



Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, October 25, 2016 at 5:30 p.m.
Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to order / Roll Call**
- II. **Announcements**
- III. **Approval of Minutes**
 - A. Approval of the October 11, 2016 Planning Commission meeting minutes.
- IV. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.
- V. **Design Review Board**

NONE
- VI. **Planning Commission**
 - A. 162 J.J. Junction Vacation Rental Conditional Use Permit Application, Public Hearing / Quasi-Judicial Matter
- VII. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.
- VIII. **Reports and Comments**
 - A. Staff Report_ Projects, Updates and Upcoming Development Applications.
 - B. Planning Commission – Comments, Ideas and Discussion.
 - C. Upcoming Town Meetings Schedule.
- X. **Adjournment**

James Dickhoff, Planning Director



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Regular Scheduled Meeting Agenda
Tuesday, October 11, 2016 at 5:30p.m.
Town Hall, Council Chambers, 551 Hot Springs Boulevard,
Pagosa Springs, Colorado 81147**

- I. **Call to order / Roll Call:** Commission Chair Maez calls the meeting to order at 5:30PM. Present were Commissioner Adams and Commissioner Giles. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.

- II. **Announcements:** Planning Director James Dickhoff says that Commissioner Parker is currently in Haiti and unable to attend today's meeting. Planning Director James Dickhoff will be out of Town during the next meeting and Associate Planner Rachel Novak will staff that meeting as it is a public hearing.

- III. **Approval of Minutes**
 - A. Approval of the September 27, 2016 Planning Commission meeting minutes: Commissioner Giles motions to approve the minutes as presented. Commissioner Adams seconds. Unanimously approved.

- IV. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda: NONE

- V. **Planning Commission**
 - A. Residential District minimum Lot Size and allowable density in R-12 & R-18 districts: Planning Director James Dickhoff says that Town Council requested to wait for recommendations on this until there was a full Council. He suggests the Planning Commission revise some of their recommendation to Town Council for considerations. There have been discussions to have the R-12 district minimum lot size be 3,630sqft for a single family residence, which would be consistent with 12 units per acre. This could even be less to accommodate topographical challenges. Staff has prepared renderings to better represent these suggestions. These represent a range of possibilities, but the overall possibilities are limitless. Each parcel or lot will be assessed on a case-by-case scenario. The Planning Director discusses the various options for an R-12 district. The LUDC states that you must provide off-street/off-ROW parking. Commissioner Adams asks if they were to reduce the 3,630sqft, would that change the R-12 to something else. Planning Director James Dickhoff says potentially yes. If the minimum lot size was reduced, that could bump up the allowable density. The Planning Director discusses the various options for an R-18 district. 1,875sqft lots would push up the density to almost an R-24. This could be achieved by subdividing an R-18 into four lots. The design options are almost endless and guidelines will need to be considered. Commissioner Giles says that his personal home is shotgun style and the space is fully utilized and very doable for a family to live in. Planning Director James Dickhoff says that the smaller lots and smaller homes are a national trend. He discusses the three motions for consideration for the Commission. Commissioner Adams says that the Affordable Housing Workgroup supports all of these decisions. The Chair opens this up to public comment. No comments were received. **1. Commissioner Giles Motions to approve the retraction of previous recommendations to Town Council regarding smaller lot sizes in the R-12 and R-18 districts from the 10/13/15 PC meeting and the 11/24/15 PC meeting. Commissioner Adams seconds. Unanimously approved. 2. Commissioner Adams Motions to approve a recommendation for Town Council to approve amending the LUDC to allow smaller minimum lot sizes in the R-12 and R-18 districts as follows: A) Within the R-12 district: allow a minimum single family, town home, and multi-family dwelling lot size of 3,630sqft. B) Within the R-18 district: allow**

a minimum single family, town home, and multi-family dwelling lot size of 1,875sqft and increasing the allowable density to 24 dwelling units per acre. Commissioner Giles seconds. Unanimously approved. 3. Commissioner Giles Motions to approve a recommendation to Town Council to support the Planning Commission processing of vacation rental application in residential districts under the current LUDC provisions requiring a Conditional Use Permit and public hearing with standard LUDC public notifications. Further, the Planning Commission does not recommend restricting vacation rentals otherwise in residential districts, recognizing the market will naturally ebb and flow over time. Commissioner Adams seconds. Unanimously approved.

- B. Residential District Zoning: Planning Director James Dickhoff discusses a possible rezoning of the R-12 districts into R-18 or now R-24 after Town Council's approval. This will help increase density in the Town's core areas. Most of the properties north of HWY 160 near the Historic Business District is zoned R-18 and it is suggested to increase the density south of HWY 160 to be of a similar zoning. Commissioner Adams provides and updates on this from the Affordable Housing Workgroup. One of the Group's recommendations reflects this idea of carrying the R-18 south of HWY 160. He says that single family residences alone will not get the Town to affordable housing. Construction of Multi-family residences is where the focus needs to be placed. Commissioner Adams says that these efforts will take time and possible incentives to builders were presented to Town Council and the County. Overall, this is really, really needed within Town. Commissioner Adams also says that design standards were a recommendation from the Affordable Housing Workgroup. He says that the Town's infrastructure is a precious commodity and that the Town needs to use what they have right now. Commissioner Giles says that time is not on our side and that a decision needs to be made ASAP. Commissioner Adams talked with a representative from Region 9 and it is projected that Archuleta County's population will boom to over 20,000 people in the year 2035. Commissioner Maez would like the Planning Commission to walk through these neighborhoods and provide their thoughts at the next meeting. Planning Director James Dickhoff says a mobile work session is also an idea.
- C. Accessory Dwelling Units: ADU's are typically a converted garage, shed, carriage house, etc. into a dwelling unit as a rental. This relates to the R-6 and possible the R-A and R-t districts as well. Planning Director James Dickhoff suggests a possible regulation on allowing an ADU in the districts without increasing density. There will need to be LUDC revisions. Currently, an ADU cannot be more than 25% in size of the primary structure. Staff will look into other community example and present these findings at a future meeting.
- D. Residential Design Standards: Planning Director James Dickhoff says that this has been an issue for a number of years. He feels that the Commission should consider starting with basic recommendations. Staff will look into other community example and present these findings at a future meeting. Commissioner Adams asks if a work session will be appropriate. Planning Director James Dickhoff agrees that a future work session would be useful.

VI. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda: NONE

VII. Reports and Comments

A. Staff Report_ Projects, Updates and Upcoming Development Applications: The HPB has expressed interest in how they can help the museums in Town. The Board has had several discussions on this and eventually at the Town Council level as the Pioneer Museum is requesting \$35,000 for funding. This will be an important discussion to have in the very near future. Commissioner Adams asks if the HPB has a Historic Tree Inventory or regulations. Planning Director James Dickhoff says not currently, but the Town does have some regulations. Commissioner Maez would like to see this be a recommendation instead of a regulation to not prevent a property owner's ability to develop. Commissioner Giles is excited to see the sidewalk project

getting finalized. Planning Director James Dickhoff says that there's a goal to have curb and gutter in place for asphalt before winter. Commissioner Adams asks about the contract with the Town and if there is a deadline for getting asphalt in. Planning Director James Dickhoff says the town executes contracts based on a timeframe rather than hard deadlines. The west phase of the trail will most likely start next year, but some preparation work may start this year. The Harman Hill phase was just awarded a grant from CDOT for over \$800,000 and is one of the largest grants that the Town has received. The 8th Street project's main goal is to get curb and gutter in place and the first section of asphalt in before winter. Staff will be receiving proposals back for the Artwork on Main RFP on October 14, 2016 by 5:00PM. The project is open to other mediums besides paint, but it must relate to the Town's history. It is expected that staff will receive four proposals. Staff received the scouring plans for the Rumbaugh Creek Bridge project and its staff's hope to have the support structure in place before winter. The Comprehensive Plan Update is about to be underway and staff is excited to get started. Associate Planner Rachel Novak submitted a grant for free technical assistance from Smartgrowth America. Staff will be notified on November 9, 2016.

B. Planning Commission – Comments, Ideas and Discussion: Commissioner Adams says that the Affordable Housing Workgroup suggested that the old sewer plant site near Yamaguchi Park would be a good location for affordable housing and that the Town should consider decommissioning it. He would like to have the Town Council decide on the Town setting aside land for this project, along with a feasibility study, and that would really help the community. Commissioner Adams would like to evaluate the suggested property by the workgroup to see if the Commission can make a formal recommendation to Town Council.

C. Upcoming Town Meetings Schedule:

VIII. **Adjournment:** Commissioner Adams motions to adjourn at 7:32PM. Commissioner Giles seconds. Unanimously approved.

Commission Chair, Ron Maez



**Planning Commission, Board of Adjustments,
& Design Review Board**
Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

I. Call to Order / Roll Call:

II. Announcements:

III. Approval of Minutes:

A. October 11, 2016 Planning Commission minutes.

Approval of Minutes:	Staff recommends approving Minutes from the October 11, 2016 Planning Commission Meetings, upon finding they are accurate.
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IV. Public Comment:

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

a.	At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.
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**Planning Commission, Board of Adjustments,
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Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

VI. Planning Commission:

- A. 162 J.J. Junction Vacation Rental Conditional Use Permit
Public Hearing / Quasi-Judicial Matter

Project Location:	162 J.J. Junction
Property Zoning:	R-A, Residential-Agriculture
Nearby Land Use/Zoning:	R-A
Property Owner #1:	Clare Romero
Pre-Application Conference:	September 21, 2016
Application Received:	September 21, 2016
Public Hearing Notifications:	Published public notice in the Sun Newspaper occurred on October 6, 2016 Town Hall posted public notice was posted on October 6, 2016 Neighborhood public notifications were mailed on October 10, 2016 Property posted public notice was posted on-site on October 10, 2016
Additional Permits:	Business license and Lodgers Tax Permit
PC Action:	Final Determination on Conditional Use Permit (CUP) Application



**Planning Commission, Board of Adjustments,
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Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

Purpose / Background

LUDC article 4, table 4.1.4, indicated that Vacation Rentals in the R-6 district require a Conditional Use Permit approval to operate in that district. Vacation Rentals are under the “Lodging Facilities” use category.

LUDC 2.4.4.C.4 outlines CUP application approval criteria:

- (i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code;
- (iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- (iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
- (v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (vi) Adequate assurances of continuing maintenance have been provided.



**Planning Commission, Board of Adjustments,
& Design Review Board**
Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

ANALYSIS

LUDC 2.4.4.C.4 approval criteria with staff comments in bold:

(i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations; **The applicant has submitted a business license and lodgers tax application.**

Comp Plan Policy NH-2(a): **“promotes compatible uses in and adjacent to existing neighborhoods and residential areas”.**

(ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code; **Table 4.1.4 does permit Vacation Rentals with an approved CUP application in the R-A district. The LUDC does not however support a hotel/motel or lodge operations in the R-A district.**

(iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); **In general, with specific approval constituencies, the proposed use is compatible with adjacent uses in terms of scale, sire design, traffic generation, lighting, noise, odor, and other external impacts.**

(iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

Staff recommends considering the following contingencies to address anticipated impacts:

- a. Ample onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.
- b. Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.
- c. Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town’s municipal code requirements.
- d. Any signs displayed on the property shall comply with the Town’s sign code requirements and require a sign permit application to be submitted.
- e. Renewal of your annual Town Business License is required.
- f. A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.
- g. All exterior lighting shall comply with the Town Exterior Lighting regulations.
- h. Occupancy numbers shall not exceed building code limitations.
- i. The Conditional Use Permit is not transferable.
- j. The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the land use code.
- k. The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.



**Planning Commission, Board of Adjustments,
& Design Review Board
Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting**

(v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and

No issues are identified. Facilities and services are existing to serve the vacation rental use of this property.

(vi) Adequate assurances of continuing maintenance have been provided.

The CUP constituencies and other impacts as they are identified, are required to be mitigated on a continual basis, otherwise, the CUP can be pulled and vacation rental operations maybe required to cease. The Applicant lives has provided assurance that they will monitor the property regularly.



**Planning Commission, Board of Adjustments,
& Design Review Board**
Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

ALTERNATIVE ACTIONS

The Planning Director recommends the PC consider public comments, the applicant's proposal and staff's analysis for the determination. Below are alternative acts for the PC's consideration.

- A. Approve the Conditional Use Permit for Clare Romero to operate a Vacation Rental at 162 J.J. Junction with the Following Contingencies of approval:
 - 1) Amble onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.
 - 2) Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.
 - 3) Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town's municipal code requirements.
 - 4) Any signs displayed on the property shall comply with the Town's sign code requirements and require a sign permit application to be submitted.
 - 5) Renewal of your annual Town Business License is required.
 - 6) A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.
 - 7) All exterior lighting shall comply with the Town Exterior Lighting regulations.
 - 8) Occupancy numbers shall not exceed building code limitations.
 - 9) The Conditional Use Permit is not transferable.
 - 10) The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the land use code. . =
 - 11) The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.

- B. Deny the CUP application for 162 J.J. Junction.



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VII. Public Comment:

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- a. At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.

VIII. Reports and Comments:

A. Planning Director Report

HISTORIC PRESERVATION BOARD (HPB)

The HPB is currently finalizing a list of area Historic Preservation Month Activities and Events that include activities hosted by the HPB. The tentative schedule is being completed and will be distributed as soon as it is finalized. The HPB has distributed a survey within the Historic District regarding sandwich board signs, results will be tallied at the end of May.

S. 8TH STREET 2016 RE-CONSTRUCTION PROJECT REPAVING PROJECT

The project is out for bids. Town Council will consider awarding the Bid in early June.

SPRINGS PEDESTRIAN BRIDGE REPLACEMENT

The design of the Springs Pedestrian Bridge replacement and construction RFP's is underway. We unfortunately did not receive a GOCO grant award, so the Town will pay for the bridge replacement project without financial assistance.

WALL MART

The Appeals Hearing from Wal-Mart has been continued until June 9th.

EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL

ROW clearance approved by CDOT. Town staff is waiting on approval to advertise for construction bids for construction this summer.

WEST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL

We are waiting on one trail easement donation, expected very soon. Once we receive this, we will request ROW clearance and approval

RUMBAUGH CREEK BRIDGE UPDATE

We have received the signed grant contract awarding the town \$166,000. The RFP is being drafted for the restoration of the bridge in 2016. The Design is being created by the Collaborative, Inc for the restoration and environmental assessments are being conducted soon.



**Planning Commission, Board of Adjustments,
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Staff Report – Tuesday, October 25, 2016 Regular Scheduled Meeting

TWO RIVERS GRAVEL PIT

Archuleta County is considering an application for a proposed gravel pit operation 14 miles south on Trujillo Road. The Planning Director has identified a number of issues related to increased heavy truck traffic in residential districts, pedestrian safety and impacts to our Town road infrastructure. The Planning Director has met with the applicant County Planning Department to discuss refining the traffic projects and delivery routes based on delivery zones within our community, as a means to better understand the proposed traffic impacts and to consider an equitable route selection through the community. Town’s Legal Counsel has identified potential means of ensuring the town has some sort of financial remediation for damage caused by the proposed increased traffic on Town Roads. Options will come to Town Council in the future for consideration.

B. Planning Commission –

Planning Commission Open Discussion, Ideas and Comments.

C. Upcoming Scheduled Town Meetings.

a.	<p>Next Scheduled PC Meetings: ~ Tuesday, November 8, 2016 @ 5:30pm in Town Hall, Regular Meeting ~ Tuesday, November 22, 2016 @ 5:30pm in Town Hall, Regular Meeting</p>
b.	<p>Next Regular Scheduled Historic Preservation Board meetings: ~ Wednesday, October 26, 2016 at 5:45pm in Town Hall ~ Wednesday, November 9, 2016 at 5:45pm in Town Hall</p>
c.	<p>Next Regular Town Council Meetings: ~ Tuesday, November 1, 2016 at 5:00pm in Town Hall ~ Thursday, November 17, 2016 at 5:00pm in Town Hall</p>
	<p>Next Regular Parks and Recreation Board Meeting: ~ Tuesday, November 8, 2016 at 5:30pm in the Ross Aragon Community Center ~ Tuesday, December 13, 2016 at 5:30pm in the Ross Aragon Community Center</p>