



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting March 23, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, March 23, 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 6:00 PM. The Chairman postponed consideration of the Consent Agenda until after the Discussion Item on Transportation and Land Use.

Commissioners in attendance:

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

Staff in Attendance:

John Shepard, AICP, Planning Manager

Public in Attendance:

Matt Brewer, Joe Slater, and Marshall Dunham of the Pagosa Sun.

Old Business:

DISCUSSION ITEM: Transportation and Land Use.

Chairman Frederick invited Public Works Director Ken Feyen to share his experience with local transportation infrastructure prior to his upcoming retirement. Mr. Feyen joined Archuleta County seven years ago. About that time, the Board of County Commissioners appointed a Roads Advisory Task Force, and in 2010-2011, a consulting firm completed the *Archuleta County 5-Year Road Plan*. Archuleta County has a 400 mile road network, with about 80 miles in metropolitan districts, leaving 327 miles of roads assessed in the 5-Year Road Plan. Of these roads, 44 miles are paved roads and 283 miles of gravel roads, with about 90 miles in poor condition. In his time with the County, Mr. Feyen won grants of approximately \$6 million over 4 years to fund road improvements, repaving 7-8 miles and fixing about 20 miles of gravel roads. At the same time, more roads have deteriorated to poor condition. Annual maintenance, including Road & Bridge equipment, is not keeping up with the annual need and will only get worse. Chairman Frederick asked if there were any plans to pave more roads. Mr. Feyen replied, no, he cannot maintain the pavement the County already has in place.

Chairman Frederick noted that the *Archuleta County Road & Bridge Design Standards* emphasize that new development should mitigate impacts. How do we evaluate new development? Mr. Feyen explained that the Standards were written before he started, when the economy was different. Traditionally, staff first looked at the section of the specific road directly fronting a particular project, then might look more broadly on larger projects. However, elected officials have made decisions to be flexible to encourage new business. Road Impact Fees should be used and dedicated to direct impacts of new development. We had a system but the fees were waived during the downturn. Commissioners discussed the possibility of reinstating the impact fee system.

Chairman Frederick noted the *Archuleta County Community Plan* encourages formation of improvement districts. Commissioner Hooton asked how the County has done that. Mr. Feyen explained that the metro districts have worked well in the county, but improvement districts come at an increased cost to the property owners. People want their roads fixed, but it takes 51% to agree to pay the cost. Commissioner Shahan asked if we could require large users, like the Bureau of Reclamation near Chromo, to contribute to maintenance. Mr. Feyen replied that the Board of County Commissioners could address that, but it takes political will. For example, on Cloman Blvd by the airport the ADTs (Average Daily Traffic) are growing, and staff needs to start working on an improvement district. It's not as simple as putting pavement down on top of existing gravel roads, since even many of the existing paved roads were not built to standard. Many roads don't have a road base, and other were not built in the right place. As a rule, it costs about \$1 million/mile to pave a road, and maybe \$100,000/mile to build gravel, with annual maintenance on top of that.

Chairman Frederick noted that in the late 1980s, the Pagosa Springs area ran into problems with EPA dust (PM10) standards. Is that a problem now? Mr. Feyen replied that it hasn't been a big problem. Any road over 200 ADT has to have "dust prevention", which can be water (not practical here), pavement, or application of Magnesium Chloride—we used to do more miles of Mag Chloride, but cut back during budget cuts. Public Works has limited resources to check traffic counts, with just one set of counters and on part-time tech to run them. Chairman Frederick asked about seeming conflicts between the Primary/Secondary groups and the Functional Classification definitions in the Road & Bridge Standards. Mr. Feyen replied both systems were set up before he started, but Primary/Secondary were really intended for road maintenance not planning. Commissioner Parker asked about looking at new road connections, to relieve traffic on existing roads. Mr. Feyen replied that he cannot maintain existing roads and hasn't looked at any new roads. There are also subdivisions with platted right-of-way where roads were never built.

The Planning Commissioners thanked Mr. Feyen for his dedicated service, and wished him well in retirement.

Consent:

Minutes from the February meetings were reviewed. The Chairman commended Permit Tech Sherrie Vick for completeness of the minutes. Commissioner Parker moved to accept the minutes of February 10, seconded by Commissioner Shahan. Approved by a vote of 5-0. Commissioners discussed clarifications and corrections in the minutes of February 24. Commissioner Hooton moved to accept the minutes of February 24 as amended, seconded by Commissioner Adams. Approved by a vote of 5-0.

Old Business:

DISCUSSION ITEM: Standards for Noncommercial Marijuana Cultivation.

John Shepard introduced draft land use regulation amendments for cultivation of non-licensed, non-commercial marijuana, after a request from the Board of County Commissioners to consider the issue, and discussion and testimony at the last Planning Commission meeting. The proposed text inserted Development Standards for all non-commercial cultivation as an Agricultural Use, set different plant counts for personal and Medical Marijuana Caregivers, defined Industrial Hemp and Marijuana based on definitions in the Colorado Constitution, and clarified some provisions for accessory structures in anticipation of these structures being used for cultivation. Staff's proposal also included some housekeeping amendments to Table 1 and Table 4 in the Regulations, for consideration at the same time. This draft was not a formal application, only a draft for discussion.

Planning Commissioners discussed the proposed plant counts, whether too high or too low, the distinction between personal use and Medical Caregiver use, and consistency with the Colorado Constitution. Currently the *Archuleta County Land Use Regulations* do not include processing in the definition of Agricultural Use, so if marijuana cultivation is an Ag Use then extraction of oils would not be permitted either. On-farm processing of ag products is an issue the Planning Commission will need to address in the future, but includes more issues than just marijuana. The Chairman recognized Mr. Brewer of Chimney Rock Farms, where they have been working with industrial hemp, for an explanation of the Constitutional language for "mature, flowering plants." In regards to treating personal cultivation as a regulated agricultural use, Commissioner Hooton argued that the County could not practically enforce prohibition in regular Residential zoning districts. It just isn't practical to treat personal grows different from any other garden product. Many gardens are fenced for deer; this crop just needs to also be fenced for security. Mr. Brewer suggested that the 12 plant personal limit is common across the state, especially for cities and towns, but Medical users may have concerns with keeping a continual harvest. Also, with restrictions some growers just grow very tall plants.

Commissioners discussed the Constitutional requirement that plants are grown "in an enclosed, locked space, is not conducted openly or publicly..." An enclosed, locked space is vague, and might simply be inside a fence. Some places allow cultivation outdoors, some only allow cultivation indoors, others don't specify. Staff suggested "in an enclosed, locked structure", but the definition of structure in the land use regulations is broad, and the term "building" would more clearly state cultivation is not permitted outdoors. Mr. Shepard asked Mr. Brewer about concerns of hemp growers with cross-pollination from marijuana grown outdoors. He responded that typically the concern is with hemp moderating THC in illicit marijuana fields. Commissioners suggested referencing requirements for licensed facilities in the County ordinance

for Medical Caregivers, but not repeating specifics in the land use regulations and making it clear they only apply to Caregivers, not personal cultivation.

Mr. Shepard summarized the discussion: treat personal use the same as other typical accessory uses like gardening or making "homebrew"; specifically address standards for medical caregiver cultivation as an Ag Use or excluded from Ag Use as a new separate use; and include clarifications on accessory structures and fences.

New Business:
None.

Announcements: Mr. Shepard distributed copies of the *Archuleta County Housing Report 2016*, a study of housing needs and 2nd homes completed by Region 9 Economic Development District, and the most recent population projections from the Colorado State Demography Office (November 2015). New US Census estimates were due this week.

Next Meeting: April 13, 2016 (Policy Meeting)

Adjourn: Commissioner Hooton Moved to adjourn the meeting, Commissioner Adams seconded.
Meeting adjourned at 9:30PM.

Approved this 13 day of April, 2016



John C. Shepard
Planning Manager



Michael Frederick
Chairman