



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 AUGUST 8, 2018, 6:00 PM

ROLL CALL

CONSENT:

Approval Of Minutes

- Regular Meeting June 27, 2018
- Regular Meeting July 25, 2018

Documents:

[MINUTES 062718 DRAFT.PDF](#)
[MINUTES 072518 DRAFT.PDF](#)

OLD BUSINESS:

NEW BUSINESS:

Consideration Of Resolution 2018-04PC Approving The BWD Office & Contractor's Yard Conditional Use Permit

Request to consider and approve a Planning Commission Resolution stating Findings and Conditions of Approval of the BWD Office & Contractor's Yard CUP for Tract C of Ridgeview Subdivision, at 597 Navajo Trail. CUP approved at public hearing on July 25, 2018.

Documents:

[RESOLUTION_2018-04PC_BWD-DRAFT.PDF](#)

REPORTS, ANNOUNCEMENTS:

Implementation Update On Land Use Regulation Amendments

- Change of Use
- Temporary Use
- Vacation Rentals

General Review Of Archuleta County Land Use Regulations

General discussion of Subdivision Regulations and related provisions in the Land Use Regulations.

NEXT MEETING: August 22, 2018

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

Archuleta County Planning Commission Minutes, Regular Meeting June 27, 2018

The Archuleta County Planning Commission held a meeting on Wednesday, June 27, 2018, 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 6:01 pm.

Commissioners in attendance:

Michael Frederick, Anita Hooton, David Parker, and Lisa Jensen. Betty Shahan had an excused absence.

Staff in Attendance:

John Shepard, AICP; Planning Manager. Sherrie Vick, Planning Technician

Public in Attendance:

BP Representatives Naomi Azulai & Miles Venzara, Barb & Keith Swain, Nancy Cutright, Laurie Herson, and Randi Pierce from the Pagosa Sun.

Consent:

May 23, 2017 Minutes. Commissioner Jensen made a motion to approve as submitted, Commissioner Parker second, vote 3 aye Commissioner Hooton abstained.

Old Business:

None.

New Business:

BP Cox 3 Well Pad Special Exception, pt. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T32N R6W NMPM, at 815 County Rd 988, Arboles (PLN18-094)

BP Production Company, represented by Naomi Azulai of Durango, CO, applied for Major Oil & Gas Facility Review for the **BP Cox 3 Well Pad Special Exception**, on a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T32N R6W NMPM, under a Surface Use Agreement with property owners Raymond Charles Egger and RaDawna Ann Egger, at 815 County Rd 988, Arboles, CO. This property is zoned Agricultural/Ranching (AR). (Case file 18-094.)

Archuleta County Land Use Regulations Section 9.2 Oil and Gas Development Permit provides for review of oil and gas facilities within unincorporated areas of Archuleta County, within the rules and regulations of the Colorado Oil & Gas Conservation Commission (COGCC). While an individual well is a Minor Facility, Sec. 9.2.7.3(1)d requires a Special Exception, approved through the Major Oil & Gas Facilities review process, to establish more than four well pads in a government section of land.

BP America proposes to establish a new well pad with one natural gas well, which will be drilled directionally eastward on-unit (the north $\frac{1}{2}$ of the section). A new access will be constructed directly from County Road 988, south of CO Hwy 151 and about $\frac{1}{4}$ mile east of the LaPlata County line. There is an existing service pipeline along the south property line. The *Archuleta County Community Plan*, updated in 2017, provides guidance for future development. The Future Land Use Map considers this area as Very Low Density Residential in Critical Wildlife Habitat. Currently, the Community Plan does not address natural resources development. In Chapter 2, Policy 2.2 states "New development avoids, minimizes or mitigates damage and disruption to wildlife and unique biological features, wildlife habitat and other environmentally sensitive areas." Policy 2.7 states "Locate new oil and gas wells and gravel pits to minimize visual and environmental impacts. Require site reclamation and site mitigation." In Chapter 6, Policy 6.2 states "New development will be compatible with adjacent, existing agricultural uses in rural areas."

The property is zoned Agricultural/Ranching (AR). Setbacks in the AR zone are 75' front and 25' sides/rear. The surface parcel has one existing single family home on the north side of the Quarter-Quarter section. The closest home is 830' to the north, on a 1.19 acre parcel between the Eggers' home and the well site—it appears that this is an Improperly Divided Parcel, split without Subdivision review in 2017. The closest building is on the neighboring property, 750' to the south. The *Archuleta County Land Use Regulations* encourage (but do not require) siting multiple wells on existing well pads where practical. The proposed well pad will be the 5th in Section 14. There are three existing well pads in the South $\frac{1}{2}$ of

Section 14, currently operated by Southland Royalty Company (Peterson 32-6 in the SW ¼ and SE ¼) which are close enough together to appear as just two well pads but are permitted by COGCC as three well pads.

- Peterson 32-6 #14-3 was permitted by Energen Resources Corp. as a Minor Oil & Gas facility (GW2008-02) on February 8, 2008, in the SE ¼ of Section 14, with access from County Rd 977 to the south. This well pad was built immediately north of the existing #14-1 well pad, separated by an irrigation ditch, but otherwise would appear as one well site.
- Peterson 32-6 #14-4 was permitted by Energen Resources Corp. as a Minor Oil & Gas facility (GW2007-05) on January 18, 2008, in the SW ¼ of Section 14, with access off of County Rd 977, expanding an existing well pad (#14-2).
- BP's Cox 2 well pad is located in the NE ¼ of Section 14.

Public comments were received at the pre-application conference. This application was referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5. Comments received prior to preparation of the staff report include:

- County Engineering found no engineering issues with the project, and requested the design engineer certify improvements when complete. County Road & Bridge found County Road 988 to be in good condition and requested an after-construction review for any necessary repairs. A County Access Permit will be required.
- County Engineering also requested Applicant take whatever steps necessary to minimize dust pollution during construction and operation.
- LPEA had no objections.
- Since the well pad is within a mile of the county line, the project was also referred to Brenna Kampf, La Plata County Local Government Designee (LGD), who had no comment on the project.
- The Site Plan needs to be revised to show setbacks of proposed structures from property lines and sight triangle, to be stamped by a surveyor or professional engineer.
- An address will be assigned upon approval of this permit.

Neighbor's comments included:

- Eye sore of well adjacent to road.
- Noise & dust impacts

Perimeter berms or fencing along the road or the adjacent neighbor's driveway might mitigate visual impacts, noise and dust. Adjacent wetlands constrain moving the well pad further north or east. Approval granted shall expire if construction of the facility is not commenced within one year of approval. BP will also have to receive approvals from the Colorado Oil & Gas Conservation Commission (COGCC).

DISCUSSION

Once Mr. Shepard completed the report, Chairman Frederick ask if there any questions from the Commissioners. The Chairman asked Mr. Shepard if BP had to find out about the one acre parcels' legality or if that was the property owner's responsibility? Mr. Shepard clarified, the County is approving a Land Use Permit and the Land Use Regulations require a conforming site. Chairman Frederick also inquired about sound standards and wanted to add that a sound engineer certify the equipment is meeting our requirements for this as well. Commissioner Jensen asked about a permit for the wetlands mitigation. Mr. Shepard stated that the State requires permits that should cover these activities.

Chairman Frederick asked Naomi Azulai from BP to address the Commission. Ms. Azulai introduced Miles Venzara and addressed Commissioner Jensen's question by explaining that the State requires a permit for the surface impacts including the wetlands will be reviewed and three permits for the drilling, a pilot hole and two lateral drilling holes. Ms. Azulai went on to explain why this was a special exception permit for BP. Southland had three permitted well pads in the south half and the section and BP has one in the north half of the section and the County regulations only allow four wells per section. In order to retrieve the mineral rights they must place another well in the section on the side of the resources because the geology dictates the best retrieval point. Mr. Venzara pointed out the location of the pad and the wetlands and there would be no disturbance to the wetlands. Chairman Frederick asked why BP could not access the minerals from the old well site. Ms. Azulai explained that drilling from the old site goes against the geology flow of the minerals so the new site will be with the flow. Mr. Venzara explained the gas is mixed with a water layer that drains a specific direction and the extraction well needs to be down below the gravity flow of the water to extract the minerals. Commissioners discussed how close together the Southland wells and wellpads were.

Mr. Venzara addressed the noise concerns. BP is required by the State to maintain a 55 decibel (dBA) level 350 feet from the noise source and 50 dBA at night. Their equipment will adhere to the 50 dBA 350 feet from the equipment. Chairman Frederick notice that electrical power is not available at this time will they be using diesel powered equipment? Ms. Azulai stated they are asking for a temporary generator in case LPEA cannot get the power across the road before the drilling starts, but BP has a request into LPEA for the power hook up. Commissioner Hooton asked what the noise level was on

generator. Mr. Venzara explained that temporary walls could be put up to help mitigate the noise until power is supplied if noise exceeds 55 dBA. Commissioner Frederick asked if BP could certify the noise meets the 55 dBA after construction. Mr. Venzara confirmed they could do that and explained that noise reacts differently on each site and visual barriers may make the noise concentrate on one side of the site. Commissioner Frederick asked if BP was opposed to the visual berms Mr. Shepard suggested. Ms. Azulai explained the Mr. Venzara is working with the neighbors on a plan for visual and sound mitigation and if the neighbors are happy that plan would be acceptable instead of the berms. The Chairman asked if there were any other questions; hearing none, he opened the floor for public comment at 6:45PM.

Barb Swain, 663 County Rd 988, stated the property line is 71 feet from the equipment berms and 150 for the well. Mrs. Swain asked the Commission if they had received the letters they have sent. The Chairman stated that the Commission received them. Mrs. Swain stated that this is an eye-sore right off the driveway, and that the visual impact should be addressed.

Nancy Cutright, 2030 County Rd 977, stated she is ½ mile away and these are ugly things to look at and drive by each day. The other wells in the area are tucked back out of sight. Mrs. Cutright asked if the mineral rights owner approved this. Mr. Venzara stated the mineral rights owners have pooled and approved this operation. Mrs. Cutright's second question was in regards to the zoning. It was understood that Mr. Egger had lost his Agricultural status. Mr. Shepard stated the zoning was Agricultural which was different from any assessment as agricultural land. Mrs. Cutright was also concerned about water contamination as the pad is right by the water supply for irrigation. Stated concerns also for light and noise at night when the drilling is taking place, the dust on the road and the impact of the wildlife. Mr. Venzara explained that they would work with the land owner. Commissioner Hooton asked Mr. Venzara if they have met with the neighbors about their visual concerns. Mr. Venzara said they are meeting with the next door neighbors and will be working with them to manage their concerns.

Chairman Frederick asked if there were any other comments. Hearing none the public comment was closed at 6:59pm.

Commissioner Parker asked if BP had constructed a below-grade well pad? Mr. Venzara stated, not that he was aware of. Mr. Shepard stated to the Commission that if they wanted to give more flexibility to the visual and noise migration then Staff's proposed conditions would need to be changed. Commissioner Hooton stated the Commission needed more specifics on the mitigation to feel comfortable to move forward on the project. Mr. Venzara explained that they would work on the mitigation plan with the neighbors and work through that but could not give a specific plan at this time. Commissioner Frederick asked for explanation of the sound walls. Mr. Venzara explained they are square with sound buffering material, and BP works with neighbors on placement. Commissioner Frederick asked if the walls could help visual mitigation? Mr. Venzara stated they would not. There was discussion on how to word conditions and it was suggested that the Commission table the project for more details from BP on need and mitigation. Commissioner Hooton wanted a better plan for mitigation and BP should work with the neighbors. Commissioner Jensen asked about the construction timeline and how that effects the wildlife. Mr. Venzara explained that that is all looked at and taken into consideration.

Commissioner Hooton moved to table the project to the July 25, 2018, meeting. Commissioner Jensen Second, Vote 4-0 aye.

Reports and Announcements:

Mr. Shepard reported that the Board continued the vacation rental regulations to July 3, 2018, due to more direction on enforcement. The RV & Campground regulations passed without comments. On the general amendments to the Land Use Regulations, the Board dropped the enforcement parts and amended in the Administrative CUP rather than a use by right permit looking forward to Vacation Rentals. Mr. Shepard stated that the Board took out the notice sign requirement that the Planning Commissioners wanted for Vacation Rentals in the front yard. The Board thought it would be an attractive nuisance. Vacation Rentals would be an administrative process followed up by building inspections.

Next Meeting:

Regular Meeting July 25, 2018

Adjourn: Commissioner Parker moved to adjourn the meeting at 7:39 PM, Commissioner Jensen seconded. Vote 4 aye.

Approved this day of , 2018

Sherrie Vick
Planning Technician

Michael Frederick
Chairman



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting July 25, 2018

The Archuleta County Planning Commission held a meeting on Wednesday, July 25, 2018, 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 6:01pm.

Commissioners in attendance:

Michael Frederick, Anita Hooton, Betty Shahan, and Lisa Jensen. David Parker had an excused absence.

Staff in Attendance:

John Shepard, AICP; Planning Manager. Sherrie Vick, Planning Technician

Public in Attendance:

BP Representatives Naomi Azulai, Miles Venzara & Tom Dugan; BWD Representatives Ryan Searle and Jari Sage; Barb & Keith Swain, Nancy & David Cutright, Penny Holmes, Lana Jo Chapin, Elaine & George Nobriga, Angus Sanchez, Mary Owen, and Chris Mannara from the Pagosa Sun.

Consent:

None

Old Business:

BP Cox 3 Well Pad Special Exception, pt. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T32N R6W NMPM, at 815 County Rd 988, Arboles (PLN18-094)

BP Production Company, represented by Naomi Azulai of Durango, CO, applied for a Major Oil & Gas Facility Review for the **BP Cox 3 Well Pad Special Exception**, on a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T32N R6W NMPM, under a Surface Use Agreement with property owners Raymond Charles Egger and RaDawna Ann Egger, at 815 County Rd 988, Arboles, CO. This property is zoned Agricultural/Ranching (AR). (Case file 18-094.) This item was opened at the meeting of June 27, 2018, and continued to this date. The project was tabled to give BP more time to work on a solution for the mitigation and the public concerns with the visual mitigation from the road.

Commissioner Shahan stated she would abstain from voting on the BP Cox 3 Well Pad SE because she was not present at the last Commission meeting when the project was tabled. Chairman Frederick stated that Commissioner Shahan was allowed to participate in the discussion but not vote.

Chairman Frederick asked the BP Representatives if they had found a solution for the neighbors' concerns. Mr. Venzara explained that BP came to an agreement with the Swains to fund the planting of 80 trees and they would irrigate the trees. Mr. Venzara presented a revised visual and noise mitigation plan. As noted previously noise will be mitigated by electrifying the site. The pad would also be cut seven feet below the level of the road and BP would use low profile tanks which would reduce the visual impact from the road. There was some discussion and clarification from the exhibits.

RECOMMENDATION AND FINDINGS OF THE STAFF REPORT

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

- a. The application meets the review criteria for Major Oil & Gas Facilities in Section 9.2.6.11 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for an Oil & Gas Permit Special Exception in Section 9.2.7.5 of the Archuleta County Land Use Regulations, and

That the Planning Commission recommend approval of the request by BP America Production Company for the BP Cox 3 Well Pad Special Exception, on pt. SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T32N R6W NMPM, with the following conditions:

1. The surface owner shall demonstrate that the parcel has not been improperly divided, prior to final permit approval.
2. 5' tall berms shall be installed along the west and south sides of the well pad.
3. The Site Plan shall be revised to show setbacks of proposed permanent and temporary structures from property lines, and sight triangles at the well driveway and adjacent driveway (south neighbor), stamped by a surveyor or professional engineer.

4. Notice shall be provided to the Planning Department prior to commencement of work on the well site, and when drilling and equipment siting is complete.
5. A weed survey shall be completed prior to site disturbance, with results provided to the County Weed & Pest Dept.
6. Any outdoor lighting during drilling or production shall comply with Section 5.4.4 of the Archuleta County Land Use Regulations, with fixtures fully shielded unless written documentation is provided in advance that this requirement is in conflict with OSHA requirements. Unshielded security lights are permitted with a 5-minute timer. Lighting must be directed away from residential areas (Sec. 9.2.7.3(3)).
7. After construction of the well pad, the Engineering Department will require a signed and sealed letter from the drainage design engineer stating that the drainage was installed according to the approved drainage study.

Chairman Frederick asked the Commission if they had any questions. Hearing none Chairman Frederick explained that some members of the public had tried to communicate more information to the Commission. This item was continued after closing the public input, but the Chair would re-open the floor to the public for brief comments. Comments could not address items that were not in the Commission's power to address that would be addressed under the State's authority.

Public Comment re-started 6:13 pm. Nancy Cutright; 2030 County RD 977, pointed out in the Land Use Regulations up to 4 well pads is all that is allowed and no more should be allowed. BP has not proved a need for the special exemption and the applicant has other options. Mrs. Cutright handed out documentation in addition to her comments.

Agnes Sanchez; 20846 HWY 151, noted that there was an illegal subdivision of land on this property that should be addressed before a permit can be issued. The Chairman asked Mr. Shepard to comment. Mr. Shepard had not received any new information on the illegal parcel. He did receive the updated site plan. Ms. Sanchez noted an irrigation ditch is very close to this well pad and the Allison Lateral Ditch company has not been informed about the drilling within a mile of the ditch.

Barb Swain; 663 County Rd 988, handed out a letter from May which had not been included in the packet. It addressed concerns about wildlife that has moved into the area which was not addressed in the old wildlife documentation from March 2011. Mrs. Swain submitted pictures and statements of the federally protected wildlife in the area. Mrs. Swain pointed in the regulations where the County encourages oil & gas to mitigate sight and noise impacts and not disturb the area. The well should not be allowed.

Lana Chapin; 1344 County RD 977, noted the Regulations state 4 well in 640 acres. The BP submittal is incomplete and there is no reason to exceed the 4 wells. She urged the Commission to not allow Southland and BP to battle in their area and ruin their rural environment. There are 9 wells in 1040 acres, why do they need another? She urged a no vote.

Penny Holmes; 1046 County Rd. 977, stated this area of the County is rural not industrial, and also urged that the Commission wouldn't approve this well.

Mary Owens; Arboles area, stated there are 20 wells from Navajo State Park to Ignacio. They don't need more development, slow oil and gas down.

At 6:43, Chairman Frederick informed the public the Commission would take a ten minute recess to read over the items the public had submitted to them and review the new BP information, and then the meeting would continue with the BP representatives commenting on the public comment.

At 6:58 PM, Chairman Frederick called the meeting back into order and asked Mr. Venzara to address the public concerns. Mr. Venzara address the completeness of the application--BP relies on County staff to give them direction and a list of requirements for the submittal. The illegal subdivision on the property is between the land owner and the County because BP doesn't have legal right to act on behalf of the land owner. To address the number of locations in the section where wells are, one is plugged and abandoned which doesn't count. One of the other Southland wells is close to the same pad as another which could be argued as an expansion of the pad. The geological reasons for the location and the minerals in the northwest quarter they have rights to recover. The State has regulation for water well testing and how the wells can be effected. The testing is done before drilling, after drilling and then one year after drilling. Methane is odorless and accrues naturally in ground water. The wildlife study was extended in May 25, 2017. They were unaware of the ditch mentioned so they will be looking into that. Mr. Venzara also addressed someone mentioning the Quintana pad to the west, which is not theirs and is in another section in La Plata County and which would also need a special exception.

Commissioner Jensen asked if it is discovered there is water contamination how is that addressed. Mr. Venzara stated there is a State procedure for that. The state looks at where the methane could come from and the chemicals are tested, so they can identify the polluter and take steps to mitigate.

Commissioner Hooton asked for a clear reason for the location of the well. Mr. Venzara explained there was more density further north in the section. Mr. Shepard pointed out the zoning map and explained the zoning densities. Mr. Shepard addressed the ditch issue. They County's mapping doesn't have a good layer for identifying ditches which creates the problem on review if no comment is made about a ditch. Mr. Venzara addressed the wildlife issue brought up. BP has a biologist go on site to review the location before drilling begins and they take measures to change drilling schedules around the nesting periods.

Chairman Frederick closed the meeting to take a short break while Commissioner Hooton had to step out of the room at 7:15pm.

Chairman Frederick reopened at 7:20pm. The Chair continued by stating that the Commission could not deny the permit or change the location of the well, those are State of Colorado interests. They can only address mitigation of the impacts. The Chair addressed the question of the special exception by reviewing the report by BP that the geology of the area would not allow the extraction from any other point because the water follow would work against the equipment to extract the gas. The water testing is a State issue and the applicant has explained those regulations. The wildlife issue has also been up date and the procedures will be followed. The concerns about the completeness of the application has been addressed by staff and the mitigation plan presented meets requirements. The illegal parcel should not be a matter for BP it should be addressed by the landowner and the County. Chairman Frederick asked the commission if there were any other comments.

Commissioner Hooton stated, the mitigation plan has not been adequately addressed and the illegal lot should be addressed by the landowner and the County. Commissioner Jensen agreed that the illegal parcel is between the County and the landowner. However, it is still unclear what the need is for the fifth well. The ditch location and notification should be done even if the County doesn't have good information.

Mr. Shepard stated the location is primarily up to the State but the Planning Commission can recommend denial if members don't feel the Applicant has made a good case for the well. The Board of County Commissioners make the final decision. In regard to the ditch, a condition can be added stating the applicant needs to have a completed Water Management Plan.

Mr. Shepard asked to address the conditions and see if changes could be made based on the information given during the meeting.

1. The surface owner shall demonstrate that the parcel has not been improperly divided, prior to final permit approval. This conditions was added because the one acre parcel taken out of the surface parcel is a Land Use violation and the landowner has not addressed the issue. Is it BP's responsibility, since they are the Applicant? This issue will go forward to the Board.
2. 5' tall berms shall be installed along the west and south sides of the well pad. This condition with the new illustration from BP mitigates the visual impact. Noise issues are difficult to monitor but BP has made accommodations in the past.
3. The Site Plan shall be revised to show setbacks of proposed permanent and temporary structures from property lines, and sight triangles at the well driveway and adjacent driveway (south neighbor), stamped by a surveyor or professional engineer. This condition has been met with the new site plan received from BP.
4. Notice shall be provided to the Planning Department prior to commencement of work on the well site, and when drilling and equipment siting is complete.
5. A weed survey shall be completed prior to site disturbance, with results provided to the County Weed & Pest Dept.
6. Any outdoor lighting during drilling or production shall comply with Section 5.4.4 of the *Archuleta County Land Use Regulations*, with fixtures fully shielded unless written documentation is provided in advance that this requirement is in conflict with OSHA requirements. Unshielded security lights are permitted with a 5-minute timer. Lighting must be directed away from residential areas (Sec. 9.2.7.3(3j)).
7. After construction of the well pad, the Engineering Department will require a signed and sealed letter from the drainage design engineer stating that the drainage was installed according to the approved drainage study.

The Conditions 4-7 are performance issues and will be meet as the project moves forward. The Commission can remove condition Three and change it to get an updated water management plan. The Chairman recalled from the last meeting that BP was going to provide a Certification on the noise level from a certified sound engineer.

Commissioner Hooton stated that BP has not provided enough information to allow the special exception. The only reason provided is that this location is the easiest place and the most cost-effective location in the area. The neighbors should not suffer the impact just because this is where BP brought oil and gas rights and the standard 4 wells in the

section have been met. Commissioner Jensen agreed with Commissioner Hooton. Chairman Frederick asked for a motion.

Commissioner Hooton moved to recommend to the Board of County Commissioners, that the request for the BP Cox 3 Well Pad Special Exception NOT be approved because BP has not demonstrated the Need for the special exception to place a fifth well pad in the section, and that the well pad is not Compatible with the area as required by Section 9.6.2.11. Commissioner Jensen Second Chairman asked for the vote. Commissioners Hooton and Jensen voted eye. Commissioner Frederick vote against and Commissioner Shahan abstained. The motion carried to the Board, 2-1. Mr. Shepard informed that this will go to the August 7th Board meeting.

New Business:

Lakeview Estates Amendment 2018-01 final plat, a replat of Lots 113, 114 & 115X of Lakeview Estates, creating Lots 113Z and 115XZ (PLN18-115)

Bill & Jean VanSickle and Greg & Cindi Taylor, applied for final plat approval of the Lakeview Estates Amendment 2018-01, a replat of Lots 113, 114 & 115X of Lakeview Estates, creating Lots 113Z (133 Lighthouse Dr.) and 115XZ (36 Beacon Ct.) (PLN18-115). The property is owned by William J. Van Sickle and Jean A. Van Sickle, and Gregory Lee Taylor and Cindi Denise Taylor, zoned Planned Unit Development (PUD).

Lake Hatcher Park subdivision was approved in 1979, and is within the Pagosa Lakes Property Owners Association (PLPOA). Lots 115 and 116 were consolidated into Lot 115X by Resolution 2012-8, which is owned by the VanSickle. Lot 113 is owned by the Taylors Applicants co-own Lot114. Lots 117 and 118 have been previously consolidated into Lot 118X with access on Lighthouse Drive, and is not part of this application. The proposal will split Lot 114 and create two parcels: Lot 113Z on Lighthouse Drive and Lot 115XZ on the Beacon Court cul-de-sac.

The *Archuleta County Community Plan* of 2001, Future Land Use Map, designates this area for High Density Residential development. Lakeview Estates, along with most of the property within PLPOA, is zoned Planned Unit Development (PUD). These lots were designated 'E' and 'F' land use on the original plat. Resulting lots will be larger than the existing lots, with larger setbacks.

Review comments received include:

- The Deputy County Surveyor had technical comments on the plat (7/03/18), including renumbering as lost 113Z and 115XZ.
- County Engineering had no issues, and is not requiring the cul-de-sac to be built to serve just the one lot (115XZ).
- LPEA requested a utility easement on the new side lot line, but not the front, and suggested vacating unused side lot line easements.
- PAWSD had no objections, and noted a mapping fee will be assessed.
- Pagosa Fire Protection District had no objection.
- PLPOA stated no concerns.

Staff comments include:

- Renumber lots as noted by the Deputy County Surveyor
- A typical utility easement be added on the new common lot line.
- Note current land use designations (i.e. R-1-90) on the plat.

The County Clerk & Recorder has suggested that certifications on final plats be revised to better reflect the approval process, especially with delays between Board approval and recordation while signatures are collected on the mylar copy of the final plat. Pending comprehensive review of the Subdivision Regulations, Staff's initial draft for consideration is attached.

RECOMMENDATION AND FINDINGS

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

- a. The application does meet the review criteria for development in the Planned Unit Development (PUD) district, in Section 3.1 of the *Archuleta County Land Use Regulations*, and
- b. The application does meet the review criteria for an Amended Plat, in Section 4.6 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the VanSickle/Taylor request for final plat approval of the Lakeview Estates Amendment 2018-01, a replat of Lots 113, 114 & 115X of Lakeview Estates, creating Lots 113Z (133 Lighthouse Dr.) and 115XZ (36 Beacon Ct.), with the following conditions:

1. The plat be revised as required by the Deputy County Surveyor.
2. A typical utility easement be added on the new common lot line.

3. Note current land use designations on the plat.
4. Update Planning Commission and Board certification signature blocks.

Chairman Frederick asked if staff had informed the applicant that easements could be vacated by plat. Mr. Shepard affirmed but the applicants chose not to vacate them on the plat. Chairman Frederick asked about the condition to update signature blocks. Mr. Shepard explained the difference in the wording and the Clerk and Recorder asked for the change to be more accurate. The language is similar to what used to be required in the old stand-alone Subdivision Regulations. This will be something that we will be addressing in our review of the current Subdivision Regulations.

Commissioner Jensen ask about vacating the road right of way. Mr. Shepard stated that requiring the cul-de-sac to be built is up to the County Engineer and there was no review comment regarding vacating the right of way. The right of way is still dedicated to the public. There was some discussion about what happens if the lot was unconsolidated, how the County Engineer would look at road development. Chairman Frederick asked for a motion.

Commissioner Jensen moved to recommend Approval to the Board of County Commissioners, of the Lakeview Estates Amendment 2018-01 Final Plat, with Findings A and B and Conditions #1-#4 of the staff report. Commissioner Shahan seconded, vote 4-0 aye.

BWD Office & Contractor's Yard Conditional Use Permit, Tr. C of Ridgeview Subdivision, at 597 Navajo Trail (PLN18-116)

Rory Burnett, BWD Construction, applied for a Conditional Use Permit on behalf of OGI Real Estate Holdings, LLC, for the BWD Office & Contractor's Yard, on Tract C of Ridgeview Subdivision, at 597 Navajo Trail, Pagosa Springs, CO (PLN18-116). The proposal will allow an addition to the existing office building and land use change to a Contractor's Yard. The property is zoned Planned Unit Development (PUD) Commercial land use.

BWD Construction recently purchased a former auto sales lot on the corner of Navajo Trail and Bastille, east of Vista Blvd. The tract had been improperly divided, but OGI Real Estate Holdings, LLC, has purchased both halves and the tract would not be permitted to be divided again without subdivision review. BWD now plans to build an addition to the office building, and permit Outdoor Storage of construction equipment on the lot. The Site Plan also shows a "Proposed Workshop" for future reference, but not included in this application. The front parking lot is currently asphalt, with access on Navajo Trail which is paved; the rear Outdoor Storage area would be gravel, with access on Bastille Drive which is gravel. BWD received a Change of Use, Tenant or Ownership (PLN17-293) to begin office operations, and a sign permit (PLN18-028) to remodel the existing pole sign.

The Archuleta County Community Plan of 2001 provides guidance for future development. The Future Land Use Map considers this area as appropriate for High Density Residential development. This area is zoned Planned Unit Development (PUD). This tract was designated Commercial on the plat, and in amendments to covenants in 2001. Setbacks are as stated for Pagosa Village Service Commercial Subdivision—25' on a "major and arterial street" and 15' on local streets, with a corner lot having a front line on each street, but needing only one rear yard. Maximum building coverage is 50%. Signs are to follow Town of Pagosa Springs ordinance. Development Standards in Section 5 of the Archuleta County Land Use Regulations apply where not superseded by the covenants. In particular, the Site Development standards in Section 5.4 apply. A sign permit will be required for the wall sign shown on building renderings.

Other property in the area has been developed over time. Holiday RV South to the east across Bastille Drive was granted a Conditional Use Permit, but is currently in violation of the conditions of approval. The adjacent lot on Bastille is vacant, with a Single-Family Dwelling on the next lot up Bastille. To the rear, at 69 Park Ave, Karen Ross Landscaping was approved in 2014 for a Commercial building/office with parking, but not for Outside Storage and have modified stormwater ponds without County approval. Across Highway 160, there is a Commercial painting business operating without permits.

Applicant addresses the criteria and findings in their attached Narrative, along with architectural building plans and a site plan. (Note that Applicant is not actually proposed 3 driveway, just one new driveway onto Bastille Dr.) This application was referred to local utilities for review, as provided in Section 2.2.5. Comments received prior to preparation of this staff report include:

- County Engineering expressed no concerns, and accepted the drainage study:
 - Prior to construction an Access Permit should be obtained.
 - All the driveways and parking lot shall meet the Archuleta County Road and Bridge Design Standards adopted by resolution #2005-40.
 - According to Archuleta County Road & Bridge Design Standards, Section 27.1.7.3.F, all driveways exiting onto arterial roads and collector roads shall be designed with vehicle turnaround to avoid vehicles having to

back onto the roadway. Also, the Land Use Regulations, Section 5.4.5.6, "Parking area shall be located so vehicles need not back out onto a public road."

- After construction positive drainage shall be supplied by the applicant on all project road frontages.
- After construction the applicant shall submit to the Engineering Department a signed and sealed letter from the engineer (Riverbend Engineering) that drainage and detention basin was built according to plans.
- Pagosa Area Water & Sanitation District (PAWSD) noted a Recorded Easement & Encroachment Agreement is recorded on the property for a high-pressure sewer main "that lies under a portion of the west bay of the existing structure." The site plan does not show this easement.
- Pagosa Fire Protection District had no objections, but noted the need for Fire Dept. access to the portion of the lot behind the security fence.
- PLPOA had previously approved less extensive site improvements. Staff asks all applicants in a Property Owners' Association to secure their approval first. If PLPOA requires any changes, this CUP will have to also be amended (the more restrictive requirements apply).
- A member of the public wrote in opposition to the CUP, noting highly visible site on Highway 160 "is truly the first glimpse of the great rocky mountains when heading east into Pagosa Springs." While no other Contractor's Yards have been approved in the area, several are apparently pre-existing non-conforming in the vicinity.

RECOMMENDATION AND FINDINGS

Based on evidence provided, if the Planning Commission concludes that 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 approve the BWD Office & Contractor's Yard, on Tract C of Ridgeview Subdivision, at 597 Navajo Trail, with the following conditions:

1. Tract C shall not be divided or sold separately unless approved by review of the Board of County Commissioners.
2. Revise the Site Plan to show screening fence, a minimum of 15% landscaped area, parking lot landscaping and parking lot striping including ADA space(s), and Sight Distance Triangles at driveways and the corner of Bastille and Navajo Trail Drive.
3. Revise the Site Plan to show all recorded easements on the property.
4. Outdoor lighting shall be in conformance with Section 5.4.4 of the Land Use Regulations.
5. After construction the applicant shall submit to the Engineering Department a signed and sealed letter from the engineer (Riverbend Engineering) that drainage and detention basin was built according to plans.

There was discussion on the Main line for Pagosa Area Water and Sanitation under the building, which doesn't supply services to the building but the main needs to show on the site plan. Commissioners discussed the metal siding and the look of the building. There was also discussion on how appropriate a Construction Yard is for the western entrance to the town, if that should be allowed here, or simply let PLPOA take care of appearances.

Chairman Frederick asked about a fence requirement. Mr. Shepard stated that there is an existing fence and they will store equipment in the back part of the property. Commissioner Jensen asked for clarification on where the addition is going and about the proposed workshop. Mr. Shepard showed the Commission the site plan and building elevations. Commissioner Shahan inquired about the workshop and asked how many trees the applicant were cutting down. Mr. Shepard stated that the workshop would not be built at his time and that building would likely come back to the Commission for approval has an amendment. PLPOA regulates the trees. Chairman Frederick asked if there were any more questions for Mr. Shepard. Hearing none the applicant was asked to address the commission.

Ryan Searle, BWD, spoke. Their intent is to improve the property. This is a sales office, as well as some storage for their equipment. Most equipment will be stored in the back behind the fence, so they are looking at the landscaping and can detail that more if needed.

Chairman Frederick asked what equipment if any would be stored up front. Mr. Searle responded they would like to keep some trucks, dump truck, and trailers that have their logo on them for marketing and they are only onsite between projects. Commissioner Hooton asked for more detail about the landscaping. Mr. Searle stated most of the landscaping would be around the new addition. Commissioner Jensen asked what BWD stood for. Mr. Searle responded "Beyond your Wildest Dream".

Chairman Frederick asked for any additional comments. Commissioner Hooton felt this was a good place for this and having the showroom /sales office there would be an incentive for them to keep it nice looking. Commissioner Fredrick commented that BWD has done their due diligence by getting a permit. The main concern is that the contracting equipment should be confined to the area behind the fence. Chairman Frederick asked for a motion.

**ARCHULETA COUNTY PLANNING COMMISSION
ARCHULETA COUNTY, COLORADO
RESOLUTION NO. 2018-04PC**

**A RESOLUTION OF THE ARCHULETA COUNTY PLANNING COMMISSION
APPROVING THE BWD OFFICE & CONTRACTOR'S YARD
CONDITIONAL USE PERMIT FOR TRACT C, RIDGEVIEW SUBDIVISION**

WHEREAS, the Board of County Commissioners has adopted the *Archuleta County Land Use Regulations*, pursuant to C.R.S. §30-28-101, *et. seq.*, C.R.S. §24-64.1-101 *et. seq.*; C.R.S. §24-67-101 *et. seq.*; and C.R.S. §29-20-101 *et. seq.*; and

WHEREAS, Rory Burnett, BWD Construction, applied for the BWD Office & Contractor's Yard Conditional Use Permit (CUP) Amendment (PLN18-116); and

WHEREAS, OGI Real Estate Holdings, LLC is the owner(s) of record of the subject property Tract C of Ridgeview Subdivision, at 597 Navajo Trail, Pagosa Springs, CO; and

WHEREAS, the proposal will allow an addition to the existing office building and land use change to a Contractor's Yard; and

WHEREAS, the property is zoned Planning Unit Development (PUD) with a land use designation of Commercial; and

WHEREAS, Section 3.2.3 of the *Archuleta County Land Use Regulations* provides that the Planning Commission shall be the primary decision-making body for Conditional Use Permits; and

WHEREAS, the Planning Commission held a public hearing on the request on July 25, 2018; and

WHEREAS, public notice of the hearing was given by publication in a newspaper of general circulation in the County, and posted on site and mailed to adjacent property owners at least twenty-one (21) days prior to the public hearing, as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*; and

WHEREAS, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

WHEREAS, the Planning Commission has taken into consideration the recommendations of staff and public testimony, and the requirements of Section 3.2.3 of the *Archuleta County Land Use Regulations* for a Conditional Use Permit; and

WHEREAS, the Planning Commission voted 4-0 to approve the request.

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHULETA COUNTY PLANNING COMMISSION, AS FOLLOWS:

Section 1. Findings.

The Planning Commission finds 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

Section 2. Conditions.

The Planning Commission approves the BWD Office & Contractor’s Yard, on Tract C of Ridgeview Subdivision, at 597 Navajo Trail, with the following conditions:

- 1. Tract C shall not be divided or sold separately unless approved by review of the Board of County Commissioners.
- 2. Revise the Site Plan to show screening fence, a minimum of 15% landscaped area, parking lot landscaping and parking lot striping including ADA space(s), and Sight Distance Triangles at driveways and the corner of Bastille and Navajo Trail Drive.
- 3. Revise the Site Plan to show all recorded easements on the property.
- 4. Outdoor lighting shall be in conformance with Section 5.4.4 of the Land Use Regulations.
- 5. After construction the applicant shall submit to the Engineering Department a signed and sealed letter from the engineer (Riverbend Engineering) that drainage and detention basin was built according to plans.

MOVED, SECONDED AND ADOPTED BY THE ARCHULETA COUNTY PLANNING COMMISSION, by a vote of _____ in favor to _____ against, this ___ day of _____, 2018.

ARCHULETA COUNTY PLANNING COMMISSION

ATTEST:

By: _____

Chair

Recording Secretary

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