



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 FEBRUARY 22, 2017, 6:00 PM**

**ROLL CALL**

**CONSENT:**

**Approval Of Minutes**

Regular Meeting February 8, 2016

Documents:

[MINUTES 020817 DRAFT.PDF](#)

**REPORTS, ANNOUNCEMENTS:**

**Road & Bridge Design Standards Update**

Susan Goebel-Canning, Public Works Director

**OLD BUSINESS:**

**Discussion Of Sec 5.3.6 Utility Location, Archuleta County Land Use Regulations**

Reporting back to Planning Commission on land use requirements for underground utilities. Staff has identified a number of concerns to address prior to drafting any proposed changes to the specific regulations, including:

- Application in Subdivision standards vs. general Development standards
- Nonconforming Status (when changes required)
- Above-ground vs. Underground Utilities
- Authority to regulate utilities

Documents:

[PC\\_MEMO-UTILITY\\_LOCATION-20170217.PDF](#)

**NEW BUSINESS:**

**NEXT MEETING: March 22, 2017**

**ADJOURN**

**Work Session On Community Plan (As Time Allows)**

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**

---

**Archuleta County Planning Commission Minutes, Regular Meeting February 8, 2017**

The Archuleta County Planning Commission held a meeting on Wednesday, February 8, 2017, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order at 6:00pm.

**Commissioners in attendance:**

Michael Frederick, Anita Hooton, Lisa Jensen, David Parker, and Betty Shahan.

**Staff in Attendance:**

John Shepard, AICP; Planning Manager.

**Public in Attendance:**

Kate Alfred, Airport Director.

**Consent:**

**December 14, 2016, Minutes**

Commissioner Parker moved to approve, Commissioner Shahan seconded, minutes approved 4-0 (Jensen abstained).

**January 25, 2017, Minutes**

Commissioner Parker moved to approve, Commissioner Jensen seconded, minutes approved 5-0.

**Old Business:**

**Discussion on Community Plan – Transportation and Public Facilities**

Airport Director Kate Alfred continued November’s discussion with the Public Works Director and County Engineer on County infrastructure with an overview of the airport facilities. The runway is 8500’ long, capable of handling most classes of jets, but a lack of a precision approach and proximity to the Durango airport limits commercial traffic. The airport has a large economic development benefit, as shown in a study in 2012. FAA funding is provided by sales tax on aviation fuel, and with CDOT funding only requires a 5% local match. There is a Fixed Base Operation (FBO) and about 50 private hangers on the old runway. Commissioners discussed land use in the Airport Influence Area, outdoor lighting and concerns with Cloman Blvd and the industrial park.

**New Business:**

None.

**Reports and Announcements:**

Mr. Shepard reported on Land Use Permit activity in 2016.

**Next Meeting:**

Regular Meeting February 22.

**Adjourn:** Commissioner Hooton moved to adjourn the meeting at 7:30 PM, Commissioner Jensen second, and approved.

Approved this      day of                      , 2017

\_\_\_\_\_  
John C. Shepard, AICP  
Planning Manager

\_\_\_\_\_  
Michael Frederick  
Chairman





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: February 17, 2017  
RE: Sec 5.3.6 Utility Location, *Archuleta County Land Use Regulations*

---

At our meeting on January 25, 2017, representatives of La Plata Electric Association (LPEA) requested consideration of changes to the requirement that all utilities be located underground, except in the Agricultural/Forestry (AF) and Agricultural/Ranching (AR) zoning districts. Nancy Lauro, AICP, of Russell Planning & Engineering, suggested text amendment language for discussion, and the Planning Commission asked staff to research the issue and report back.

Most Utility uses are Conditional Uses in the *Archuleta County Land Use Regulations* ( "Other" use in Table 3). However, we have few specific standards for utilities. In Section 5 Development Standards, Section 5.3.6 (setting the standard for utility location) originated in general Infrastructure Standards introduced in the comprehensive revisions of *the Archuleta County Land Use Regulations* in 2006.

### **5.3.6 Utility Location:**

All utilities, including, but not limited to electrical lines under 25Kv, telephone, and cable television shall be located underground within appropriate easements and/or rights-of-way, in all zoning districts except the AR and AF districts. Utilities may be located above ground only in the AR and AF zoning districts.

This section covers local distribution lines, not electrical transmission lines (defined as 69Kv or greater capacity). Section 5.5.7.12 and Section 5.5.8.19 also require underground utilities in mobile home parks and RV parks. Section 4 requires a Utility Plan for Major Subdivisions at Final Plat, in conjunction with roadway construction plans prepared by a professional engineer. However, there is currently no provision for a Variance from non-dimensional Development Standards in Section 5, or to "waive" subdivision standards in Section 4.

**Nonconforming Status:** All development, including any type of construction, must comply with standards of the Land Use Regulations. Utilities installed above ground prior to 2006 are considered non-conforming or "grandfathered", and may remain as it is. While maintenance and "reasonable repair" is encouraged, any changes beyond "minor alterations" must be made in conformance with current standards. Section 1.3 provides specific provisions for non-conforming lots, structures and uses.

LPEA has requested that all existing above-ground utilities, whether non-conforming or not, may be rebuilt and/or “upgraded” as they are, “including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements/upgrade does not alter the location of the existing facility [and] will generally remain within the existing easement...”

**Underground Utilities:** Above-ground utilities are subject to natural hazards, and are often considered visual blight—especially in scenic tourist-based areas. Many PLPOA subdivisions have covenants requiring underground utilities, which would apply no matter what the Land Use Regulations provide. As outlined in the *Archuleta County Multi-Hazard Mitigation Plan (2012)*, utility service is subject to outages caused by High Significance hazards including Severe Winter Storms & Wind, Flooding, and Landslides (above and below ground).

While installing above-ground poles is cheaper than burying power lines, the Federal Emergency Management Agency (FEMA) strongly encourages underground utility lines. FEMA studies have found from 115% up to a 7x return on investment from hazard mitigation projects that harden utilities and place power lines underground. FEMA pre-disaster mitigation funding for such projects is available on a competitive basis. Reducing land use standards may make Archuleta County less competitive for future federal funding.

**Authority to Regulate Utility “Location & Extent”:** Typically, there is a distinction in land use codes between local distribution and larger facilities. Under CRS §30-28-110(1), no public utility (publicly or privately-owned) may be constructed or authorized in unincorporated areas (outside town limits) without approval of the “location and extent” of the project by the County Planning Commission. This review is subject to appeal, and is intended to encourage intergovernmental communication and coordination. Major electrical and natural gas facilities are subject to a separate statute, CRS §29-20-108, governing “location, construction or improvement”. These include electrical generating facilities, substations, transmission lines (69Kv and greater), and associated structures. The *Archuleta County Land Use Regulations* implement both of these processes through a standard Conditional Use Permit (CUP) review.

“Location & Extent” review is similar to but more limited than “1041 Powers” review under CRS §24-65.1-101 *et seq.*, for “areas and activities of statewide interest” including major public utility facilities. The *Archuleta County Land Use Regulations* implement 1041 review through Section 2.5; however, local authority has only been adopted for geothermal resources.

**Sample regulations from other counties:**

**Boulder County:** In Development Standards, which apply to all types of development. “All utility facilities shall be located underground throughout the development except in situations or locations where undue hardship result from compliance... [when located] in accordance with the approved utility service plan.” The Land Use Director may waive or alter any requirement in this section “if they are determined to be inappropriate or unnecessary...” Location & Extent review excludes “Upgrades to existing facilities that are required maintenance...including repairing and/or replacing old or outdated equipment...” or by a Subdivision Exemption.

**Gunnison County:** Installation of distribution or service lines to a residence and burying lines exempted from Land Use Permit—otherwise repair of distribution lines requires a Land Use

Permit. Wireless Telecommunication Structure (cell tower) to “the maximum extent feasible, all utilities shall be installed underground.” For development in Geologic Hazard Areas, “Utilities serving the development shall be placed underground...to the maximum extent feasible, unless such placement would cause significant disturbance to a sensitive natural area or feature.” Underground utilities required near Sage-Grouse habitat. For large residences (>9,000 sq.ft.) “Utilities shall be located and installed, to the maximum extent feasible, to not be visible.” Upgrade of an existing transmission line (>45kv) is classified a “Minor Impact Project” if inside an existing easement, which is approved or denied by the Planning Commission. New transmission lines is a “Major Impact Project” reviewed by both Planning Commission and the County Board.

Jefferson County: In Subdivision regulations. “Utilities shall be located underground in the plains area. In the mountains area, utilities shall be located underground unless otherwise approved by the serving entity.”

LaPlata County: Section within Subdivision Design Standards. “All utilities provided to a subdivision shall be placed underground...except for residential lots of greater than ten acres, or in areas where the topography or subsurface conditions render this impossible.” Location & Extent review has almost the same exemption as Boulder County.

Larimer County: Applied at Subdivision review—easement and utility standards apply to all land divisions except Rural Land Plans. “Utility lines must be placed underground unless the applicant demonstrates to the county commissioners specific engineering considerations that necessitate aboveground utility installations.” Transformers, etc. may be placed above ground in easements or rights-of-way.

San Miguel County: In general land use Standards for public services. “Where feasible, all utility distribution facilities...installed in and for the purpose of supplying service to any subdivision shall be placed underground except as follows: street lights, and equipment normally installed on the surface appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, concealed ducts and similar items.” The next section states “The subdivider is responsible for complying...” which implies this section applies at Subdivision review. Underground utilities must be installed to each lot so service connections would not disturb streets or alleys.

Summit County: In Subdivision Regulations. As a condition of new subdivision approval, installation of electric and telephone lines is required to each lot. No further specification.

Commonly, across counties, mobile home parks are required to install underground utilities to each site.