



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

Archuleta County Planning Commission Minutes, Regular Meeting March 27, 2019

The Archuleta County Planning Commission held a meeting on Wednesday, March 27, 2019, 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, Anita Hooton, David Parker, Betty Shahan, and Lisa Jensen.

Staff in Attendance:

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

Public in Attendance:

Ron Dunavant –TBK Bank, Christine Miller – Vacasa, Mike Davis, Dave Murrey, John Finefrock - The Pagosa Sun.

Consent:

Minutes for the February 27, 2019 meeting.

Commissioner Hooton made a motion to approve the minutes with corrections. Commissioner Jensen seconded. Vote 5-0 aye.

Old Business:

None

New Business:

Coyote Cove Amendment 2019-01 Final Plat, A Replat of Lots 11 & 12, And Relocating Utility Easements (PLN19-097 REVISED)

John & Kay Pace of Scottsdale, AZ, and Michael & Marlene Green of Oriedo, FL, represented by Davis Engineering, applied for final plat approval of the Coyote Cove Amendment 2019-01, a replat of Lots 11 & 12, creating Lots 11Z and 12Z, and relocating unused utility easements (PLN19-097). The property is zoned county Residential (R). The proposal is effectively a Minor Lot Line Adjustment, but also adjusts unbuilt building envelopes with the common lot line and utility easements. The proposed plat was revised 3/22/19.

Mike Davis from Davis Engineering and Surveying was in attendance representing the owners.

Coyote Cove Subdivision was approved in 2006, and is within the Pagosa Lakes Property Owners Association (PLPOA). This was apparently the last major subdivision approved in Archuleta County, and would have been reviewed under the old Land Use Regulations prior to countywide zoning. The Coyote Cove plat includes detailed topography as required currently. Several lots have designated Building Envelopes, to keep building off steep slopes and protect Lake Hatcher's water supply.

The *Archuleta County Community Plan of 2001*, Future Land Use Map, designates this area for High Density Residential development. Policy 2.2 of the Community Plan also reads in part: "New development avoids, minimizes or mitigates damage and disruption to...environmentally sensitive areas." There may also be concerns with new homes "ridge-lining", impacting natural vistas across Lake Hatcher. Policy 3.5 states "New development is designed so that it is visually compatible with community character and the natural environment." Policy 6.1 states "Encourage the design and location of new development to minimize the impacts on Archuleta County's rural and scenic character, wildlife habitat and mountain vistas." While most of the property within PLPOA is zoned Planned Unit Development (PUD), Coyote Cove was zoned county Residential (R) when countywide zoning was adopted in 2006. Both lots remain well over the 8,000 sq. foot minimum lot size in the R zone (Table 4 of the Land Use Regulations).

Both lots are currently vacant. Applicant John Pace owns Lot 11, and Applicants Michael & Marlene Green own Lot 12. While considering site plans for their planned homes, the neighbors agreed to a lot line adjustment, which would bring Lot 11 into conformance with the 60' minimum lot width (at the road frontage) in the county Residential (R) zone and provide more practical access for the driveway. The Coyote Cove covenants restrict improvements to Building Envelopes. The proposal moves the utility easement and building envelopes to follow the adjusted lot line. The new Building Envelope on Lot 11 remains outside the area mapped with 20% slopes. The Building Envelope on Lot 12 stays substantially the same, but includes some area mapped 20% or greater slopes.

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 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 Pace/Green request for final plat approval of the Coyote Cove Amendment 2019-01, a replat of Lots 11 & 12, creating Lots 11Z and 12Z, and relocating utility easements, with the following conditions:

1. The plat be revised if required by the Deputy County Surveyor.

Mr. Davis stated that the project was intended to provide more practical lot frontage and provide room for a driveway without having to relocate utility boxes. Commissioner Shahan asked if these plat changes affected lot 10? Mr. Shepard responded no.

Commissioner Hooton moved to recommend Approval to the Board of County Commissioners, of the Coyote Cove Amendment 2019-01 Final Plat, with Findings A and B and Conditions #1 of the staff report. Commissioner Jensen seconded, with the vote 5-0 aye.

Pagosa Hills Subdivision No. 3 Amendment 2019-01 MLLA Final Plat, A Replat Of Lot 73 (PLN19-098)

James Guglielmino, represented by Murrey Surveying, applied for Final Plat approval of the Pagosa Hills Subdivision No. 3 Amendment 2019-01 Minor Lot Line Adjustment (MLLA), a replat of Lot 73, which was split in half by Resolution of the Board of County Commissioners 11/7/77. Vested owners are James Guglielmino and Janice L. McIntyre. The MLLA creates Lot 73EZ with an existing home and Lot 73WZ as a building site, with an address of 337 Brookhill Dr. The property is zoned county Residential (R).

Dave Murrey from Murrey Surveying was in attendance representing the owners.

The first phase of Pagosa Hills Subdivision was approved by the Board of County Commissioners in 1970, with a replat in 1978, and was annexed to the Town of Pagosa Springs in 1983. This property was originally part of Pagosa Hills Subdivision No. 2, approved in 1971, then as Pagosa Hills Subdivision No. 3 also in 1971. There is a note on the Assessor's copy of the recorded plat that several lots (2, 65, 66, 69, 70, 71, 72, 73, 74) were approved by County Commissioners resolutions to be split in half 11/7/77 (which the O&E report omits). While preparing the site for an accessory garage/2nd dwelling unit, Applicant became aware of the 1977 lot split, and is proposing the lot line adjustment for a better building site given the area of steep slopes.

The *Archuleta County Community Plan of 2001*, Future Land Use Map, designates this area for High Density Residential development. Pagosa Hills Subdivision, outside the Town of Pagosa Springs, was zoned county Residential (R), with adoption of countywide zoning in 2006. The Town of Pagosa Springs recently annexed the RV park on the adjacent lot to the south. Water is provided by the Pagosa Area Water & Sanitation District (PAWSD) and sewer service provided by Pagosa Springs Sanitation and General Improvement District (PSSGID).

Both lots meet the minimum 60' minimum lot width and remain well over the 8,000 sq. foot minimum lot size in the R zone (Table 4, *Archuleta County Land Use Regulations*). Applicant has adjusted the common lot line to follow the center line of the existing driveway to the home on the east half of the lot (new Lot 73EZ), which will become a shared driveway, with a utility easement from Brookhill Drive. While current standards (Section 6.6 of the Land Use Regulations) call for a 20'-wide utility easement along all road frontages and 10' either side of other lot lines, no utility providers requested new easements at those locations.

During interagency review, Gene Tautges with PSSGID identified a private sewer line serving the RV park south of this property, but was uncertain if it is in the existing utility easement along the side lot line or not. Tautges recommends the sewer line be located, but that may not be possible until the snow melts.

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 Guglielmino/McIntyre request for final plat approval of the Pagosa Hills Subdivision No. 3 Amendment 2019-01 Minor Lot Line Adjustment (MLLA), a replat of Lot 73, creating Lots 73EZ and 73WZ at 337 Brookhill Dr. (PLN19-098), with the following conditions:

1. The plat be revised if required by the County Surveyor.
2. Prior to recording the plat, the existing sewer line identified by PSSGID shall be located, and if within either lot outside an existing easement then a standard 20'-wide utility easement be placed on the plat following that line.

There was discussion around proposed condition # 2 of the staff report, how the sewer line was going to be found and how soon and if it would be moved if needed. Mr. Shepard noted the alternative was to table the matter until the line is located, and the condition is an alternative to delaying the project. Mr. Murrey stated that he was working with the Town Sewer District on finding the line and would address what would need to happen after the line was located. Also there was discussion on the moving of the current utilities for the existing home into the designated utility easement on the plat in the shared driveway.

Commissioner Jensen moved to recommend Approval to the Board of County Commissioners, of the Pagosa Hills Subdivision No. 3 Amendment 2019-01 MLLA Final Plat, with Findings A and B and Conditions #1-#2 of the staff report. Commissioner Shahan seconded. The vote was 5-0 aye.

Public Hearing And Consideration Of Resolution For Amendments To Section 2, 3, 4, 5, 9, And 11, Of The Archuleta County Land Use Regulations (PLN19-106)

After discussion with the Archuleta County Planning Commission and Archuleta County Board of County Commissioners, staff have prepared proposed amendments to the *Archuleta County Land Use Regulations*. The proposed changes to Sections 2, 3, 4, 5, 9, and 11 are intended to improve general clarity and references; relax certain setbacks, modernize Subdivision Regulations, clarify Mining application requirements and shift Minor Oil & Gas projects from Administrative to Planning Commission review; and clarify Development Standards, Abbreviations and Definitions. (PLN19-106) Public notice of this Public Hearing to consider these text amendments was published in the Pagosa Sun on March 14, 2019. Mr. Shepard stated that the office did not receive any public comment on these amendments and covered the changes to be made.

- **General Clarity:** These proposed changes continue revisions adopted in 2018, and most are intended to be procedural rather than substantive changes. Many changes are intended simply to clarify the existing text, and make it easier to use the document. Harmonizes references to a county "road" or "roadway" rather than street or other term.
- **Section 2 Land Use Review:** Clarify Tables 1 and 2. Harmonize notice to Mineral Estate Owners to meet state statute requirements. Clarify expiration of approvals and public notice.
- **Section 3 Zoning Regulations:** Relax certain setbacks in Table 4, while introducing a garage door setback to assure provision of minimum parking as required in Section 5.4.5. Clarify how setbacks are measured.
- **Section 4 Subdivision Regulations:** Revamp and revise review of land division procedures to better align to current practices. Clarifies procedures for right-of-way and easement vacation. Deletes current Section 4.7 and moves to new Section 4.9 Subdivision Exemption, which is rewritten and expanded so as not to unduly restrict the Board of County Commissioners' authority under CRS §30-28-101. Consolidates existing Section 4.9 & 4.10 into new Section 4.7 Lot Consolidations and Un-Consolidations.
- **Section 5 Development Standards:** Updates Subdivision Design Standards and defers certain standards to the Archuleta County Road & Bridge Design Standards. Clarifies current Section 5.3.2 Access Permit Required (which has not been enforced since adoption in 2006) as "Access Plan Required" prior to granting land use or building permits on large parcels exempt from Subdivision Review.
- **Section 9 Mining:** Clarifies application requirements and procedures. Changes Minor Oil & Gas Permit from Administrative staff review to Planning Commission review.
- **Section 11 Abbreviations and Definitions:** General clarifications.

Staff recommends these proposed changes be made effective immediately upon adoption by the Board of County Commissioners. There are several other areas that have been discussed for review and clarification that will come to follow, including enforcement, standards for Public Use projects, Floodplain Development, and substantive review of Mining standards.

Commissioner Hooton then moved to approve Resolution 2019-01PC recommending Exhibit A for Amendment of the *Archuleta County Land Use Regulations*, to the Board of County Commissioners. Commissioner Jensen Seconded, with the vote 5-0. Mr. Shepard noted that these amendments would go to the Board on May 7, 2019.

Vacation Rental Referrals

Sec. 5.5.6.2(6)b of the *Archuleta County Land Use Regulations* provides that where rental property has not been in compliance with the Land Use Regulations or County ordinances, then the Director shall refer the application...to the Planning Commission for review at a Public Meeting.

Mr. Shepard explained that Christine Miller from Vacasa (which recently purchased Sunetha's short-term rental portfolio) was at the meeting as the Local Owner's Representative for two properties, 224 & 280 Bross Pl., upon which the department had received several written complaints as vacation rentals. Vacasa's corporate office has been working on getting their 100 plus permits in the system but the 2 on Bross are being expedited because of the neighbor complaints.

Mr. Shepard stated that Ms. Miller from Vacasa has been working on the violations and finishing up the application for these two properties. Both have been limited for maximum occupancy because of septic permits. Lighting violations have been addressed. PLPOA is still not satisfied with lighting on one property; the owner is concerned with lighting meeting ADA requirements for the handicap access ramp. The building and safety inspection 3/12/19 brought up a question if one of the bedrooms met the egress requirement as well, but with the restriction of the septic permit, those issue can be addressed in the future.

Chairman Frederick asked Ms. Miller if she had any comments? Ms. Miller stated that complaints about the trash were solved, since Vacasa is now picking up the trash from the properties. The bedroom that does not have egress has been locked so it can't be used. The light fixtures have been changed or are on 5 minute timers.

The Chair asked if both properties were now in compliance with the lighting and occupancy? Ms. Miller affirmed they were and that the owners understood the restrictions on the occupancy. Commissioner Hooton asked if the PLPOA lighting issue had been resolved and Ms. Miller stated a hearing was coming up soon. Commissioner Jensen asked Mr. Shepard how the County would follow up on the Occupancy? Mr. Shepard responded the vacation rental permit process is still a work in progress and until we catch up enforcement will be focus on renewals unless there is a complaint.

Commissioner Hooton then moved to recommend approval of the permits, with a copy of the advertising provided at renewal. Commissioner Shahan seconded, and the vote was 5-0.

Reports and Announcements:

Mr. Shepard asked the Commissioners to weigh in on the next part of the regulations to review. Floodplain Development Regulations would be the next one given direction from the former County Administrators and the County Commissioners. There was discussion about making it easier if we match the state and federal regulations. The Chairman directed Mr. Shepard to work with the new County Administrator to draft changes for Planning Commission review.

Mr. Shepard reported to the Commission that the County Administrators and Board of County Commissioners have directed staff to "lighten up" and streamline the regulations more. There was much discussion around these comments. from the BOCC regarding the commission was limitation by state statutes and following those mandates were important. Commissioners asked for more specific information on what the Board wanted to accomplish.

Vacation Rentals Permit Update:

Staff is close to approving the 100th vacation rental permit. The Planning Commission will be hearing a challenge by a property owner as to classification of "bedrooms".

Member Comments:

No comments.

Next Meeting:

April 10, 2019 Policy meeting was scheduled. The Chair decided to cancel this meeting.
April 24, 2019 Regular meeting

Adjourn: Commissioner Jensen moved to adjourn the meeting at 7:20PM. Commissioner Parker seconded. Vote 5-0 aye.

Approved this day of , 2019

Sherrie Vick
Planning Technician

Michael Frederick
Chairman