



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting July 28, 2021

The Archuleta County Planning Commission held a meeting on Wednesday July 28, 2021 at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Commissioner McCauley called the meeting to order at 6:00 pm.

Commissioners in attendance:

Anita Hooton (by Zoom), Luke McCauley, and Mont McAllister were present, establishing a quorum. Richard Vihel joined late via Zoom after the vote on project (PLN21-056).

Staff in Attendance:

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

Public in Attendance:

Lorri Sullivan
Farman Shir (via Zoom)

Agenda Review:

There were no changes to the published Agenda.

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

Consent:

A. Approval of Meeting Minutes from 06/23/2021

There was not a quorum of the members who participated in the April 28th meeting, so the approval of these minutes was tabled until next month.

B. Legal Lot Certificate for Kyle and Toni Davis at X County Rd 600

C. Legal Lot Certificates (2) for Sara and Frederick Kaufman at 201 & 255 Owens Ct

D. Legal Lot Certificate for Karen Lugo at 5055 State Hwy 151

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

Old Business:

None

New Business:

A. Public Hearing of the Application for a Mini-Storage Conditional Use Permit (CUP) for Pagosa Secure Storage (PLN21-056)

Pamela Flowers, Development Director, advised that the applicant was currently operating an approved non-conforming mini-storage facility at the subject address of 80 Bastille Dr. This application was to add one building to the site and install additional improvements including paving throughout the site. Approval of this CUP would bring this property fully in-line with the standards in *Archuleta County Land Use Regulations* for this type of use. Commissioner Hooton indicated that there was not enough information provided with this application to verify full compliance with all the Commercial Development Standards from the Regulations.

Commissioner Hooton moved to Approve the CUP for Pagosa Secure Storage with the following conditions:

1. Applicant must submit written Drainage Report, prepared, signed and sealed by a licensed Colorado Engineer, that includes the calculations of the difference between the historic storm runoff and the post-development storm runoff.
2. Applicant must coordinate with the Pagosa Fire Protection District to ensure their access to the facility through locked gates at the site.
3. Applicant must submit proof that the site development will meet all the standards found in Section 5.4.1 of the *Archuleta County Land Use Regulations*.

Commissioner McAllister seconded the motion and it carried unanimously (3-0).

B. Discussion Regarding Possible ACLUR Amendments.

First, Director Flowers explained that the Regulations are silent regarding tent camping and long-term living in tents and other soft sided structures. The Regulations allow 120 consecutive calendar days per year non-commercial stays in recreational vehicles (RVs) on a parties own land with a Temporary Use Permit costing only \$50. There are concerns with simply allowing tents for the same period because tents do not have self-contained waste collection tanks, as RVs do. The discussion led to a desire to allow tent camping for up to 14 days without any permit, similar to what is allowed on Forest Service land. However, more information is needed from San Juan Basin Public Health Department to determine what parameters regarding solid and liquid human waste collection would allow the same 120 consecutive calendar stays. Staff will gather this information and draft recommended language for review, possibly as early as the August Planning Commission Meeting.

The other topic for the Commissioners to consider whether or not ACLUR Amendments are warranted was that of accountability for Vacation Rental Property Managers. There have been many cases where violations found on Vacation Rentals can be traced directly to intentional non-compliance on the part of Property Managers. For instance, there have been multiple unpermitted Vacation Rentals that are managed by a Property Manager who has other permitted properties. This property manager knows these units are operating in violation of the Regulations, but has taken no step to get them properly permitted. In another instance, the property manager falsely submitted “draft” advertising that is compliant with required bedroom and guest limitations, while the live advertising for the home reflected too many bedrooms and guests. These are both willful acts on the part of the property managers, not the homeowners. Currently, the best enforcement actions the County has available will impact property owners who are not the ones taking the unlawful action. The consensus of the group was that hitting the property owners hard while ensuring they know the role of the property manager in the violation was the best choice. This will hopefully motivate the property owners to use a different property manager who does follow the rules. The only ACLUR amendment recommended would be to include clarifying language regarding the accountability of the operator of a permitted use being equal to that of the owner.

Member Comments:

None

Next Meeting:

The next meeting will be held at 6pm on August 25, 2021.

Adjourn:

Motion to adjourn made by Commissioner McAllister and seconded by Commissioner Vihel. Vote was unanimously “Aye.”

Commissioner McCauley adjourned the meeting at 6:58 pm.

Approved this 22nd day of September, 2021

**Pamela Flowers
Development Director**

**David Parker
Chairman**