



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

**Archuleta County Planning Commission Minutes, Regular Meeting April 27, 2022**

The Archuleta County Planning Commission held a meeting on Wednesday April 27, 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, Peter Beaudry, Luke McCauley, 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:**

Debbie Rice  
Bonita and Robert Cumberworth  
Rob and Lisa Foster  
Bill Hudson  
John Detzler  
Michael Marx

**Agenda Review:**

Commissioner Beaudry suggested adding a public comment section to the end of the agenda prior to the commissioner's comments section.

**Commissioner Beaudry moved to approve the Meeting Agenda, with this change. Commissioner McAllister seconded the motion and it carried unanimously (4-0).**

**Consent:**

**Review and Approval of the Meeting Minutes for the March 23, 2022 meeting.**

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

**Old Business:**

None

**New Business:**

**A. (PLN22-022) Public Hearing for Final Plat Approval of the Pagosa Hills Subdivision No. 4 Amendment 2022-01**

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.

Director Flowers also explained that the Applicant, Darlene Peterson, is seeking to create an additional parcel as there had been prior to an earlier consolidation. In this case, however, the dividing line between the two lots will be in a slightly different location due to the home that has been built.

The Final Plat underwent a thorough review by the Planning Staff, other County Departments, and several outside agencies. There were several conditions recommended after that review. The County Surveyor was unable to review the plat due to an email malfunction, so Director Flowers recommended adding a condition that any comments or concerns from the County Surveyor will be added before the report is presented to the Board of County Commissioners. The Applicant was not present and there was no public comment regarding this petition.

**Commissioner McCauley moved to recommend approval of PLN 22-022, the Pagosa Hills Subdivision No. 4 Amendment 2022-01, being a Replat of Lot 8X to create Lot 4Z and Lot 8XZ, with finding A and conditions 1-13, as presented. Commissioner McAllister seconded the motion and it carried unanimously (4-0).**

**B. (PLN22-025) Public Meeting for Final Plat Approval of the Lake Forest 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 previous Plat Amendment petition. 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.

The purpose of this adjustment is to move the lot line to finalize a land swap between the Applicants, Frank Estes and the Foster Family Trust. 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 again the County Surveyor was unable to complete his review prior to this meeting. And again, an additional condition is recommended to ensure those comments are included prior to the Board of County Commissioner's review.

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

**Commissioner Beaudry moved to recommend approval of (PLN22-025), the Lake Forest Estates Amendment 2022-01 Final Plat, being a Minor Lot Line Adjustment of Lots 510X and 512 to create Lot 512XZ and Lot 512Z, with finding A, and no conditions 1-3, as presented. Commissioner McAllister seconded the motion and it carried unanimously (4-0).**

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

The Director brought forth for the third reading in this forum the recommended language for the amendment to the Land Use Regulations regarding the cultivation of personal use and medical caregiver use marijuana plants. This revision contains notable changes removing the requirement for a "building" for cultivation by changing that to "space", adding the fact that any Use-by-Right Review for personal medical use or medical caregiver use would be a no cost review, and removing the 50-foot setback from property lines.

After some discussion, the Planning Commissioners suggested adding a clarification that any cultivation that is secured by a fence would require a fence of a minimum of five (5) feet in height, which was added.

**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).**

**Public Comments:**

Director Flowers opened this section of the meeting by explaining that she had made an error in the letter which was sent out to neighbors as part of the "mailed notification" step of Public Notice requirements for the Paradise Ranch Conditional Use Permit petition which had been heard at last month's meeting. The letter had wrongly informed neighbors that the hearing for the CUP would be held on April 27, 2022 rather than March 23, 2022, as it had been. These people had shown up at this meeting in good faith to make comment about their concerns regarding the possible approval of the Lodging CUP for the Paradise Ranch location. For that reason, Director Flowers recommended we hear their comments, and then she would seek advice from the County Attorney on how to move forward on this matter as a result of the error.

Next, comments from four members of the public were heard regarding the Lodging Conditional Use Permit for Paradise Ranch. Three individual live along the Blanco River across Hwy 84 from the Applicant's property and provided comments against the permit, citing concerns about traffic dangers on US Hwy 84, noise in the valley during the wedding events, and trash left behind by wedding guests. The fourth individual providing comment shares an entrance driveway with Paradise Ranch off of Hwy 84 and expressed strong support for the business having no complaints about noise, trash, or traffic regarding this operation.

**Commissioner McCauley moved to table further discussion regarding this matter until the County Attorney could provide advice on how to proceed. Commissioner Beaudry seconded the motion and it carried unanimously (4-0).**

**Member Comments:**

Commissioner Beaudry thanked both the Planning Department and the County Commissioners for supporting the idea that for personal medical and caregiver medical marijuana applicants, a Use-by-Right review would be at no cost.

**Next Meeting:**

**May 25, 2022 at 6:00 pm**

**Adjourn:**

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

**Chairman Vihel adjourned the meeting at 6:53 pm.**

**Approved this 25th day of May, 2022.**

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**Pamela Flowers  
Development Director**

  
**Richard Vihel  
Chairman**

