



Archuleta County
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MEMORANDUM

TO: Archuleta County Planning Commission
FROM: John C. Shepard, AICP; Planning Manager; **Flora Goheen, Planning Technician**
DATE: August 28, 2019; **Continued to September 25, 2019**
RE: Crowley Ranch Tract B PUD Development Plan (PLN19-370)

EXECUTIVE SUMMARY

Kelley Barsanti, KEL-CAM, Inc., of Redlands, CA, represented by Ron Barsanti of Pagosa Springs, has applied for a PUD Development Plan by rezoning Tract B, Replat of Crowley Ranch Reserve Phase 1, at 25550 S. US HWY 84 (**re-addressed as 270 Ronnie's Ct.**). The property is zoned PUD with no specific plan (no covenants in place). The proposed Development Plan will establish standard Agricultural and Commercial uses in conformance with the *Archuleta County Land Use Regulations*, with modifications (case file PLN19-370).

This item was opened for public hearing at the Planning Commission's meeting on August 28th, and continued to September 25th.

REVIEW PROCEDURE

The *Archuleta County Land Use Regulations* (Section 3.1.6) provides for the Planned Unit Development (PUD) zone district as a flexible and innovative alternative to standard zoning districts. New development in the PUD zone requires a Development Plan, which outlines detailed standards such as use, setbacks, density, etc., as they may depart from typical standards. A Development Plan is adopted by a Rezoning application, as provided in Section 3.1.7. Applicants completed a Pre-Application Conference on November 9, 2018.

Public notice was published in the *Pagosa Springs Sun*, posted on site, and mailed to adjacent property owners (500' radius) as required, and posted at the entrance of Crowley Drive from HWY 84 in addition.

DISCUSSION

Crowley Ranch Reserve was originally platted in 1990 as a conservation development on the historic Tierra Amarilla land grant near Chromo on US HWY 84 south of the Navajo River. Relatively small circular building envelopes were surrounded by common lands in open space owned by the Crowley Ranch Reserve Homeowners' Association. A re-plat approved by the

Board of County Commissioners in 1993 reduced the number building envelopes in Phase I and giving them more fee simple area. Originally, the 3.08-acre Tract B was intended to be dedicated for public purposes, at the intersection of Crowley Drive and US HWY 84. The re-plat created a 5-acre Tract C along County Rd 382, where the Fire Station is now located, which apparently fulfilled the public use obligation for the Major Subdivision. (The open space was apparently counted as a public purpose for the later phases.) Tract B was exempted from the Crowley Ranch covenants by the developer (which included Mr. Barsanti). A small modular building on Tract B has served as a Real Estate Office for the Crowley Ranch development.

Crowley Ranch Reserve Phase III was approved in 1997 and developed southeast of Phase I (a 35-acre survey west across US HWY 84 is also known as Phase II). Crowley Ranch Reserve Phase IV was then approved in 2005, behind the earlier phases. At that time, CDOT required the original Crowley Drive to be relocated southeast of the original location, cutting off direct access from HWY 84 to Tract B and the real estate office relying on “backage” access via the relocated road. The 2003 CDOT Access Permit anticipated:

- Maximum 84 single-family dwellings
- A 60-seat restaurant
- 4,000 sq. ft. general office building
- Hot springs and spa (max. occupancy 20)

The dead-end serving Tract B was recently renamed Ronnie’s Ct. by Board Resolution 2019-68.

The *Archuleta County Community Plan* provides for Low-Density Residential Areas (primarily agricultural) and Village Centers such as Chromo, where further development may be appropriate if (and when) infrastructure can be provided. The 2001 Future Land Use Map includes a red star for the Chromo Village Center generally centered on the historic one-room country school, where the HWY 84 crosses the Navajo River near the intersections of County Rd 382 & 391. This is also the general location of the historic store and post office, approximately 2 miles below Crowley Ranch Reserve. The *Community Plan* encourages innovative economic development that is compatible with existing land use.

- Policy 4.1—Archuleta County provides a rich environment for entrepreneurial activity, and retention and expansion of local business.
- Policy 6.1—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.
- Policy 6.2—New development will be compatible with adjacent, existing agricultural uses in rural areas.
- Policy 6.4—Encourage development on existing, platted lots and discourage subdividing large parcels.
- Policy 6.6—Locate new commercial development in designated areas to minimize commercial strip development.

Section 3.1.6 of the *Archuleta County Land Use Regulations* provides for Planned Unit Development (PUD) referring to both a type of customized zoning district, and a type of customized subdivision. The Crowley Ranch Reserve Phase I plat pre-dates the unified Land Use Regulations by many years, but is the sort of development contemplated as a PUD. Then when county-wide zoning was adopted in 2006, while much of the Chromo area was zoned

Agricultural/Ranching (AR), the Crowley Ranch Reserve development was classified as a PUD Zoning District, the only developed PUD on Highway 84. As described in Section 3.1.6.1, the PUD zone is intended to be generally consistent with the High Density Residential Future Land Use designation, such as in much of the Pagosa Lakes Property Owners Association. However, Section 3.1.6.4 also provides for a Conservation PUD in AR zoned areas such as the Chromo area.

For those previously developed subdivisions zoned PUD, the existing covenants were incorporated informally by reference. For parcels zoned PUD without covenants in place in 2006, any new development is predicated on approval of a “Final PUD” Development Plan designating Development Standards, which is the process under consideration in this proposal.

Applicant’s Development Plan

Applicant describes their proposed PUD Development Plan for Tract B in their Narrative. In summary, they propose allowed land uses in reference to standard Agricultural, Residential, Commercial, Industrial, Recreational and Other land use categories allowed in Agricultural and Commercial zoning districts by Table 3: Uses by Zoning District, in the *Archuleta County Land Use Regulations* as currently revised, with modifications. Any proposed use would go through Land Use Permit review as specified in the proposal, as Use by Right, Conditional Use, or Board Conditional Use.

The proposed PUD Development Plan also references the standard Commercial dimensional standards in Table 4: Zone District Standards, with modifications. Otherwise, the standard Development Standards in Section 5 would apply for the type of use (i.e. Agricultural vs. Commercial) proposed in the future.

Approval Criteria

Approval Criteria for a Planned Unit Development are outlined in Section 3.1.6.3:

- (1) The location, character and intent of the PUD shall be consistent with the Community Plan.
- (2) The PUD shall be compatible with the scale, intensity and type of uses located on adjacent property.
- (3) The PUD shall preserve at least fifty (50) percent of the area as open space.
- (4) The PUD shall provide for variety in housing types, price and ownership forms.
- (5) The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.
- (6) The design and layout of the PUD shall protect unique natural features and will not cause significant degradation of the environment.
- (7) The PUD shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
- (8) The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.
- (9) The PUD shall provide recreational opportunities and amenities to residents of the PUD.

- (10) Each phase within a PUD shall be planned so that failure to proceed to the next phase of the PUD will not have a significant adverse impact on the PUD or its surroundings.

Section 3.1.6.4 provides for a Conservation PUD, including:

- (5) Subdivided lots created through the Conservation PUD process shall be screened, clustered or distributed in such a manner as to minimize any visual and/or environmental impacts, maximize access to and use of existing roads and utilities, and maintain the rural character of the area.

In a PUD, the Board of County Commissioners may waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use or zoning district.

Application Review & Public Comment

This application was referred to local utilities for review, as provided in Section 2.2.5.

Comments received at this time include:

- County Engineering noted Crowley Drive is a private road (dedicated on the plats to the Owners Association for public use).
- CDOT Region 5 noted that the commercial activities noted in the 2003 Access Permit will need to be amended before further development of Tract B. At that time, the Applicant would at minimum need to provide a brief narrative describing specific activities.
- Pagosa Fire Protection District had no objection.

The Crowley Ranch Reserve Owners Association Board of Directors and several Crowley Ranch property owners submitted comments (Appendix B) in opposition to the proposed PUD Development Plan. The Owners Association contends that:

- 1) Applicant misrepresented CRROA support. *While staff always encourages developers to seek the Owners' Association support prior to application, it is not required where covenants are not in place.*
- 2) Applicant misrepresented current, past and future use of the property. *The Application is clear that the existing Real Estate Office is a pre-existing Commercial land use under the zoning and the CDOT access permit included commercial uses. They also are following the proper procedures to establish Development Standards for future use— whether those proposed Standards are appropriate is the subject of the public hearings.*
- 3) Conflicts with the Archuleta County Community Plan. *The Community Plan is aspirational and open to interpretation. While the proposed Development Standards could be considered Mixed Use encouraged for a Village Center, the plan is vague on how broad an area is covered by the Village Center star on the map.*
- 4) Conflicts with the Archuleta County Land Use Regulations. *Mixed use is a primary feature of a Planned Unit Development, but not as clearly considered as a Conservation PUD. The process for adopting covenants by reference, and the conflict between stand-alone PUD mapping and provision for Agricultural/Ranching underlying zoning do need to be resolved but that should not be the responsibility of the Applicant.*

- 5) Conflicts with the Regional Parks, Recreation, Open Space and Trails Master Plan. *This award-winning plan was adopted in 2007, but has not been updated or reviewed in some time.*
- 6) Potential unforeseen consequences. *The Owners Association and property owners expressed concern that the Board and/or Administration may reduce the rigor of review (or simply eliminate permitting) for Change of Use of non-residential property.*
- 7) Concerns with Land Uses in Table 1. *The Owners Association objected to certain listed uses:*
 - Marijuana Establishments (Industrial Use by Right)
 - Bar or Tavern (Commercial Use by Right)
 - Mobile Home Park (Residential Board Conditional Use)
 - RV Park (Recreational Conditional Use)
 - Campground (Recreational Conditional Use)
 - Gasoline Station (Commercial Conditional Use)
 - Large Retail/Service >25,000 sf (Commercial Board Conditional Use)
 - Truck Stop (Industrial Conditional Use)
 - Vehicle Minor Repair (Commercial Board Conditional Use)
 - Vehicle Major Repair (Industrial Board Conditional Use)
- 8) Reasonable expectations of property owners. *Phase I of Crowley Ranch Reserve was platted in 1990, well before zoning was anticipated in Archuleta County. Tract B was specifically exempted from the covenants by the developer. It could be argued that at this time, there is no use restriction in place—the property owners are voluntarily placing themselves within the land use restrictions proposed.*

The criteria in Section 3.1.6.3 of the Land Use Regulations guide a decision to approving a Planned Unit Development (PUD), along with Section 3.1.7.3 for Rezoning. Applicant provides their case for the proposal in their Narrative (attached).

Staff has reviewed comments received to date, and has drafted some changes in a revised Development Plan as a compromise proposal:

- 1) In Table 1, move Vineyard and Tasting Room from Commercial to Agricultural Use as Conditional Use. This and other new uses—Small Scale Ag Processing, On-Farm Retail Sales, Micro-Brewery & Tap Room—are not currently defined in Section 11.
- 2) In Table 1, adjust uses to which the Owners Association objects.
 - Prohibit Marijuana Establishment, Large Retail/Service, Truck Stop, or Vehicle Major Repair
 - Remove Mobile Home Park (minimum 5 acres in Table 4)
 - Prohibit Recreational Vehicle Park (minimum 5 acres in Section 5.5.5.2),
 - Increase review for Bar or Tavern, Micro-Brewery & Tap Room, Gasoline Station, and Mixed Use to Board CUP, to allow potential for Mixed Use development providing local services; Vehicle Minor Repair (often a necessary local service) is proposed as a Board CUP.
 - Restore short-term rentals to Administrative Conditional Use (same Vacation Rental permit as everywhere else in the county).

- 3) In Table 2 (referencing Table 4), adjust setback to meet the standard Highway 84 Landscape Buffer of 40’.

After the Planning Commission’s public hearing was continued, staff continued to work with Applicants to refine their proposal, and with the Property Owners association to seek consensus.

Working with Applicants, staff have drafted proposed definitions based on land use regulations in communities with active value-added agricultural operations, including Sonoma County, California:

- **On-Farm Retail Sales** (in contrast to the more temporary Farm/Ranch Stand): A small retail facility for sales of raw and processed agricultural products, principally grown on-site. Goods grown and/or processed off-site may be permitted as Accessory to the Principal use.
- **Small Scale Ag Processing:** A small processing facility for agricultural products produced principally on-site, as an alternate to typical Light Industrial processing.
- **Vineyard and Tasting Room:** On-farm production and processing of grapes, grape juice and/or vinous spirits. May include a retail food facility in which one or more agricultural products grown or processed in the County, including alcoholic beverages, may be tasted and sold (i.e. small-scale winery).

The Planning Commission and staff had also previously considered modifications to Industrial (processing) and Restaurant definitions and development standards for breweries, wineries and distilleries. Modest modifications were adopted with Text Amendments in May 2018, including provisions for Micro-breweries as Light Industrial uses.

- **Micro-Brewery and Tap Room:** Facility for production of less than 15,000 barrels of beer annually, as an alternate to typical Light Industrial processing. May include a retail food facility where alcoholic beverages produced on-site are sold. Sale of beverages produced off-site may be permitted as Accessory to the Principal use.

RECOMMENDATION AND FINDINGS

If based on evidence provided, the Planning Commission concludes the Application meets criteria for approval, then staff recommends the Planning Commission find that:

- A. The application does meet the review criteria for development in a Planned Unit Development (PUD) zone, in Section 3.1.6 of the *Archuleta County Land Use Regulations*, and
- B. The application does meet the review criteria for rezoning, in Section 3.1.7 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the PUD Development Plan by rezoning Tract B, Replat of Crowley Ranch Reserve Phase 1, at 25550 S. US HWY 84 (to be re-addressed on Ronnie’s Ct. (PLN19-370), with the following conditions:

1. Table 1 “Proposed Permit Type by Use” of the proposed Tract B PUD Development Plan shall be as revised by Staff.

2. Table 2 “Proposed Zoning Standards” of the proposed Tract B PUD Development Plan shall be as revised by Staff.
3. Table 3 “Definitions” of the proposed Tract B PUD Development Plan shall be as revised by Staff.

OR

If based on evidence provided, the Planning Commission concludes the Application DOES NOT MEET criteria for approval, then staff recommends the Planning Commission find that:

- C. The application does NOT meet the review criteria for development in a Planned Unit Development (PUD) zone, in Section 3.1.6 of the *Archuleta County Land Use Regulations*, and
- D. The application does NOT meet the review criteria for rezoning, in Section 3.1.7 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission DOES NOT recommend approval of the PUD Development Plan by rezoning Tract B, Replat of Crowley Ranch Reserve Phase 1, at 25550 S. US HWY 84 (to be re-addressed on Ronnie’s Ct. (PLN19-370).

PROPOSED MOTION

I move to recommend APPROVAL of the Crowley Ranch Tract B PUD Development Plan, with Findings A & B and Conditions #1-3 of the staff report.

OR

I move to recommend DENIAL of the Crowley Ranch Tract B PUD Development Plan, with Findings C & D of the staff report.

ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Review Comments (updated)

Attachment 3: Applicant Narrative

Attachment 4: Current Improvement Location Certificate (Site Plan)

Attachment 5: Proposed Development Plan (Tables 1, 2 & 3) 8/30/19