



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting May 25, 2022

The Archuleta County Planning Commission held a meeting on Wednesday May 25, 2022 at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Acting Chairman Adam Buttons called the meeting to order at 6:00 pm.

Commissioners in attendance:

Adam Buttons and Peter Beaudry were in attendance, and Mont McAllister participated via Zoom, establishing a quorum.

Staff in Attendance:

Pamela Flowers, Development Director; Brandon Wolff, Planner; Jamie Jones, Administrative Assistant

Public in Attendance:

John Detzler

Agenda Review:

Commissioners had no questions and there were no changes recommended to the agenda.

Commissioner Beaudry moved to approve the Meeting Agenda, as presented. Commissioner McAllister seconded the motion and it carried unanimously (3-0).

Consent:

A. Review and Approval of the Meeting Minutes for the April 27, 2022 meeting.

B. Consideration and approval of Legal Lot Certificates for Michael and Sabrina Drewry (IDP22-038 & 22-057)

C. Consideration and approval of Legal Lot Certificates for Joseph and Melinda Ice (IDP22-056 & 22-055)

D. Consideration and approval of Legal Lot Certificates for Theresa and Joel Trujillo (IDP22-044, 22-053, & 22-054)

Commissioner Beaudry moved to approve the Consent Agenda, as presented. Commissioner McAllister seconded the motion and it carried unanimously (3-0).

Old Business:

A. (PLN22-010) Review and Consider Conditions of Approval for the Lodging Establishment Conditional Use Permit for Paradise Ranch

Director Flowers explained that due to an administrative error on her part, several individuals were at the April meeting to present their public comments regarding the subject Conditional Use Permit application, though it had been conditionally approved at the March 2022 meeting. The purpose of this discussion was to consider the comments provided and determine if any additional conditions of approval should be added to this CUP.

The Staff Report related that the comments heard during the previous meeting that were against the permit were all related to concerns about traffic, garbage, and noise generated by the operating of the Wedding Events. The report suggested that the Colorado Department of Transportation is already working to provide a permit for the operation that will adequately address any traffic dangers. Secondly, the Staff Report points out that no real evidence was presented to suggest that any trash in the area was directly attributable to wedding guests. And finally, the report explained that the neighbors who are directly abutting the Paradise Ranch property have expressed that there are no problems with loud noises coming from the wedding guests. The report concludes that these neighbors would likely be aware if there were noise problems. The Staff Report, therefore recommended no new conditions be applied to the prior approval of this permit.

In discussion, Commissioner Beaudry pointed out that there is a noise ordinance and that the neighbors can certainly use that ordinance to seek relief if there are noise problems in the future.

Commissioner Beaudry then moved to recommend no new conditions of approval for PLN 22-010, the Lodging Establishment Conditional Use Permit for Paradise Ranch, as presented. Commissioner McAllister seconded the motion and it carried unanimously (3-0).

New Business:

A. Public Hearing for (PLN22-021) Candelaria Subdivision Amendment 2022-01, Final Plat

The Director explained that any plat amendment for a subdivision which was previously approved by the County does not require the Sketch Plan or Preliminary Plat phases. So this plat is only being reviewed as a Final Plat Review.

She then related that the Applicant, Julie Candelaria, is seeking to vacate the Rivas Court right-of-way and then consolidate four (4) lots into two (2).

The Final Plat underwent a thorough review by the Planning Staff, other County Departments, and several outside agencies. There were eight conditions recommended after that review. The Applicant was present and shared a concern about the estimated cost for the purchase of the vacated land that is included in the conditions. The Director explained that this was an estimate based on market analysis by the County Attorney, who is a licensed realtor. She then told the applicant that they will be able to negotiate and bring their own documentation in support of those negotiations prior to the settling of the matter. There was no public comment regarding this petition.

Commissioner Beaudry moved to recommend approval of PLN 22-021, the Candelaria Subdivision Amendment 2022-01, being a Replat of Lots 13, 14, 15, and 16 Vacating Rivas Ct and Creating Lot 15Z and Lot 16Z, with finding A and conditions 1-8, as presented. Commissioner McAllister seconded the motion and it carried unanimously (3-0).

B. Public Meeting to Review and Approve Proposed Amendments to the Land Use Regulations

The Director brought forth for the first time recommended language for an amendment to Section 3 of the Land Use Regulations regarding the security for private pools and placement of personal utility structures.

The Director indicated that the first group of changes to the regulations are to broaden alternatives for securing private pools for the prevention of accidental drowning, especially of children. The language presented allowed for the providing of security via a fence around a pool or pool area or by installing a safety cover when not in use. Additionally, the rules would now also apply to hot tubs and spas in the County.

During the discussion, the language was changed to require a pool that is to be secured only by a fence to be behind a six (6) foot fence, rather than four (4) foot as in the presented language.

The second set of language changes were related to personal utility systems. The Director related a definition of a personal utility system, which includes systems which provide water, electricity, propane/natural gas, waste water treatment, etc. predominately to the owner of the utility. Examples are propane tanks, cisterns, and solar panels.

These rules ensure that these types of utility systems cannot be installed in any utility, access, ditch, or right-of-way easements, and provide that above ground permanent portions of any personal utility system must also comply with all property setbacks. The Director explained that there has been confusion from the public regarding how these types of systems fit in these rules, and this is why she is suggesting we add this language to clarify the requirements.

Finally, there were some new definitions for Section 11 that were associated with these recommendations.

Commissioner Beaudry moved to recommend approval of the proposed amendments to the Board of County Commissioners, as amended regarding fence height. Commissioner McAllister seconded the motion and it carried unanimously (3-0).

Member Comments:

None

Next Meeting:

June 22, 2022 at 6:00 pm

Adjourn:

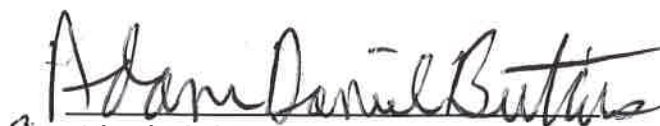
Motion to adjourn made by Commissioner Beaudry and seconded by Commissioner McAllister. Vote was unanimously 3-0 "Aye."

Acting Chairman Buttons adjourned the meeting at 6:36 pm.

Approved this 22nd day of June, 2022.



Pamela Flowers
Development Director



For Richard Vihel
Chairman

