



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting August 10, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, August 10, 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 and David Parker. Betty Shahan had called with a last-minute conflict. Commissioners Anita Hooton and Peter Adams had announced at the last meeting they would not be in attendance. There was no quorum and no official business transacted.

Staff in Attendance:

John Shepard, AICP, Planning Manager; and Sherrie Vick, Planning Tech

Public in Attendance:

Mike Stoll for the Humane Society and several others, see attached sign-in sheet.

Chairman Frederick stated the items on the agenda would be continued to the August 24th meeting due to no quorum being present, but discussion and public comment would be allowed.

Consent:

Approval of Minutes for June 22, 2016, was continued to the August 24th meeting.

Old Business:

Discussion regarding Table 5: Animal Regulations

Staff presented information in response to a property owner request to consider allowing domestic fowl (i.e. backyard chickens, excluding roosters) in the Residential (R) zone.

Mr. Shepard summarized previous discussion that the Residential zone had the smallest lot size, so it would be best to restrict livestock to no more than 4 hens, no roosters or larger animals in this zone due to the fact that homes were much closer. Mr. Shepard presented a new table layout that showed all the context of Table 5. Chairman Frederick directed Mr. Shepard to include new Table 5 with the other changes the Commission was reviewing.

Chairman Frederick opened public comment for this item at 6:08 PM. Jim Whatley, 1623 W HWY 160, commented that the limit should be raised from 4 to 6 laying hens, most people have 6 to produce eggs. Mr. Shepard was asked if that would be possible. Mr. Shepard replied the counties that have chickens in small-lot residential zones typically only allow four.

Chairman Frederick closed public comment and stated this item would be continued to the August 24, 2016, meeting at 6:00 PM.

Continuation of Public Hearing on Proposed Amendments to the Archuleta County Land Use Regulations

Continuation of Public Hearing from regular meeting on July 27, 2016, for consideration of proposed text amendments and recommendation to Board of County Commissioners. Staff revisions and information in response to comments were provided for discussion.

Chairman Frederick opened public comment at 6:13 PM.

Paul Ashley, 18910 Mill Creek Rd, asked when the regulations would take effect. The State's new regulations for Caregivers take effect January 1, 2017; would the County's be before that? Mr. Shepard responded that the Board of County Commissioners would set an effective date. Mr. Shepard also stated

that since March of 2015, the Land Use Regulations require that any marijuana operation needs a Land Use Permit. Mr. Ashley stated the Administration Office and the Sheriff's Office are not informing people.

Andrew Rowland, 231 Crestview, stated that medical physicians on the state board set the 99 plant limit and the County should not limit that. Mr. Rowland offered to provide medical information on the reasoning for 99 plants.

Chris Blas, 276 South 10th Street, provided a document to the Chairman and asked that it be given to the rest of the members, which showed the State's regulations and other counties' regulations. Mr. Blas expressed concern with the time line of adoption. Mr. Shepard explained how the notice and meeting schedule worked. Mr. Blas addressed enforcement capability and staffing. The County benefits financially from marijuana besides taxation and fees from commercial cultivation. The Chair noted that the regulations under consideration are not for commercial growers. Mr. Blas discussed commercial benefits from larger individual growers and cost of purchasing from a licensed facility. Mr. Blas summarized Fremont County's ordinance, and Mr. Shepard compared the ordinance to the current proposal. Mr. Blas challenged restrictions on plant counts and growing outdoors. The Chair discussed these concerns, while also noting concerns raised by some neighbors of existing operations. Mr. Blas suggested higher plant counts on larger parcels 10 acres or more, and stated that Archuleta County should not regulate more than State law.

Mike Lewis, PO Box 1358, wanted to address 2 things. A medical board decided the plant count the State adopts. The State Marijuana Regulatory Commission has been in Archuleta County inspecting Caregivers, why should the County restrict and add regulations?

Jim Whatley, 1623 W HWY 160, growing outdoors is more environmentally friendly and cost effective. Indoor growing increases costs, would not be able to afford the medicine he needs to be able to work.

Chris Patane, 755 Squaw Valley Pl, requested that no Land Use Permit be required because the State is monitoring people now. Mr. Shepard clarified that new provisions would only require a Land Use Permit for Caregivers. Mr. Patane stated that 36 plants doesn't take up that much space.

Chairman Frederick closed public comment at 7:09 PM and directed Mr. Shepard to contact the State inspectors for more information. Mr. Shepard reviewed edits to the amendments to help clarify concerns or comments from the Commissioners, and reviewed previous work sessions on this topic in February, March and April.

New Business:

Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd, was continued to the August 24th meeting.

Reports and Announcements:

Mr. Shepard shared discussions on affordable housing, edits on the community plan and having speakers on economic development and housing.

Next Meeting: August 24, 2016

Consider changing scheduled meetings: was continued to the August 24th meeting.

- Add Policy Meeting on 9/14/16
- Remove Policy Meeting on 10/12/16

Adjourn: Chairman Frederick closed the meeting at 7:25 pm.

Approved this *28* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Chairman

