



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

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**Archuleta County Planning Commission Minutes, Regular Meeting May 22, 2019**

The Archuleta County Planning Commission held a meeting on Wednesday, May 22, 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, and Betty Shahan. Lisa Jensen had an excused absence.

**Staff in Attendance:**

John Shepard, AICP, Planning Manager; and Flora Goheen, Planning Technician

**Public in Attendance:**

John Finefrock - The Pagosa Sun; Ron Dunayant; TJ & Stacey Fitzwater; Dave Murrey – Murrey Land Surveying

**Consent:**

**Minutes for the April 24, 2019 meeting.**

Commissioner David Parker moved to approve the minutes with corrections. Commissioner Hooton second. Vote 4-0 aye.

**Old Business:**

**Vacation Rental Referrals and Appeals**

Property Owner Hans Vlieger applied for Vacation Rental Permit VR18-039, accepted 10/26/18, for 5 bedrooms at his home at 68 Poplar Ct. completed a Pre-Application Conference on 9/13/2018, early in the new short-term rental permitting process.. The Assessor's record shows 2 bedrooms. The submitted site plan sketched out 5 parking spots.

A Building Safety Inspection was scheduled for 1/28/19, with the Local Owner's Representative Rodrigo Lascas. The Inspector found 4 bedrooms and a "Loft Area" on the 3rd floor with no egress. Applicant (property owner) had also designated an area on the First Floor as a "Bedroom", which appeared more closely to a Rec Room, with a doorway to a regular bedroom/bath and direct access to the garage. On 2/28/19, Staff approved Vacation Rental Certificate VR18-039 with a Maximum Occupancy of 10 overnight guests—2 guests x 4 bedrooms + 2 guests in the dwelling overall—then initiated renewal application VR19-106.

Applicant appealed staff's determination that this Rec Room is not a "bedroom" for purposes of calculating Occupancy per bedroom (Sec. 5.5.6.3(2)a) for the Vacation Rental renewal. Planning staff have interpreted the language adopted in Section 5.5.6 of the Land Use Regulations as the program started up last year, and continue to review application requirements and implementation of performance standards.

Mr. Vlieger joined the meeting by telephone conference call. He explained that in his opinion the first floor middle "bedroom" in question follows building code criteria and has multiple direct fire exit accesses via the deck door, via the garage door, and also directly via two window openings to the deck as well. Mr. Vlieger stated the "bedroom" in question is by far the safest bedroom in the entire house. Mr. Vlieger also asked for clearer definitions of what a bedroom is, and to improve the review process.

Mr. Shepard noted a bedroom is defined as a room generally intended for sleeping, while a Rec Room is generally intended as a living room. He also agreed with Mr. Vlieger on the need for better definitions of a bedroom.

Anita Hooton moved to direct staff to change occupancy to 12 people. Chairman Fredrick ask if there was a second. Motion died for lack of second.

Betty Shahan moved to deny the consideration to increase occupancy from 10 to 12 people, David Parker seconded. Vote 3-1 aye.

**New Business:**

**Pagosa Meadows 2 Amendment 2019-01 Final Plat, A Replat Of Lot 83X, And Relocating Utility Easements (PLN19-191)**

Betsy C. Tidwell of Scottsdale, AZ, represented by Murrey Land Surveying, applied for final plat approval of the Pagosa Meadows Unit 2 Amendment 2019-01, a replat of Lot 83X Pagosa Meadows Unit 2 Amendment No. 2, reversing that

consolidation and creating Lots 82Z and 83XZ, and relocating unused utility easements (PLN19-191). The property at 2066 Meadows Dr., Pagosa Springs, is zoned Planned Unit Development (PUD). Pagosa Meadows Unit 2 was approved in 1971 and is within the Pagosa Lakes Property Owners Association (PLPOA). Lot 83X consolidated lots 82 and 83 by plat, Amendment No. 2 Pagosa Meadows Unit 2, approved in 1994. Reversal of a consolidation by plat must be accomplished with an Amended Plat.

The *Archuleta County Community Plan* of 2001, Future Land Use Map, designates this area for Low Density Residential development. The Meadows area, other than Unit 1, is zoned Planned Unit Development (PUD) with 55' setbacks on all sides. Since a garage has been built within what would become a setback if the plat restored the original property lines, this Amended Plat adjusts the shared side lot line to maintain essentially the same area for each new lot as on the original plat, similar to a Minor Lot Line Adjustment (MLLA). Mr. Shepard noted this is basically a lot line adjustment and will be treated as such.

#### 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 Tidwell request for final plat approval of the Pagosa Meadows Unit 2 Amendment 2019-01, a replat of Lot 83X Pagosa Meadows Unit 2 Amendment No. 2, reversing that consolidation and creating Lots 82Z and 83XZ, and relocating unused utility easements (PLN19-191), with no conditions.

David Parker moved to recommend approval to the Board of County Commissioners (BoCC) of the Pagosa Meadows Unit 2 Amendment 2019-01 with findings A & B of the staff report, seconded by Anita Hooton. Vote 4-0 aye.

Chairman Fredrick moved to recess the meeting at 6:45 pm, to review new documents. Fredrick reconvened the meeting at 7:04 pm.

#### **Public Hearing Of Last Resort RV Park & Campground Conditional Use Permit (CUP) Amendment, Tract 1 Of Hudson's Rio Blanco Subdivision #8 At 256 County Rd 339 (PLN19-170)**

TJ and Stacey Fitzwater, The Last Resort RV Park & Campground Inc., applied for a Conditional Use Permit (CUP) amendment to a Limited Impact Use, on Tract 1 of Hudson's Rio Blanco Subdivision #8 at 256 County Rd 339, Pagosa Springs, CO (PLN19-170). The proposal will add 8 new RV sites to the existing 20 RV and campground sites. The property is zoned Agricultural Estates (AE).

Applicants worked with the Planning Commission to review and update RV Park & Campground requirements, adopted by the Board of County Commissioners in Section 5.5.5 of the *Archuleta County Land Use Regulations* in June 2018. Recreational Vehicle Park is a Recreational, Board Conditional Use in the AE zone. A Campground is a Recreational Conditional Use also.

*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 can recommend conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4. For this project, a Pre-Application Conference took place March 14, 2019, and this application was accepted on April 24, 2019, after notice to the Applicants as required by Section 2.2.4.3 of deficiencies in completeness meeting Submittal Requirements of Section 3.2.3.2 for a CUP.

In 2003, Greg Comstock, then Director of County Development, approved a Limited Impact Use (LIU) to add a camp store for the RV Park & Campground, which converted to a CUP with adoption of countywide zoning in 2006. This application amends that approval; however, it is unclear which of the existing sites and other improvements are covered by the 2003 LIU, or developed since that permit was issued.

Section 5.5.5.5 of the Land Use Regulations sets out specific requirements for an RV Park or Campground, with other requirements in Section 5 Development Standards also applicable. Mr. Shepard explained that Applicants had not provided sufficient information to recommend approval, and the project is or appears to be out of conformance with several sections of the *Archuleta County Land Use Regulations*, as well as state law. This application was referred to local utilities for review, as provided in Section 2.2.5. Comments received prior to preparation of the staff report include:

- County Engineering accepted construction plans for the drainage study, and requested after construction, a signed and sealed letter from the design engineer stating the site was build according to approved plans.

- CDOT Region 5 requested an Access Permit application for County Rd 339, from Archuleta County if not required of the Applicant. The Public Works Director declined to pursue the request.
- CO DNR Lead Water Commissioner confirmed a current well permit for up to 30 RV sites.
- San Juan Basin Public Health has approved an updated OWTS permit for 6 additional sites. Riverbend – Not Whitewater
- Pagosa Fire Protection District had no objections.

One neighbor responded in writing in support of the application.

TJ Fitzwater explained that section 5.5.5.5 of the Land Use Regulations states” an accessible, adequate and safe sanitary sewage treatment system shall be provided to each RV Space/lot or Campground”. They interpret this to mean that there must be a functional and safe septic system on-site. The two dry sites will have water and electric available and be reserved for RV’s without septic holding tanks, i.e. Pop-up Campers, Truck Campers, CamperVans, Teardrops, Retros, etc. Fitzwater noted all RV’s with septic systems are designed for waste to be held in a holding tank for a time before they are emptied to allow the solids to dissolve. Tent sites have been available since 2002 when the business was purchased.

Mr. Shepard stated Brian Devine with San Juan Basin Public Health (SJBPH) reviewed the Onsite Wastewater Treatment System (OWTS) amendment as proposed. He did not inspect the two “dry sites”. Planning Commission members discussed CDOT and R&B Road standards. Bob Perry doesn’t have any issues with Hwy 84 access. Chairman Fredrick stated if the County Engineer sees no issues then the Planning Commission has no problems either. Shepard noted CDOT Access Permit is a provision of State law and is not discretionary.

#### RECOMMENDATION AND FINDINGS

Staff recommended that if based on evidence provided, the Planning Commission CAN determine the Applicants have met the goals and objectives of the Land Use Regulations, and then the Planning Commission could find that:

C. The application DOES meet the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and

D. The application DOES meet 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 request for the Last Resort RV Park & Campground Conditional Use Permit (CUP) Amendment, Tract 1 of Hudson’s Rio Blanco Subdivision #8 at 256 County Rd 339 (PLN19-170), with the following conditions:

#### Conditions of Approval:

1. Applicant shall submit documentation that no permits are required by the Colorado Department of Public Health & Environment (CDPHE) for domestic water service, prior to beginning operations.
2. Provide documentation domestic water will meet Section 5.5.5.5 requirement for water pressure.
3. The 2 “dry sites” shall be eliminated, or provided with water and sewer service as required by Section 5.5.5 of the Land Use Regulations.
4. Applicant shall address CDOT’s Access Permit requirement under Sec 5.3.3.
5. Provide a Floodplain Development Permit, documenting conformance of existing improvements with Section 10 Floodplain regulations, CWCB and FEMA requirements.
6. Provide a simple site plan for the full parcel showing how the project conforms with Development Standards in Section 5 of the Land Use Regulations. • Sec 5.2.1 Surface Water (wetlands/floodplain)
  - Sec 5.3.3 Roads
  - Sec 5.3.6 Utilities
  - Sec 5.4.4 Outdoor Lighting
  - Sec 5.5.5.1 Document extent of non-conformity
  - Sec 5.5.5.2 Area setbacks & buffers
  - Sec 5.5.5.3 Site improvements
  - Sec 5.5.5.4 Structures
  - Sec 5.5.5.5 Water & Sewer service
  - Sec 5.4.7 Vision Clearance Area (driveway)

After discussion, Anita Hooton moved to recommend Approval to the Board of County Commissioners, of the request for the Last Resort RV Park & Campground CUP, with the Findings C and D of the staff report, and new Condition #1 that the Applicant shall provide evidence from San Juan Basin Public Health (SJBPH) or Riverbend that sewage treatment is adequate for site design presented; Betty Shahan seconded. Vote 4-0 aye.

**Reports and Announcements:**

None.

**Member Comments:**

Chairman Frederick recommended the Planning members look to a future date to amend the RV Park sewage language.

**Next Meeting:**

Policy Meeting June 12<sup>th</sup> – Cancel and move date to work session with BoCC on June 21<sup>st</sup>

Work Session w/BoCC June 21 @ noon

Regular Meeting June 26<sup>th</sup> – Discuss work session w/BoCC

**Adjourn:** Commissioner Hooton moved to adjourn the meeting at 9:06 pm. Commissioner Parker seconded. Vote 4-0 aye.

Approved this      day of                      , 2019

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Flora Goheen  
Planning Technician

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Michael Frederick  
Chairman