



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

Archuleta County Planning Commission Minutes, Regular Meeting February 14, 2018

The Archuleta County Planning Commission held a meeting on Wednesday, February 14, 2018, 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 6:01 pm.

Commissioners in attendance:

Michael Frederick, Anita Hooton, David Parker. Betty Shahan and Lisa Jensen were excused.

Staff in Attendance:

John Shepard, AICP; Planning Manager.

Public in Attendance:

Ralph Barber for Twincreek Village Amendment 2018-01, and approximately 57 members of the public (see sign-in sheet attached).

Consent:

January 24, 2018 Minutes. Commissioner Hooton made a motion to approve, Commissioner Parker second, vote 3 aye, none opposed.

Old Business:

None.

New Business:

Twincreek Village Amendment 2018-01 01 final plat, a re-plat of Lot 458X, Twincreek Village Amendment No. 3, at 504 Twincreek Cir. (PLN18-007)

Ralph Barber of Pagosa Springs applied for the Twincreek Village Amendment 2018-01 final plat, a re-plat of Lot 458X, Twincreek Village Amendment No. 3 subdivision, resulting in Lots 457Z, 458XZ, & 459Z at 504 Twincreek Cir., Pagosa Springs, CO (PLN18-007). The proposal will return the lots to the original configuration on the Twincreek Village plat. The property is zoned Planned Unit Development (PUD).

Chairman Frederick noted that he would abstain from voting since he lives nearby.

Comments were received prior to preparation of the staff report:

- The County Surveyor had technical comments on the plat (1/21/18).
- Pagosa Area Water & Sanitation District (PAWSD) commented on assessments and fees.
- County Engineering, LPEA and PLPOA stated no concerns.
- Two members of the public wrote in objection to effectively de-consolidating the lots.

RECOMMENDATION AND FINDINGS

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

- a. The application does meet the review criteria for development in a PUD district, in Section 3.1.6 of the Archuleta County Land Use Regulations, and
- b. The application does meet the review criteria for an Amended Plat, in Section 4.6 of the Archuleta County Land Use Regulations, and

That the Planning Commission recommend approval of the Barber request for the Twincreek Village Amendment 2018-01 final plat, a re-plat of Lot 458X, Twincreek Village Amendment No. 3, at 504 Twincreek Cir., with the following condition:

1. The plat be updated to address County Surveyor comments prior to recording.

Chairman Frederick asked if there were any questions from the Commission, hearing none the Chairman asked for a motion.

Commissioner Hooton moved to recommend Approval to the Board of County Commissioners, of the Barber request for the Twincreek Village Amendment 2018-01, with Findings A and B and Condition #1 of the staff report. Commissioner Parker seconded. Vote 2-0, with Chairman Frederick abstaining.

Lodging and Short-Term Rentals

The Board of County Commissioners asked Staff to draft amendments to the *Archuleta County Land Use Regulations* to allow Short-term Rentals (less than 30 days subject to lodgers tax) in all zoning districts. Mr. Shepard presented a brief summary of current requirements. In 2013, the Board passed Resolution 2013-42, defining "Lodging Unit", and amending Table 3 "Uses by Zoning District" for Lodging Establishments and Lodging Units as Commercial Use in Agricultural/Forestry (AF), Agricultural/Ranching (AR), Agricultural Estates (AE), and Commercial (C) zones. Neither is listed in Rural Residential (RR) nor Residential (R). Ouray County was suggested as a model.

Chairman Frederick opened the meeting to public comment, asking the audience to stand as they were and speak in turn.

David Smith, Santino Pl., stated that Short-term Rentals should be licensed and regulated. In gated communities like The Reserve, gate codes are given out and roads aren't patrolled. Opening more will also make affordable housing worse. Suggested looking at something similar to that adopted in Denver.

Janine Haley, Casey Ct., related incidents with Short-term Renters driving ATVs and parking on roads, events like weddings. Chairman Frederick asked if they have a Homeowners Association. Reply was positive and they are working on it.

Rick Haley, Casey Ct., related additional incidents with Short-term Renters on subdivision roads. Not appropriate in their neighborhood.

Mike Herraty, W. Golf, realtors and property managers can address tenants. Property owners can change their covenants to prohibit Short-term Rentals. Nuisance and public safety are not Planning issues. Has had good experience with Short-term Rentals. Contribute to the local tourism economy. Chairman Frederick asked that, several places require designation of a local owner or property manager? Reply was positive, Durango for example, within the county where property is located, along with rule books posted in the home.

Laura Daniels, Aspen Springs, has been managing Short-term Rentals since 1995, submitted comments. She employs people who take care of homes, her renters are families. Short-term Rental homes wouldn't typically be affordable housing. Chairman Frederick asked about local property management? Reply was positive.

Bob Clinkenbeard, Echo Canyon Ranch, asked about the interface of land use/zoning and Homeowners Association covenants. Chairman Frederick responded that the more restrictive would control.

Sarah Porter, Harman Ave., bought a home in San Juan River Village with a mother-in-law's quarters and makes that available on AirBnB. It's the only way she can afford her home. Short-term Rental websites also review renters as well as the hosts.

Barbara Kennedy, Cool Pines, has invested in her home and is concerned about the proliferation of Short-term Rentals. They also employ people to maintain their property. She expects complaints to be addressed, and requested the Commission not to loosen requirements for residential neighborhoods. Chairman Frederick asked if her HOA has addressed her concerns. Reply was positive, Colorado Timber Ridge is talking about it, but also rely on County zoning to protect their property rights.

Jeanie Woods, Shooting Star, related her experience living next to a Short-term Rental with concerns about trespass, noise, parties, weddings, and other events where they have had to call the Sheriff.

Renee Gentry, Easy St, owns property in the county. Concerns with trespass, smoking, over-crowding homes, extra camping, affordable housing. Her HOA voted not to allow Short-term Rentals.

Chris Liverett, Handicap Ave, is a realtor but also sees growing pains in the tourism economic base. We do need hotels, but still too hard to build in town. Look at other places but keep in mind our local service industry.

David Cammack, Ponderosa Dr., is a realtor, about half of his customers do Short-term Rentals, often until they can retire. HOAs can manage their own problems. Short-term Rentals has had an impact on long-term rentals, but the County does benefit from lodging taxes.

Randy Fehrenbeicher, Solomon Dr., is a property manager. He knows about complaints and addresses them, good management can stem problems with absentee owners. Upscale homes wouldn't be available for long-term rentals.

Michael Quintana, Park Ave, has 3-4 vacation rentals in his HOA with no problems, but they do have problems with 6 month rentals.

Christy Herman, D Place, has rented her family home for 20 years without problem.

Michael Howell, County Rd 326, has done Short-term Rental without problems and has done Long-term Rental with problems. Keep cost of permits down.

Mark Delany, Kinnikinnik Dr., lives near a Short-term Rental, 4 within ¼ mile in Holiday Acres. Out-of-state property owners have added bedrooms without enough parking. You wouldn't allow a motel in the Rural Residential zone, with traffic tearing up the roads and overloading the septic system. Chairman Frederick asked about regulations that limit occupancy, essentially to the number of bedrooms? Reply was positive. Short-term rentals have an impact on local hotels. Hard for property owners associations to keep up if the County doesn't back them up.

Juli Morelock, Snow Ct, is a realtor. Tourists bring in business. Some POAs have changed their covenants to not allow Short-term Rentals. Even high-end buyers want to do Short-term Rentals. Having local management is important.

Dan McPherson, N. Pagosa Blvd., Sunetha Property Management manages Short-term Rentals, Long-term Rentals and property owners associations. Short-term rentals have fewer problems. Chairman Frederick asked about events like weddings and parties? His firm doesn't rent for events. Randy Fehrenbeicher noted that he checks CC&Rs on a case-by-case basis. Doesn't come up very often. More issues with absentee owners.

Gary Woods, Shooting Star, permanent resident who lives and votes here. He is interested in a livable community, not living next to a motel. An HOA can fine home owners but it doesn't necessarily affect out-of-state property owners. Existing County regulations need to be enforced.

Karina Silver, Terry Robinson Rd, has had good experience with Short-term Rentals.

Shellie Hogue, Big Horn Ct., has a Short-term Rental next door and has hardly heard anything.

Kierstan Renner [address unclear], has a Long-term Rental and has had trouble with renters. Many of our tourists are families. Suggested looking at Palm Springs' Short-term Rental regulations for both day and night-time occupancy.

Sara Anderson, Ridge Pl., the service providers support Short-term Rentals, provide eyes on properties.

Michael Quintana spoke again on need for family lodging.

Debra Kerns, Aspenglow, is a realtor. She has tried to do Long-term Rentals and has had problems with renters. Affordable housing isn't an issue in every neighborhood.

Muriel Buckley, Nocturn Dr., has had Short-term Rentals and Long-term Rentals for many years. Hotels aren't adequate. Limiting people per bed is important. Problem is with absentee owners. She has had many positive experiences.

David Cammack asked again about lodging tax revenue, noting that speakers were not far apart. Mike Herraty responded that he had heard a Tourism Committee presentation estimate about \$180,000-\$200,000 (Town & County) with about 65-75% compliance, which can only be used for certain projects.

Linda Moore, Beaver Cir., Durango isn't comparable to Pagosa Springs.

Chairman Frederick closed public comments at 7:45.

Planning Commission members discussed public comment received, including pulling Short-term Rentals out of Commercial lodging, with performance standards as a Residential use.

Reports and Announcements:

Mr. Shepard then reported on general review of the *Archuleta County Land Use Regulations*, the first implementation item of the revised *Archuleta County Community Plan*. Staff had drafted suggestions to clarify and update portions of Section 1 (General Administration), Section 2 (Land Use Review), Section 3 (Zoning Regulations) and Section 11 (Definitions). At this meeting, Shepard briefly reviewed revisions, plus edits to Environmental Standards (Sec 5.2) and Infrastructure Standards (Sec 5.3) in Section 5.

Next Meeting:

February 28 Regular meeting moved and changed to March 14 Policy meeting.

March 28th Regular meeting.

Adjourn: Commissioner Hooton moved to adjourn the meeting at 8:43 PM, Commissioner Parker second, and approved.

Approved this 14th day of ~~February~~ ^{March}, 2018



John C. Shepard, AICP
Planning Manager



Michael Frederick
Chairman

ARCHULETA COUNTY PLANNING COMMISSION

Regular Meeting
February 14, 2018

| Name | Address | Phone |
|----------------------|----------------------------|--------------|
| Christine Miller | 165 N. Pagosa Blvd | 731-4344 |
| Barbara Jeanie Woods | PO Box 3939 FS | 731-3938 |
| Michelle Quintana | 1135 PARK AVE #419 | 505-440-3399 |
| Ralph Barber | 790 CAPITAN CIRCLE | 970-903-4577 |
| Addie Keyes | Galle's Properties | 970-398-0851 |
| Colbyes | GALLE'S PROPERTIES | 970-358-0211 |
| Bob & Betsy (owned) | 605 Cool Pines Dr | 970-731-1174 |
| Sharon (owned) | 61 CR 700 | 970-348-0215 |
| Melba Stobue | 165 BIG HORN CT | 970-759-8109 |
| SON ARA | 257A DENNISDA PLACE | 970-350-7356 |
| Rance Gentry | 249 Tracy St | |
| Bob Christensen | | |
| Jans (Crankenberg) | | |
| CHRISTOPHER WILSON | | |
| Walter Wilson | | |
| Current Member | 18 D Place | 970-946-5119 |
| Dave Smith | 552 Sandhill Pkwy | 970-264-5015 |
| RICK TIAUVE HALEY | 313 CASEY | |
| RIM BROWN | 200 RIG SKY | 210-372-2757 |
| Aunt HEARTY | 380 W GOLF | 970-946-7347 |
| Mike HENSH | " | |
| MICHAEL HOWELL | 1869 CR 326 | 970-946-6598 |
| TULLI MENELOD | PO Box 3734 Pagosa | 970-2137 |
| LINDY MOORE | 125 Beaver Cir Pagosa Spgs | 970-749-5062 |
| Johnna Foyus | PO Box 1111 P.S. | 249-0986 |

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Regular Meeting
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| Name | Address | Phone |
|---------------------------|-------------------------------------|----------------|
| Laura Daniels | Box 900 P.S. | 946 9281 |
| MARK DELANEY | Box 3085 PS | 505-259-1443 |
| Gregg Smith | 43 North Driver Court Pagosa | 403-417-3588 |
| Dan M's Blanton | 165 N. Pagosa Blvd (Sunsetha) | 970-422-1856 |
| Andre Boudier | 268 Twin Creek PS CO 8147 | 512-244-7923 |
| Ann Sill Ferguson | 410 Highway | 970 749-3249 |
| Lyxii Johnson | 279 Deer Trail | 970 946 5900 |
| Randi Pierce - Pagosa SUN | P.O. Box 9 | (970) 264-2100 |
| Judene Campbell | 73 Kriebel Dr PS | 970-264-2341 |
| Nancy Stevens | 1380 Stansfield Dr - PS - (no mail) | 319-290-3143 * |
| Sherry DeLoach | 1975 Shennock Rd Dr PS. (8114) | 928-863-3818 |
| Michelle DeLoach | 1275 Shennock Dr PS | 928-863-3818 |
| J. Ross Christman | P.O. Box 5051 Pagosa | 264-0629 |
| John Lee | 241 HANCOCK AVE | 903-0481 |
| SARAH BOESE | 729 HANCOCK AVE | 303-881-3308 |
| Daphni Keenan | 310 Holiday Ave. | 970-946-3480 |
| Ed Giff | 99 Camp Cir | 970-731-6760 |
| Dee Perry (DOB) | 228 River Pl | 970-946-7598 |
| David Gammack | 105 Avenida AP | 970-264-4599 |
| Patty Fen | 8 Solomon Dr. | 970 946 3844 |
| Hester Simpson | 115 Mossy Lane | 720 497 1236 |
| Timothy Hartzel | 280 E. Mc Lake St | 770 219 4650 |
| Steve Wilkins | 509 HANCOCK AVE | 970 236-6509 |
| Quinn Bailey | 91 Cook Ct | 970-264-1111 |
| Murrelle Bailey | 121 Jordan | 731-5558 |

