



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting May 26, 2021

The Archuleta County Planning Commission held a meeting on Wednesday May 26, 2021 at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Vice Chair Anita Hooton called the meeting to order at 6:00 pm.

Commissioners in attendance:

Anita Hooton, Luke McCauley, Richard Vihel, were present at the beginning of the meeting to establish a quorum. Mont McAllister arrived after the first New Business agenda item was concluded.

Staff in Attendance:

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

Public in Attendance:

None

Consent:

A. Approval of Meeting Minutes from 04/28/2021

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 Forest and Jaclyn Bramwell at 118 County Rd 139

C. Legal Lot Certificate for the Little Family at 10210A County Rd 500

D. Legal Lot Certificate for Richard L. Gonzales at 3700A County Rd 600

E. Legal Lot Certificate for James and Nancy Smith at 8751 County Rd 600

F. Legal Lot Certificate for Mitchell Soiland at 4101 County Rd 335

Commissioner Vihel moved to approve the consent agenda as presented. Commissioner McCauley seconded the motion and it carried unanimously (3-0).

Old Business:

None

New Business:

A. Consideration and Approval of a Legal Lot Certificate for Jack B. Searle at 3700B County Rd 600 (IDP21-039)

Pamela Flowers, Development Director, advised that the application for Legal Lot Status had been reviewed by the Development Services Director and found that there is a Building Code Violation on the parcel. Resolving this issue is a recommended condition of approval for this Applicant.

Commissioner Vihel moved to approve the Legal Lot Certificate for 3700B County Rd 600 with the recommended condition. Commissioner McCauley seconded the motion and it carried unanimously (3-0).

B. Public Meeting Regarding a Vacation Rental Permit Renewal Application for Pamela and Scott Horton at 184 E. Log Hill Rd, Pagosa Springs (#002012)

Pamela Flowers, Development Director, advised that the application for Vacation Rental Permit had been referred to the Planning Commission because the previously permitted property owners had ignored several promptings in early 2020 regarding the requirement to renew their permit. This lack of compliance resulted in

the referral to the Planning Commission for approval. Staff recommended one condition limiting the number of bedrooms for the rental to six (6) to align with their septic system permit limits.

Commissioner McCauley moved to approve the Vacation Rental Permit for Pamela and Scott Horton at 184 E. Log Hill Rd. with the recommended condition. Commissioner Vihel seconded the motion and it carried unanimously (4-0).

C. Public Meeting Regarding a Vacation Rental Permit Renewal Application for Reed Helmlly at 2497 Park Ave, Pagosa Springs (#004620)

Pamela Flowers, Development Director, advised that the application for Vacation Rental Permit had been referred to the Planning Commission because the Applicant had operated this Vacation Rental for over a year without a permit. He had ignored several attempts to contact him and had accumulated over \$18,000 in fines. To become compliant with the Land Use Regulations, the fines would have to be satisfied. The report recommended several options on how to satisfy that requirement via some combination of fines and a period of permit suspension. Additionally, payment of the 200% After-the-Fact permitting fee, proof of sales/lodging taxes paid for 2020, and reconfiguring of bedrooms to comply with the state requirements were needed.

The Applicant presented slides and remarks to the Planning Commission indicating that he had no knowledge of the requirement for a permit and believed previous attempts to contact him were phishing attempts. He argued fines should be reduced to zero.

Commissioner Vihel moved to approve the Vacation Rental Permit for Reed Helmlly at 2497 Park Ave with the following conditions; 1) reconfigure bedrooms to comply with state requirements, 2) submit proof of sales/lodging taxes paid for 2020, 3) payment of the 200% After-the-Fact Permitting fee, 4) payment of \$9,400 in fines and permit suspension from 4/21/21 to 10/21/21.

Commissioner McAllister seconded the motion and it carried unanimously (4-0).

D. Public Hearing of Visionary Broadband Board Conditional Use Permit for a Broadband Tower in Arboles (PLN21-032)

Pamela Flowers, Development Director, advised the Visionary Broadband, represented by M&M Construction Services, had applied for a Commercial Mobile Radio Systems (CMRS) Board Conditional Use Permit to install a 50' self-supporting lattice tower on a parcel at 860 County Rd 973 in Arboles, which is zoned Agricultural Ranching. She explained that the tower would also require an administrative variance to exceed the height restriction of 40' in the zoning district.

Vice Chair Hooton opened the floor for public comment for or against the Permit. One member of the public expressed concern about the risk of lightning strike to the tower. The Applicant was not present to respond.

Vice Chair Hooton closed the floor for public comment for or against the Permit.

Commissioner McCauley moved to recommend approval of the Board Conditional Use Permit with the condition of an approved administrative variance and the added condition for proper lightning prevention on the tower. Commissioner McAllister seconded the motion and it carried unanimously (4-0).

Member Comments:

None

Next Meeting:

The next meeting will be held at 6pm on June 23, 2021.

Adjourn:

Motion to adjourn made by Vihel and seconded by McAllister. Vote was 4-0 Aye.

Vice Chair Hooton adjourned the meeting at 7:07 pm.

Approved this 23rd day of June, 2021

Pamela Flowers
Development Director

David Parker
Chairman