



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

Archuleta County Planning Commission Minutes, Regular Meeting July 27, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, July 27, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order.

Commissioners in attendance:

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

Jess Ketchum, J.R. Ford, Mike Davis, Jim Bell, Sally Capistrant. See Attached sign in sheet for other members of the public.

Consent:

May 25, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made to a sentence in the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Shahan seconded the minutes were approved with a vote 4-0

June 8, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made in two areas of the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Parker seconded the minutes were approved with a vote 4-0

Old Business:

None

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

This hearing was advertised in the Pagosa Sun as required by statute. Mr. Shepard presented proposed changes to the Land Use Regulations which the Board of County Commission directed staff to draft, and get direction from the Planning Commission on marijuana plant counts to be enforced through the Land Use Regulations. Mr. Shepard gave a brief history of the marijuana provisions directed towards Commercial Cultivation only, not addressing personal or medical caregivers. Citizens have expressed concern regarding the number of plants being grown in residential areas, and impacts on neighborhoods from smell, noise and crime, which is why the County is addressing these items now.

The proposal treats non-commercial marijuana cultivation as an Accessory Use. Personal use is being treated like gardening. The Colorado Constitution allow 6 plants per person over 21 years of age. The code amendment limits personal use to 12 plants per parcel. More detailed regulations are proposed for medical marijuana caregivers, who by definition are people growing plants for people with prescriptions. The caregivers can only be reimbursed for service and are not a commercial business. The State's new regulations will take effect January of 2017 limiting caregivers to 5 patients and 99 plants. The County proposed regulations limit caregivers to 36 plants, which does not allow for extended plant count

prescriptions. The extended plant counts could be accommodated by the licensed medical growers. Caregivers would need to comply with the State licensing provisions and the commercial licensing provisions for lights, noise, emissions and health and safety standards.

Under item two, changes need to be made so if a property owner built a greenhouse for licensed marijuana that they could use it as a regular greenhouse in those zones. Changes were made to address fencing on property to bring clarity to that portions and the requirements that marijuana growing had to be screened. In addition, changes are proposed to clarify portable accessory structures and allowing storage containers for use as storage.

Under item three, changes are clarifying review criteria in table 1 and setbacks in table 4.

Chairman Frederick had questions about the use of storage contains being allowed for residential storage units. Commissioner Hooton explain that in the past that was the intention of what was adopted to allow storage containers to be used as a portable storage unit for residential use and a limit on how many they could have.

Chairman Frederick opened the meeting for public comment.

Mr. Rowland, 231 Crestview, had questions about the requirement for a land use permit for the use of marijuana, the time frame to get a permit and how soon the regulations would be adopted and in effect. Mr. Shepard clarified that the March 2015 amendment did require a land use permit to grow marijuana, the time frame is about a month depending on the completeness for the application, and there was no set date of adoption of these amendments.

Chris Patane, 755 Squaw Valley Pl., expressed concern that he is not in compliance with the Land Use Regulations because he was told by the state and local drug enforcement that the grow he has is in compliance with the law. Mr. Shepard replied by way of the Chair that currently this was in violation of the Land Use Regulations and that was one of the reason the Board asked staff and the Planning Commission to make these amendments.

There was discussion on the plant count with the State's limit of 99 plants for caregivers and the County going to 36. Mr. Shepard noted the counties he researched were limiting around 36 plants. The discussion continued with concerns of enforcement with the State allowing 99 plants for caregivers licensed with the state.

Chris Frost stated that the state already has several regulations in place that the County could use for enforcement. Caregivers are allowed 99 plants and only 5 patients. People use caregivers because they cannot afford the licensed dispensaries. (This speaker started talking before coming to the podium and did not sign in for clarification of name and address.)

Public comment was closed at 6:48pm. Commissioner's discussed if there would be Variances from the plant count, or if plant counts could be more or less by zoning and lot size. It was discussed that the section need to be worked on further. Commissioner Hooton moved to continue this to the August 10, 2016 meeting. Commissioner Parker 2nd and the vote 4-0.

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. 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.

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.

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." 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. 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.

No public comments have been received. Review comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations. 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).
- 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.

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 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.

Chairman Frederick suggested to add a 6th condition proof of notice in the newspaper before scheduling the next public hearing. Chairman Frederick ask for clarification on the sight triangle and expressed a concern that the RV could be put right next to the property line and in the setback. Mr. Shepard responded the sketch provided is unclear because it does not have anything noted. \

Chairman Frederick asked if there was anyone present to represent this project no one came forward. The Chair continued and asked if anyone from the public had comment. Hearing none, the Chair continued and added to condition 4 that no RV be in the 30' setback and all documentation be submitted to the Planning Department before the project is submitted to the Board of County Commissioners for approval.

Commissioner Parker made a motion 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 and the modifications the Chairman added. Commissioner Hooton second. Vote 3-1 to approve.

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).

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.

Pagosa Springs Enterprises was established in 1949 and became the Western Heritage Event Center (WHEC). 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. WHEC is proposing to construct a 164'x250' covered arena on their 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. 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 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.

No public comments have been received. Review 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 western most 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.

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 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.

Chairman Frederick asked if there was a requirement for adding right-of-way. Mr. Shepard indicated not at this time; there may be other opportunities down the road to secure the right of way the town mentioned in its comments. Commissioner Hooton asked if the outdoor arena seating would remain. Mr. Shepard stated that it would remain and there would be no seating in the new arena; Applicant updated the plans and took the seating out.

Jesse Ketchum 98 Davidson Pl., spoke for the project. Mr. Ketchum stated that this is a work in progress and the Heritage group and the County need to sit down and look over what kinds of events will be hosted and the impacts these will have and can we accommodate them. Mr. Ketchum was asked about the trailer parking. Mr. Ketchum replied that paved parking for the trailers is not needed for the two major events. If this was a private facility that was going to be used daily or weekly then they could see the need for pavement but not at this time. Commissioner Shahan ask if the County had been contacted about putting gravel in that parking area. Mr. Ketchum stated that they asked the County for that but they are still working on the project and trying to keep the cost down within the budget of the funds that have been raised. There was discussion about the parking areas. Mr. JR Ford, County Rd 400, a WHEC Board member, was asked to come forward. Mr. Ford explained that there is already agreements with the County in place for parking. Historically the agreements were worked out verbally to keep a western heritage feel and activities on the property. Discussion took place about the CDOT comments of a possible change to the access to Highway 84 at Mill Creek Rd. The access at Highway 84 will be closed and improvements at Mill Creek Road will have to be worked out. There was discuss about the RV site and the condition staff suggested. The RV is there from June to September which does not exceed the requirements for the Land Use Regulations, and is there for security of the facilities during the summer and collection of fees.

Public comment was opened:

Randy Talbert, 156 Pompa Dr., was a member of Western Heritage. This building was designed to improve our 4-H programs and to be used in conjunction with the rodeo grounds like the La Plata County Fairground set up.

Mike Davis, 226 Woodland Dr., Addressed the Traffic study requested by CDOT. CDOT only has authority on the Highway, the County has authority on the County road, and it would fall to the County to make intersection improvements if the project is approved. The development is replacing facilities and making them nicer for the County Fair and the Rodeo and that would not increase the traffic. Mr. Davis expressed that a traffic study would not be useful for this application, since there is no metric for this type of use.

Roberta Tolan, 103 Escobar Ave., Extension Agent, explained the interest in the fair has grown and more young people are involved and they need a covered area to do the projects dealing with livestock.

The Chairman closed the public hearing. Chairman Frederick suggested that the parking requirements be omitted from the conditions and add a fire lane requirement on the east side of the building. Also that conditions 7 be omitted due to the development that will be taking place on the corner of Mill Creek and Highway 84.

Commissioner Hooton asked for discussion on the RV to be able to continue to be used year round. There was discussion around the use in the regulations but the applicant stated that the RV was only used for the four months and would not be used in the winter.

Commissioner Hooton moved 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 1-5 as listed, modifying 6 to address the fire lane on the east side of the arena and remove condition 7, and 8-10 as listed in the staff report. Commissioner Shahan second. The vote was 4-0 to approve.

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.

Sally Capistrant of 200 Brookhill Dr. requested that the Planning Commission add chickens to the R zoning in the table for animals. Many people like having fresh eggs as a self-sustaining project with their gardens. Commissioners discussed how many and what types of fowl. Chairman Frederick asked Mr. Shepard to do some research and it was concluded that 4 fowl might be a good number to add to the R zoning, without roosters.

Reports and Announcements:

Mr. Shepard previewed the next meeting agenda.

Next Meeting:

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

Adjourn: Commissioner Parker moved to adjourn the meeting, Commissioner Hooton seconded.
Meeting adjourned at 9:05PM.

Approved this *14th* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Vice Chairman