



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting October 27, 2021

The Archuleta County Planning Commission held a meeting on Wednesday October 27, 2021 at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Commissioner Parker called the meeting to order at 6:00 pm.

Commissioners in attendance:

David Parker and Richard Vihel were present, and Mont McCallister attended via Zoom, establishing a quorum. Anita Hooton arrived during the discussion of the first item of New Business.

Staff in Attendance:

Pamela Flowers, Development Director; Brandon Wolff, Planner; Mary Helminski, Paralegal

Public in Attendance:

Karen Poquiz
Mike Devloo
Mike Branson, II
John Detzler
Bill Hudson
Rose Krajnik
Veronica Medina

Agenda Review:

There were no changes to the published Agenda.

Commissioner Vihel moved to approve the Meeting Agenda as presented. Chairman Parker seconded the motion and it carried unanimously (3-0).

Consent:

A. Approval of Meeting Minutes from September 22, 2021

The minutes were initially tabled until next meeting because there was not a quorum of those who had been in attendance. At the end of the meeting, the item was revisited as the quorum was then present.

Commissioner Vihel moved to approve the September 22, 2021 Meeting Minutes and Commissioner Hooton seconded. The vote of those who were in attendance on September 22, 2021 was to unanimously approve the minutes (3-0).

B. Legal Lot Certificate (IDP21-132) for Pawprint Properties, LLC at 10600 County Rd 326

Commissioner Vihel moved to approve the Legal Lot Certificate. Chairman Parker seconded the motion and it carried unanimously (3-0).

Old Business:

None

New Business:

A. Public Hearing of an Appeal of the Revocation of a Vacation Rental Permit for the Property at 40 Elk Ridge Pl, Owned by Dennis and Karen Poquiz and Operated by iTrip Vacations (VRP #014090)

Pamela Flowers, Development Director, advised that the Vacation Rental Permit was revoked due to an unpermitted detached garage structure on the parcel. She explained that the Appellant ultimately decided not to pursue the After-the-Fact Building Permit and Certificate of Occupancy needed to correct the Building Code Violations. As a result, the parcel remains in violation of the Building Code and Land Use Regulations and cannot be permitted as a Vacation Rental. Thus the permit was revoked.

The Appellant explained that the cost to repair the garage was going to be too high to proceed, but did not understand why the main home could not be permitted. She was advised that she could rent both the home and garage as long-term rentals because those rentals are not regulated by the County.

Chairman Parker moved to Deny the Appeal and Uphold the Decision of the Development Director to Revoke the Vacation Rental Permit for 40 Elk Ridge Pl, which is owned by Karen and Dennis Poquiz and operated by iTrip Vacations (VRP #014090) for an Unpermitted Structure on the parcel, as presented. Commissioner Vihel seconded the motion and it passed unanimously (3-0).

B. Public Hearing of the Appeal of Michael Devloo regarding Unpermitted Vacation Rental Fines (VRP #023776)

The Director, presented her report indicating that the owner of this parcel was operating a previously permitted Vacation Rental without the required permit at 17 Hunter Ct. The overdue permitting fee notice was sent to the Appellant in March of 2020, and fines began accumulating on April 30, 2020. She explained that a Stop Use Order was posted at the subject property on September 10, 2021, it was this notice that motivated the Appellant to contact the Planning Department.

The Appellant explained that they felt the regulations should be changed to stop punishing people. He was advised that he could work with the Board of County Commissioners in another forum to seek change to the regulations.

Commissioner Hooton moved to DENY the APPEAL and UPHOLD the Decision of the Development Director to Apply Fines of \$50,000 for Operating a Vacation Rental without a Permit on the property at 17 Hunter Ct, Pagosa Springs, which is owned by Michael Devloo (VRP #023776), as presented. Chairman Parker seconded ~~and~~ the motion. Commissioner McAllister abstained from the vote as he is the neighbor of the Appellant. It passed (3-0-1).

C. Public Meeting Regarding Possible New Conditions for Reed Helmly's Vacation Rental Permit (VRP #004620)

The Director, reminded the Commissioners that they had previously conditionally approved the Vacation Rental Permit at 2497 Park Ave, owned by Reed Helmly. The finalization of the permit has taken longer than anticipated, and new evidence had been gathered which caused concern that there was continued short-term rental even though the permit had not been finalized. As a result, she explained that the Staff was requesting an additional condition for this permit requiring submission of the 2021 Lodging and Sales Tax records for the property to confirm no short-term rentals had been booked.

The Owner contended that he felt that the Planning Department was constantly moving the goal line, making it impossible for him to be permitted. He felt it was unfair to add any additional conditions and that he should be allowed to pay his fines and receive his permit.

The Commissioners agreed that he should be allowed to satisfy the remaining conditions as they had been originally applied and finalize the permit.

Commissioner Hooton moved deny the request for additional conditions for the Vacation Rental Permit at 2497 Park Ave, owned by Reed Helmly (VRP #004620). Commissioner Vihel seconded and the motion passed (4-0).

Member Comments:

None

Next Meeting:

The next meeting will be held at 6pm on December 8, 2021.

Adjourn:

Motion to adjourn made by Commissioner Hooton and seconded by Commissioner McCauley. Vote was unanimously 4-0 "Aye."

Chairman Parker adjourned the meeting at 7:57 pm.

Approved this 8th day of December, 2021.



Pamela Flowers
Development Director



David Parker
Chairman

