



Archuleta County
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MEMORANDUM

TO: Archuleta County Planning Commission
Archuleta County Board of County Commissioners

FROM: Brad Callender; Development Director

DATE: May 20, 2020

RE: Strohecker Asphalt & Paving, Board Conditional Use Permit (CUP) at 300 County Road 302 (PLN20-101)

EXECUTIVE SUMMARY

Strohecker Asphalt & Paving, represented by Reynolds Ash and Associates, has applied for a Board Conditional Use Permit on property located at 300 County Road 302 (PLN20-101). The property is zoned Industrial (I). The proposal is to add a concrete batch plant at an existing asphalt batch plant operation. Concrete batch plants and asphalt batch plants are permitted in the Industrial zoning district as a Conditional Use. The Planning Commission is considering the request for recommendation to the Board of County Commissioners.

REVIEW PROCEDURE

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. As provided in *Archuleta County Land Use Regulations* Section 3.2.3.1(3), the Board of County Commissioners will make the final determination for a Board Conditional Use Permit, with a recommendation by the Planning Commission. The Board of County Commissioners and the Planning Commission must consider the Review Criteria and Necessary Findings outlined in Sections 3.2.3.4 and 3.2.3.5 of the *Archuleta County Land Use Regulations*.

Public notice was provided for the application with a publication in the *Pagosa Springs Sun*, a sign posting on the site, and a mailed notice to each neighboring property owner located within 500 feet of the site as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*.

DISCUSSION

The applicant proposes to add a concrete batch plant to an existing site with an operational asphalt batch plant. Asphalt batch plants and concrete batch plants are conditional uses in the Industrial zoning district. When the asphalt batch plant began operation in 1999, the County did not have any adopted zoning regulations. The current asphalt batch plant is technically grandfathered under the current regulations. In order to allow a concrete batch plant to be added

to the site, the owner must now request approval of a Board Conditional Use Permit to enable the site to be in compliance with the current regulations.

The asphalt batch plant site is owned and operated by Strohecker Asphalt & Paving. The site is approximately 11-acres in size. The site is currently unpaved. The perimeter of the site includes fencing and earthen berms. The concrete batch plant will be operated by Pagosa Redimix. The concrete batch plant will lease approximately 2 acres near the center of the 11-acre site. The applicant proposes to upgrade the existing ponds on the site to comply with state emission control standards.

Future Land Use Review

The Future Land Use Map in the *Archuleta County Community Plan* of 2001, designates the area around the subject property as Commercial and Industrial. The Future Land Use Map also designates an urban service overlay for the area around the site as Tier 2 for future development. Tier 2 indicates the site is in an area with 2 of 3 immediate development assets which include availability of domestic water, proximity to arterial or collector roads or state highways, and parcel size and subdivision status. The existing batch plant operation and proposed expansion complies with the underlying intent of the Future Land Use Map.

Referral Agency Reviews

This application was referred to local utility & regulatory agencies for review, as required in Section 2.2.5 of the *Archuleta County Land Use Regulations*. Those received prior to preparation of this staff report include:

- Archuleta County Engineering had no objections to the CUP request.
- The Pagosa Fire Protection District had no objections to the CUP request.
- La Plata Electric Association had no comment for the CUP request.
- The Colorado Division of Water Resources stated the project can be served by the Pagosa Area Water and Sanitation District for water needs. Future water demands not provided by PAWSD will require additional review by CDWR.

Other agencies such as Pagosa Area Water and Sanitation District (PAWSD), the Colorado Department of Transportation (CDOT), and the Town of Pagosa Springs were solicited for comments, but at this time of report the only agencies to respond are identified above.

Conditional Use Permit Review Standards

A Conditional Use is a use allowed in a zoning district only when the Applicant can demonstrate how they will mitigate any potential impacts on the community. The Planning Commission's review criteria in Section 3.2.3.4 include:

- (1) The relationship and impact of the use on the development objectives of Archuleta County.
- (2) The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3) The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.

- (4) The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5) The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6) The effect of the use upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Planning Commission must make necessary findings under Section 3.2.3.5:

- (1) That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2) That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Review Summary

Staff believes the CUP application meets the review criteria required for granting a Conditional Use Permit. The current asphalt batch plant operation has existed on the site since 1999. There are no nuisance complaints on file regarding the existing asphalt batch plant operations. Dust and odor are typical impacts of asphalt and concrete batch plant operations. In this case, dust generated on the site does not appear to negatively impact neighboring properties and odor generated from asphalt production appears to be limited in frequency and does not generate any complaints from neighboring properties.

RECOMMENDATION AND FINDINGS

Based on evidence provided, if the Applicant has met the goals and objectives of the Land Use Regulations, then **the Planning Commission would find that:**

- A. 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
- B. 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 Strohecker Asphalt & Paving request for a Conditional Use Permit (CUP) located at 300 County Road 302 (PLN120-101), **as submitted without conditions.**

PROPOSED MOTION

Motion to recommend approval of the Strohecker Asphalt & Paving Conditional Use Permit with the Findings A and B of the Staff Report.

ATTACHMENTS

Attachment 1: Maps

Attachment 2: Referral Agency Comments

Attachment 3: Narrative

Attachment 4: Site Plan

Attachment 4: Building Elevations