



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting November 21, 2024

The Archuleta County Planning Commission held a meeting on Thursday, November 21, 2024, at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Vice-Chairman David Pribble called the meeting to order at 6:03 pm.

Commissioners in attendance:

Matt Nobles (Chair), David Pribble (Vice-Chair), Peter Beaudry, Mont McAllister and Richard Vihel, were present establishing a quorum.

Staff in Attendance:

Pamela Flowers, Development Director; Owen O'Dell, Planning Manager; Justin Griffin, Planner; Melissa Ryan, Planner

Public in Attendance:

JoAnn Pogreba-Dykstra
Greg Dykstra
Jim Denvir
Barbara Parada
Jennifer Burke
Ellen Warren
Dan Liccardi
Elizabeth Nicholson
K. Thompson
Mitch Thompson
Rachel Edney
Kermit Edney

Agenda Review:

Commissioner Beaudry moved to approve the Meeting Agenda, as presented. Commissioner Vihel seconded the motion, and it was carried unanimously (5-0).

Public Comment:

NA

Consent Agenda:

Commissioner Beaudry moved to approve the Consent Agenda, as presented. Commissioner Pribble seconded the motion, and it was carried unanimously (5-0).

New Business:

A. Public Meeting For Ellsmore Minor Subdivision Amendment 2024-01, Minor Lot Line Adjustment, 2324 County Road 400

The Planning Manager reviewed the staff report for the Plat Amendment and presented it without conditions. The Applicant was not present.

There was no discussion between the commissioners and Staff.

Commissioner McAllister moved to recommend approval of the Ellsmore Minor Subdivision Amendment 2024-01, MLLA, Final Plat, as presented without conditions. The motion was seconded by Commissioner Pribble, and it passed unanimously (5-0).

B. Public Meeting For Anderson, Lake Pagosa Park Amendment 2024-01, Minor Lot Line Adjustment, Final Plat, 80 Monument Avenue

Planner, Justin Griffin, reviewed the staff report for the Minor Lot Line Adjustment and presented it with five (5) conditions. The Applicant was not present.

Commissioner Nobles asked about condition number one, which read “Applicant must remove the existing structures before the Final Plat is printed on Mylar (Planning Staff Review).” Griffin clarified that it was not standard to depict structures on subdivision plats, not that the physical structures had to be removed.

Commissioner Vihel moved to recommend approval of the Anderson, Lake Pagosa Park Amendment 2024-01, MLLA, Final Plat, as presented with five (5) conditions. The motion was seconded by Commissioner McAllister, and it passed unanimously (5-0).

C. Public Hearing For Keyah Grande, Outdoor Shooting Range, Board Conditional Use Permit, 13211 W US Hwy 160

The Planning Manager presented the staff report for the Outdoor Shooting Range. He stated that this review was originally presented at the September 26th regular meeting. Public concerns from the previous meeting included noise concerns, hours of operation, lead remediation, etc. The Planning Commission tabled their decision and asked planning staff to do more research. The Planning Manager listed the additional research and agencies contacted.

Chair Nobles: Is the Applicant present and do they wish to make any comments?

Warren Sackman from Keyah Grande: Asked if his letter in response to the objection letters had reached the Planning Commission.

Chair: The Board received your letter.

Warren Sackman: The concerns raised were addressed in the letter. Can answer any questions from the Planning Commission. Proceeded with a statement that it is unconscionable that people think the board has double standards for certain people. There is no inside dealing going on. “I want that on record...” Won’t waste the commissioners’ time on the inaccuracies in Jennifer Burke’s letter.

Chair: Questions for the commissioners or staff?

Commissioner McAllister: Question about the hours of operation: we’ve proposed the hours be reduced to at least 7 pm.

Warren Sackman: Okay with this. The proposed hours were based on Bayfield’s shooting

Planning Manager: Staff Report was sent last Friday before Keyah Grande had updated hours, so the condition had inconclusive hours of 9 am and dusk.

Chair: Winter hours will still be reduced?

Planning Manager: That is correct.

Commissioner Mont: Maybe it should be an hour before sunset.

Pamela Flowers: 9-7 matches the noise ordinance.

Chair: Other shooting clubs have winter and summer hours.

Warren Sackman: He's willing to work with the planning commission on the hours.

Commissioner Beaudry: Question on community accessibility: who the club was for? The Oct 21st letter says it's accessible to the community and the Best Management Practice handout states it will be a private club with membership restricted to 100 members.

Warren Sackman: Envisions operating a private club with approximately 100 members from Thursday to Sunday and a maintenance day. Then from Monday through Wednesday allowing for police activity. (Mr. Sackman was on Zoom and it cut out a bit here, so was difficult to hear his exact words).

Chair: Are there any hours open to the public?

Warren Sackman: Membership is open to the public up to 100 members. They would have to apply and be approved. Also (poor connection) in the past they've had 4-H shooting on a day in the summer—that would be a M-W when membership wouldn't have use of the shooting facility.

Chair: Any other questions? The hours are 9-7 but also winter hours.

Planning Manager: If this comes to a vote, you will amend.

Chair: Open the floor for public comment. If speaking, limit comments to 3 minutes.

Barabara Parada 1306 Cool Pines Dr. Pagosa Springs, CO: Grew up in a military family—always shot in an indoor facility which takes care of all of the concerns: noise, lead, animals. At night they'd hear people poaching in Timber Ridge and worried about a bullet coming in the window. I also worry about that with this range. It's a for-profit range, they should think about having an indoor range. All these people coming are not going to be proficient in shooting unless they take a course. How much are people going to have to pay to go there?

Jim Denver 1306 Cool Pines, Pagosa Springs, CO: Moved here in 1979 and practiced law for 50 years. Was the County court judge here. He was on the Archuleta County Planning Commission in the 1980s. You have a good staff now. The Staff Report is important, and this one has not made sufficient findings. This is a result of miscommunication between the County Attorney and the planning staff. State Statute says that the Counties can't set their own standards regarding outdoor shooting range noise. One thing you have to consider is the effect on neighbors and wildlife. To Planning Staff: you can't ignore the effects of the standards that are in effect as a result of the statute.

...Asked for an extra minute, granted 30 seconds by Chair. Continued for 2 additional minutes or so...

This is complicated and needs to be studied. Can't ignore the effects on neighbors. Think you have to table the discussion again and have staff deal with the issue. The state standards are meant for a different environment. Recommend denial of application on the grounds that the state standards applied would be harmful to the community.

JoAnn P-D, 62 Columbia: Husband is a firearms instructor. Support of Keyah Grande. Baffled as to why this became a heated issue. Range has been in use for years. Complaints only started when the topic became public. The range will benefit guests and a "select few with deep pockets". Pagosa Springs needs a shooting range to reduce shooting on public lands. Ranges are safer and reduce conflict. Listed all benefits including noise, lead mitigation and wildlife. Location creates buffers, reduces noise with features: tall trees and shrubs, covered shooting areas, etc. They will likely add more features to help reduce noise. The range needs to be fully accessible and is necessary to be near Hwy 160. People shoot on private property. Neighbor complaining about noise is also running chainsaws. Property values will not be affected because the highway noise from Hwy 160 is nearby. She believes they meet the criteria for the permit and should be approved.

Greg Dystro, 62 Columbia: Retired Phoenix police sergeant 30 years. Firearms teacher since 2000. Requirements for firearms trainers to take courses and exams before teaching concealed carry. Keyah Grande allows them to train. The range is surrounded on three sides by mountains and helps with safety and noise—for people concerned about ricochets. They are still developing their range, "if they do it right", it will be totally enclosed and safe. Mill Creek Rd. has a lot of

trash, lead, etc. Recommends night shoot be available in the wintertime. Archuleta County has no range. As long as Keyah Grande is in compliance with the laws, there is no reason to deny the permit.

Ellen Warren 77 South Driver Ct, Pagosa Springs: She drives that way to her boyfriend's ranch all the time. People who aren't going to be impacted don't care. People who shoot at Mill Creek can't afford to shoot at this range, so there will still be a problem. Keyah Grande said they were going to build a road from their main gate and abandon the entrance at Cat Creek. What is the status on entrance? How many trucks, how many occupants and how many shooters, etc? "I don't accept the range", ..." it's not right".

Jennifer 174 Fiesta Pl: Owns the property to the west of the range, it is extremely loud. Caliber limits and dawn to dusk comments she'd made previously were Keyah Grande's ideas from the first meeting. The range in Bayfield closes at 5, open at 10 and have no winter hours (close Nov 30th and open again in April). Keyah Grande should have the range fenced. Not just the entire ranch. This needs to be studied by an engineering firm. The range needs to be fenced to protect humans and wildlife.

Mitch Thompson 61 CR 700: Directly across from the range. "I would like to invite any of you over to my house and let you listen to what I have to listen to." He has to listen to the noise every day, even during dinner. In the beginning, police came in to shoot and it wasn't bad. As improvements were made and thousands of dollars spent, it's gotten worse. Every day, 7 days per week. Continuous shooting—will affect property value. They moved there in 2000. Request they decline the permit.

Kathleen 61 CR 700: Berms are not high enough. From her bedroom she can see the cars parked, how many stalls, everything that is happening, etc. Doesn't mind the police going because it's not consistent. Hope the planning commission declines the permit.

Commissioner Vihel: You live across the street?

Kathleen: Directly across the street on Cat Creek across Hwy 160.

Commissioner Vihel, Chair Nobles and Kathleen discuss where exactly she lives.

Commissioner Vihel: How far from the range?

Kathleen: 300 yards?

More discussion about the distance of the house from the range. Justin Griffin offers to measure.

Kathleen: Keyah Grande has the means to locate the range on the other side of the property. Other ranges have underground bunkers where they shoot. Shooting ranges are generally away from residential properties.

Justin Griffin: 1500 ft or 500 yards. Shows the Commissioners the map on his phone.

Rachel 128 USFS 628: Located northwest of Keyah Grande and bounded on 3 sides by them. Her three concerns were outlined in a letter she sent. There is a need for a public range, this is not a goodwill effort or what Keyah Grande is proposing. People who shoot on public land don't have the money to shoot at Keyah Grande. Nobody wants a shooting range in their backyard, but mistakes were made. She appreciates that we are going through the permitting process even though some things can't be changed. Noise—She was in the Army for 27 years, knows what shooting ranges sound like. Shooting ranges are protected from legal action against noise, so we can't set limits on noise, instead we should set reasonable business hours. She sees progress from the original dawn to dusk, but still questions on times and dates.

Chair: Clarifies the hours and dates. Winter dates: 10-5, Nov 1st – March 31st

Planning Manager: clarifies that this is just the proposal, staff recommended 9-7, so if commissioners want to change that, it will have to be amended.

Rachel: Mr. Sackman said they wanted to mimic Bayfield, but they close on November 30th for the winter until April 1st. Can we have a day off? Can we not have shooting on Sundays? Holidays? The concern about property value is too early to tell, but questionable due to the noise. The last concern is on lead remediation— thank you for what you've put into this, I think it will work, as long as they're held to account. Please give us a little more on the hours.

Chair: Asks for any more public comment

Someone from the audience who already spoke (I don't remember their name): I have alternative sites I've printed. You guys don't have enough information.

Chair: that is not relevant right now.

Dan 49 Monterosa Ct: What do you do when they violate the agreement? Fines—wrist slap? That won't do anything. You will regret this decision.

Chair: Do you understand that we make a recommendation, not a decision?

Dan: Yes, but it will be affected by your recommendation.

Chair: Closed public comment. Opens discussion for Commissioners.

Commissioner Vihel: He's researched the law. CR 25-12-109 supersedes local regulations of shooting ranges. The state regulations are divided into four zones. Based on zones listed in 25-12-103; 25-12-102 for definitions:
Commercial zone: offices, cleaning facilities, shopping, etc. Clearly town. Commercial zone does not apply to Keyah Grande.

Light Industrial: Labs, clean and quiet, warehousing, free from concentrated industry.

Residential: Single family, multi-family, apartments, etc.

Industrial: Noise restrictions on industry necessary. Doesn't include agriculture.

No state regulations for Keyah Grande, it doesn't fall into any of the zones. There is no regulation for Keyah Grande.

Planning Manager: 25-12-109 is exemption of shooting ranges from 25-12-103.

Commissioner Vihel: No, 109 exempts them from local regulations only, but there is no state sound regulation on a ranch – which seems logical.

Public: outcry

Chair: It's all zoned ag ranching, and zoning rules were made in what year?

Justin Griffin: 2006

Chair: We allowed firing ranges in ag ranching.

Commissioner McAllister: Warren has talked about holidays, but can we have a day of rest?

Warren Sackman: (Inaudible: Cut out)

Planning Manager: It's not his decision, you can add a condition

Warren's connection was bad and was unable to respond.

Commissioner McAllister: If he's open to a maintenance day, if he can respond..

Planning Manager: It's not his decision, if you guys want that you can propose that.

...Commissioners continue discussion on hours...

Commissioner Beaudry: Questions for staff: CPW reviewed this?

Planning Manager: Yes and no concerns.

Commissioner Beaudry: Statement on page 2 –there is a private trap, skeet, clay facility-- does it need to be permitted?

Pamela Flowers: Not if it isn't for commercial use.

Planning Manager: They are permitted to shoot on their own property on Ag Ranching.

Commissioner Beaudry: Should we do Amendments?

Planning Manager: It's up to you, but wanted to address some of the public comments: When they violate the permit, Section 3.2.3: the permit is valid as long as they meet the conditions of approval. 1.4 provisions each day they violate they accumulate fines and withdrawal of the permit.

Commissioner Vihel: 25-12-109 State laws supersede local laws. Residency must be before Jan 1, 1985 in order to complain.

Chair: Question to Owen: Berm height on backside?

Planning Manager: 3-4 feet was included in the narrative.

Chair: Going to use guidance from Mr. Mitchell?

Planning Manager: Lead remediation only from Mr. Mitchell.

Commissioner Vihel: Propose 1-2 days per week and holidays without shooting.

Chair: He's stated holidays as well.

Pamela Flowers: Which holiday? Christian, Jewish, Muslim?

Chair Nobels: The holidays he's stated.

Planning Manager: Put holidays on the record if that is a condition you want.

Commissioner Vihel: Let them pick the days. 1 day per week.

Chair: I think we need a condition on the times: 9-7 summer hours, winter 10-5 November-March.

..More discussion on hours and procedural stuff..

Commissioner Beaudry: Proposed to modify condition 9: Hours of operation for the range to 9-7 April 1-Oct 31 and 10-5 November 1 -March 31 and closed on Thanksgiving, Christmas Eve, Christmas, New Year's Day, and Easter Sunday with one defined day a week closed to be determined by Keyah Grande.

2nd by Commissioner Vihel.

Passed unanimously (5-0).

Commissioner McAllister: Condition 12: Any days but the days off including holidays can be used by law enforcement for certification and not be restricted to the hours listed in condition 9 as amended.

2nd by Commissioner Beaudry.

Passed unanimously (5-0).

Commissioner Peter: Condition 13: Applicant will provide responsible adult supervision during all hours of operation at the range.

2nd by Chair Nobles.

Passed unanimously (5-0)

Commissioner Beaudry: Condition 14: Must limit shooting range to rifle and pistol use only and restrict use of automatic fire.

No 2nd.

...Discussion of restrictions on shotguns and automatic rifles...

Applicant: Law enforcement needs to use shotguns for certification.

Planning Manager: Best Management Practice says a trap shooting or clay range may be established in the future, in which case they would need an amended permit.

...More discussion on shotguns...

Warren Sackman: does not understand the restriction on shotguns.

Commissioner McAllister: What do you have proposed?

Warren Sackman: Archuleta County is a rifle hunting location, but people travel to other places and want to shoot them and sight them in. Also used for training,

Chair: It's not in your narrative, but no there would be no issue.

Warren Sackman: It was an oversight. It should be included.

Chair: We don't need amendment 14.

Commissioner Beaudry: There are two options on Condition 11: I propose the 2nd option, the *OR* option.

Planning Manager: The *OR* option is in regards to the EPA: the EPA is the governing body. If they don't receive the certificate, Conditions 10 and 11 apply.

Commissioner Beaudry: Condition 11: the remediation receipts must be provided indefinitely.

2nd by Commissioner McAllister.

Passed unanimously (5-0).

Commissioner Beaudry: Recommend approval of shooting range with conditions 1-13 as amended.

2nd by Commissioner Vihel.

Passed unanimously (5-0).

Old Business

NA

Member Comments:

Commissioner Baudry: Empathize with the people in regard to the noise issue. Want to address applicant: We can't require them but encourage them to look at remediation for noise.

Next Meeting:

February 27, 2025, at 6:00 pm

Adjourn:

Motion to adjourn made by Commissioner Beaudry and seconded by Commissioner Pribble. Vote was unanimously 5-0 "Aye."

Chairman Nobles adjourned the meeting at 7:58 pm.

Approved this 27th day of February 2025.

Owen O'Dell
Planning Manager

Matt Nobles
Chairman