



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting March 23, 2022

The Archuleta County Planning Commission held a meeting on Wednesday March 23, 2022 at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chair Richard Vihel called the meeting to order at 6:00 pm.

Commissioners in attendance:

Richard Vihel, Adam Buttons, Peter Beaudry, and Mont McAllister were in attendance, establishing a quorum.

Staff in Attendance:

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

Public in Attendance:

Zana Crawford - Applicant

Agenda Review:

There were no changes to the published agenda recommended.

Commissioner Buttons moved to approve the Meeting Agenda, as presented. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).

Consent:

Review and Approval of the Meeting Minutes for February 10, 2022 and February 23, 2022 meetings.

Commissioner Buttons moved to approve the Consent Agenda, as presented. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).

Old Business:

None

New Business:

A. (IDP22-023) Consideration and Approval of a Certificate of Legal Lot Status for CD Garcia at X US Hwy 84

The Director explained that the *Archuleta County Land Use Regulation* requires that any Legal Lot Certificate which is approved with conditions must be reviewed as part of the New Business Agenda at the Planning Commission. In this instance, the Applicant must seek a permit from Colorado Department of Transportation for access to the parcel, or find some other means of access. The condition for proof of access will be required before the Legal Lot Certificate can be issued.

The Applicant was not present.

Commissioner McAllister moved to Approve IDP22-023, Garcia Certificate of Legal Lot Status, with finding A and condition 1, as presented. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).

B. (PLN22-017) Public Meeting for Final Plat Approval of the Fairgrounds Minor Impact Subdivision Amendment 2022-01, Minor Lot Line Adjustment

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. Further, she explained that Minor Lot Line Adjustments are only required to be heard at a public meeting with no public notice requirements, rather than public hearing.

Director Flowers also explained that this plat is being completed under the terms of the Rodeo Grounds and Fairgrounds Joint-Use and Development Agreement between the owners of the two lots, Board of County Commissioners and Western Heritage Event Center Inc. The purpose is to fully transfer ownership of the recently completed Hughes Pavilion Arena to the County, as per this agreement. The Final Plat underwent a thorough review by the Planning Staff, other County Departments, and several outside agencies. There were conditions recommended after that review.

The Applicants were not present.

Commissioner McAllister pointed out an error in the proposed amendment in the Staff Report, so an amendment to that motion was proposed.

Commissioner Buttons moved to recommend approval of PLN 22-017, the Fairgrounds Minor Impact Subdivision Amendment 2022-01, being a Minor Lot Line Adjustment of Lots 1M and 2M to create Lot 1MZ and Lot 2MZ, with finding A and conditions 1-5, as presented. Commissioner McAllister seconded the motion and it carried unanimously (4-0).

C. (PLN22-003) Public Meeting for Final Plat Approval of the Martinez Mountain Estates Amendment 2022-01, Minor Lot Line Adjustment

The Director presented the staff report for this Minor Lot Line Adjustment Plat Amendment. The regulatory requirements are the same as for the prior MLLA petition. The purpose of this adjustment is to reconfigure the dividing lot line between the two parcels, allowing the owners to construct a home without having to remove mature trees from their property. The Final Plat underwent a thorough review by the Planning Staff, other County Departments, and several outside agencies. There were conditions recommended after that review, but the applicant completed them all prior to the Planning Commission meeting, leaving no conditions needed for this approval.

The Applicants were present and offered no additional details for consideration.

Commissioner McAllister moved to recommend approval of (PLN22-003), the Martinez Mountain Estates Amendment 2022-01 Final Plat, being a Minor Lot Line Adjustment of Lots 21 and 21 to create Lot 21Z and Lot 22Z, with finding A, and no conditions 1-5, as presented. Commissioner Buttons seconded the motion and it carried unanimously (4-0).

D. (PLN22-010) Public Hearing for the Paradise Ranch Lodging Conditional Use Permit

The Director explained that the Paradise Ranch had been operating their business under a Use-By-Right Approval Letter that was issued in error by the previous Development Director. The use category he had selected was not applicable to commercial operations, so it would be inappropriate for this operation. Therefore, the Applicants are proceeding with the Conditional Use Permit process to ensure their business is properly permitted.

Next Meeting:

April 27, 2022 at 6:00 pm

Adjourn:

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

Chairman Vihel adjourned the meeting at 7:02 pm.

Approved this 27th day of April, 2022.



**Pamela Flowers
Development Director**



Chairman

The Paradise Ranch operations underwent a thorough review and inspection by the Planning Staff, other County Departments, and several outside agencies. There are conditions recommended after that review. There was one amendment to the recommended conditions changing the maximum guest limit for the lodging establishment from a limit of ten (10) guests to twelve (12) guests, based on the fact that the Applicants themselves do not reside at the location concurrently with guest stays.

The Applicant was present and offered an answer to a question from Commissioner Beaudry regarding sewage system capacity for wedding guests, which number over 100 at times. The Applicant indicated that they have portable johns on site for the use of wedding guests who do not lodge on site. Director Flowers pointed out that this is one factor in the very long list found on the Standards and Criteria Review Matrix that was marked as having met the standards because these johns were observed during the physical inspection conducted by Staff.

Only one written public comment in support of this permit was received from an adjacent neighbor, and no written comments against at all. No public comment was made during the meeting.

Commissioner McAllister moved to Approve (PLN22-010), the Paradise Ranch Lodging Conditional Use Permit, with findings A, B, and C, and conditions 1-10, as amended. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).

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

The Director and update to the proposed language regarding personal use and medical caregiver marijuana cultivation in the County. The changes reviewed were to streamline the language a bit from the first draft and to clarify that the plant count limits and standards only apply to cultivation of marijuana plants and not to other types of gardening.

Additionally, she emphasized that the requirement to cultivate marijuana inside an “enclosed, locked building” is in the regulations today—this was not an add. But in this version of language, she has removed the reference to membrane structures and replaced it by saying the building must be non-temporary and must comply with the building code.

The Director also emphasized that the setback number was set at 50 feet specifically to limit personal growth of marijuana on smaller lots. Other communities that have implemented these types of regulations have chosen to prohibit marijuana cultivation in residential districts. If we went this route, we would effectively ensure it can only be grown in agricultural and commercial districts. But there are many larger lots inside our residential zoning districts which could meet the 50-foot setback and safely cultivate their own marijuana. She added that there is a possibility of adding an additional type of variance for these requirements at a lower cost, if the BoCC felt that was needed.

Finally, the Commissioners asked for further clarification and emphasis ensuring that the primary method of enforcing these regulations would be Code Enforcement, not Law Enforcement.

Commissioner McAllister moved to recommend approval of these proposed amendments to the Board of County Commissioners, as amended during the discussion. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).

Member Comments:

Commissioner Buttons stated that the implementation of common sense personal marijuana cultivation regulations was an important way to manage this issue and prevent problems for all.