Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting June 22, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, June 22, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Vice Chair Anita Hooton called the meeting to order at 6:00 PM.

Commissioners in attendance:
Anita Hooton, David Parker, Betty Shahan, and Peter Adams. Commissioner Frederick had announced at the last meeting he would not be in attendance.

Staff in Attendance:
John Shepard, AICP, Planning Manager; and Sherrie Vick Planning Tech

Public in Attendance:
Kenneth & Cynthia Smith, Applicant; Duke Eggleston, Attorney, representative for Mr. Smith,

Consent:
None

Old Business:
None

New Business:
Smith Rezoning Agricultural/Ranching (AR) to Commercial (C), in SW ¼ Section 8, T35N, R1W NMPM, at 2025/2083 E US HWY 160 (PLN16-040).
Kenneth D. Smith, represented by Duke Eggleston, Eggleston Kosnik LLC, applied to rezone a 5.17 acre tract of land at 2025/2083 E US HWY 160, Pagosa Springs, from Agricultural/Ranching (AR) to Commercial (C). The parcel of land located in the SW ¼ Section 8, T35N, R1W, NMPM, is more particularly described by metes and bounds.

The *Archuleta County Land Use Regulations* (Section 3.1.7) provide for rezoning initiated by a property owner or the Board of County Commissioners. The Planning Commission shall review and make recommendation on a proposed zone map amendment based in general upon the provisions of the Regulations and specific criteria. Public notice was scheduled to be published in the Pagosa Springs Sun, was posted on site, and mailed to adjacent property owners as required.

Kenneth D. Smith owns 5.17 acres on US Highway 160 east of Pagosa Spring, which is used by Smithco Enterprises, LLC, as a contractor's yard. There is also a vacant office/retail structure on the site. The *Archuleta County Community Plan* of 2001 Future Land Use Map considers this area as Tier 2 meeting some but not all criteria for future development. In Chapter 5, Land Use and Growth Management, Policy 8 states "Locate new commercial development in designated areas to minimize commercial strip development". The Joint Town County Planning Commission Zoning Discussion 2010 map designates the area as a Mixed-Use Corridor, suitable for changes to zoning, in the Joint Influence Area.

This area was zoned Agricultural/Ranching (AR) when countywide zoning was adopted in 2006. The AR Zoning District is intended to be generally consistent with the Very Low Density Residential Future Land Use designation. The Commercial (C) Zoning District is intended to be generally consistent with the Commercial land use district in the Community Plan, and provide for all types of commercial activities. Building Contractors and Equipment is a Conditional use in the AR and the C zoning districts. While a few Commercial uses are permitted in the AR zone, in general most Retail and Office uses are only permitted in Commercial or Industrial zones. Staff is concerned with outdoor lighting and screening outdoor storage, which can be corrected fairly easily.

No public comments have been received. The application was referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5. Comments were received from County Engineering, Pagosa Fire Protection District, CDOT Access Manager and Town of Pagosa Springs Planning Director. The Town Planning Director was concerned this might be considered spot zoning.

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

a. The application meets the review criteria for rezoning in Section 3.1.7.3 of the *Archuleta County Land Use Regulations*, and

And that the Planning Commission recommend approval of the Smith Rezoning from Agricultural/Ranching (AR) to Commercial (C), in SW ¼ Section 8, T35N, R1W NMPM, at 2025/2083 E US HWY 160., with the following conditions:

1. This approval shall be contingent on bringing the site into compliance with the Site Development Standards in Sec. 5.4.2.6 (Outdoor Storage) and 5.4.4 (Outdoor Lighting) in the *Archuleta County Land Use Regulations.*
2. The Official Zoning Map shall be amended and filed with the County Clerk and Recorder.

At 6:18, Mr. Eggleston, representative for Mr. Smith, began his narrative on the project. The commercial use currently on the property is a retail sales building which is vacant, and Mr. Smith's construction business. Applicant believes this request is to correct a zoning error from 2006. Mr. Smith is taxed commercial and had he realized the zoning was different he would have corrected this long ago. Addressing the Town comments, spot zoning is incorrect because the Vet clinic next door was zoned Commercial and the parcel is categorized in the Town/County zoning map as mixed use which includes commercial. In addition, Mr. Smith accepts the two conditions in the staff report.

Commissioner Adams asked a question around the screening. Mr. Shepard pointed out that he had met on site with Mr. Smith and there is only one area which is not well-screened and he agreed to continue the fence screening in that area. Also, at a change of use the site plan would be reviewed for compliance to other sections of the code depending on that particular use. Vice-Chair Hooton asked if there were any other questions. Hearing none she opened the floor for discussion between the commissioners. Vice-Chair Hooton stressed that this is a rezoning application only and we should consider it on those merits only.

Commissioner Parker then moved to recommend approval to the Board of County Commissioners, of the request to rezone to Commercial zoning, with Finding A and Conditions 1-2 of the staff report. Commissioner Adams seconded. The vote was 4-0 to approve.

Mr. Shepard reported it will go before the Board of County Commissioners July 5, 2016.

Reports and Announcements:
Mr. Shepard informed the Commission that the Two Rivers Grave Pit would be heard by the BOCC on June 28, 2016, at 1:30PM at the Fairgrounds Extension building.

Next Meeting:
Regular Meeting July 27, 2016, Commissioner Adams announced that he would not be in attendance. Mr. Shepard stated that it would be a full agenda.
Policy Meeting August 10, 2016, at 6PM

Adjourn: Commissioner Shahan moved to adjourn the meeting, Commissioner Parker seconded. Meeting adjourned at 6:45PM.

Approved this 14 day of September, 2016

Sherrie Vick
Planning Technician

Anita Hooton
Vice Chair