



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

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**Archuleta County Planning Commission Minutes, Regular Meeting August 24, 2016**

The Archuleta County Planning Commission held a meeting on Wednesday, August 24, 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 at 6 PM.

**Commissioners in attendance:**

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

**Staff in Attendance:**

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

**Public in Attendance:**

Mike Stoll for the Human Society and several others see attached sign in sheet.

**Consent:**

Minutes for June 22, 2016. Commissioner Parker made a motion that the minutes be approved with stated corrections, Commissioner Hooton seconded. Vote 4-0.

Minutes for July 27, 2016. Commissioner Hooton made a motion that the minutes be approved with stated corrections, Commissioner Adams seconded. Vote 4-0.

**Old Business:**

**Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd**

Humane Society of Pagosa Springs, represented by Steve Schwartz, Spectrum Construction; applied for a Minor Amendment to their Conditional Use Permit (CUP), approved in 2007, to add an accessory structure (PLN16-073). Applicant's property is described as the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , all in S9, T35N R2W NMPM, located at 465 Cloman Blvd. Applicant also made a concurrent request for Variances from Development Standards which were approved separately by the Board of Adjustment (PLN16-074).

Two questions were before the Planning Commission: 1. Does the application qualify as a Minor Amendment to a Conditional Use Permit? 2. Does the application meet the development standards of the *Archuleta County Land Use Regulations*? A Conditional Use Permit (CUP) was approved in 2007 for the Humane Society Animal Shelter, a Conditional Use in the Agricultural Estate (AE) zone. When the current shelter was built, three storage sheds and an outdoor pet cremator were moved from the old site on Paws Court to the new location on Cloman Blvd. The proposed project will replace the three wooden sheds with a new metal building that will house a new, modern indoor pet crematorium, in addition to improved storage space.

Applicant discussed justification of the request in their narrative. The new building will replace existing equipment and buildings, so there will be no new impacts. The pet cremator is an important community service, and the new equipment will be more efficient, eliminating occasional smoke and odor. Colorado Dept. of Public Health (CDPHE) has also approved the required air quality permit.

The staff report recommended: Should the Planning Commission accept that Applicants have provided sufficient evidence in support of their proposal, staff recommends the Planning Commission find that:

- a. The application meets the review criteria for a Minor Amendment to a Conditional Use Permit in Section 3.2.3.7 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 approves the Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd., with no conditions.

Mr. Mike Stoll, Director of the Humane Society of Pagosa Springs, explained that the old crematorium was beyond repair and the new one would be better for the environment and housed indoors. The new building would replace three old sheds and house the crematorium.

Commissioner Hooton moved to approve the request for the Humane Society CUP Amendment, with Findings A and B of the staff report and no conditions, Commissioner Parker seconded. Vote 4-0.

### **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, and August 10, 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.

Mr. Shepard reviewed the process of how the proposed changes to the Land Use Regulations presented for this meeting came to this final draft. Mr. Shepard also reviewed information from the State that the Chairman requested at the last meeting, regarding inspections and licensed Caregivers. He was unable to contact anybody at the State doing local inspections of Caregivers.

Chairman Frederick recapped two issues that had come up in the public hearings. First, testimony was given that the State allows outdoor cultivation behind fences. The second issue was the plant count. The base count for Caregivers is 36 plants, but 99 plants are allowed with an extended plant count prescription. The Chairman asked about setting limits based on parcel size. Mr. Shepard noted that of the counties he looked at, only one limited by parcel size and that would make enforcement more difficult. Chairman Frederick asked for confirmation that the State Regulations for the 99 plant count were effective January 1, 2017. Mr. Shepard confirmed and pointed out the addition of the resolution for the adoption of the Land Use changes and a date could be suggested at this time for County adoption.

Chairman Frederick opened public comment at 6:21 pm.

Andy Rowland, 231 Crestview Dr., pointed out that more regulations would cost more to enforce, a need for lower cost providers is how the Caregivers got started, and the regulations should reflex the majority's wishes. Mr. Rowland ask that the regulations not be adopted in their current form but reconsider how Fremont County did their regulations. Commissioner Adams asked why someone would need more than 6 plants. Mr. Rowland explained that many people that use marijuana as a medical product make the plants into creams and oils which takes more plants and that is why doctors prescribe larger plant counts. Commissioner Adams also asked Mr. Shepard if this would allow processing. Mr. Shepard stated that, at this time, the regulations are only addressing cultivation and processing is not addressed.

Steven Keno, 1020 Hurt Dr., stated the county doesn't need more regulations and these regulations are not constitutional.

Chris Blas, 276 S. 10<sup>th</sup>, voiced his ongoing concerns about restricting beyond the stated 99 plants. Also, he pointed out that outdoor cultivation should be allowed and provided statistics on the use of electricity. 74% of electricity is generated by burning coal. Alternative sources is 3.2% and requiring indoor growing creates a large impact on natural resources and increases the cost of production exponentially. Outdoor cultivation is more environmentally friendly and efficient. Commissioner Hooton asked how they provide for year-round supply when the growing season is only 180 days or so. Mr. Blas explained that would happen in a green house where the temperature is controlled but it still uses the sun for its light source and there would be a smaller amount of supplemental light required. Enforcement would not be practical for any number less then the 99 plant count since the Sheriff's officers don't enforce the land use codes.

Jeff Jones, 160 Oakwood Cir., stated the regulations refer to non-commercial grows, which is caregivers and persons with a medical card. The number of plants that are prescribed is set by a doctor and meets the needs of the patient. If the regulation restricts the number of plants that can be grown it puts a hardship on how the plants are cultivated. The restriction would prevent people from meeting their prescribed need.

Chairman Frederick closed the public comment at 6:51 pm. The Chair then made comments regarding some terms needing be clarified, and asked for questions or comments. Commissioner Hooton asked for clarification on indoor vs outdoor growing and security. Would a greenhouse be considered indoor? It

was confirmed by Mr. Shepard that it would be considered indoor. Chairman Frederick added that the County should not add regulations to limit more than the state 99 plant count when the resources are not available for enforcement.

Chairman Frederick asked for a motion. No motion was given. Chairman Frederick stated then that the proposal failed to receive a recommendation for lack of a motion.

**New Business:**

**Discussion on Community Plan - Economic Development and Housing**

Jason Cox, Riff Raff Brewing and President of Pagosa Springs Community Development Corporation, was not available and would be rescheduled. There was discussion around economic development among the commissioners and low income housing.

**Reports and Announcements:**

Mr. Shepard Consider changing scheduled meetings:

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

Commissioner Hooton made a motion to make the proposed changes in the schedule. Commissioner Shahan seconded. The vote was 4-0.

Chairman Frederick asked for an update on the Holiday RV applications. The chair also suggested that minor amendments could be changed to an administrative process so there would be no delay for the applicants.

**Next Meeting: September 28, 2016**

**Adjourn:** Commissioner Shahan moved to adjourn. Commissioner Adams second. The vote was 4-0 at 7:20PM.

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



Sherrie Vick  
Planning Technician



Michael Frederick  
Chairman

