



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting April 25, 2018

The Archuleta County Planning Commission held a meeting on Wednesday, April 25, 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 6:00pm.

Commissioners in attendance:

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

Staff in Attendance:

John Shepard, AICP; Planning Manager. Sherrie Vick, Planning Technician

Public in Attendance:

Larry Lynch & Allen Roth representing PLPOA, Cynthia Purcell representing the San Juan River Village Metro District, Fernando Gonzales & Griselda Cervantes, Scott & Nancy Carpenter, TJ & Stacey Fitzwater, Sharee Grazda, J. Jones, and Randi Pierce from the Pagosa Sun.

Consent:

March 28, 2017 Minutes. Commissioner Hooton made a motion to approve as submitted, Commissioner Jensen second, vote 5 aye

April 11, 2017 Minutes. Commissioner Shahan made a motion to approve as submitted, Commissioner Hooton second, vote 4 aye, Chairman Frederick abstained because he was not in attendance.

Old Business:

None.

New Business:

PLPOA Maintenance Shop Conditional Use Permit, Tr. 8, Chris Mountain Village Unit Two, at 360 Sam Houston Blvd. (PLN18-040)

Pagosa Lakes Property Owners Association (PLPOA) applied for a Conditional Use Permit (CUP) for the PLPOA Maintenance Shop, on Tract 8 of Chris Mountain Village Unit Two at 360 Sam Houston Blvd., Pagosa Springs, CO (PLN18-040). The property is zoned Planned Unit Development (PUD) Commercial Recreation Center & Club. The proposal is to review existing land use and add a 31'x34' covered storage area on the existing building.

Pagosa Lakes Property Owners Association is proposing to construct a small addition (approximately 31'x34') on the southeast corner of their Maintenance Building in Chris Mountain II Subdivision, off Trails Blvd. While the building was originally constructed as a club house, the building currently functions as PLPOA's facility maintenance headquarters, equipment & tool storage, and workshop, with limited outside storage. The site also is used as a Brush Collection Area. The dry storage addition will replace an existing wooden deck, extending the existing roof line.

Comments received prior to preparation of the staff report include:

- County Engineering expressed no concerns, and waived the drainage study.
- Pagosa Fire Protection District had no objections.
- Pagosa Area Water & Sanitation District (PAWSD) had no objections.

RECOMMENDATION AND FINDINGS

Based on evidence provided, 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 PLPOA Maintenance Shop CUP, on Tract 8 of Chris Mountain Village Unit Two at 360 Sam Houston Blvd., with the following condition:

1. Outdoor lighting shall brought into conformance with Section 5.4.4 of the Land Use Regulations.

Chairman Frederick asked the applicant for comment. Project manager Larry Lynch replied the goal of the project is to provide covered storage for new equipment to protect it from the elements, and the lighting requirements would be followed. Mr. Shepard responded that normally this would probably have been a minor amendment but since the current facility pre-dates zoning, the CUP review covers the entire operation.

PLPOA manager Allen Roth added the old deck would be removed and the roof extended to protect a wood chipper that is used on site to create mulch out of tree limbs and other brush, which is a service the association provides for its members. The footprint would not be expanded much.

Commissioner Shahan asked where the brush was collected in relationship to the building. Mr. Lynch pointed out on the site plan the location of the brush pile behind the parking lot and added there is plenty of defensible space, and with the new chipper the brush pile would be addressed more quickly.

Chairman Frederick opened the floor to the public. Sharee Grazda, 221 Big Sky Pl., was concerned because she owned property near the maintenance building and wondered how that would affect her property. The roof extension would be on the opposite side of the building from Ms. Grazda's property. Mr. Lynch stated that the hours are generally 8-4 Monday through Friday and Saturday 8-12pm, and the chipper would be run as needed during those hours.

Commissioner Hooton made a motion to recommend Approval to the Board of County Commissioners, of the request for the PLPOA Maintenance Shop CUP, with the Findings A and B, and condition 1. Outdoor lighting shall brought into conformance with Section 5.4.4 of the Land Use Regulations. Commissioner Jensen seconded. Vote 5 aye.

Mr. Shepard stated that the project would go to the Board May 15, 2018.

San Juan River Resort Subdivision Unit No. 1 Amendment 2018-01 Final Plat, Vacation of a Portion of Harman Ave and Replat of Lots 30X, 40X, 42X (PLN18-043)

San Juan River Village Metro District (Cynthia Purcell, District Manager) applied for the San Juan River Resort Subdivision Unit No. 1 Amendment 2018-01 final plat, a Vacation of an unbuilt portion of Harman Avenue and replat of Lots 30X, 40X and 42X, creating lots 30XZ (16 Larkspur Pl) and 42XZ (962 Harman Ave). The proposal also vacates unused utility easements. The property is owned by Steven and Janet Hanks Trust, Steven D. Hanks and Janet W. Hanks, and Fleming Family Revocable Living Trust, and is zoned Residential (R).

San Juan River Resort Subdivision Unit No. 1 (above Hwy 160) was approved by the Board of County Commissioners in 1970, with amendments recorded later in 1970 and 1972. San Juan River Village Metro District maintains roads and provides domestic water and sewer service. Lots 29-30 were consolidated into Lot 30X by Resolution 2004-65 (Hanks). Lots 39-40 were consolidated into Lot 40X by Resolution 98-35 (Hanks Trust). Lots 41-42 were consolidated into Lot 42X by Resolution 2011-52 (Fleming). The cul-de-sac portion of Harman Ave. west of Larkspur Place was never constructed, and may be impractical to build to current *Archuleta County Road & Bridge Design Standards* due to drainage and sloping topography.

Criteria for submittal and approval of an Amended Plat is specified in Section 4.6 of the Land Use Regulations. Section 4.6.5 specifically provides for Right-of-Way and Easement Vacation, in conformance with state law. Right-of-way is divided proportionally among adjacent property owners, unless they agree to divide the property differently. Both lot owners and the Metro District have agreed on the final lot lines, and easement dedications and vacations. This amendment vacates certain unused utility easements along the side lot lines by re-plat, rather than the more cumbersome quit claim process by deed from individual utility companies—no utility representatives have objected.

Comments were received during Sketch Plan review and prior to preparation of this staff report.

- The Deputy County Surveyor had technical comments on the plat. Applicant's surveyor submitted an updated plat.
- LPEA asked for a 10' wide utility easement along their existing overhead power line, across new Lot 30XZ, shown on updated plat.
- The Flemings have agreed to a water line easement through new Lot 42XZ where utility lines are in place.
- County Engineering, Pagosa Fire Protection District and LPEA stated no concerns.
- San Juan River Village POA has approved the project.

RECOMMENDATION AND FINDINGS

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

- a. The application does meet the review criteria for development in a Residential (R) district, in Section 3.1 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 San Juan River Village Metro District request for the San Juan River Resort Subdivision Unit No. 1 Amendment 2018-01 final plat, a Vacation of an unbuilt portion of Harman Avenue and replat of Lots 30X, 40X and 42X, creating lots 30XZ (16 Larkspur Pl) and 42XZ (962 Harman Ave), with the following conditions:

1. The shed in the right-of-way to be relocated prior to recording the plat.

Chairman Frederick asked Mr. Shepard if the lot line for lot 42 was being moved further west. Mr. Shepard responded no and explained the lot line movements and the new easements along existing utilities.

Chairman Frederick asked if the applicant had any comments. Ms. Purcell, SJRV Metro District Manager, had no added comments but would address any questions. The Chairman asked if there were comments from the public. Hearing none, the Chair asked for comments or questions from the Commission. Commissioner Shahan asked for clarification on the shaded area on the plat. Mr. Shepard stated that area is the road as currently built and the Metro District will be reworking that within the right-of-way. Commissioner Frederick asked if the road was still going to be maintained by the metro district. Mr. Shepard replied it would be. Chairman Frederick asked if the public had any comment. Hearing none, the Chair asked for a motion.

Commissioner Jensen made a motion to recommend Approval to the Board of County Commissioners, of the San Juan River Village Metro District request for the San Juan River Resort Subdivision Unit No. 1 Amendment 2018-01 final plat, with Findings A and B and Condition #1 of the staff report: The shed in the right-of-way to be relocated prior to recording the plat. Commissioner Shahan seconded. Vote 5 aye.

Mr. Shepard stated that the project would go to the Board May 15, 2018.

Chairman Frederick asked if the commission had any objections to switching the order for reviewing the two items under Reports for the Land Use Regulations. Hearing none, the Commission reviewed the Recreational Vehicle Park regulations first.

Reports and Announcements:

Discussion: Proposed Amendments to Sec 5.5.8 Recreational Vehicle Parks

Staff prepared a discussion draft of proposed updates to Section 5 Standards, and 11 Definitions, of the *Archuleta County Land Use Regulations*, for RV Parks & Campgrounds.

Proposed text amendments for Recreational Vehicle Parks and Campgrounds were drafted in response to public concerns and discussions with the Planning Commission. If the Commission is satisfied with the draft, a Public Hearing will be advertised in May, for recommendation to the Board of County Commissioners for final approval at a future Public Hearing. Mr. Shepard added that there may need to be some changes made once the Board approves or not the Vacation Rental provisions previously recommended, such as Section 5.5.8 which would change to 5.5.5.

Only one RV Park has been approved under the current regulations, and it is on public water and sewer. Most of the other parks are in rural areas on HWY 160 or HWY 84, and there are two in the Arboles area. Existing owners have stated that the current regulations make doing upgrades to existing parks unclear and unaffordable.

The Planning Commission reviewed the regulations by section. Chairman Frederick asked for clarification on the FEMA regulations concerning improvements to an RV Park in the Floodplain. Mr. Shepard responded they would need to meet Section: 10 Floodplain Regulation in the Land Use Regulations. Proposed changes take out the requirement for being in a water and sewer district and defer to local and state agencies for septic requirements if not on public water and sewer.

Chairman Frederick asked for public comment. Fernando Gonzales, 8880 W HWY 160, stated concern over having to bring the whole park up to standards. Mr. Shepard explained that only the new changes or additions would need to meet the new standards, although current facilities serving new sites may need to be brought up to the standards, which is still different from how other development is handled in the regulations.

Mr. Gonzales asked about additional dwelling units being added to an RV Park, like tiny homes. Mr. Shepard responded that tiny homes are covered under Lodging Units and would usually be approved under a different section of the Land Use Regulations as a commercial use. If someone comes in and rents a space with a tiny home or Park Model RV for less the 30 days, that falls in RV Park regulations. If the owner of the park has a tiny home or Park Model RV and rents it out that is a Lodging Unit as defined in the Land Use Regulations. Mr. Gonzales requested that the regulations for RV Parks include Lodging Units with no increase in the standards. Chairman Frederick commented that one could do the Lodging Unit through the current regulations, and Mr. Shepard confirmed and said there is just a higher standard for that in the regulations. There was further discussion between Mr. Gonzales and Commissioners about Tiny Homes being allowed in

RV Parks regardless of ownership. Chairman Frederick mentioned that the Board and staff are discussing tiny homes and how to address them which may change the regulations in the future. Chairman Frederick asked how Park Models and tiny homes differ. Mrs. Fitzwater interjected that "Park Model" RVs are built to an ANSI standard for RVs.

Chairman Frederick closed public comment at 7:24pm. The Chairman then asked about camping cabins, where were not addressed. Mr. Shepard that is covered under the Lodging Unit section, because a RV Park is defined as space rental. Lodging units and RV Parks are allowed in the same areas. The Lodging Unit definition and standards should be reviewed next and made more clear. Chairman Frederick pointed out the land required for a home on the property at 10,000 sq.ft. There was discussion to drop the home site size. Chairman Frederick commented the 100 feet setbacks for social facilities should be the same setbacks as for the RV Park in general. Restrictions for storing other vehicles on the site are not practical and difficult to enforce. Mr. Shepard stated that the regulation is to keep the sites from being cluttered and the extra vehicles should be stored properly. There was discussion to strike those requirements. The Chairman was concerned the regulations prohibited the Park from having a convenience store: "No part of the RV Park/Campground shall be used in any way, directly or indirectly, for any business..." Commissioner Shahan also asked for clarification on commercial use restrictions. The draft remains similar to existing regulations.

Chairman Frederick asked if the draft was ready for public hearing. It was agreed that the RV Park regulations would go to public hearing on May 23, 2018, as part of the regular meeting. Chairman Frederick stated that the tiny home issue would not be addressed at this time but as part of the County's larger discussions and the Commissioners could approve similar uses.

Discussion: Proposed Amendments to the Archuleta County Land Use Regulations

Discussion Draft of proposed updates to Sections 1 General Administration, 2 Land Use Review, 3 Zoning Regulations, 5 Development Standards, 11 Definitions, of the Archuleta County Land Use Regulations.

Mr. Shepard reviewed previous discussions, and asked the Commission if these regulations were ready for Public Hearing. He also suggested that these changes and the RV Park changes be handled separately, with separate resolutions. Chairman Frederick asked about the changes to the Floodplain regulations. Mr. Shepard responded that the floodplain portion was not ready, and he is still communicating with the State on the Floodplain corrections. However, this proposal changes some of the Floodplain definitions to match the state definitions and make it easier for people to comply.

Chairman Frederick stated these regulation amendments will go to the May 23, 2018, meeting for public hearing.

Reports and announcements:

The County Attorney has put together a draft resolution on Improperly Divided Parcels to make them legal lots. Since 1972, any parcel under 35-acres must go through Subdivision Review, but the Board wants to make it easier to clear up old land divisions.

Growing Water Smart Presentation by State Demographer, May 7, 2018: Chairman Frederick encouraged the Commissioners to attend the 3-5 pm secession or the 5:30pm session at the Town of Pagosa Springs.

Next Meeting:

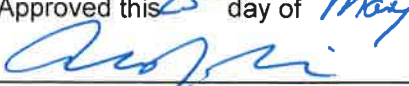
Regular Meeting May 23, 2018, with public hearing for the Land Use Regulation amendments the Commission have been working on. Chairman Frederick directed Mr. Shepard to put the RV Park regulations as a separate item from the Regular Regulation updates.

There was some discussion on Tiny Homes and the complexity of permits and codes, and getting all agencies on the same page.

Adjourn: Commissioner Shahan moved to adjourn the meeting at 8:12 PM, Commissioner Jensen seconded. Vote 5 aye.



Sherrie Vick
Planning Technician

Approved this ^{23rd} day of ^{May}, 2018


Michael Frederick
Chairman