



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

Archuleta County Planning Commission Minutes, Regular Meeting May 23, 2018

The Archuleta County Planning Commission held a meeting on Wednesday, May 23, 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 6:00 pm.

Commissioners in attendance:

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

Staff in Attendance:

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

Public in Attendance:

Mike Stoll – Human Society, Sean Meade/Ellaree- Lake Hatcher Park Plat, Leah Shaper, David Mauriello, TJ & Stacey Fitzwater, and Randi Pierce from the Pagosa Sun.

Consent:

April 25, 2017 Minutes. Commissioner Parker made a motion to approve as submitted, Commissioner Jensen second, vote 3 aye.

Old Business:

None.

New Business:

Humane Society Minor Amendment to CUP, In Section 9, T35N R2W NMPM, At 465 Cloman Blvd (PLN18-079)

Humane Society of Pagosa Springs applied for a Minor Amendment to their Conditional Use Permit (CUP), approved in 2007 and amended in 2016, to add a portable accessory structure (PLN18-079). Applicant's property is described as the N $\frac{1}{2}$ N $\frac{1}{4}$ 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, and is zoned Agricultural Estates (AE).

Archuleta County Land Use Regulations Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. The Planning Commission may approve Minor Amendments to an approved CUP, including modifications to approved site plans, if the request does not alter the basic intent and character of the approved CUP, are consistent with the Site Development Standards (Section 5.4), are deemed necessary in light of technical or engineering considerations first discovered during actual construction, or could not have been reasonably anticipated during the initial review process (Section 3.2.3.4). The Planning Commission makes a final decision on a Minor CUP Amendment.

PROPOSED RECOMMENDATION AND FINDINGS

Should the Planning Commission accept that Applicants have provided sufficient evidence in support of their proposal, staff recommended 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 Minor Amendment of their Conditional Use Permit, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd., with no conditions.

Chairman Frederick asked if the Commission had any questions for Mr. Shepard. Hearing none, the chairman asked Mike Stoll, Manager of the Human Society, if he had any added comments. Mr. Stoll added that the portable storage unit would house the shelter's emergency evacuation equipment which would allow the shelter personnel to evacuate the 100 plus animals in case of an emergency.

Chairman Frederick asked for public comment. Hearing none, the chair asked for a motion.

Commissioner Jensen moved to approve the request for the Humane Society Minor CUP Amendment, with Findings A and B of the staff report and no conditions. Commissioner Parker seconded, vote 3 aye.

Lake Hatcher Park Amendment 2018-01 Final Plat, A Replat Of Lots 68A & 69A Of Lake Hatcher Park Amendment 2008 And Lot 70Z Of Lake Hatcher Park Amendment 2013-01 (PLN18-077)

Sean & Pamela Meade of Pinon, AZ, and Ava Stern of Denver, CO, applied for final plat approval of the Lake Hatcher Park Amendment 2018-01, a replat of Lots 68A & 69A of Lake Hatcher Park Amendment 2008 (81 Laguna Pl) and Lot 70Z of Lake Hatcher Park Amendment 2013-01 (X Laguna Pl), creating Lots 68AZ and 70ZZ; and vacating unused utility easements (PLN18-077). The property is zoned Planned Unit Development (PUD).

Lake Hatcher Park subdivision was approved in 1973, and is within the Pagosa Lakes Property Owners Association (PLPOA). Lots 68 and 69 were consolidated into Lot 68X, then later unconsolidated in Lot 68A and 69A (Stern) by replat (Lake Hatcher Park Amendment 2008). Lot 70Z is the result of the combination of lots 70-71-72 and replat into Lot 70Z (Meade) and Lot 72Z (Lake Hatcher Park Amendment 2013-01). Lot 72Z is not a part of this proposal.

This proposal creates two parcels:

- Lot 68AZ combines Lot 68A with Ms. Stern's existing Single Family Home and half of vacant Lot 69Z.
- Lot 70ZZ combines the vacant Lot 70Z with half of Lot 69Z, to create a more buildable lot for the Meades.

The *Archuleta County Community Plan* Future Land Use Map, designates this area for High Density Residential development. Lake Hatcher Park, along with most of the property within PLPOA, is zoned Planned Unit Development (PUD). These lots are designated R-1-90 land use. Resulting lots will be larger than existing lots, with larger setbacks.

Criteria for submittal and approval of an Amended Plat is specified in Section 4.6 of the Land Use Regulations. Section 4.6.4.1 specifies that Staff review the plan for conformance with the Community Plan, the Land Use Regulations, and other adopted County policies and ordinances. Section 4.6.5 provides for Right-of-Way and Easement Vacation, in conformance with state law. Specifically:

1. Approval to vacate a right-of-way must not leave any land without an established public road or private access easement,
2. The vacation must provide a public benefit.
3. The recommendation of referral agencies have been considered.

This amendment only vacates certain unused utility easements along previous 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.

Concerns with proper vacation of utility easements were brought up on Sketch Plan review—the intention is to be perfectly clear that unused utility easements are being vacated according to the process in Section 4.6.5 of the Land Use Regulations. Staff, surveyors and the County Attorney discussed several options for that language on the plat.

Review comments received include:

- The County Surveyor had technical comments on the plat (5/12/18).
- County Engineering, Pagosa Fire Protection District and LPEA had no comment/objection on Sketch Plan review.
- PAWSD had no objections, and noted a mapping fee will be assessed.
- PLPOA stated no concerns on Sketch Plan review.

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 the Planned Unit Development (PUD) 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 Meade/Stern request for final plat approval of the Lake Hatcher Park Amendment 2018-01, a replat of Lots 68A & 69A of Lake Hatcher Park Amendment 2008 (81 Laguna Pl) and Lot 70Z of Lake Hatcher Park Amendment 2013-01 (X Laguna Pl), creating Lots 68AZ and 70ZZ; and vacating unused utility easements, with the following conditions:

1. The plat be revised as required by the County Surveyor.

The Chairman asked the commissioners if they had questions. Hearing none, the Chair stated it seemed better to vacate the easements by plat rather than making them go through the deed process. The Chairman asked if the applicants were present and if they had any comments. Sean Mead stated that the process was complex but he was looking forward to starting to build their new home.

The Chairman asked if there was any public comment. Hearing none, the Chair asked for a motion.

Commissioner Parker moved to recommend Approval to the Board of County Commissioners, of the Meade & Stern final plat request for the Lake Hatcher Park Amendment 2018-01, with Findings A and B and Condition #1 of the staff report. Commissioner Jensen seconded, vote 3-0 aye.

Mr. Shepard stated that this project would go to the Board June 19th, 2018.

Public Hearing and Consideration Of Resolution For Amendments To Sections 5 And 11 Of The Archuleta County Land Use Regulations For RV Parks & Campgrounds

After discussion with the Archuleta County Planning Commission and local RV Park owners, staff have prepared amendments to the *Archuleta County Land Use Regulations* to relax RV Park and Campground Development Standards, and clarify Abbreviations and Definitions.

The Chairman reviewed the process regarding the Land Use Regulation changes for the public's benefit. The Commission could recommend adoption to the Board of County Commissioners; they could revise and recommend; or send back to staff for more changes.

Mr. Shepard summarized the regulations regarding RV Parks & Campgrounds along with the resolution and the process moving forward. The intent is to relax the current regulations so existing parks could do improvements and rearranged the sections to make it easier to review projects. The amendments have been reviewed by outside agencies with no comment and no further public comment has been made. These amendments may be deferred until the Board adopted the vacation rental amendments due to number sequencing.

The Chair asked the Commissioners if they had any questions. Commissioner Jensen asked how long it would take for Vacation Rentals to be adopted. Mr. Shepard reviewed what was happening with those amendments. Commissioner Jensen stated concern, wanting these to move forward as soon as possible. Chairman Frederick commented that the Board has the final decision on the changes. The Chair asked for other comments, hearing none the public was asked for comment.

Stacy Fitzwater commented that the RV & Campground changes should not be held up by the Vacation Rental changes. Mr. Shepard explained it would just be a numbering issue and staff could propose modest changes to deal with that. Chairman Frederick suggested that Mr. Shepard express to the Board the urgency of these regulation and that they move forward regardless of the Vacation Rental regulations and the numbering issue. Mr. Fitzwater thanked the Commission for their work.

The Chairman asked for any other public comment. Hearing none, the Commission was asked to make a motion.

Commissioner Jensen moved to approve Resolution 2018-02PC recommending Exhibit A for amendment Archuleta County Land Use Regulation to the Board of County Commission. Commissioner Parker second. Vote 3-0 aye.

Public Hearing and Consideration Of Resolution For Amendments To Section 1, 2, 3, 5, And 11 Of The Archuleta County Land Use Regulations

After discussion with the Archuleta County Planning Commission and Archuleta County Board of County Commissioners, staff have prepared amendments to the *Archuleta County Land Use Regulations* to improve general clarity and references; streamline Land Use Permit review; place primary responsibility for Conditional Use review with the Planning Commission while creating a Board CUP for more thorough public review, with comprehensive revisions to Table 3: Uses by Zoning District; and clarify Development Standards, Abbreviations and Definitions.

The Chairman commented for the public remaining that these amendments the Commission has been working on for some time and most of them were housekeeping changes and asked Mr. Shepard to explain further.

Mr. Shepard reviewed the intent of the changes and each section that was being changed. There was no public comment received after the posting; the Fire Department applauded the changes. Mr. Shepard pointed out that the Chairman has recommended changes in Section 2.4.3.2 paragraph 5 where a typo needed to be changed. In Sec. 5.4.7 the sub-paragraphs were misnumbered and need to be changed. Mr. Shepard stated the County Administrator and County Attorney reviewed the changes, and also asked that the Planning Commission consider changing how we review projects done for Public Agencies. For now, staff suggested striking changes for public and private schools in table 3 and in the definitions. There was discussion on Outdoor Storage, which is moved to an industrial use with distinction between Outdoor Storage as a Principal vs. Accessory Use. Mr. Henderson had some concern with reference to the Nuisance Ordinance. Commissioner Jensen asked for clarification of Outdoor Storage and what that means. Mr. Shepard read the definition. The Chairman recommended that in the future the Commission reviews the outdoor storage in more detail.

The Chairman asked for Public Comment and hearing none asked for a motion. Commissioner Jensen moved to revise Exhibit A to strike the changes on Public and Private Schools in table Three and the definitions, changes 2.1.1.1 and 5.4.2.6 and typo in section 2.4.3.2 and 5.4.7. Commissioner Park seconded, vote 3-0 eye. Commissioner Parker moved to approve Resolution 2018-03PC recommending Exhibit A as amended, for general amendments to the Archuleta County Land Use Regulations, to the Board of County Commissioners. Commissioner Jensen seconded, vote 3-0 eye.

Reports and Announcements:

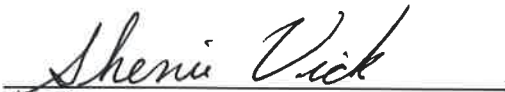
Mr. Shepard reported the office has been busy. The Vacation Rentals work has been progressing and goes back before the Board on June 19th. Given that work, he had not had a chance to do more on the next round of revisions to the Land Use Regulations for the scheduled June 13th policy meeting. The regular meeting at the end of June will have a major oil and gas project and maybe a plat. After discussion, the Chair decided to cancel the June 13 policy meeting, subject to a request by the Board to meet.

Chairman Frederick brought up the State Demographer's presentation at Town Hall, and her summary of the State's demographic information. The Growing Water Smart workgroup will continue with their efforts to promote sound planning..

Next Meeting:

Policy Meeting June 13, 2018 CANCELLED
Regular Meeting June 27, 2018

Adjourn: Commissioner Jensen moved to adjourn the meeting at 7:22 PM, Commissioner Parker seconded. Vote 3 aye.



Sherrie Vick
Planning Technician

Approved this ^{27th} day of *June*, 2018



Michael Frederick
Chairman