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Development Services—Planning Department  
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## MEMORANDUM

TO: Archuleta County Planning Commission

FROM: Brad Callender; Development Director

DATE: January 17, 2020

RE: Navajo Peak Lodge Bed & Breakfast Conditional Use Permit (CUP) at 24601 US Hwy 84 (PLN19-465)

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### EXECUTIVE SUMMARY

Navajo Peak Lodge, LLC, represented by Eric Scheufler, has applied for a Conditional Use Permit on property located at 24601 US Hwy 84, Chromo, CO (PLN19-465), with the property owner the same as the applicant, Navajo Peak Lodge, LLC. The property is zoned Agricultural Ranching (AR). The proposal is for a Bed and Breakfast, with a concurrent request for a variance from the requirement to pave the driveway and off-street parking (PLN19-466). Bed and Breakfast operations are permitted in the Agricultural Ranching zoning district as a Conditional Use. The Planning Commission is only considering the request for the Conditional Use Permit for the proposed bed and breakfast.

### REVIEW PROCEDURE

*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 is the primary decision-making body for Conditional Use Permits. The Planning Commission must consider the Review Criteria and Necessary Findings outlined in Sections 3.2.3.4 and 3.2.3.5.

Public notice was provided for the application with a publication in the *Pagosa Springs Sun*, a sign posting on the site, and a mailed notice to each neighboring property owner located within 500 feet of the site as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*.

### DISCUSSION

The applicant proposes to operate a Bed and Breakfast in the existing residence on the subject property. The residence was constructed in 2018 by the current property owner and applicant for the CUP. The applicant's narrative describes the Bed and Breakfast as having a total of two bedrooms with 4 total beds. The applicant's narrative further describes aesthetic features to be included within the concept of the proposed Bed and Breakfast.

The *Archuleta County Land Use Regulations* defines a Bed and Breakfast as follows: An establishment operated in a private residential dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee, including meals and typical accessory uses such as special events, and which is occupied by the operator of such establishment. With the limited number of bedrooms in the proposed Bed and Breakfast, the applicant did not include any descriptions in the narrative identifying who will be responsible for conducting the Bed and Breakfast operations. Staff has included a proposed condition at the end of this report to address this issue.

The Future Land Use Map in the *Archuleta County Community Plan* of 2001, designates the area around the subject property as Very Low Density Residential development. The Future Land Use Map also designates an overlay for the area around the site as a Critical Wildlife Habitat. The proposed Bed and Breakfast operation complies with the underlying intent of the Future Land Use Map.

### **Referral Agency Reviews**

This application was referred to local utilities & referral agencies for review, as required in Section 2.2.5 of the *Archuleta County Land Use Regulations*. Those received prior to preparation of this staff report include:

- County Engineering had no objections to the proposed bed and breakfast. County Engineering found no issue for granting the requested variance to no pave the driveway (PLN19-466).
- The Pagosa Fire Protection District had no objections to the CUP, but asked to keep in mind fire department access from the highway around the structure to allow safe access for fire department apparatus.
- La Plata Electric Association had no comment for the CUP request.
- San Juan Basin Health reviewed the request and stated the site is served by a permitted OWTS (on-site water treatment system-permit number WWP2016-154A) designed and permitted for two dwelling with a total of eight bedrooms. While the system was not designed for residential and commercial lodging use, design standards for “hotels and motels” and “boarding houses” do not appreciably differ from residential design standards if the room or occupant count is not changing, and SJBPH will not be requiring a new permit for the addition of formal lodging uses. If a second dwelling structure is ever built on this property, SJBPH may need to revisit the total design capacity of the system prior to signing a building permit application, or providing comments on a planning application, or similar.
- The Colorado Division of Water Resources stated the project is in an area currently considered to be not over-appropriated. Our records indicate that the property is currently being served by well permit #160832 which is permitted for fire protection, ordinary household purposes inside one single-family dwelling, the irrigation of not more than one acre of home lawns and gardens and the watering of domestic animals. The applicant can apply to have the use of the current well permit expanded to serve the uses described in the project narrative. Until such time that a well permit for the uses described in the narrative is approved our office cannot comment favorably.

### 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.

Staff believes the CUP application meets the review criteria required for granting a Conditional Use Permit. Staff has included conditions at the end of this report to affirm the request's ability to comply with the necessary findings for granting a Conditional Use Permit.

### RECOMMENDATION AND FINDINGS

Based on evidence provided, if the Applicant has met the goals and objectives of the Land Use Regulations, then **the Planning Commission would 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 Planning Commission recommend approval** of the Navajo Peak Lodge, LLC request for a Conditional Use Permit (CUP) located at 24601 US Hwy 84 (PLN19-465), **with the following conditions:**

1. Applicant shall expand the water well on the site as required by the Colorado Division of Water Resources to allow for operation of the residence as a Bed and Breakfast. Applicant shall provide proof of compliance with the Colorado Division of Water Resources requirements to the Development Services Department prior to operating as a Bed and Breakfast.
2. Applicant shall construct an additional residence on the site to allow for the permanent residency of the operator of the Bed and Breakfast. An RV or other temporary structure shall not be permitted as the residence of the Bed and Breakfast operator.

#### PROPOSED MOTION

**Motion to recommend approval of the Navajo Peak Lodge CUP, with the Findings A and B, and conditions #1-2 of the Staff Report.**

#### ATTACHMENTS

- Attachment 1: Maps
- Attachment 2: Referral Agency Comments
- Attachment 3: Narrative
- Attachment 4: Site Plan
- Attachment 4: Building Elevations