



Archuleta County
Development Services
1122 US Hwy 84 / P. O. Box 1507
Pagosa Springs, Colorado 81147
970-264-1390

STAFF REPORT

TO: Archuleta County Planning Commission

FROM: Pamela Flowers, Development Director

DATE: January 25, 2023

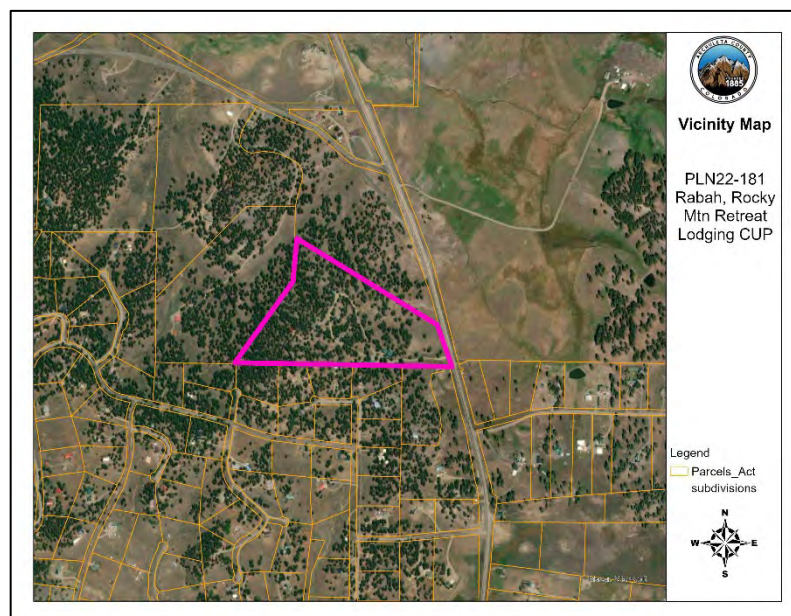
STAFF
REPORT: Rocky Mountain Retreat, Lodging Conditional Use Permit, 2297 US Hwy 84 (PLN22-181)

EXECUTIVE SUMMARY

Mohamed Rabah, representing Rocky Mountain Retreat LLC, has applied for Approval of **(PLN22-181) Rocky Mountain Retreat, Lodging Conditional Use Permit** to renew operations of a Lodging Establishment at his approximately 37-acre parcel located at 2297 US Hwy 84. The parcel is zoned Agricultural Ranching (AR). There was previously a lodging establishment operating at this location that had been considered a legal non-conforming use until it ceased to operate for more than a year. This new application is to use the existing structures that were utilized by the prior operator, so no site changes are proposed with this application.

All files associated with this application and its review are available for closer examination on the Archuleta County Website on the Planning Department's Planning Proposals Page at this link:

<http://archuletacounty.org/467/Planning-Proposals>



REVIEW PROCEDURE

Table 3: Uses by Zoning District of the Archuleta County Land Use Regulations (“the Regulations”) allows a Lodging Establishment in the AR Zoning District with approval of a Conditional Use Permit.

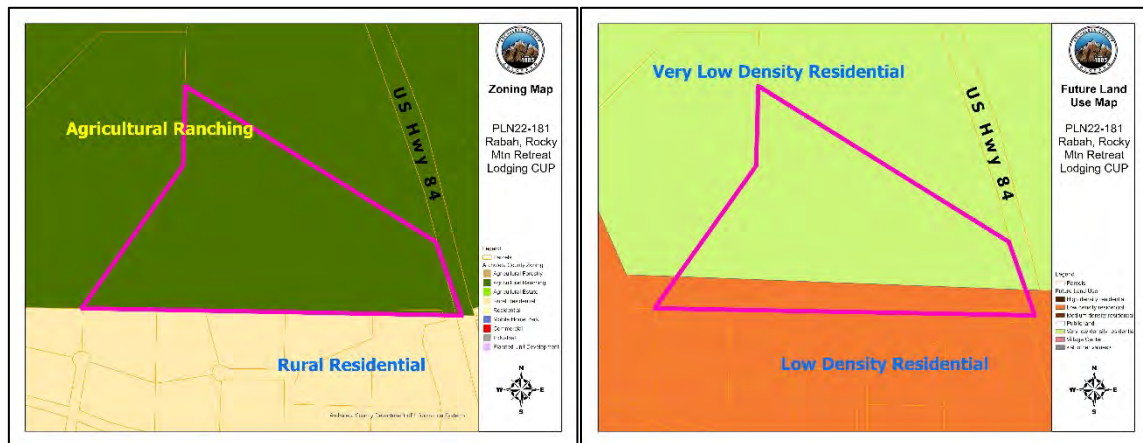
Public notice requirements outlined in Section 2.2.3 were met for this project.

DISCUSSION

The Applicant is seeking to renew operation of a lodging establishment, providing short-term lodging in cabins already on the site. There are four (4) cabins operated as separate lodging units and the main home is not offered as lodging units. Adequate parking is provided at each cabin and the access permit has been validated with Colorado Department of Transportation as still valid.

Future Land Use and Zoning Review

The parcel is zoned Agricultural Ranching (AR) and borders on Holiday Acres to the south. This zoning allows a Lodging Establishment with a Conditional Use Permit approved by the Planning Commission. The Future Land Use Map designates this area as Very Low Density Residential with Rural Residential to the South. There are no concerns for either of these designations.



Referral Agency Review

The project was staffed to all the required agencies as listed in Section 2.2.5 of the Regulations. Review comments are summarized here:

- San Juan Basin Public Health provided comments that have been added as a suggested action, but not a true condition of approval in this report.
- All other agencies and utilities had with no comment or concern regarding the project.

Planning Staff Review

The Staff conducted a detailed review of requirements for this application but has not yet conducted the on-site inspection. The requirement to participate in the inspection and correct any noted violations has been included as a recommended condition of approval in this report.

Review Findings and Criteria

There are three findings (Sec 3.2.3.5) and seven criteria (Sec 3.2.3.4) that must be satisfied before a Conditional Use Permit can be approved. There are no concerns regarding any of these items with this project.

RECOMMENDATION AND FINDINGS

Based on the evidence provided, the Applicant has met the goals and objectives of the Land Use Regulations, and that the Planning Commission would find that:

- a. The application **DOES MEET** the review criteria for a Conditional Use Permit in Sec 3.2.3.4 of the Regulations, and
- b. The application **DOES MEET** the required findings for a Conditional Use Permit in Sec 3.2.3.5 of the Regulations, and

That the **Planning Commission APPROVE PLN22-181, Rocky Mountain Retreat, Lodging Conditional Use Permit**, as presented with the following conditions:

1. Applicant should schedule an inspection of the On-site Wastewater Treatment Systems (OWTS) by a certified third-party inspector, due to existing system construction defect, to verify proper functioning of OWTS prior to beginning operations.
2. Applicant must schedule a Site Inspection with Planning Staff to determine if the site and all facilities are compliant with the Lodging Establishment and Lodging Unit Standards from Section 5 of the *Archuleta County Land Use Regulations*. Any identified areas of non-compliance must be satisfactorily resolved prior to beginning any short-term rental of any units on site.

PROPOSED MOTION

I move to APPROVE PLN22-181, Rocky Mountain Retreat, Lodging Conditional Use Permit, with findings A and B, and condition 1 & 2, as presented.

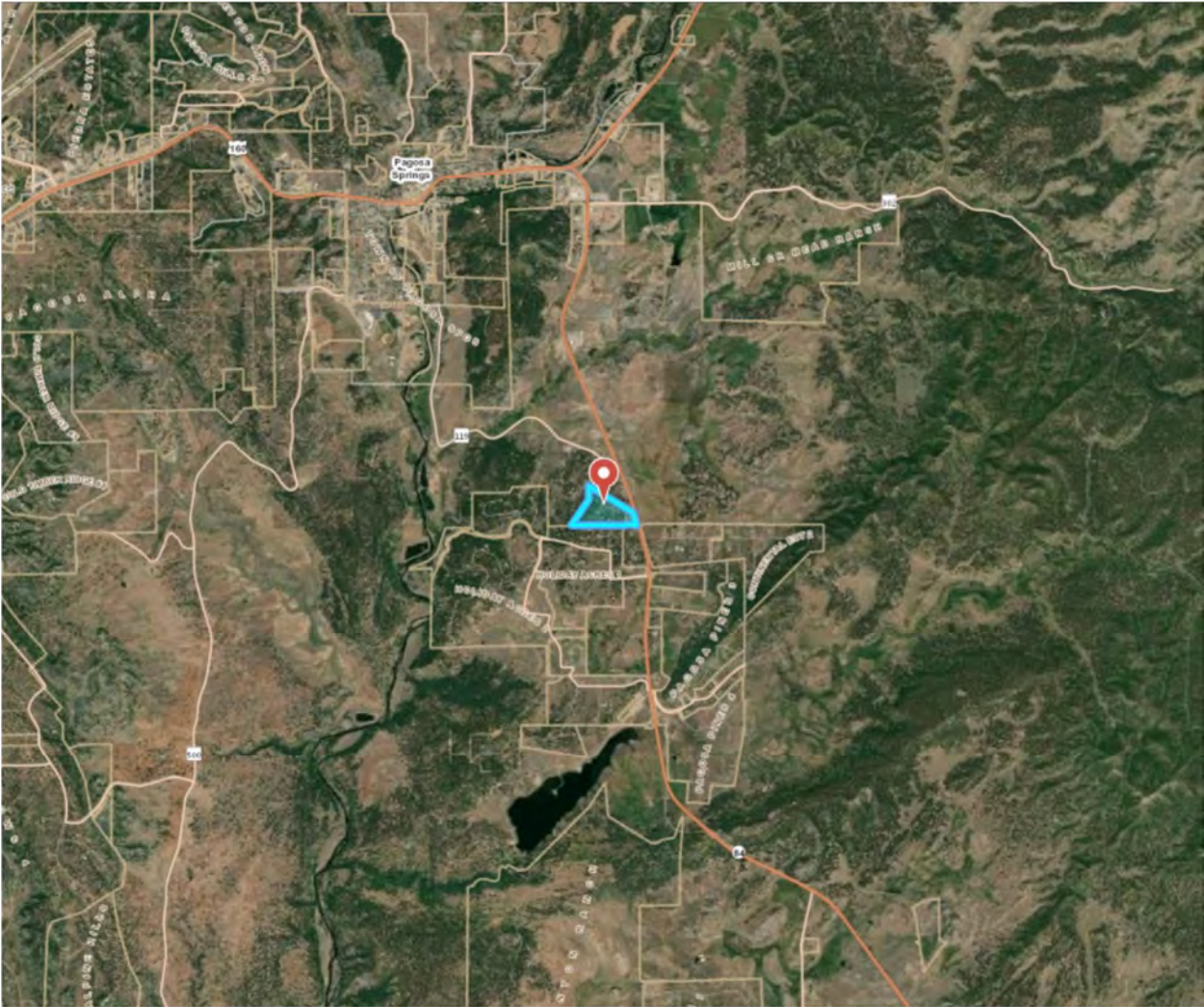
ATTACHMENTS

Attachment 1: Project Narrative

Attachment 2: Site Plan

Rocky Mountain Retreat Conditional Use Permit

11/17/22



Property Info

Applicant: Mohamed Rabah
8 Nottingham Way
Warren, NJ 07059

Agent: Riess Research and Planning
12389 HWY 550
Durango, CO 81303
riessmgt@gmail.com

Parcel #: 570130400121
Legal Description: S30, T35N, R1W
Acres: 36.98 acres

Submittal Requirements:

1. Vicinity Map – A vicinity map is included at the top of this narrative and will be submitted separately with the full submittal.
2. Proposed Use – The property and existing structures will be used as short-term rentals. Nothing will actually change on the property. All structures already exist so impacts on the surrounding properties have already been minimized and mitigated. Ongoing maintenance and care will be handled as it is currently being handled.
3. Site Development Plan – a full sized site development plan will be submitted along with this narrative that meets all the requirements that are detailed in 3.2.3.2(3) and required by Archuleta county.
4. Proposed Structures – There are no proposed structures. All structures already exist on the property.
5. Grading – No grading or extractive-type uses are needed for this proposal. All development happened in the past. This proposal is for a use permit.
6. Development Schedule – There is no development involved in this proposal. All development happened in the past. This proposal is for a use permit.
7. Owners and Encumbrances Report – Included with this submittal.
8. Proof of Ownership – Deed included with this submittal.
9. Additional Materials – Any additional materials as required by the Archuleta County Application Checklist are included with this submittal.

Review Criteria:

1. This proposal will not change the relationship or impact the use on the development objectives of Archuleta County. This proposal will not be changing anything as it currently stands on the property. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.
2. This proposal will not have an effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.

3. This proposal will not have an 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. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.
4. This proposal will not have an 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. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.
5. This proposal will not have an effect on 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. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.
6. This proposal will not have an effect of the use upon the natural resources and wildlife habitat areas. Nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.
7. This proposal should not have any impact on any other factors or criteria that the Planning Commission or the Board of County Commissioners deem applicable to the proposed use, as nothing on the property will change with this proposal. This is only a proposal for a use permit that is consistent with past use on the property.

