



Archuleta County
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MEMORANDUM

TO: Archuleta County Board of County Commissioners

FROM: John C. Shepard, AICP; Planning Manager

DATE: May 22, 2019

RE: Fitzwater Request for the Last Resort RV Park & Campground Conditional Use Permit (CUP) Amendment, Tract 1 of Hudson's Rio Blanco Subdivision #8 at 256 County Rd 339 (PLN19-170)

EXECUTIVE SUMMARY

TJ and Stacey Fitzwater, **The Last Resort RV Park & Campground Inc.**, have applied for a **Conditional Use Permit (CUP)** amendment to a Limited Impact Use, on Tract 1 of Hudson's Rio Blanco Subdivision #8 at 256 County Rd 339, Pagosa Springs, CO (PLN19-170). The proposal will add 8 new RV sites to the existing 20 RV and campground sites. The property is zoned Agricultural Estates (AE).

Archuleta County Planning Commission held a public hearing on May 22, 2019, and recommended conditional approval.

REVIEW PROCEDURE

Applicants worked with the Planning Commission to review and update RV Park & Campground requirements, adopted by the Board of County Commissioners in Section 5.5.5 of the *Archuleta County Land Use Regulations* in June 2018. Recreational Vehicle Park is a Recreational, Board Conditional Use in the AE zone. A Campground is a Recreational Conditional Use also.

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. The Planning Commission can recommend conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4. For this project, a Pre-Application Conference took place March 14, 2019, and application accepted on April 24, 2019, after notice to the Applicants as required by Section 2.2.4.3 of deficiencies in completeness meeting Submittal Requirements of Section 3.2.3.2 for a CUP.

Public notice was published in the *Pagosa Springs Sun*, and was posted on site, as required by Section 2.2.3. The application was accepted prior to adoption of text amendments on 5/07/19, so review proceeds under the previously adopted Regulations (Sec. 1.1.8). However, it should

be noted that the Notice to Mineral Estate Owners and Lessees requirement (adopted under Section 2.2.3) is the Applicant's obligation under CRS §24-65.5-101 *et seq.*

DISCUSSION

The Fitzwaters have operated Last Resort RV Park & Campground for about 16 years. The existing site has 14 full hook-up RV sites and 6 riverside sites with water and electric service. Tent camping is also offered. The eight new drive-through RV sites will be located south of the existing RV sites—6 with water and sewer hook-ups, and 2 designed as “dry sites” without hook-ups. Applicant's engineered plans show the expansion site, but not the rest of the site.

In 2003, Greg Comstock, then Director of County Development, approved a Limited Impact Use (LIU) to add a camp store for the RV Park & Campground, which converted to a CUP with adoption of countywide zoning in 2006. This application amends that approval.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map considers this area as appropriate for Very Low Density Residential development. This area is zoned Agricultural Estates (AE), with a portion of the lot (not including the expansion site) within the Special Flood Hazard Area (SFHA) floodplain of the Rio Blanco. County Road 339 is a narrow gravel road off of US Hwy 84. There are two other existing RV Parks north of this site on Hwy 84 and the Rio Blanco.

Section 5 Development Standards

An RV Park or a Campground are Recreational Uses in Table 3, so only limited standards in Section 5 apply outside of specific requirements of Section 5.5.5. As noted in last year's update to the Land Use Regulations, tourism is an important part of Archuleta County's economic base. RV parks and campgrounds provide necessary accommodations for our guests.

- 5.5.5.1 Nonconforming RV Parks & Campgrounds may remain as-is; however, any structures or facilities serving new RV spaces shall meet current standards.
- 5.5.5.2 RV Park & Campground Area—the Hudson's Rio Blanco Subdivision #8 plat shows more than 5 acres on-site. Applicants did not submit a complete site plan demonstrating the site meets Development Standards. Proposed RV Sites do meet Sec. 5.5.5.2(4) space requirements.
- 5.5.5.3 RV Park & Campground Site Improvements were approved by the County Engineer, and the Pagosa Fire Protection District raised no objections.
- 5.5.5.4 No new RV Park & Campground Structures are proposed at this time.
- 5.5.5.5 RV Park/Campground Water & Sewer Service Facilities—expansion of services is proposed.
 1. CDPHE has not yet approved the public water supply system.
 2. San Juan Basin Public Health has approved an updated Onsite Wastewater Treatment System (OWTS) permit for 6 additional sewer hookups, of 8 sites proposed.

5.5.5.6 No additional RV Park provisions are proposed at this time.

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.

Applicant addresses the criteria and findings in their attached Narrative and follow-up.

This application was referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5. Comments received prior to preparation of this staff report include:

- County Engineering accepted construction plans for the drainage study, and requested after construction, a signed and sealed letter from the design engineer stating the site was built according to approved plans.
- CDOT Region 5 requested an Access Permit application for County Rd 339, from Archuleta County if not required of the Applicant. The Public Works Director declined to pursue the request.
- CO DNR Lead Water Commissioner confirmed a current well permit for up to 30 RV sites.
- Colorado Department of Public Health and Environment (CDPHE) requires a Public Water System permit.
- San Juan Basin Public Health has approved an updated OWTS permit for 6 additional sites (not 8 as proposed).
- Pagosa Fire Protection District had no objections.

One neighbor responded in writing in support of the application.

On May 22, 2018, staff presented the application to the Planning Commission at a public hearing. Applicants spoke and answered questions. No member of the public spoke in favor or opposed. After consideration, the Planning Commission voted (5-0) to find the application met required findings and recommended approval with condition #1:

1. Applicant shall provide evidence from SJBPH or Riverbend that sewage treatment is adequate for site design presented.

Chris Pitcher, P.E. responded for Riverbend Engineering in a letter dated June 7, 2019 (See Attachment 4).

RECOMMENDATION AND FINDINGS

If based on evidence provided, the Board of County Commissioners CAN determine the Applicants have met the goals and objectives of the Land Use Regulations, then the Board can accept the Planning Commission’s recommendations and 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 Board approves the Fitzwaters’ request for the Last Resort RV Park & Campground Conditional Use Permit (CUP) Amendment, Tract 1 of Hudson’s Rio Blanco Subdivision #8 at 256 County Rd 339 (PLN19-170), with no conditions.

PROPOSED MOTION

I move to Approve the Fitzwater request for the Last Resort RV Park & Campground, with Findings A and B, and no conditions.

ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Section 5.5.5 RV Parks & Campgrounds (2018)

Attachment 3: Review Comments

Attachment 4: Applicant Narrative and Response to Planning Commission

Attachment 5: Construction Plans