



**Town of Pagosa Springs**  
**Planning Commission, Board of Adjustments & Design Review Board**  
**Regular Scheduled Meeting Minutes**

**June 9, 2015**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

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- I. **Call to Order / Roll Call:** Commission Chair Ron Maez called the meeting to order at 5:30 PM. Commissioners Kathie Lattin and Heidi Martinez were present. Commissioners Peter Adams and Natalie Woodruff were absent. Also present were Planning Director James Dickhoff, Associate Planner Margaret Gallegos, Pagosa Mountain Hospital representatives Matt Meese, Boulder Associates Jon Tucker and Matt Meese, Davis Engineering Mike Davis, Hospital Board members, and Ed Fincher.
  
- II. **Announcements:** None.
  
- III. **Approval of Minutes:** Motion by Member Lattin, seconded by Commissioner Martinez, and unanimously carried to approve the May 12, 2015 and May 26, 2015 meeting minutes as presented.
  
- IV. **Public Comment:** None received.
  
- V. **Board of Adjustments:** None.
  - A. **Vacation of Public Utility Easement along Lots 6 & 7 in Paradise Mesa:** Planning Director Dickhoff reported that the Town Planning Department received an application for Lot Consolidation for Lots 6 and 7 in the Paradise Mesa Subdivision. The lots have perimeter Public Utility Easements (PUE) and part of the lot consolidation process, involves vacating the PUE between lots 6 and 7 to accommodate a new residential home to be built over the former lot after the lot consolidation.

Dickhoff further reported that vacation of PUE is a typical procedure for most all lot consolidations, which accommodates the entire lot as developable with no interior easements to build around, if PUE are not already installed. As part of processing plat amendment applications, all public utility providers are requested to provide comments on the proposed plat amendment. Comments received from all public utility providers indicate that there are NO public utilities installed within the PUE being requested for vacation. Public Utility Easements are available for use by public utility providers recognized by the Town of Pagosa Springs though a formalized franchise agreement. Public utility easements provide routes to install underground public utility lines to serve subdivisions and individual lots that are situated away from the main utility line. Since Public Utility Easements are dedicated on recorded property and subdivision plats, a formal vacation is required, through two readings of an ordinance approved by Town Council.

Plat Amendments (which include lot consolidations) are administratively reviewed and approved by the Planning Director. The Town has historically vacated PUE with no installed utilities, with a Plat Note on the Plat Amendment, however, this practice has been challenged by some utility providers who believe they own the easement right and from a few surveyors who suggest a formal vacation occur in some fashion that can be referenced to on the new plat. The challenge



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from the Utility Companies is that they believe they own the easement and they should be required to approve and quit claim their right to the easement. The Planning Director and the Town's attorney disagree with this position, as the Town in essence controls the PUE because the Town approves which utility providers operate and install public utilities within Town boundaries. Though the Town's attorney has supported the Plat Note vacation in the past, after further review and the challenge from some utility providers, it is now suggested the Town Vacate PUE under the same process as vacating Town rights-of-way. This vacation process requires the Planning Commission to hold a Public Hearing, and make a recommendation to Town Council for their consideration in approving a vacation with two readings of an Ordinance, at public hearings.

Dickhoff presented a written report and reviewed the Town's LUDC section 2.4.3 which outlines the process for vacating public easements. In closing, Dickhoff noted that the Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation.

Dickhoff noted that no verbal or written public comments had been received as of Tuesday, June 2, 2015. Public notice was provided as follows pursuant to LUDC section 2.3.6:

- a. Published in the Sun Newspaper on May 21, 2015, which is at least 15 days prior to the hearing.
- b. Posted on the subject property on May 21, 2015, which is at least 15 days prior to the hearing.
- c. Posted at Town Hall on May 20, 2015, which is at least 15 days prior to the hearing.
- d. Mailed to property owners within 300 feet of the subject property on May 21, 2015, which is at least 15 days prior to the hearing.

The Planning Commission considered the information provided and made the following motion: **Motion by Commissioner Lattin, seconded by Commissioner Martinez, motion carried unanimously to APPROVE a recommendation for Town Council to APPROVE the vacation of the Public Utility Easement between Lots 6 and 7 in the Paradise Mesa Subdivision.**

**B. Recommendation regarding Letter of Interest to serve on the Planning Commission from Greg Giles:** Planning Director Dickhoff reported that the Town has received a letter of interest to serve as a Planning Commissioner from Greg Giles. Mr. Giles resides at 107 Lewis Street and owns the business located at Eagle Drive. Dickhoff provided the Commission with the Land Use and Development Code (LUDC), Section 2.5.2.B which reviews PC members and eligibility. Mr. Greg Giles lives within the Town boundary's and thus is an eligible candidate for the planning commission pursuant to LUDC section 2.5.2.B.1. Based on the recommendation by the Planning Commission, the Town Council will consider the appointment at their June 15, 2015 meeting.

**Motion by Commissioner Lattin, seconded by Member Martinez, and unanimously carried to approve a recommendation for Town Council to APPROVE the appointment of Greg**



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**Giles as a regular Planning Commissioner for a 4 year term beginning on July 1, 2015 and ending on July 1, 2019.**

**VI. Planning Commission: None**

**VII. Design Review Board:**

**Major Design Review Application Public Hearing for the Pagosa Mountain Hospital Expansion, located at 95 S. Pagosa Boulevard:** Planning Director Dickhoff reported that on April 1, 2014, the following individuals conducted a pre-application conference: James Dickhoff (Town Planning Director), Zach Richardson (Town Building Official), Mike Davis (Project Civil Engineer), Matt Meese (Hospital Representative), Fred Wolfe (Project Contractor) and Nick Rehnberg (Project Architect). On March 16, 2015, the Town Planning Director conducted a second pre-application conference with Mike Davis and Matt Meese at Town Hall along with Jon Tucker and Nick Rehnberg who participated via conference call, to discuss the submittal of a Major Design Review Application and a potential public hearing date of June 9, 2015, depending on the application submittal date. Also discussed was the need to include the access control plan secondary road ROW alignment in the application submittal.

Planning Director Dickhoff provided the Commission with a written report and an overview of the Land Use and Development Code Section 2.4.6 Major Design Standards, Article 3, Zoning, Article 4, Allowable Uses, Article 5, Dimensional Requirements, Article 6 Flood Damage Protection Regulations and Site Development Standards, and comments at it relates to the proposed expansion project.

On May 08, 2015, the Town Planning Department received a Major Design Review Application. The design review plan sheets were received on May 11, 2015. The planning director determined the application was substantially complete to begin plan review and initiated public hearing notifications. Outstanding documents included: property title policy; which was received on May 27, 2015.

Design Review Board June 9, 2015 public hearing notifications were as follows:

- Published public notice in the Sun Newspaper occurred on May 21, 2015.
- Town Hall posted public notice was posted on May 18, 2015.
- Neighborhood public notifications were mailed on May 18, 2015.
- Property posted public notice was posted on-site on May 22, 2015.

As of June 9, 2015, no public responses were received or voiced at the meeting The Planning Commission / Design Review Board considered the Major Design Review application, staff's



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analysis and all public comments as they relate to the Land Use Development Code and made the following motion:

**Motion made by Commissioner Lattin, seconded by Commissioner Martinez and unanimously carried to APPROVE the Pagosa Springs Medical Center's Major Design Review Application submitted by the Upper San Juan Health Service District, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items to be completed prior to the issuance of a building permit:**

- A. Submit revised illumination plan to include; foot candle levels on neighboring properties adjacent to the property line, the proposed exterior light fixture cut sheet, line of view drawings demonstrating all light sources are shield from view from off site.
- B. Submit written executed agreements for shared parking, vehicular access easements, and shared sign agreements.
- C. Submit Colorado State Storm Water Plan Permit
- D. Provide Cast Iron Truncated domes at all sidewalk ramps associated with the public trail.
- E. Provide irrigation plan or written landscaping maintenance plan.
- F. Provide verification on all roof top mechanical equipment being screened from view.
- G. Provide bicycle racks.
- H. Move the northeast fire hydrant from the future trail alignment.
- I. Provide documentation to demonstrate that all exterior light sources are completely shielded from view from off site.

**VIII. Public Comment:** None received.

**IX. Reports and Comments:**

**A. Planning Commission** – No report or comments.

**B. Planning Department Report** –Planning Department Director Dickhoff provided the following written Department Report:

**TOWN COUNCIL:** At the June 2nd Town Council Meeting:

- 1) Approved the second reading of ordinance 827, vacating a portion of the Rivers Edge PUD subdivision.
- 2) Approved a 3 year extension for the Pradera Pointe Preliminary Plan for phase one.
- 3) Denied a request for an addition TOD signs for the Aspen Village subdivision.
- 4) Denied Ordinance 828, revising the LUDC regarding Cargo Container use and placement. It was determined that Town Council will provide their comments on the proposed LUDC revisions via



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email to staff before June 19<sup>th</sup>, at which time staff will review the comments and bring revised code amendments back to Town Council for consideration.

- 5) Approved moving forward with LUDC revisions for Electronic Message Center signs.
- 6) Directed staff to not proceed with vacating the remaining portion of Piedra Street adjacent to Block 50, unless an applicant submits and application for the vacation, which at that time, staff would schedule PC and TC public hearings on the vacation application.

Dickhoff reminded that Commission that the Town Council meeting agendas and minutes are available upon request and available on line at: [TownOfPagosaSprings.com](http://TownOfPagosaSprings.com) > Government tab > Town Council tab > select category. The next TC Meeting is on MONDAY, June 15th at 5pm. The June 18<sup>th</sup> TC meeting has been cancelled.

HISTORIC PRESERVATION BOARD (HPB): The HPB recently awarded the property owners at 480 Lewis Street and Pagosa Street for their successful completions of exterior alteration certificates and the repurposing of the properties.

200 BLOCK PAGOSA STREET SIDEWALK IMPROVEMENT PROJECT: The sidewalk project is close to completion. The contractor has a number of small items to complete. Street lights are yet to be ordered, as staff was waiting to coordinate the order with other additional street lights to save on shipping costs.

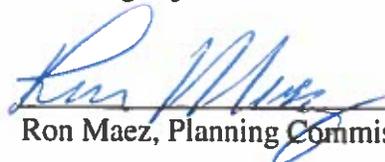
PIEDRA STREET 2015 REPAVING PROJECT: The road reconstruction project should be completed prior to fall school semester.

WALL MART: Please note that Wal-Mart has submitted an Appeals Notice, requesting the Board of Adjustments (Planning Commission Members) consider reviewing the Planning Directors determination of the Parking Lot Lights not complying with the Town's LUDC. **IT IS VERY IMPORTANT THAT** Board of Adjustment (BOA) members (Planning Commission), do not discuss this issue with ANYONE, as this may come before the BOA for a public Appeals Hearing. Any discussions outside of the public hearing will jeopardize the appeals process.

EAST & WEST PHASES OF TOWN TO PAGOSA LAKES COMMUTER TRAILS: Due to a staff retirement at Universal Services, our Uniform Act Specialist, we have experienced a speed bump in getting easements finalized. Staff is working the new staff member assigned to our projects to ensure we do not lose too much time in proceeding to advertisement for construction.

**C. Upcoming Scheduled Town Meetings**: A meeting schedule was provided to the Commissioners that included meetings, through July 2015, for the Planning Commission, Historic Preservation, Town Council and Parks and Recreation.

- X. Adjournment** - Upon motion duly made, the meeting adjourned at 7:25 PM.

  
Ron Maez, Planning Commission Chair