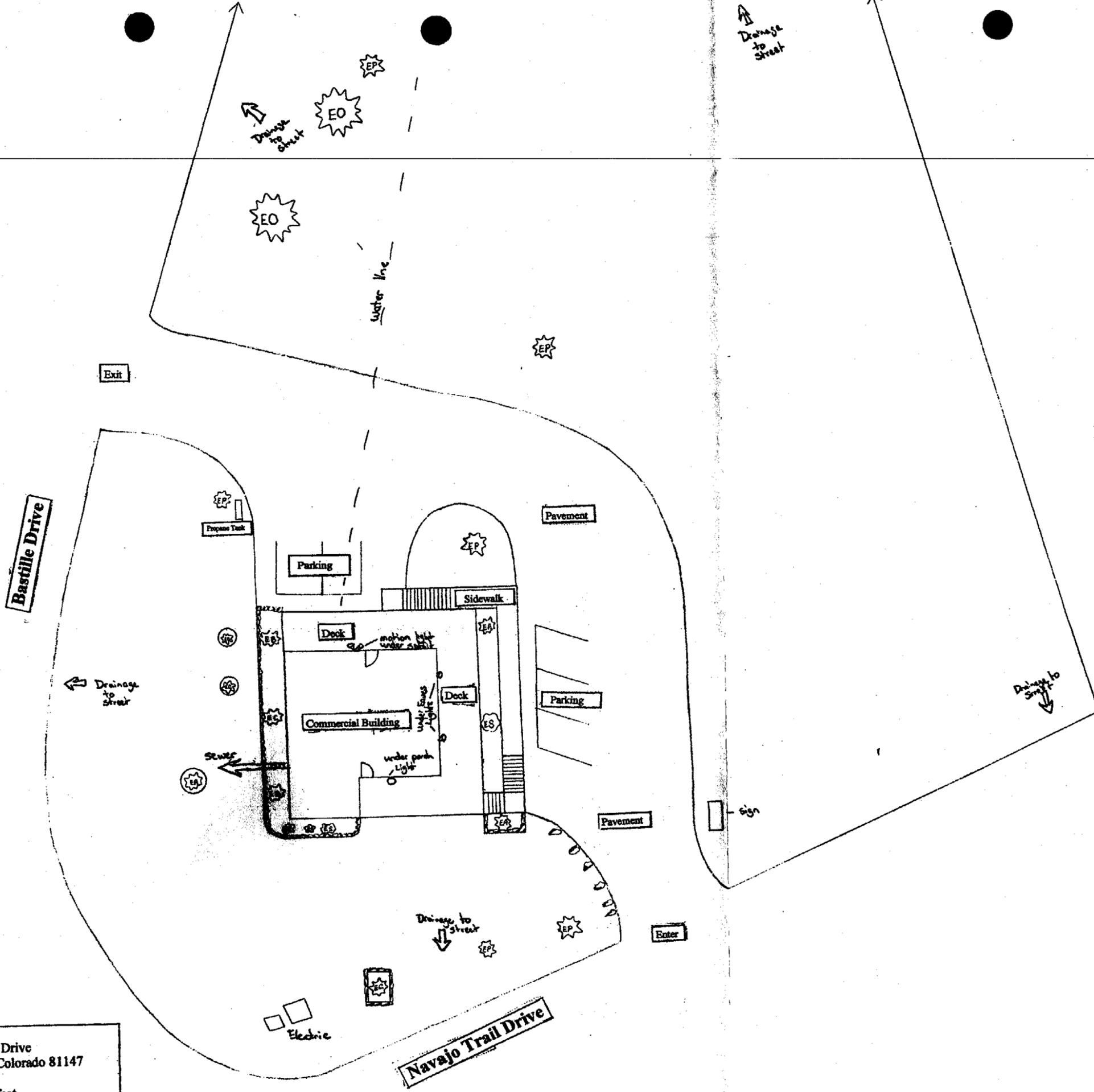
## BECHTOLT

### ENGINEERING, LLC

P.O. BOX 2580 PAGOSA SPRINGS, COLORADO 81147  
(970) 731-0255 FAX (970) 731-0257

**LEGEND**

Stairs	
Boulders	
Utilities- Telephone	
Utilities- Electric	
Existing Ponderosa Pine	
Existing Blue Spruce	
Existing Aspen	
Existing Crab	
Existing Oakbrush	
Existing Shrub	
Rock Border	



633 Navajo Trail Drive  
 Pagosa Springs, Colorado 81147  
 Scale 1 inch = 8 feet

5/20/16

**Holiday RV South Inc.**  
633 Navajo trail  
Pagosa Springs, Co.  
(Project Narrative)

Holiday RV South Inc., Colorado dealer License # 37920 Hereby requests the following considerations by Archuleta County for the purpose of selling New and Late model pre-owned recreational vehicles (RV'S)

RV types:

Travel Trailers  
Fifth Wheels  
Camp trailers  
Motor homes  
Truck Campers

We request that a Variance and Conditional Use permit be granted on the basis to expand and Continue the operations of Holiday RV (South) in Pagosa Springs Colorado.

- Holiday RV South, Inc. (HRVS) over the last 14 years has been serving the Pagosa Springs/ Archuleta county community in its need for an RV dealership.

HRVS currently serves the people of Archuleta county from our South Fork location which is logistically problematic due to Wolf Creek Pass and the challenges it can present for towing and safety.

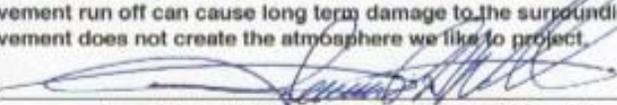
HRVS as well as a number of your community members find that a choice for RV commerce would add to the Pagosa Springs experience and could benefit the county on basis of tax dollars generated and jobs created. Currently there are no other dealers in or around the Pagosa Springs area. Other than Tarpley RV (73 miles west) in Durango or our dealership in South Fork (47 miles east).

- HRVS plans to expand its sales dept. in Pagosa Springs to better serve the needs of the community already in place and to build revenue to fund a more complete and viable dealership that may include parts and service to meet the expanding needs of the RV community.
- HRVS has a very unique business model that allows us to sell to locals at an average of 20% less than other options in the state. Added sales tax revenue would be created and added entertainment for tourists would be added.
- Holiday RV South is in need of a Conditional use permit due to current zoning changes that made our current location (633 navajo trail) limited to office use only with no outside display.  
(Our business model requires outside display)
- Holiday RV South Inc. requests a Variance on the requirement to pave the location for a number of reasons as listed below. (1"-2" crushed aggregate / gravel in place of pavement)

Reasons:

1. Pavement odor can permeate the RV's on display
2. The weight of the RV's can destroy the integrity of the pavement  
(up to 4800lbs. per square inch)
3. Pavement damages RV's Tires, axles, springs and shackles when turned abruptly.
4. Pavement / tar can track into units on display when Hot.
5. Pavement can create high and sometimes damaging high heat radiation.
6. Unhealthy conditions inside an RV can be caused by the pavement and the heat it draws.
7. Pavement run off can cause long term damage to the surrounding properties and wildlife.
8. Pavement does not create the atmosphere we like to project.

Signed

  
Jeremiah A. Webb | Owner of Holiday RV South Inc.

date 5/20/16

meeting the 50% build out restriction Holiday RV South has developed this proposal for consideration.

**Property line**

**30' road Set Backs**

**Parking Pads**

(1" - 2" screened rock )

**Improved area**

( note: paved parking for RV storage is not optimal for axle stress / failure and pavement failure due to high concentration of weight per square inch)





Archuleta County  
Development Services—Planning Department  
1122 HWY 84  
P. O. Box 1507  
Pagosa Springs, Colorado 81147  
970-264-1390  
Fax 970-264-3338

## MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: July 27, 2016

RE: WHEC Event Center CUP, on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84, (PLN16-071).

---

### EXECUTIVE SUMMARY

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84 (corner of County Road 302), Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds.

Applicant has also made a concurrent request for Variances from Development Standards to be heard separately by the Board of Adjustment (PLN16-072).

### REVIEW PROCEDURE

*Archuleta County Land Use Regulations* Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. The Planning Commission can recommend conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4.

Public notice was provided to the applicant for publication in the *Pagosa Springs Sun*, to be posted on site, and to mail to adjacent property owners as required.

### DISCUSSION

Pagosa Springs Enterprises was established in 1949 and was the original governing body of the Western Heritage Event Center (WHEC), established when non-profit status was attained in the 1990s. WHEC hosts two large-scale events each year, the 3-day Red Ryder Roundup Rodeo over Independence Day weekend, and the Archuleta County Fair, in cooperation with Archuleta County which owns Lot 1 of the Fairgrounds Minor Impact Subdivision and the Extension offices

there. WHEC is proposing to construct a 164'x250' covered arena on their 30 acre tract, located south of the existing 210'x330' outdoor pipe arena. No additional seating is proposed at this time and no new traffic is expected to be generated. Existing gravel access will be improved to County standards. It should be noted that the Pagosa Area Water and Sewer District (PAWSD) is also planning a new public water fill station, to be located in the utility easement on Lot 1 near the joint access along the County Road.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map shows this area as future Commercial transitioning to Very Low Density Residential along US Highway 84. The *Joint Town County Planning Commission Zoning Discussion 2010* map recognizes this parcel as suitable for Industrial development. The subdivision is zoned Agricultural/Ranching (AR), as is the Skyrocket Park property to the south and private property to the east. The subdivision to the west across Highway 84 is zoned Commercial (C). Property to the north across County Road 302 (Mill Creek Road) has been annexed by the Town of Pagosa Springs, in anticipation of mixed-use development and is proposing to annex the road and have it paved within the next year or so. The developers of the Mountain Crossing development would also be required to make improvements the intersection of Highway 84 and Mill Creek Road, when specific development is proposed.

The Fairgrounds Minor Impact Subdivision was approved in 2001. In 2005, a minor lot line adjustment was approved to convey a new 6,000 square foot block building, with indoor bathrooms, from WHEC to the County for joint use. The *Archuleta County Land Use Regulations* do not currently provide for a private events center, so the existing WHEC property would be considered a non-conforming use that cannot be changed. However, a Public Use owned by a public agency is considered a Conditional Use in any zone. In this case, WHEC proposes to convey ownership of the structure to Archuleta County when completed, with continued joint use of the two properties at the Fairgrounds. Formal joint agreements will be necessary for cross-access and parking, as well as operations and maintenance, with approval of an Amended Plat.

The Events Center is proposed to be a public use facility, to be used for Equine events, rodeo, 4-H events, and Education & Training events. The facility would also be used for the primary annual events, the Red Ryder Rodeo and Archuleta County Fair, but would (according to Applicants) simply bring existing use under cover rather than adding additional traffic. Any events at the facility would have to meet the performance standards in Section 5.4.2 of the Land Use Regulations, limiting sound levels, vibration, smoke, and emissions, as well as requiring screening of any outdoor storage. Existing parking lot lighting will need to be replaced to meet the "dark skies" requirements for shielded lighting (Sec. 5.4.4). Parking for the Red Ryder Rodeo is limited by available seating; no parking plan was provided, and parking on-site is haphazard (without markers or flaggers) which increases chances for accidents and does not provide clear emergency (fire/ambulance) access. Access and parking is restricted during the County Fair. A turnaround may be necessary at the facility to meet County Road & Bridge standards.

There is also an RV hook-up located on site for a seasonal caretaker. The Land Use Regulations provide for occupancy of an RV for up to 120 days a year with a Temporary Use Permit. Occupancy beyond 120 days would require separate approval as an RV Park to assure health and safety concerns are met. (See Section 5.5.8 of the Land Use Regulations.)

No public comments have been received. This application and the concurrent Variances were referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5.

Comments received include:

- County Engineering expressed concern that there is not enough improved gravel parking for horse trailers and vehicles using this arena.
- County Engineering accepted the Drainage Study provided by Davis Engineering, and requested the design engineer sign and seal approval that improvements are built according to plans.
- Pagosa Fire Protection District noted that the gravel access road does not meet the fire code requirement that access extends to within 150 feet of all portions of the facility. The District may be willing to grant an exception to increase the distance to 160 feet, if access can be provided to both north corners of the proposed building. The Fire District would require detailed building plans for review prior to issuing a building permit.
- Town of Pagosa Springs Planning Director commented that the Town is pursuing annexation of Mill Creek Road in conjunction with the Mountain Crossing development which will pave the road back to the asphalt plant; there should be consideration of constructing pedestrian facilities (sidewalk or trails) along the road; dust control may be necessary; and parking lot lighting should be shielded (dark skies requirements).
- CDOT review indicated the existing access on Mill Creek Road should provide adequate access; however:
  1. The westernmost access onto Mill Creek Road (on County property) is too close to Highway 84.
  2. Existing uses likely warrant improvements at Highway 84 and Mill Creek Rd.
  3. The existing access onto Highway 84 is too close to Mill Creek Rd and will need to be closed.
  4. A traffic impact study may be required.

An events center would typically have limits on operations to assure compatibility with near-by residences; however, the facility will be ultimately operated by Archuleta County. Addition of a gravel parking area on the east side of the arena, similar to the west side, would address concerns of both the Fire District and County Engineering, and provide a turnaround during the Fair.

A phasing plan may be necessary to address improvements to the intersection of Highway 84 and County Road 302, with participation by the County and Town. It may be worth proposing to CDOT that the main entrance become right-in/right-out, at least as an interim measure until further improvements are made to the intersection.

The Planning Commission's review criteria for a Conditional use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations* include:

- (1)** The relationship and impact of the use on the development objectives of Archuleta County.
- (2)** The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.

- (3) The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4) The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5) The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6) The effect of the use upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Planning Commission must be able to make the findings under Section 3.2.3.5:

- (1) That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2) That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Applicant discusses justification of their request in their narrative (See attached). Construction is proposed funded mainly by private donors. The project is intended for the public good, to provide a safe, secure and weather-proof facility that can be utilized year-round. And the new building will present a better, more functional facility for the County Fair and Red Ryder Roundup Rodeo.

## RECOMMENDATION AND FINDINGS

If the Planning Commission concludes that, based on evidence provided the Applicants have met the goals and objectives of the Land Use Regulations, then **staff would recommend the Planning Commission find that:**

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

**That the Planning Commission recommend approval of the** WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, **with the following conditions:**

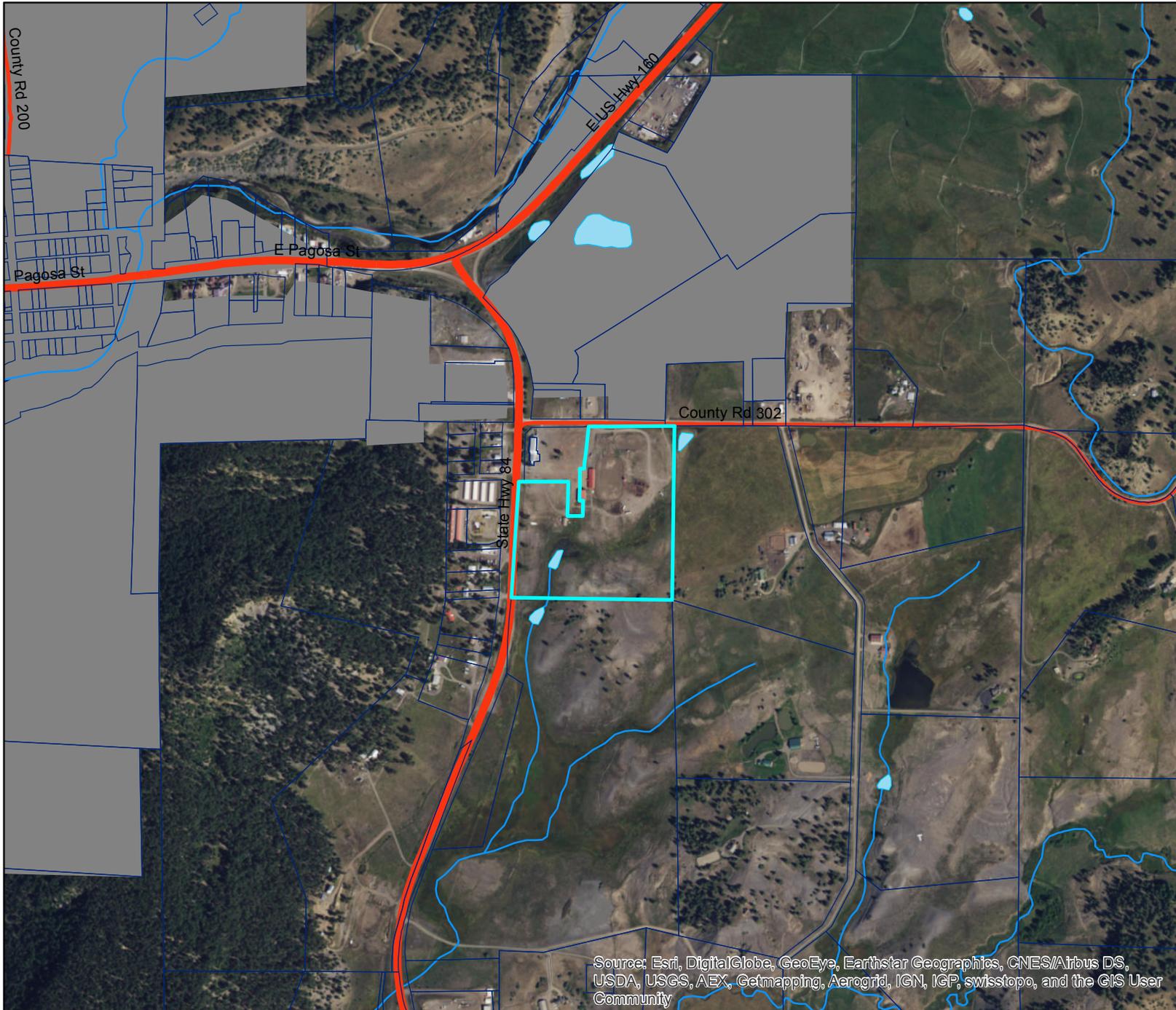
1. Approval is contingent on the Board of County Commissioners' acceptance of proposed improvements; approval shall run with the proposed Events Center facility.
2. Uses will be limited to those described in the application and those approved by the Archuleta County Administrator.
3. All events shall be conducted in compliance with the Performance Standards in Section 5.4.2 of the *Archuleta County Land Use Regulations*, including (but not limited to) volume of sound, vibration, and emissions.
4. All outdoor lighting shall be installed in compliance with Section 5.4.4 of the *Archuleta County Land Use Regulations*.
5. A seasonal caretaker may occupy an RV on-site for up to 120 days per year.
6. A fire lane and additional parking for horse trailers shall be provided on the east side of the arena.
7. Applicants shall complete a Traffic Study prior to the public hearing before the Board of County Commissioners.
8. Applicants shall apply for a Development Agreement for review by the County Attorney and approval by the Board of County Commissioners, providing for cross-access and parking, and continued joint use, operations and maintenance.
9. Addresses for structures on this parcel shall be updated according to County policy.
10. Applicant shall submit a complete Building Permit application within one year of final approval, as required by Sec. 3.2.3.6 of the *Archuleta County Land Use Regulations*.

#### PROPOSED MOTION

**I move to recommend Approval to the Board of County Commissioners, of the request for the WHEC Event Center CUP, with the Findings A and B, and conditions 1-6 of the Staff Report.**

#### ATTACHMENTS.

- Attachment 1: Area Maps
- Attachment 2: Review Comments
- Attachment 3: Applicant's Narrative
- Attachment 4: Building Plans
- Attachment 5: Site Plan 7/19/16



## Site Map

WHEC Event Center  
 PLN16-071 CUP  
 PLN16-072 VAR

### Legend

-  Highway
-  Primary Road
-  Lakes
-  Pagosa Springs
-  Parcels
-  Project Location

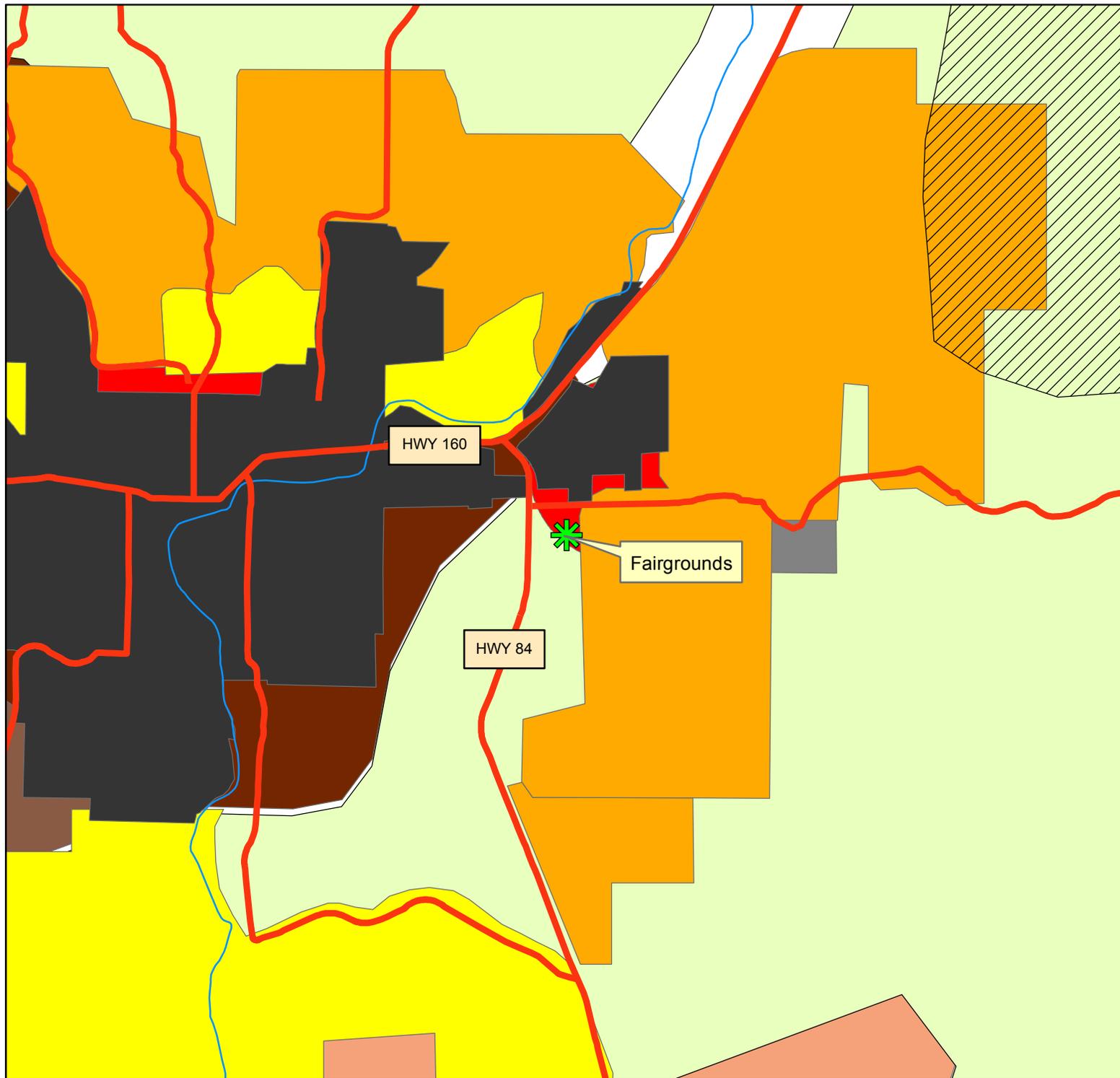


440 220 0 440 Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

# Archuleta County Community Plan Detail: Future Land Use



## Legend

-  Major Roads
-  Rivers & Streams
-  Lakes
-  Critical Wildlife Habitat
-  Migration Corridor
-  Pagosa (2009)
-  Tier 1
-  Tier 2
-  Industrial Park
-  Commercial Area

## Future Landuse

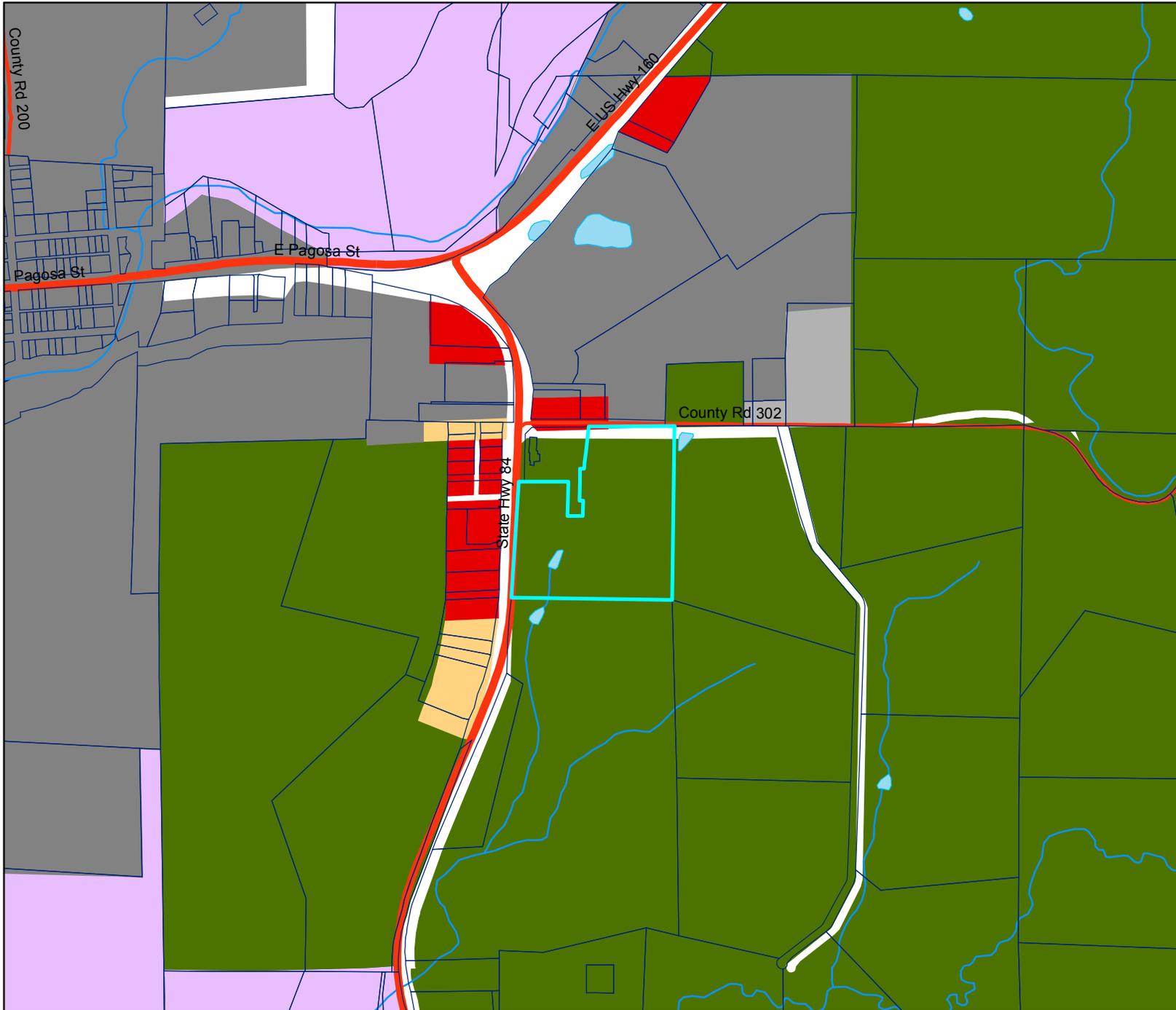
-  High density residential
-  Medium density residential
-  Low density residential
-  Very low density residential
-  Public land
-  Village Center



Detail of map developed 21 Sept 2011

Archuleta County Development Services  
30 June 2016





## Site Map

WHEC Event Center  
 PLN16-071 CUP  
 PLN16-072 VAR

### Legend

-  Highway
-  Primary Road
-  Lakes
-  Pagosa Springs
-  Parcels
- Zoning Map 2011**
- Zoning Districts**
-  Agriculture Forestry (AF)
-  Agriculture Ranching (AR)
-  Agricultural Estate (AE)
-  Rural Residential (RR)
-  Residential (R)
-  Mobile Home Park (MHP)
-  Commercial (C)
-  Industrial (I)
-  PUD
-  Project Location



440 220 0 440 Feet



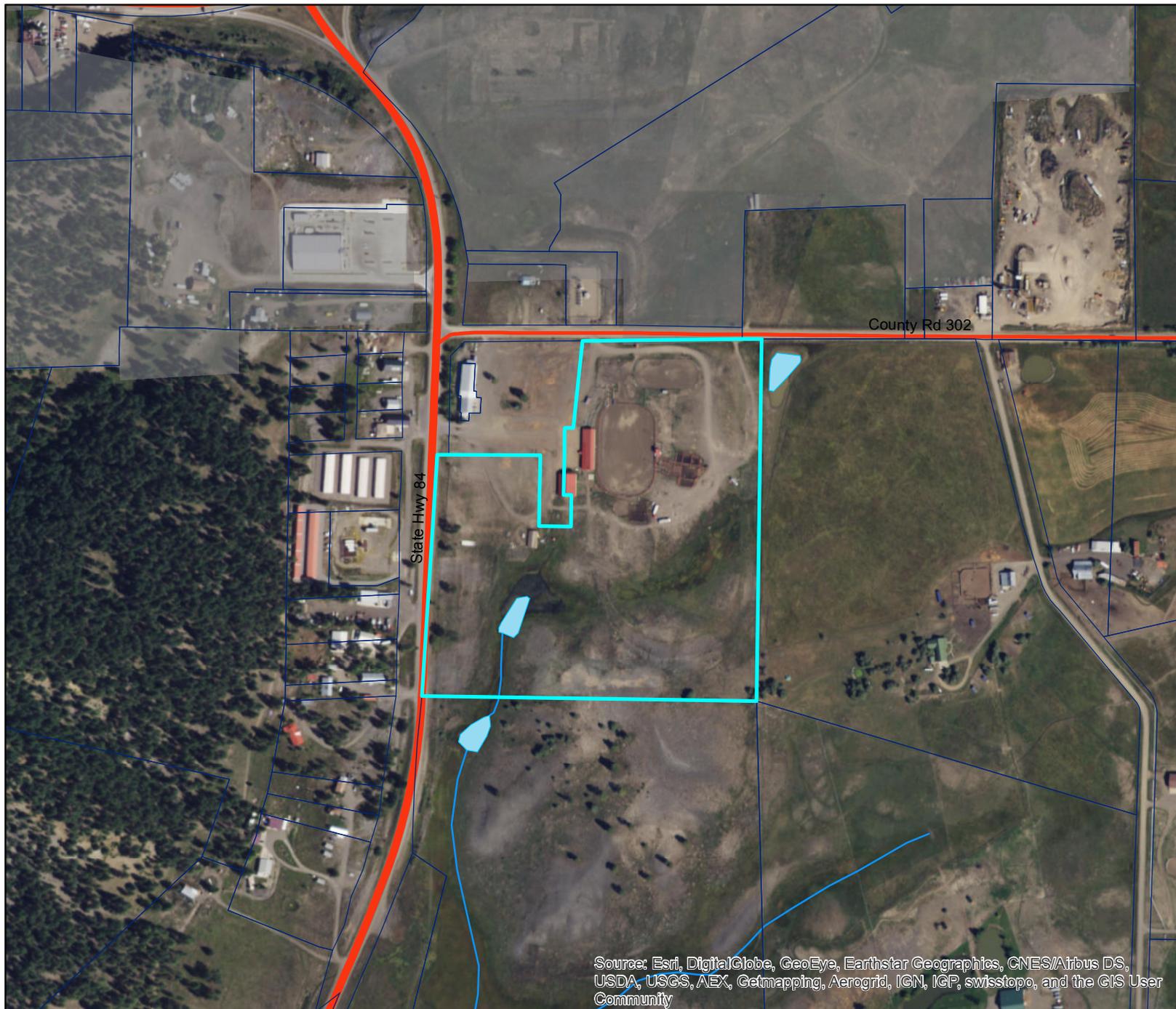


## Site Map

WHEC Event Center  
PLN16-071 CUP  
PLN16-072 VAR

### Legend

-  Highway
-  Primary Road
-  Lakes
-  Pagosa Springs
-  Parcels
-  Project Location



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



210 105 0 210 Feet





**MEMO**

Date: July 7, 2016

To: John Shepard

From: Yari Davis

Cc: Bob Perry

RE: Fairground Event Center

The Engineering Department has reviewed the variance requested by Fairground Event Center from Archuleta County Road & Bridge Design Standards, section 27.1.7.3.F and section 27.1.7.4.C, "that requires driveway and parking serving commercial uses must be paved". The Engineering Department has no objections with the variance approval. Comments and requirements follow:

- The driveways and the parking lots shall meet all the other requirements in the Archuleta County Road & Bridge Design Standards, Section 27.1.7.3. and 27.1.7.4. After reviewing the plans, appears there are not enough parking spaces to accommodate the proposed occupancy of the building. The Engineering Department requires Applicant to define and build, according to Road & Bridge Standards, for gravel parking, the areas where the horse trailers and extra parking would be located.
- After construction of the Fairground Event Center building and before the Building Department provides the Certificate of Occupancy (CO) to the applicant, the Engineering Department will require a signed and sealed letter from the design engineer stating that drainage and detention pond were built according to approved plans date 06/06/16.



# Pagosa Fire Protection District



July 11, 2016

Subject: WHEC Archuleta Education and Equestrian Event Center  
Owner: Archuleta County  
Project: Land Use Permit/Variances  
Address: 344A US HWY 84 Pagosa Springs Colorado

Attention: John C. Shepard, AICP

Dear Sirs;

The Pagosa Fire District has no objections to the landscape variances requested.

Also the fire district has no objections to the land use request for an Event Center, we would require a plan review prior to construction to insure compliance with the Fire Code.

The gravel access road detailed on the provided site plan does not meet the requirements of section 503 Fire Apparatus Access Roads.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and ***shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls*** of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
- 2. Fire apparatus access roads cannot be installed because of location on property,*** topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

The District is willing to grant the exception and increase the distance to 160 feet, in order not to require an access road on the north side of the building. The District would require that the access road be designed to provide equipment access to both north corners of the perposed building. Please see attached site plan PDF.

*David Hartman*

David Hartman  
Fire Marshal





551 Hot Springs Boulevard  
Post Office Box 1859  
Pagosa Springs, CO 81147  
P: 970.264.4151  
F: 970.264.4634

Town of Pagosa Springs  
Planning Department

Date: July 05, 2016  
To: John Shepard, Archuleta County Planning Department  
Re: Western Heritage Events Center land use application, 344A, US Hwy 84

Hello John,

Thank you for forwarding the application for 344A, US Hwy 84 regarding a land use application for the Western Heritage Event Center's (WHEC) proposed arena and other additional improvements. I have the following comments regarding the application you and the Archuleta Planning Commission will be considering.

**1) Address Designation:**

It appears the property's access is through the County owned property along Hwy 84, with direct access to the WHEC parcel along Mill Creek Road. With the proposed improved main access from Mill Creek Road, the WHEC parcel should be re-addressed from Mill Creek Road instead of Hwy 84.

**2) Access:**

The proposed site plans appear to indicate improving the existing two points of access from Mill Creek Road will remain in the same existing locations. These locations are acceptable.  
Does the Hwy 84 access change to a RI/RO?

**3) Fire Hydrants:**

Depending on distances from proposed Fire Hydrants to the parking lot areas, additional fire hydrant(s) maybe be warranted or considered.

**4) Paving Variance request:**

It is reasonable to consider a variance for paving the parking lot due to the nature of the proposed continued limited use of the event grounds, however, having attended many events over the years, dust created in the parking lot can be a substantial issue to event attendees and surrounding properties. SW summer winds will carry the dust to the neighboring proposed Mountain Crossing commercial development, on the North side of Mill Creek Road. If a variance is approved, Dust mitigation measures prior and/or during such events is highly recommended as a contingency of approval, as well as requiring paving a minimum of 20-30 feet of the access driveway approaches to Mill Creek Road. The Mountain Crossings development is about to begin asphalt improvements along Mill Creek Road, and paving the access approaches will help protect the asphalt surface from accumulation of gravel and dirt. The Town is moving forward with annexing this portion of Mill Creek Road from the County.

**5) Mill Creek Road:**

As mentioned above, the Mountain Crossing development is about to improve the 1800 lineal feet east of Hwy 84, and the town is progressing with the annexation of such roadway length. The cross section includes two 12 drive lanes and one 14-foot center turn lane. Additionally, a sidewalk on the north side and on street bike lanes OR a multi-use trail along the north side will be included. Typically, development improvements would trigger participation in such improvements. Consideration should be given to the addition of pedestrian facilities along the south side of Mill Creek Road, that may require an additional dedication of ROW.

**6) Landscaping Variance Request:**

It is reasonable to consider the interior parking lot landscaping variance if approving a variance for paving of the parking lot, however, at a minimum, landscaping along the Mill Creek Road frontage is highly recommended, to provide a buffer and screening of the fairly sparse property, from future adjacent uses, especially the Mountain Crossing development on the north side of Mill Creek Road. Additionally, Landscaping with trees around the proposed arena footprint would provide an enhancement to the proposed structure and development. Revegetation of all disturbed areas should not be considered for variance. Typically, variances are not granted on the basis of financial reasons.

**7) Setback Variance request:**

I see no issues with the request setback variance.

**8) Exterior Lighting:**

Though Parking Lot lighting is not proposed, any exterior lighting should require the concealment (shielding) of light sources from off site.

Thank You for your serious consideration of the recommendations provided above,

*Respectfully,*



James Dickhoff

Town of Pagosa Springs

Planning Department Director

Po Box 1859

551 Hot Springs Blvd.

Pagosa Springs, Co. 81147

970-264-4151 x225

[jdickhoff@pagosasprings.co.gov](mailto:jdickhoff@pagosasprings.co.gov)

## John Shepard

---

**From:** Heinlein - CDOT, Jo <jo.heinlein@state.co.us>  
**Sent:** Tuesday, July 19, 2016 1:46 PM  
**To:** John Shepard  
**Subject:** Re: FW: COUNTY REVIEW: WHEC Event Center CUP/Variances, 344A US Hwy 84 (PLN16-071/16-072)

John,

I agree with Jim. Their new proposed site plan shows three accesses onto Mill Creek Road. I believe all three of these are currently existing and should provide more than adequate access and site circulation to meet the Center's needs.

1. The westernmost access onto Mill Creek Road does not meet the intersection spacing requirements (distance from intersection with highway).
2. It is likely that the existing uses already warrant a left turn deceleration lane from SH 84 onto Mill Creek Road.
3. The proposed covered arena will allow other, different types of events to occur at the Center (in addition to the ones currently taking place at the site). This could potentially generate even more traffic than the site currently generates since a covered facility opens the Center up to events of a nature which would not be appropriate for an open-air facility.
4. The existing access for the Center onto SH 84 is much too close to Mill Creek Road to allow for safe simultaneous use of both access points.
5. I believe it would be in the best interests of the Center, the County, and CDOT to review a new access permit application for Mill Creek Road. A traffic impact study may be required.

Let me know if you have additional questions or concerns.

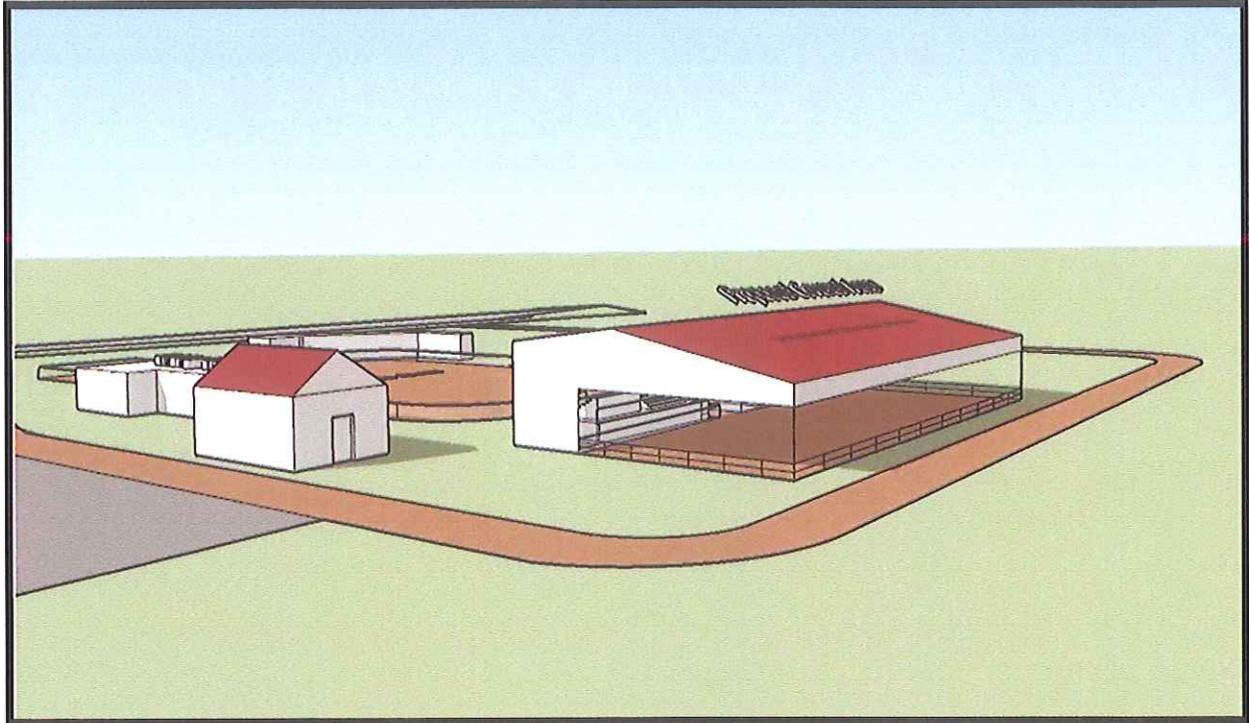
Thank you,

On Tue, Jul 19, 2016 at 1:07 PM, John Shepard <[jShepard@archuletacounty.org](mailto:Shepard@archuletacounty.org)> wrote:

Jo- Do you have comments on the WHEC Events Center proposal? Apparently Jim Horn had told folks (sometime) that the primary access on US Highway 84 would have to be closed the next time there were any improvements on either parcel at the Fairgrounds. The Western Heritage group believe the covered arena will simply displace existing activity, not add any additional traffic generation.

We're looking to do notice for next round in August, so I can take comments to them later if you need more time.

# PROPOSAL FOR CONDITIONAL USE PERMIT



## Western Heritage Event Center Proposed Covered Arena

**Location: 344A US Highway 84  
Pagosa Springs, CO 81147**

**Prepared For: John C Shepard AICP  
Planning Manager, Archuleta County  
1122 Highway 84  
Pagosa Springs, CO 81147**

Western Heritage Event Center  
344A US Highway 84  
PO Box 1841  
Pagosa Springs, CO 81147

## **Overview of Western Heritage Event Center (WHEC)**

Pagosa Springs Enterprises was established in 1949. Pagosa Springs Enterprises was the original governing body of the Western Heritage Event Center. Membership fees and donations from local families were used to put on the Red Ryder® Rodeo, county fair and 4-H events.

In the 1990's, 501(c)(3) non-profit status was attained from the IRS and the name was changed to Western Heritage Event Center (WHEC).

WHEC is governed by nine directors known as the "Board of Directors". Each board member serves a term of three years or until resignation or removal by a majority vote of the Board or until the end of an appointed term.

The current mission is to provide an annual 3-day Red Ryder® Roundup Rodeo as well as a year-round venue for education and training for youth and equestrian events for Archuleta County. The facility also hosts a summer rodeo series with an average of six performances. The Western Heritage Board is dedicated to preserving the history and traditions of the American West.

Currently, the WHEC property is mainly used for the Red Ryder® Roundup Rodeo and for the Archuleta County Fair. It is used by joint agreement wherein WHEC uses the entire grounds (including property owned by Archuleta County) during the Red Ryder® Roundup Rodeo over the 4<sup>th</sup> of July and Archuleta County uses the grounds (including property owned by WHEC) for the County Fair during the first week of August. The arrangement has long been in practice with no contention.

## **Description of Existing Site**

Address: 344A Highway 84; Pagosa Springs, CO 81147

Parcel Number: 57118412002

Legal Description: Fairgrounds L 2M, Fairgrounds minor lot: 2M fairgrounds minor impact lot 2M; 18-35-1 W Plat #724 #20501847

Site Size: 29.9 Acres

## **Description of Improvements**

The subject's existing improvements consist of a 210' X 330' outdoor pipe arena, covered spectator bleachers, outdoor spectator bleachers, announcer's stand with office, and livestock handling facilities and corrals. In addition, the site is improved with a 6,000 sf block building that includes bathroom facilities, upstairs activity room, and rear storage. The block building was built in 2005.

Horizontal improvements include public water, sewer (PAWS), and electricity (LPEA).

An aerial photograph of the property can be seen in the addendum of this narrative courtesy of Archuleta County GIS.

## **Description of Proposed Use**

The Conditional Use Permit is for a proposed covered arena located on WHEC grounds. As depicted in this application by the visual illustrations, the arena is 164' X 250' with 130' X 250' clear span. It is to be of commercial grade steel construction classified as an "Average Class D" arena in the Marshall & Swift Cost Handbook.

Once completed, the building will be a public use facility for the following purposes:

- Equine events
- Rodeo
- 4-H events
- Education & training events

These are the main intended uses of the arena, however, the potential use could be for many other reasons. Again, use of the facility will not be for private use but for the good of the community in the promotion and promulgation of western heritage, agriculture, and youth education.

The two main events in any given year are the Red

## **Arena Funding & Oversight**

Funding for the arena is largely made up by private donors with a portion of the funds by matched county grants. The general contractor and on-site construction management will be provided by the Western Heritage Board. Once entitlements are in-place, construction is expected to take one year.

## **Surrounding Property Uses**

The existing improvements and proposed project is located on the outskirts of the original Town of Pagosa Springs in Archuleta County. Surrounding uses include agricultural land to the north, east, and south, and residential and commercial land to the north.

## **Access**

For many years, historic access for both the County Fair and Red Ryder® Roundup has been via Highway 84 to County Rd -302 (Mill Creek Road) to the spectator and competitor parking. Per the engineered plat, a circular road with two access and departure points off Mill Creek Road will be constructed for the efficient movement of traffic to and from the facility.

A secondary entrance directly off Hwy 84 is used for daily operation of the existing County Extension office. Per historic agreement with CDOT, this entrance will be vacated once the covered arena is built. Again, this entrance is not used during the two main events of the year.

## **Parking**

The proposed arena will not provide for increased spectators or competitors. No additional seating or spectator accommodations are planned within the building. At peak occupancy during County Fair, the building will take the place of one of the livestock tents that are currently constructed each year. Without a significant expected increase in attendees, the existing handicap parking and facilities are considered sufficient with two additional handicap parking spots adjacent to the covered arena.

In short, the existing graveled parking areas will be used with no expected increase in parking requirements.

## **Parking Lot Lighting**

No new parking lot lighting is proposed as the new building provides for no new uses for the grounds. Further, attendee numbers will not be increased by the new facility.

## **Utilities**

The proposed project will need water and electricity. The water is necessary for fire suppression by hydrants (two located on east and west sides of the building), and electricity for lighting. All lighting will be subject to “dark sky” lighting regulations.

## **Fire & Safety**

As previously mentioned, fire suppression and safety will be mitigated by two fire hydrants located on opposite east and west corners of the building. The water tap is from the main line adjacent to Highway 84.

## **Caretaker**

Located on-site is a RV hook-up for a recreational trailer/camper. The caretaker provides general oversight and security of the property. Additional responsibilities are facility trash management, weed and grass control, and donation box management. The caretaker usually arrives mid-May and departs in November. The RV accommodation for a seasonal on-site caretaker (RV Site) has been in existence for many years.

## **Drainage & Wetlands**

Per drainage study by Davis Engineering, all drainage from the parking areas, existing improvements, and proposed improvement will be directed to a central point, south of the

proposed building, into a detention pond. From the detention pond overflow, the excess water will flow southwards to an existing tail-water drainage canal.

The proposed improvement does not encroach on any existing wetlands and will have no negative impact on riparian or wildlife habitat areas.

## **Operation & Future Plans**

Once construction is complete, the WHEC organization intends to quit-claim the new arena together with directly supportable land to Archuleta County. At that time, agreements shall be put in place for cooperative use and management of the facility. From previous meetings with the Board of County Commissioners, this is an acceptable outcome for the proposed project.

## **Conclusion**

In summation, the WHEC proposes the construction of a very large covered arena made possible mainly by private donors. The overall intended purpose is for the good of the community in providing a safe, secure, and weather-proof facility that can be utilized year-round for many different events and activities. The building will serve as an additional facility to what already exists and presents a better, more functional facility for the County Fair and Red Ryder® Roundup Rodeo.

## Requested Variances

### ***Landscape Requirement for Site & Parking***

Per Standards Section 5.4.3.2:

*“All commercial and industrial development located along U.S. Highways 160, 84, and 151 shall be buffered by a landscaped area a minimum of forty (40) feet wide, measured from the property line”.*

WHEC is requesting a variance for this landscape requirement for the following reasons:

- The frontage along Highway 84 is approximately 960 feet long. Further, the new improvement is located 540 feet away from the highway. The expense of creating a 40' barrier along Hwy 84 would be considerable and could possibly negate the entire project.
- As the new building is basically an expansion of what already exists, the variance will not diminish the value, use, or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood. The variance, if granted, will not be directly contrary to the intent and purpose of these Regulations or the Community Plan.
- The property reaches full capacity two times per year for the 4<sup>th</sup> of July Rodeo and the County Fair. All other events are smaller with less spectator and contestant traffic.

Per Standards Section 5.4.1.6:

Parking Areas: When the development provides parking for more than ten (10) vehicles, at least ten (10) percent of the total area of the parking lot shall be used for landscaping and/or aesthetic treatments. In addition:

- a.** A minimum of one (1) tree (planted in tree islands) for each five (5) parking spaces shall be located within the parking area/lot.
- b.** Tree islands shall be installed intermittently, have a length equal to a parking stall, be four (4) feet by four (4) feet in dimension at a minimum to protect plantings from vehicles and foot traffic and to accommodate a tree root system.
- c.** All unimproved earth areas shall be planted, restored or otherwise protected from erosion.
- d.** Ongoing maintenance, including the replacement of dead or unhealthy plants, shall be provided by the parking area owner/leaseholder.

WHEC requests a variance for this for the following reasons:

- The cost of landscaping the existing graveled parking would render the proposed project non-feasible.

- The property reaches full capacity two times per year for the 4<sup>th</sup> of July Rodeo and the County Fair. All other events are smaller with less spectator and contestant traffic.

### ***Parking & Access Pavement***

Per Standards Section 5.4.5.4:

*“All parking areas shall be paved, with the exception of those uses which are located in the more rural areas of the County, and where the County Engineer and the Planning Department have determined that paving would be unnecessary”.*

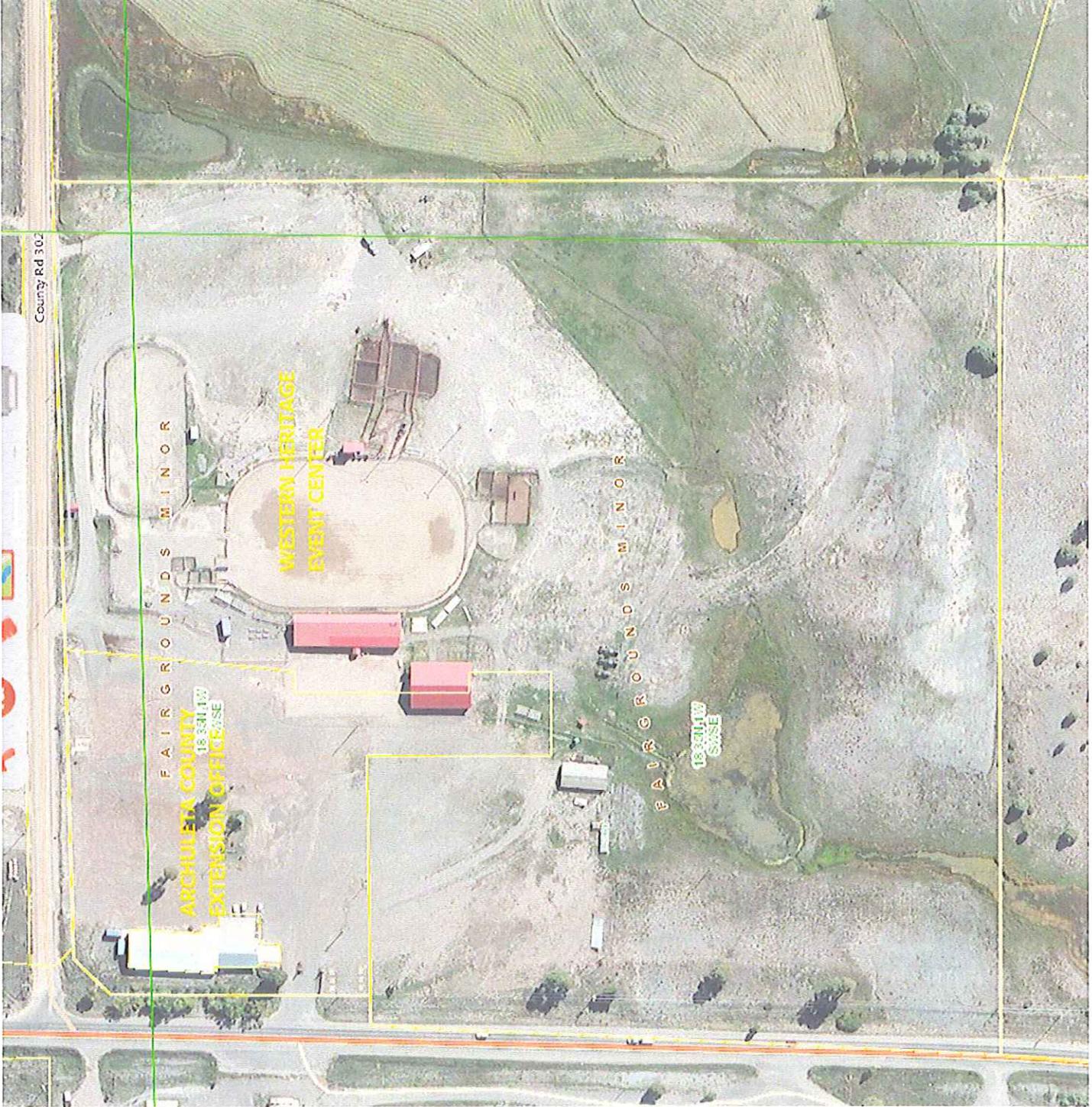
WHEC requests a variance for this for the following reasons:

- Mill Creek Road provides access to the project and is not paved.
- The cost of paving the existing graveled parking would render the proposed project non-feasible.
- The property reaches full capacity two times per year for the 4<sup>th</sup> of July Rodeo and the County Fair. All other events are smaller with less spectator and contestant traffic.

### ***Setback Variance***

Per Standards Section 3.1.2 the minimum side set-back is 25 feet. The side corner of the building is within 25 feet of County Owned property. Consequently, a variance is requested because once the building is complete, the County boundaries will be adjusted to include the new building.





County Rd 302

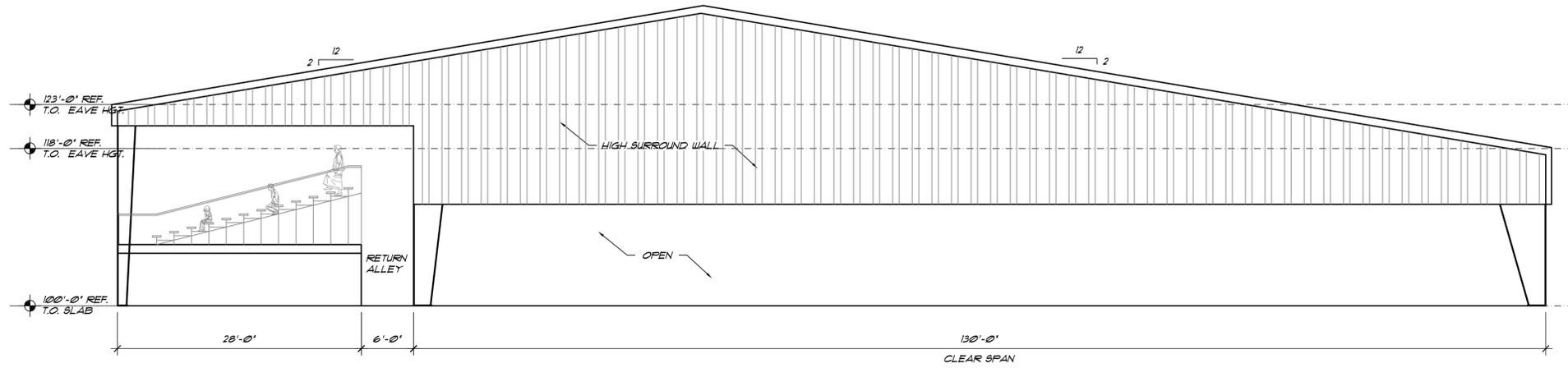
FAIRGROUNDS MINOR

WESTERN HERITAGE  
EVENT CENTER

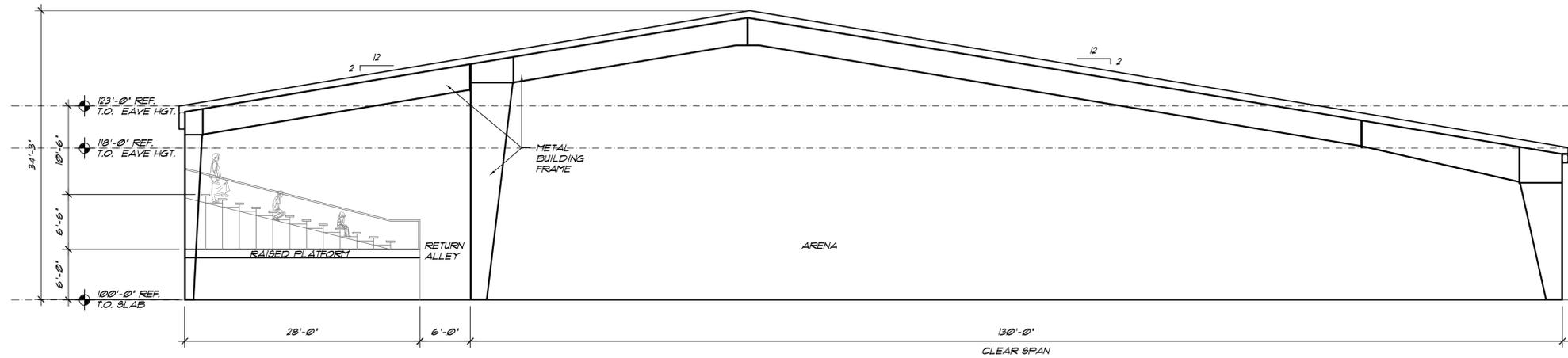
ARCHULETA COUNTY  
EXTENSION OFFICE

FAIRGROUNDS MINOR

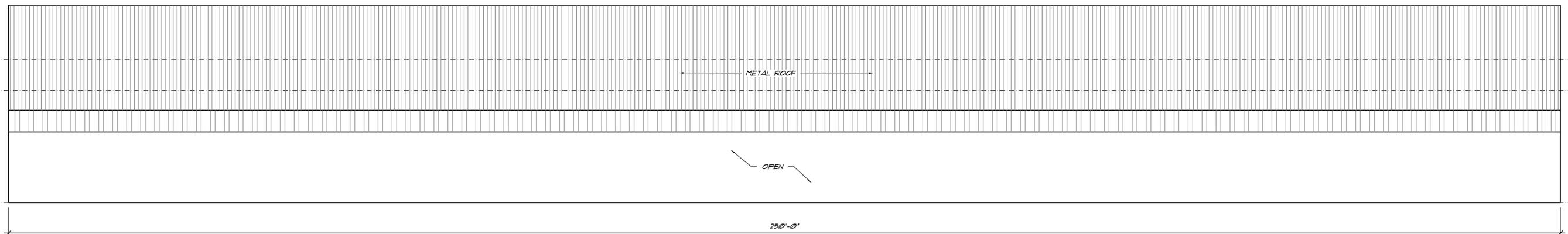
18361107  
SAGE



**ELEVATION A**  
SCALE: 1/8" = 1'-0"  
A-201



**BUILDING SECTION B**  
SCALE: 1/8" = 1'-0"  
A-201



**ELEVATION C**  
SCALE: 1/8" = 1'-0"  
A-201



**REYNOLDS + ASSOCIATES**

ARCHITECTURE  
ENGINEERING

1160 MAIN AVE., STE. B  
DURANGO, CO 81301  
(970) 259-7494  
FAX (970) 259-7492  
262 PAGOSA STREET, STE. 200 / P.O. BOX 96  
PAGOSA SPRINGS, CO 81147  
(970) 264-6884  
FAX (970) 264-6997

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**PROGRESS SET  
NOT FOR CONST.**

ARCHULETA COUNTY  
RODEO GROUNDS  
PAGOSA SPRINGS, CO 81147

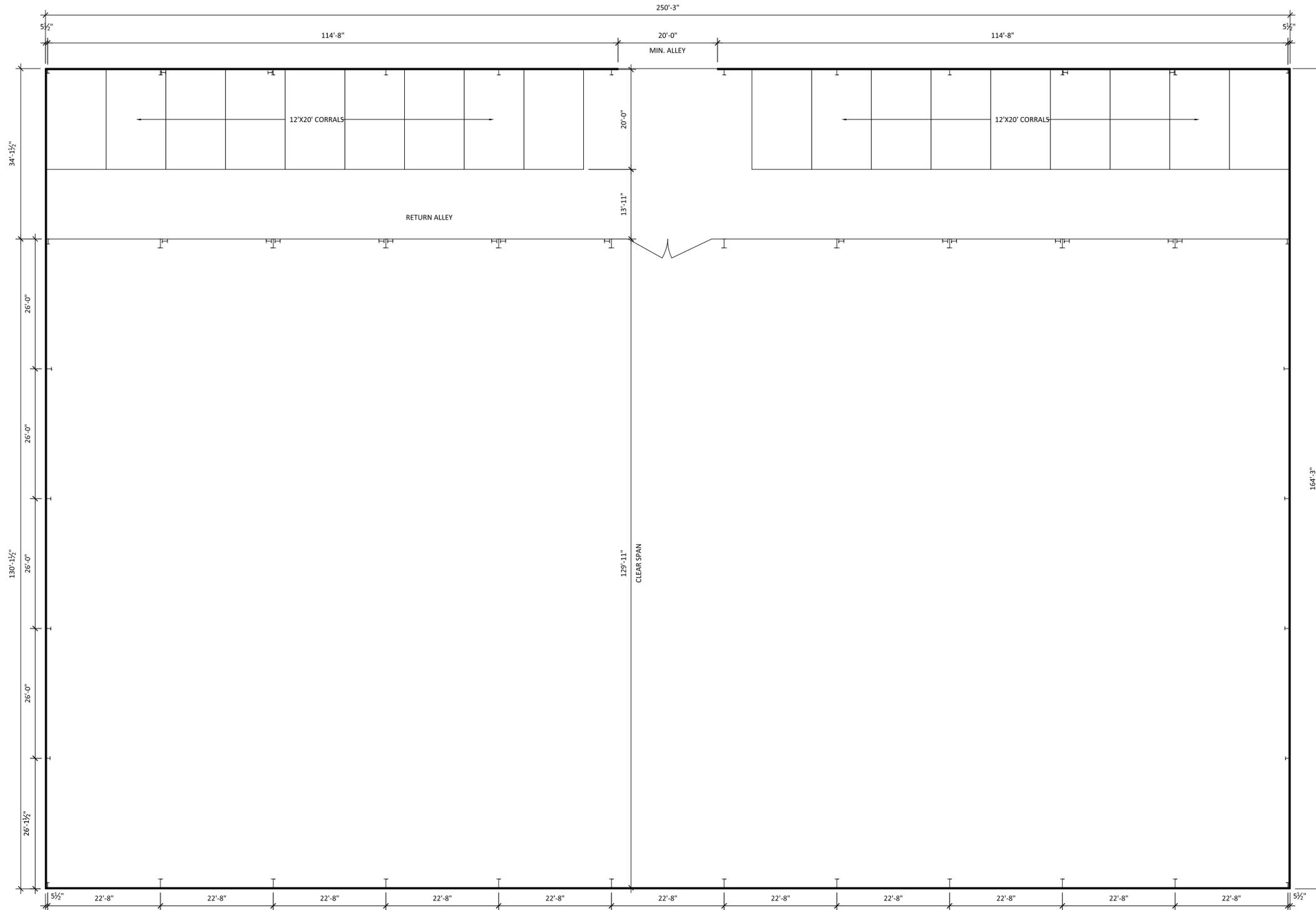
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DATE: 2014-10-24  
DRAWN BY: CLK

ISSUE RECORD:

REVISIONS:

△	
△	
△	
△	

**A-201**  
EXTERIOR  
ELEVATIONS



ARENA FLOOR PLAN

SCALE: 3/32" = 1'-0"



NORTH

**FAIRGROUNDS ARENA**  
 ARCHULETA COUNTY FAIRGROUNDS  
 PAGOSA SPRINGS, CO 81147



COURTNEY KING  
 ARCHITECTURE

po box 5823  
 pagosa springs  
 colorado, 81147  
 970.946.9410

courtneykingstudios.com

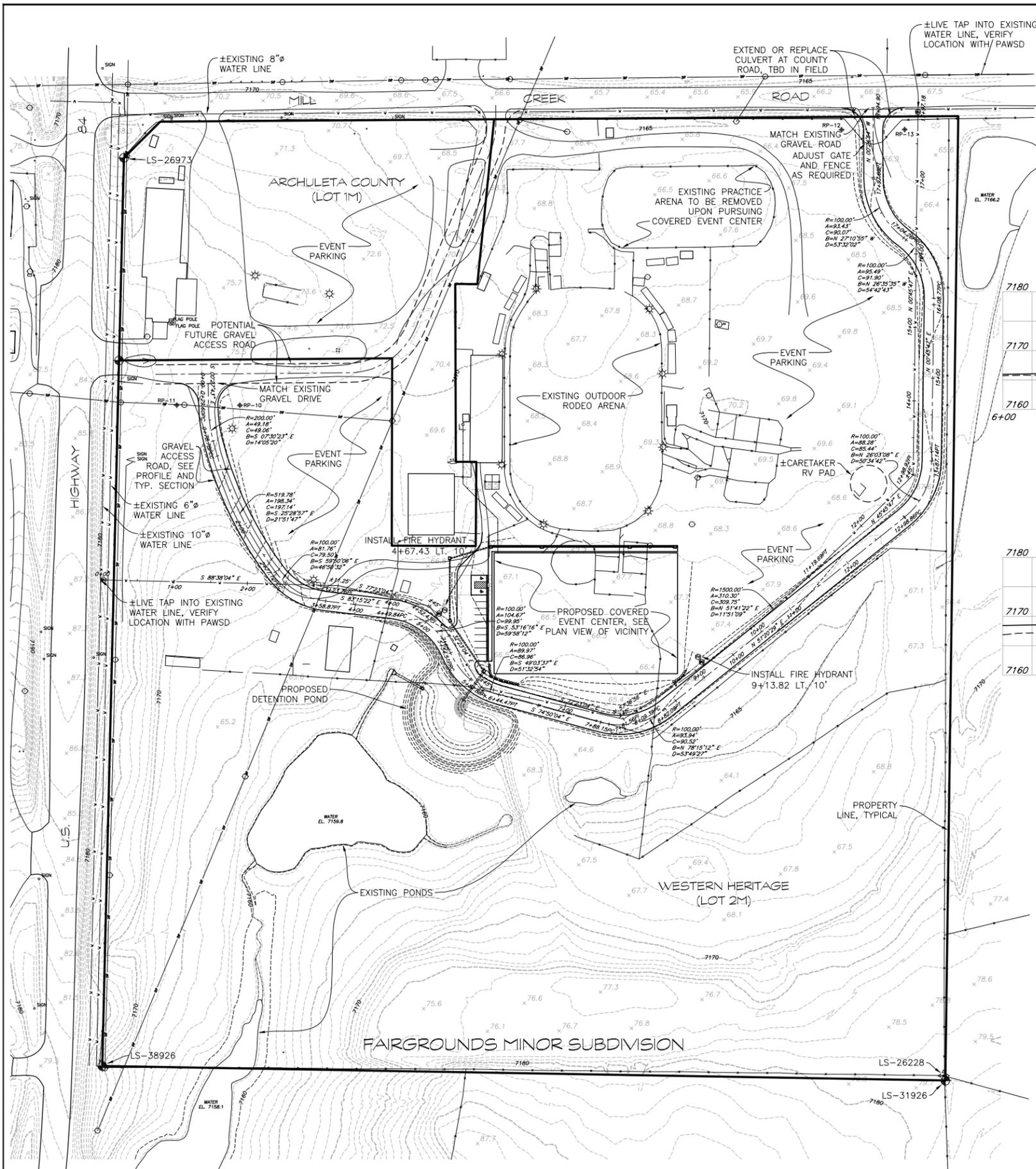
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ISSUE DATE:

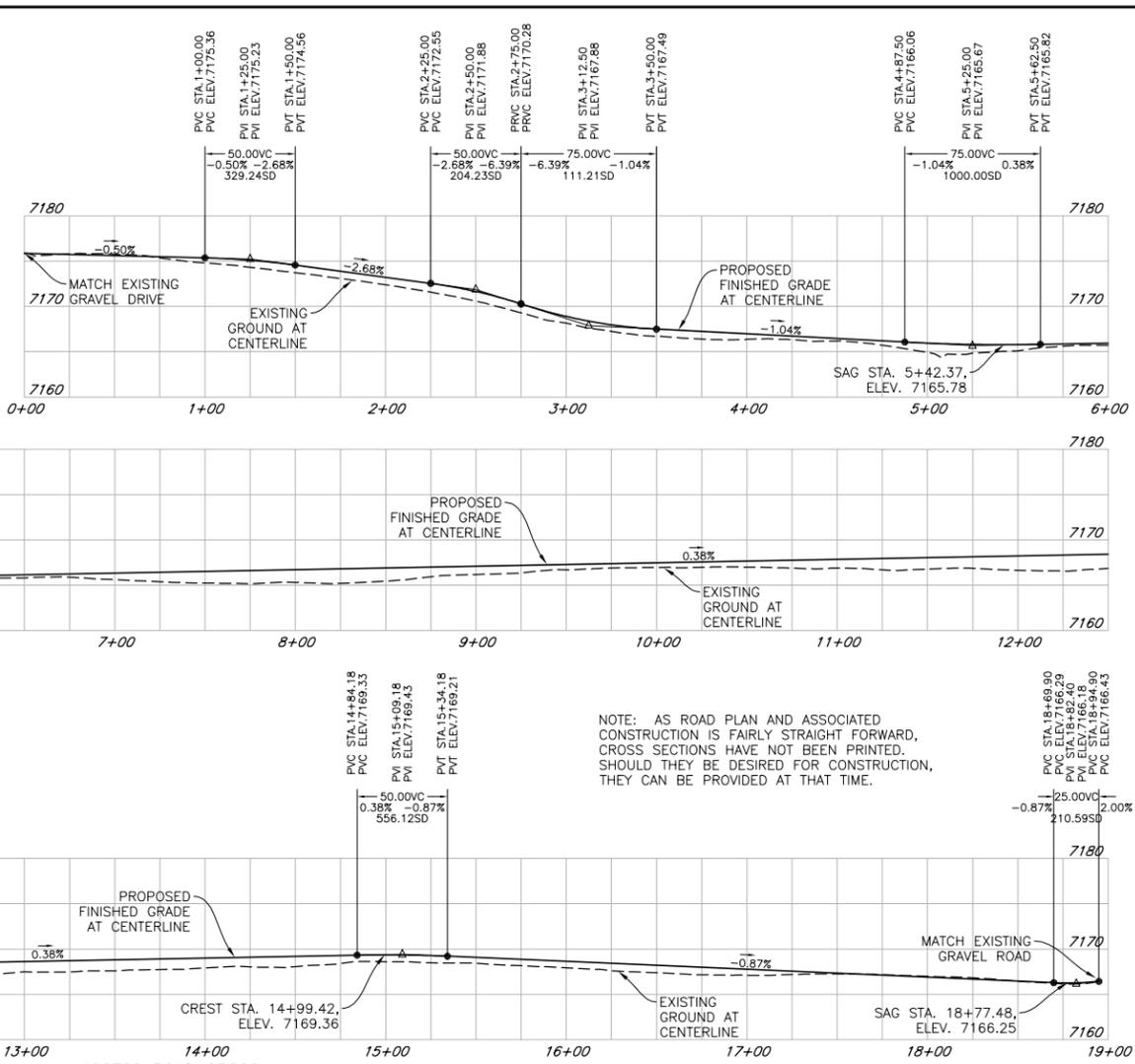
REVISIONS:

**A1**

FLOOR  
 PLAN



ARCHULETA COUNTY FAIRGROUNDS - PLAN VIEW  
SCALE: 1" = 80'



**ACCESS ROAD CROSS SLOPE STATUS**

STATION	CROSS SLOPE
0+00.00	MATCH EXIST.
0+29.60	-2% LEFT
3+58.87	-2% LEFT
4+49.84	-2% RIGHT
6+08.61	-2% RIGHT
6+80.33	-2% LEFT
18+50.00	-2% LEFT
18+94.90	MATCH EXIST.

GRAVEL ACCESS ROAD - PROFILE  
HZ. SCALE: 1" = 50'  
VT. SCALE: 1" = 10'

NOTE: ENTIRE ROAD TO HAVE CONSTANT CROSS SLOPE, MAINTAIN OR TRANSITION CROSS SLOPE BETWEEN STATIONS INDICATED.

**RADIUS POINT TABLE**

RADIUS POINT	NORTHING	EASTING	NOTES
RP-01	1221189.6682	2566314.0067	10' TO EDGE GRAVEL
RP-02	1221129.8065	2566353.0682	9' TO EDGE GRAVEL
RP-03	1221251.8065	2566344.0067	20' TO EDGE GRAVEL
RP-04	1221302.0734	2566337.7051	20' TO EDGE GRAVEL
RP-05	1221135.3482	2566279.9325	11.5' TO CL BERM
RP-06	1221106.3120	2566297.4020	13' TO POINT TOE
RP-07	1221123.7074	2566368.9700	53.5' TO TOE, 68.5' TO SWALE
RP-08	1221050.6294	2566388.8408	10.5' TO POND TOE
RP-09	1221065.8466	2566333.9096	67.5' TO TOE, 52.5' TO SWALE
RP-10	1221483.0088	2566027.8609	30' TO EDGE GRAVEL
RP-11	1221483.1727	2565941.8570	30' TO EDGE GRAVEL
RP-12	1221857.9342	2566848.4071	30' TO EDGE GRAVEL
RP-13	1221858.2059	2566934.4074	30' TO EDGE GRAVEL
RP-14	1221073.5258	2566338.9025	10' TO SWALE
RP-15	1221039.0568	2566360.1500	15' TO SWALE
RP-16	1221087.0551	2566275.1180	10' TO SWALE

**SURVEY CONTROL COORDINATES**

DESCRIPTION	NORTHING	EASTING	ELEVATION
LS-31926	1220563.8770	2566989.7930	7179.07
LS-26228	1220570.5850	2566987.6040	7179.83
LS-38926	1220583.8080	2565840.2660	---
LS-26973	1221819.6650	2565869.7280	---
GRAVEL ACCESS ROAD 0+00	1221512.6064	2565984.6205	7175.86
FIRE WATER LINE 0+00	1221245.3080	2565938.0306	---
N. END SPILL CURB	1221251.8065	2566366.5067	7168.90
S. END SPILL CURB	1221134.8065	2566366.5067	7168.08
W. END MOUNTABLE CURB	1221292.0565	2566366.5067	7168.38
HIGH POINT MOUNTABLE CURB	1221292.0565	2566499.6317	7169.05
E. END MOUNTABLE CURB	1221292.0565	2566624.7567	7168.42
EVENT CENTER N.W. CORNER	1221282.0565	2566374.5067	7169.00
EVENT CENTER N.E. CORNER	1221282.0565	2566624.7567	7169.00
EVENT CENTER S.E. CORNER	1221117.8065	2566624.7567	7169.00
EVENT CENTER S.W. CORNER	1221117.8065	2566374.5067	7169.00

NOTES:  
1) SURVEY CONTROL SHALL BE VERIFIED PRIOR TO CONSTRUCTION. IT IS RECOMMENDED THAT ADDITIONAL CONTROL BE ESTABLISHED NEAR THE PROPOSED EVENT CENTER PROJECT.  
2) THE EVENT CENTER COORDINATES ARE PROVIDED BASED ON THE RECTANGLE WITH THE DIMENSIONS SHOWN. FINAL ARCHITECTURAL PLANS SHALL BE REFERRED TO FOR FOUNDATION AND OTHER BUILDING SPECIFICS.

**LEGEND (For 1" = 20' Scale Plan View)**

- - - 7165 - Existing contour, one foot interval
- - - 7165 - Proposed contour, one foot interval
- - - - - Existing property line (record data)
- - - - - Existing water line
- - - - - Proposed water line w/stationing
- - - - - Existing overhead electric line
- - - - - Proposed electric line
- - - - - Proposed centerline w/stationing
- - - - - Existing drainage
- - - - - Proposed drainage
- - - - - Proposed significant grade break
- - - - - Existing fence
- - - - - Proposed curb & gutter
- - - - - Proposed truncated dome insert
- - - - - Proposed culvert w/ end sections
- - - - - Proposed catch basin in curb
- - - - - Proposed Type C catch basin
- - - - - Proposed riprap
- ⊙ - Proposed Fire Hydrant
- ⊙ - Proposed Water Gate Valve
- ⊙ - Existing Light Pole
- ⊙ - Existing Utility and/or Light Pole
- ⊙ - Existing spot elevation from topo
- ⊙ - Found property corner
- ⊙ - Survey control point
- ⊙ - Radius point
- ⊙ - Proposed finished grade spot elevation
- ⊙ - Proposed invert or flow line spot elevation
- - - - - Proposed finished grade slope
- - - - - Proposed invert or flow line slope

DAVIS ENGINEERING SERVICE, INC.  
SINCE 1948  
DAVIS ENGINEERING SERVICE, INC.  
PAGOSA SPRINGS, COLORADO 81417  
PHONE: (970) 264-0665  
FAX: (970) 264-0200

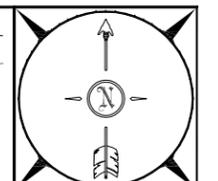
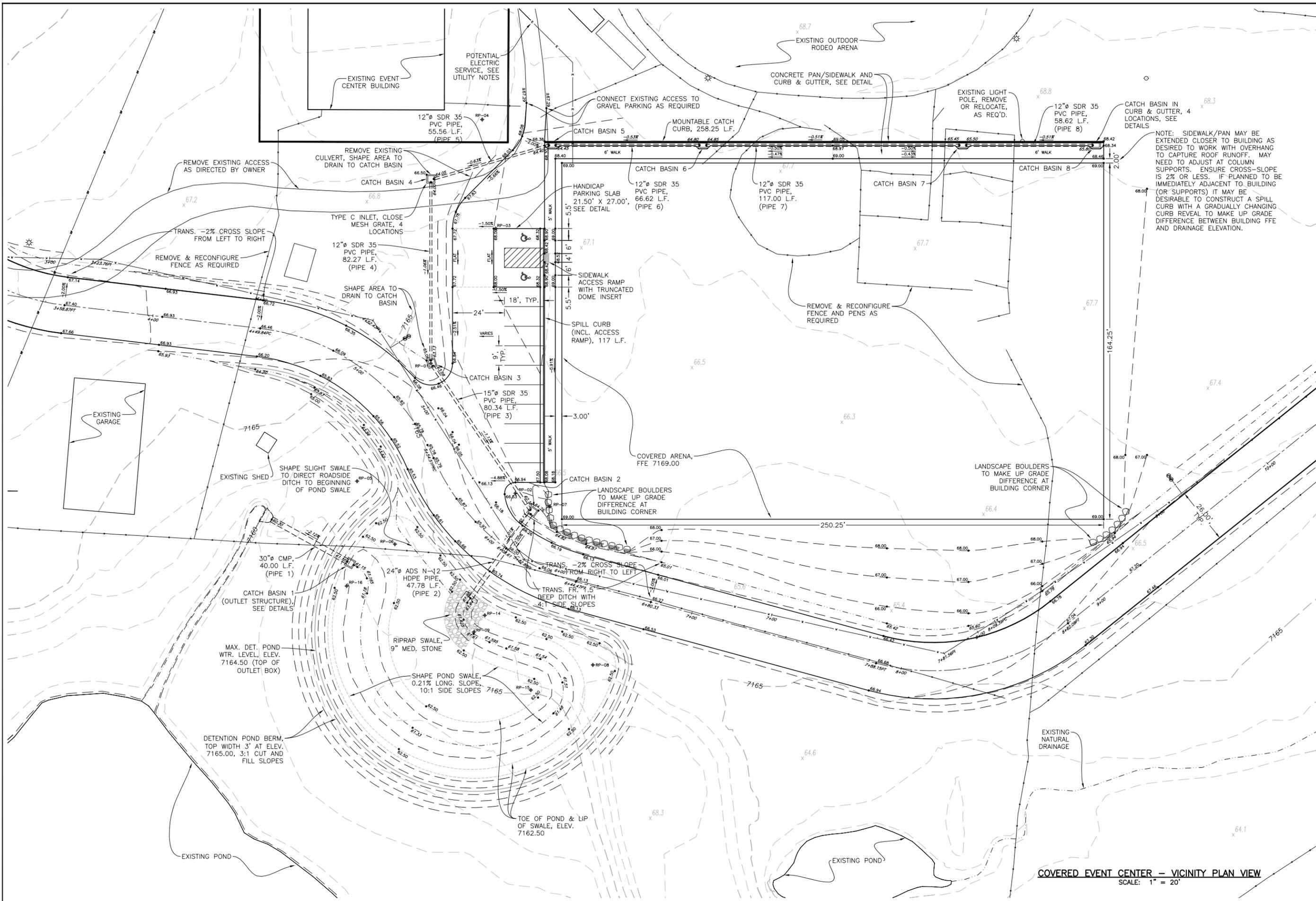
AS NOTED 06/06/16

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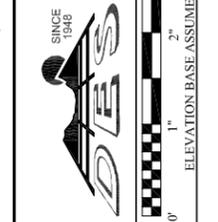
Western Heritage Event Center  
c/o Jess Ketchum  
P.O. Box 4462  
Pagosa Springs, CO 81417

Western Heritage  
Covered Event Center  
Fairgrounds Plan, Road Profile,  
Survey Coords., Legend

P06827  
Sheet 2 of 3



DAVIS ENGINEERING SERVICE, INC.  
 SINCE 1948  
 DAVIS ENGINEERING SERVICE, INC.  
 1400 W. 10TH AVENUE, SUITE 100  
 P.O. BOX 4462  
 PAGOSA SPRINGS, COLORADO 81417  
 PHONE: (970) 264-0605  
 FAX: (970) 264-0210



DATE: 07/19/16  
 SHEET: 01  
 PROJECT: WESTERN HERITAGE EVENT CENTER  
 DRAWING: COVERED EVENT CENTER VICINITY PLAN VIEW  
 SCALE: 1" = 20'  
 ELEVATION BASE ASSUMED

DESIGNED BY	MMMD
CHECKED BY	MMMD
APPROVED BY	SMS
DATE	06/06/16

**HALF-SIZE DRAINING**

Western Heritage Event Center  
 c/o Jess Ketchum  
 P.O. Box 4462  
 Pagosa Springs, CO 81417  
 Western Heritage  
 Covered Event Center  
 Vicinity Plan View  
 P06827  
 Sheet 3 of 3

**COVERED EVENT CENTER - VICINITY PLAN VIEW**  
 SCALE: 1" = 20'

## John Shepard

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**From:** Sally Capistrant <scapistrant@pagosa.k12.co.us>  
**Sent:** Friday, June 10, 2016 12:54 PM  
**To:** John Shepard  
**Subject:** Re: Land Use Regulations  
**Attachments:** FPA Best Practices Handout - EV-3.pdf

Dear Mr. Shepard and Planning Committee:

My name is Sally Capistrant, and I have been a resident of Archuleta County my entire life (excluding college years). I would like to suggest the Planning Committee review and possibly amend the current domestic fowl limitations for Residential zoned areas. The current code allows no fowl. However, the Rural Residential code allows for up to 4 per 3-acre lot. I believe this code is reasonable for Residential zoning as well.

To begin, a flock of 4 domestic fowl is less likely to be a nuisance than any other type of animal. They don't bark, roam the neighborhood, use freshly groomed lawns for their personal deposits, cause any type of inherent danger to children or to other small animals, etc... Unless the owners have a flock that vastly exceeds the limit and/or use very poor husbandry, 4 domestic fowl are unlikely to cause any undue response from neighbors. Often roosters are a point of concern; for the Residential restrictions, roosters could be deemed unacceptable if needed.

The benefits of even 4 chickens include: green pest control, composters for kitchen scraps, healthy source of protein, natural fertilizer, and great entertainment.

I know that there are a lot of people, even just in my small neighborhood, who are interested in having a small backyard flock. Of course, communities with their own covenants would be able to decide about chickens on a case by case basis.

Beyond this, currently chickens are allowed in many parts of the state that would be considered residential--even urban. This includes Denver, Aurora, and many other areas. With all of the guidelines available throughout the state, it would be easy to find a basic template or just modify the current restrictions.

I appreciate you taking time to consider this proposal. I look forward to discussing the proposal in person at one of the upcoming Planning Commission meetings. Please see the links below for further information about how our state is currently handling domestic fowl in residential areas.

<https://www.denvergov.org/Portals/682/documents/FPA%20Best%20Practices%20Handout%20-%20EV.pdf>

<http://www.backyardchickens.com/atype/3/Laws/tag/colorado-ordinances/>



Michael B. Hancock  
Mayor

# CITY AND COUNTY OF DENVER

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Denver Animal Shelter  
Adoption Center • Animal Services

Doug Kelley, Director

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Denver, CO 80223  
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## Food Producing Animals (FPA) Suggested Care Practices and Local Resources Chickens, Ducks, and Goats

### Fowl

Backyard chickens and ducks can be wonderful pets, in addition to providing delicious healthy eggs for their owners. There are a couple of important things that future fowl owners should consider before getting their birds:

- Fowl need regular daily care. If you have a daytime/nighttime setup, they may need to be taken out of their coop every morning and put away every evening (see “Setup for a Flexible Schedule,” below). Their daily needs also include fresh food and water, plus coop/yard cleanup tasks. If you’re going on a vacation, fowl typically should not be brought to another fowl owner’s backyard to be cared for, since mixing flocks can create behavior problems. You will need to plan on finding someone to come by and care for your chickens while you’re away. Neighbors are often a great option for this, and you may also be able to find someone on a local homesteading message board (see “Resources” below).

- Fowl do not lay eggs regularly for the duration of their lives. Chickens only produce eggs consistently for 2-3 years; ducks for about 5 years. Fowl can live to be 8-10 years old. Therefore, fowl owners need to be prepared to either explore retirement options for older birds (see “Retirement Options,” below) or make allowances to keep their older birds as pets. If you’d like to keep your older birds until they pass away from natural causes, start with just 3-4 fowl. After 2-3 years, you can add 2 more young birds, and then 2-3 years later add 2 more. This will allow your older fowl to live out their lives and die of natural causes and you’ll still have consistent egg production within the 8-bird limit laid out in the FPA ordinance.

### **Permeable Space**

The ordinance requires that FPA owners have at least 16 square feet of permeable space per bird. 16 square feet is certainly adequate, but it’s always a good idea to give the birds as much additional space as you can. The fowls’ permeable space (as well as the shelter) must be on the rear 50% of your zone lot.

“Permeable space” means ground or grass (i.e. not concrete). If you are keeping your fowl on bare ground, consider covering their entire living area with straw or pine shavings. This will provide mulch for fowl manure, which helps to reduce smells and keeps the birds from walking through wet manure.

### **Fencing**

If the fowls’ permeable space is an open-air barnyard (as opposed to an enclosed chicken-wire run) then you need to provide adequate fencing. Fences that are 3’11” tall are typically adequate to keep fowl contained. Fencing can be made of chicken wire, stock wire, chain link, or any other durable material.

If your fence is not containing your birds, you have a few options. You can make your fence higher (be aware that construction of fences 4’ or higher require a zoning permit in Denver), keep your fowl in an enclosed run, or secure netting over the top of your barnyard. You also have the option of performing wing clipping on your fowl, though this leaves them unable to fly if confronted by a predator.

Be a good neighbor and do not make a common fence with your neighbor one side of your fowl/goat fencing.

### **Structures**

The successful chicken shelter has the following features:

- Provides adequate space for the number of birds
- Is well ventilated
- Minimizes drafts
- Maintains a comfortable temperature
- Protects the chickens from wind and sun
- Keeps out rodents, wild birds, and predatory animals
- Offers plenty of light during the day
- Has adequate roosting space
- Includes clean nests for the hens to lay eggs
- Has sanitary feed and water stations
- Is easy to clean
- Is situated where drainage is good.

The structure should be predator-proof and provide protection from rain, snow and wind. Fowl-sized doors (called a pop hole) are recommended. It will be more convenient to clean the shelter if there is a way for humans to access the inside, either through a human sized door, or through hinges on the walls or roof. Be aware that construction of a structure requires a zoning permit and in Denver, except for portable structures not larger than a typical dog house. For more information contact Denver Zoning by email at [zoningreview@denvergov.org](mailto:zoningreview@denvergov.org) or phone at 720-865-2984.

The floor of the enclosure may be: 1) solid wood, if the floor is at least 1 foot off the ground to protect from rodents, 2) concrete, or 3) permeable ground, if the soil and slope encourages adequate drainage to dry every time it gets damp from outside weather. If the floor is permeable ground, bury chicken wire or hardware cloth at least 12 inches around the perimeter of the enclosure, to prevent predators from digging in.

Nighttime enclosures should be large enough for fowl to rest comfortably and walk around each other. Plan on four square feet of coop space per bird. For Bantam sized chickens (less than two pounds) two square feet per bird is adequate. Fowl should not sleep on hard wood or concrete. Each coop should have perches and/or bedding of straw or pine shavings. Nest boxes (1 for every 4-5 hens), and automatic food and water stations should be provided.

The well constructed coop will be well ventilated, but also be insulated to guard against both hot and cold temperatures. Ventilation should be breezy enough to remove excess moisture and prevent respiratory diseases, to which chickens are especially prone, but not drafty during winter. Some chicken breeds are very susceptible to the cold weather, so the coop should not be drafty.

### **Setup for a Flexible Schedule**

If you have a situation in which you can't reliably be around to let the chickens out of their coop every morning or secure them every evening, you can construct a setup that still allows your animals to be safe from predators. Attaching a large (at least 16 square feet per bird), predator-proof chicken run to a reasonably large predator-proof coop will allow your birds to roam freely inside and outside, while remaining safe. Fowl will wake up in the morning and venture into their run, where they will spend the day. At night they will go into their coop to sleep once the sun goes down. Stable food and water that cannot be knocked over is a critical part of this equation. A hanging feeder and waterer will accomplish this.

### **Winter Care**

While fowl are generally well-equipped to deal with cold daytime temperatures during winter, they often need supplemental heating at night when the temperature drops below about 20°F. You can add a heating lamp or light bulb (the necessary strength depends on the size of the enclosure) to your enclosure during winter months. In addition, fowl with large combs and waddles (like Leghorns) may need to have petroleum jelly applied to their combs and waddles during very cold nights to prevent frostbite.

### **Food & Water**

Chicks should be given a "chick starter" feed until 8 weeks old. Fowl should eat a "growing" feed (which contains extra protein) from 8 weeks until they start laying. At or immediately prior to laying, fowl should be eating a "laying" feed that contains supplemental calcium. Do not allow the drinking water to become dirty, particularly with bird feces, as it can cause diseases.

Fowl can eat most table scraps, but they should not be given green potato peels, dried or undercooked beans, avocado skin or pit, raw eggs or egg shell pieces, raw meat, rhubarb leaves, or nightshade (tomato, pepper, eggplant, potato) plant parts.

While ducks do enjoy having water to play in, providing bathing water is not required when keeping ducks. Be aware that bathing water that is not cleaned regularly can potentially introduce problems, as it may quickly become dirty and the animals might try to drink it.

### **Veterinary Care**

Fowl in Colorado do not require preventative vaccinations in order to remain healthy. If your fowl experiences a minor injury or problem, help can often be found in books or online message boards. For more serious injuries or illnesses, contact a local veterinarian (see “Resources,” below.)

### **Retirement Options**

While many people choose to keep their fowl as pets after they stop laying (see introductory paragraphs, above) some decide to retire non-productive hens. The sustainability groups in the “Online Resources” section below should be able to provide recommendations for places outside of Denver that are willing to take older fowl. Animal Care & Control can also give you the names of local animal sanctuaries. You can advertise your chicken as a pet on public web sites if it is important to you that the animal be kept as a pet and not used for meat. Be sure to specify that in your ad. Slaughtering is not allowed within most districts in the city of Denver, but it is allowed in many rural areas surrounding Denver. If you’d like more information about this option, contact the local sustainability groups.

### **Disposal of Dead Fowl**

If one of your fowl dies, there are a few methods of disposal that are recommended:

- Dead animal pick-up can be requested by calling 3-1-1. The city will provide this service free of charge.
- You can take your animal to the veterinarian to be disposed of, as you might with a dog or cat.
- Fowl can be buried on your property if they are buried at least 24” down.

### **Chick Care Tips**

Chicks should be provided with an indoor brooder which keeps them secure from predators and provides them with ample room to move around. The larger of a brooder you can provide, the happier and healthier your chicks will be. Many people choose to make a brooder out of large cardboard refrigerator boxes and chicken wire, rather than purchasing one. Your brooder should include an adjustable heat lamp or light bulb (250 watts is recommended for chicks) to maintain a temperature of up to 90 degrees.

Chicks should be given a “chick starter” feed and clean water. Do not feed produce or other table scraps to chicks. Chicks should have their vents (their bottoms) checked daily for pasting. Any dried feces should be removed so that the vent is clear. Chicks should be brooded inside for 6-8 weeks.

When ordering chicks, be sure to purchase females and not “straight run” (which is always a mix of males and females). Even if you order all females, there is still a small chance that you could end up with a rooster.

## **Dwarf Goats**

Backyard dwarf goats can be wonderful pets, in addition to providing healthy milk for their owners. There are a few important things that future goat owners should consider before getting their goats:

- One suggestion is to have two dwarf goats for companionship. One goat raised alone may be stressed and become sick, and may be much louder than a goat with a companion. Dogs or other pets are not suitable companions for goats. If you prefer to own just one milking doe, the ordinance does allow the keeping of wethers (neutered male goats), which cost a fraction of the price of a doe.

- Doe goats must be bred in order to produce milk. A dwarf goat's lactation cycle is about 300 days long. Their gestation is 5 months, and the goat kids need to nurse for 6-8 weeks. Given these timeframes, if you are keeping two doe goats you would need to breed each one every 16 months (or one goat every 8 months) in order to have a steady supply of milk. Before you breed, check on the demand for dwarf goat kids both within and outside of Denver, but understand that you will be responsible for re-homing kids as part of milk production.

- Goat owners who plan to be away have different options, depending on whether or not their goats are currently being milked. Goats that are not being milked can be easily cared for by a neighbor. Goats that are being milked need a qualified pet sitter who is familiar with milking, or to stay with another goat owner who will be able to maintain their milking schedule. Some rural goat breeders outside of Denver will also allow you to board your goats with them, for a small fee.

### **Permeable Space**

The ordinance requires that FPA owners have at least 130 square feet of permeable space per dwarf goat. 130 square feet is certainly adequate, but it's always a good idea to give the goats as much additional space as you can. The goats' permeable space (as well as the shelter) must be on the rear 50% of your zone lot.

“Permeable space” means ground or grass (i.e. not concrete). If you are keeping your goats on bare ground, cover their living area with straw. This will provide mulch for goat manure, which helps to reduce smells.

Goats enjoy climbing, so it's a good idea to provide them with straw bales or other safe, small things to climb on. Keep the climbing materials in the center of the barnyard, away from fences.

### **Fencing**

You must provide fencing adequate to keep your goats contained. Chain link, stock wire, or other sturdy fencing materials would be appropriate. Chicken wire is generally not adequate fencing for goats. Wooden slat fences are not generally recommended, as goats can knock out one of the pieces and get their head caught between the slats. A 3'11" fence is typically adequate to keep dwarf goats contained, provided climbing materials are not set next to the fence.

## **Structure**

The basic requirement for all goat structures is a dry shelter that minimizes drafts. It must be large enough for the dwarf goats to move around freely without coming into contact with another goat. Shelter must provide protection from precipitation, wind, and sun. Be aware that construction of a structure requires a zoning permit in Denver, except for portable structures not larger than a typical dog house. For more information contact Denver Zoning by email at [zoningreview@denvergov.org](mailto:zoningreview@denvergov.org) or phone at 720-865-2984.

How you build your structure depends on what you will use it for – is it just shelter for the goats, or will you feed and water them there? Consider how you, the human, will maintain the structure. Is there enough room for you to move around and clean it easily? Do you need a light source if you will be feeding/tending them during the winter? Where will you store hay and grain? Where is the water source? A number of considerations for your goat shelter are for the benefit of the caretaker.

Some areas of Denver contain more large mammal predators than others. If you feel that your dwarf goats would be at risk from large predators, you can provide a predator-proof structure.

## **Winter Care**

Dwarf goats grow a winter coat during winter months, provided they are outside during the fall months. They are generally well-equipped to handle cold weather provided they have a shelter to keep them out of precipitation and drafts. A heat lamp can be placed in the shelter during cold nights.

## **Food & Water**

Goats should eat a diet that consists primarily of hay. Grain should be given sparingly. Be sure that grain is stored securely where the goats cannot reach it, because if they are allowed to gorge on grain it could be fatal. Do not allow the drinking water to become dirty, particularly with goat manure, as it can cause disease.

Goats are omnivores and can eat most plant-based table scraps. Do not feed goats fruit pits, green potato peels, bindweed, white clover, rhubarb leaves, or nightshade (tomato, pepper, eggplant, potato) plant parts. Goats that are milking should not eat onions or garlic.

## **Veterinary Care**

Goats in Colorado benefit from an annual CD-T vaccination. This protects against enterotoxaemia and tetanus, which are problematic for goats but do not transfer to humans. In addition, goats should periodically be given a de-wormer, according to the product instructions. Both herbal and medical de-wormers are available for goat owners to purchase and administer.

See “Resources” below for a list of local goat veterinarians.

## **Other Goat Care**

Goats need to have their hoofs trimmed periodically. The frequency varies, but is typically around once every couple of months (depending on the goat). When you purchase your goats, ask your breeder to show you how to trim their hoofs.

It is generally best for goats raised in the city to be disbudded (have their horns removed). Horns can get caught in fencing material, and horns raise the likelihood that goats will injure each other during play. The safest time for a goat to be disbudded is when it is 2-4 weeks old. If the horns have become established, surgery would be required to remove them. Purchasing a mature goat and getting the horns removed is not advisable; it is best to purchase goats that have already been disbudded.

## **Breeding**

Denver's FPA ordinance does not allow unneutered male goats in the city, even for a brief visit. In order to breed your doe goat, you will need to contact a breeder outside the city and bring your goat there for mating.

## **Milking**

Goats that are milking need to be milked once or twice every day on a fairly consistent schedule in order to maintain milk production. If a goat is not milked regularly, she will "dry up" and her milk production will stop until she has kids again.

## **Disposal of Dead Goats**

If one of your goats dies, there are a few methods of disposal that are recommended:

- Dead animal pick-up can be requested by calling 3-1-1. The city will provide this service free of charge.
- You can take your animal to the veterinarian to be disposed of, as you might with a dog or cat.
- Goats can be buried on your property if they are buried at least 24" down.

## **Resources**

### **Online Resources**

- 1) **Chicken keeping forum** - [www.backyardchickens.com](http://www.backyardchickens.com) – community forum on chicken keeping; information
- 2) **Goat keeping forum** - [www.thegoatspot.net](http://www.thegoatspot.net) – community forum on goat keeping
- 3) **Duck keeping** - <http://duckhobby.com/index.html> - information on keeping urban ducks
- 4) **Denver Urban Ag Center** - <http://www.denverurbanhomesteading.com/> - – urban agricultural center with activities and information on chickens and goats, including a monthly chicken swap.
- 5) **Denver Poultry Meetup** - [www.meetup.com/DenverBackyardPoultry](http://www.meetup.com/DenverBackyardPoultry) -- local poultry group (with message board)
- 6) **Denver Homesteader Meetup** - [www.meetup.com/Greater-Denver-Urban-Homesteaders](http://www.meetup.com/Greater-Denver-Urban-Homesteaders) -- local homesteading group (with message board)
- 7) **Chicken Care eBook** - <http://www.mypetchicken.com/backyard-chickens/chicken-care/guide-toc.aspx> - eBook on chicken care
- 8) **Backyard Animals** - [www.sustainablefooddenver.org](http://www.sustainablefooddenver.org) – information on backyard animals

## **Books**

- Backyard Chickens for Dummies by Kimberly Willis and Rob Ludlow
- Building Chicken Coops by Gail Damerow
- Storey's Guide to Raising Chickens by Gail Damerow
- Storey's Guide to Raising Ducks by Dave Holderread
- Storey's Guide to Raising Goats by Jerome Belanger
- The Complete Idiot's Guide to Raising Goats by Ellie Winslow
- The Complete Idiot's Guide to Urban Homesteading by Sundari Kraft
- The Urban Homestead by Erik Knutzen and Kelly Coyne
- Urban Homesteading: Heirloom Skills for Sustainable Living, by Rachel Kaplan and Ruby Blume

## **Local Classes**

- Denver Urban Homesteading – [www.denverurbanhomesteading.com](http://www.denverurbanhomesteading.com) (chickens and goats)
- Front Range Community College Continuing Education – [www.frontrange.edu](http://www.frontrange.edu) (chickens and goats)
- Heirloom Gardens – [www.eatwhereUlive.com](http://www.eatwhereUlive.com) (chickens and goats)

## **Local Veterinarians**

Chickens or Ducks:

- Dr. Ted Cohen with University Hills Animal Hospital (Denver) – 303.757.56383
- Dr. William Guerrara with The Animal Hospital (Broomfield) – 303.466.8888

Goats:

- Dr. Leticia German with Front Range Equine and Livestock (Golden) – 970.420.5823
- Dr. Debra Mayo (Golden) – 303.271.9700

## **Feed and Farming Stores**

Curve Feed & Supply 6750 West Mississippi Avenue, Lakewood, CO 80226 (303) 934-1249

Denver Urban Homesteading/Earthdog Denver, 370 Kalamath Street, Denver, CO 80204  
303 534-8700

Golden Mill 1012 Ford Street, Golden, CO 80401-1130 (303) 279-1151

Murdoch's Ranch and Home Supply – 12154 N. Dumont Way, Littleton CO 80125 (303)  
791-7800 OR 9150 Wadsworth Parkway, Westminster CO 80021 (303) 422-9100

Wardle Feed & Pet Supply, 7610 W 42nd Avenue, Wheat Ridge, CO 80033, (303) 424-6455