



Archuleta County
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MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: May 22, 2019

RE: 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).

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 this application was 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. Applicant failed to meet the requirement of Section 2.2.3.3 to mail notice to neighbors at least 21-days prior to this public hearing. 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 (adopted under Section 2.2.3) not less than 30 days before any initial public hearing 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; however, it is unclear which of the existing sites and other improvements are covered by the 2003 LIU, or developed since that permit was issued.



RV Park Expansion Site, looking south.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. Applicants have not addressed how the proposal meets the goals, policies or action items in the Community Plan. 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) apparently 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. Area Maps attached provide an overview.

Section 3.2.3 Conditional Use Permit Requirements

	Land Use Regulation Requirement	Application
1	Vicinity Map, Staff typically prepares these on application	<i>See Attachment 1</i>
2	Written Description in sufficient detail to describe the use.	<i>See Applicants' narrative attached.</i>
3	A detailed Site Development Plan, drawn to scale showing topography, features and proposed development for the property, with building locations, parking areas, traffic circulation, usable open space, landscaped area, exterior lighting, utilities and drainage.	<i>Applicants did not provide a Site Development Plan. Construction plans were provided at scale for the proposed improvements only.</i>
4	Elevation drawings of any proposed structures.	<i>N/A</i>
5	Restoration or reclamation plans.	<i>N/A</i>
6	A proposed development schedule, if applicable.	<i>N/A, construction proposed on Board approval</i>
7	Owners & Encumbrances report.	<i>Provided</i>
8	Proof of Ownership.	<i>O&E Report, no Mineral Owners</i>
9	Any additional materials, as may be required to fully evaluate the compliance of the proposed use with the Regulations.	

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. Some of these include:

	Land Use Regulation Requirement	Application
5.2.1.1	Water Quality Control. State permits if >1 acre	<i>Plans show <1 acre disturbed</i>
5.2.1.2	Water Body Setbacks. Improvements min 25' from river Ordinary High Water Mark (OHWM)	<i>Adjacent to Rio Blanco River. No Site Plan provided.</i>
5.2.1.3	Wetlands Protection. Delineated wetlands shall be shown on Site Plans and mitigation measures described.	<i>No Site Plan provided.</i>
5.2.3.3	Flood Hazard Areas. Must meet requirements in Section 10.	<i>Davis Engineering provided a signed and sealed letter to certify the proposed expansion project is outside the 100-year floodplain. No Floodplain Development Permit application</i>

5.3.3	Roads.	<i>Archuleta County Public Works Director Bob Perry reviewed the project. CDOT requested Access Permit review at County Rd 339 and Hwy 84 (see below).</i>
5.3.4	Drainage System.	<i>Archuleta County Public Works Director Bob Perry and accepted Construction Drawings in lieu of study</i>
5.3.6	Utility Location. All utilities in the AE zone shall be located underground.	<i>Applicant already had LaPlata Electric install overhead power lines onto the site, in violation of this requirement.</i>
5.3.7	Sewage Facilities. See Section 5.5.	
5.3.8	Water Supply. See Section 5.5.	
5.3.9	Fire Protection.	<i>Pagosa Fire Protection District reviewed and approved (see below)</i>
5.4.4	Outdoor Lighting. All fixtures must be fully shielded except in special situations.	<i>Some existing lighting appears out of conformance. Details not provided.</i>
5.4.5	Parking. See Section 5.5.	
5.4.7	Vision Clearance Area. Sight Distance Triangle at intersections to be kept clear for safety.	<i>No Site Plan provided.</i>

Section 5.5.5 Recreational Vehicle Parks and Campgrounds Standards

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 important accommodations for our guests.

	Land Use Regulation Requirement	Application
5.5.5.1	Non-Conforming RV Parks & Campgrounds	
1	Existing sites no longer must be improved for an expansion.	<i>Specific information was not provided to confirm the extent of development on the site clearly covered by the 2003 LIU approval.</i>
2	Improvements and facilities serving new sites must meet current requirements.	<i>Driveway between improvements and road should be improved under this section. No Site Plan provided.</i>
3	Any development on the site must be in conformance with FEMA, Colorado Water Conservation Board (CWCB) and Section 10 Floodplain regulations	<i>No Floodplain Development Permit provided. No Site Plan provided.</i>

5.5.5.2 RV Park & Campground Area

1	Minimum park area 5 acres.	<i>The plat for Hudson’s Rio Blanco Subdivision No. 8 recorded in 1969 shows 8.94 acres.</i>
2	Setbacks & Buffers. A perimeter landscaped buffer required 25’ along the road and 20’ along other property lines	<i>No Site Plan provided, but apparent space available.</i>
3	Campsite Requirements.	<i>Apparently tent camping was added after the 2003 LIU, no further information was provided.</i>
4	RV Space Requirements.	<i>RV spaces as designed are at least 35’ wide with substantial parking pads on construction plans provided.</i>

5.5.5.3 RV Park & Campground Site Improvements

1	Access.	<i>Construction plans were approved by Public Works Director and County Engineer Bob Perry</i>
2	Parking.	<i>Not addressed</i>
3	Drainage.	<i>Approved by Public Works Director and County Engineer Bob Perry</i>
4	Common Recreation Area.	<i>No Site Plan provided.</i>
5	Utilities.	<i>New utilities beyond LPEA proposed underground, details not provided.</i>
6	Refuse Disposal.	<i>Not addressed</i>
7	Fire Protection.	<i>Details not provided. Project approved by Pagosa Fire Protection District.</i>

5.5.5.4 RV Park & Campground Structures

1	RVs & tents are temporary structures and shall be kept mobile.	<i>N/A on existing legal non-conforming sites. No long-term occupancy would be permitted for the new sites</i>
2	Dwelling Units.	<i>N/A for this application</i>
3	Common Area Facilities.	<i>Not addressed</i>
4	Storage Areas.	<i>Not addressed</i>

5.5.5.5 RV Park/Campground Water & Sewer service facilities

1	An accessible, adequate, safe and potable supply of water shall be provided to each RV space/lot or Campground. Water pressure minimum 100 gallons per day per space, and evidence of approval by CDPHE.	<i>Details not provided. Water hookups shown for 6 of 8 proposed RV sites. DNR Lead Water Commissioner confirmed current well permit #48649 for up to 30 RV sites.</i>
2	An accessible, adequate and safe sanitary sewage treatment system shall be provided to each RV space/lot or Campground. RVs with plumbing fixtures are not permitted unless connected to an approved sewer system with 4" connections.	<i>Brian Devine, San Juan Basin Public Health, confirmed approval of an amendment to OWTS permit (WWP2019-0101) to serve 6 additional RV sites. These six RV sites are the only new facilities accounted for in the expansion design. No provision is accounted for additional 2 new RV sites.</i>

5.5.5.6 RV RV Park/Campground Additional Provisions

1	No permanent residency.	<i>While several RVs do appear to be permanently occupied in existing spaces, this applies only to new sites.</i>
2	<i>Other provisions do not appear to apply.</i>	

Section 7 Sign Regulations

No signs were shown on plans provided. There is an existing sign at the driveway, and a freestanding sign at the corner of Hwy 84 and County Rd 339 off the subject property. Off-premise advertising signs (billboards) are prohibited by Section 7.3 of the Land Use Regulations, without proof of legal non-conforming status.

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.

This application was referred to local utilities 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 build 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.
- San Juan Basin Public Health has approved an updated OWTS permit for 6 additional sites.
- Pagosa Fire Protection District had no objections.

One neighbor responded in writing in support of the application.

RECOMMENDATION AND FINDINGS

The Planning Commission has a number of choices in their review of this application.

If the Planning Commission believes that evidence provided does **NOT clearly met the goals and objectives of the Land Use Regulations**, staff would recommend the Planning Commission find that:

- A. The application **DOES NOT** 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 NOT** meets 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 recommends NOT to approve the 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).

OR

If the Planning Commission believes that evidence provided is **insufficient to make a recommendation, or that public notice was not provided as required**, staff would recommend the Planning Commission **continue this hearing to the next regular Planning Commission meeting on June 26, 2019**, as provided by Section 2.2.7 of the Land Use Regulations, to provide Applicants an opportunity to complete the application.

OR

If based on evidence provided, the Planning Commission CAN determine the Applicants have met the goals and objectives of the Land Use Regulations, then staff would recommend the Planning Commission find that:

- C. 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
- D. 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 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 the following conditions:

Conditions of Approval:

- 1. Applicant shall submit documentation that no permits are required by the Colorado Department of Public Health & Environment (CDPHE) for domestic water service, prior to beginning operations.
- 2. Provide documentation domestic water will meet Section 5.5.5.5 requirement for water pressure.

3. The 2 “dry sites” shall be eliminated, or provided with water and sewer service as required by Section 5.5.5 of the Land Use Regulations.
4. Applicant shall address CDOT’s Access Permit requirement under Sec 5.3.3.
5. Provide a Floodplain Development Permit, documenting conformance of existing improvements with Section 10 Floodplain regulations, CWCB and FEMA requirements.
6. Provide a simple site plan for the full parcel showing how the project conforms with Development Standards in Section 5 of the Land Use Regulations.
 - Sec 5.2.1 Surface Water (wetlands/floodplain)
 - Sec 5.3.3 Roads
 - Sec 5.3.6 Utilities
 - Sec 5.4.4 Outdoor Lighting
 - Sec 5.5.5.1 Document extent of non-conformity
 - Sec 5.5.5.2 Area setbacks & buffers
 - Sec 5.5.5.3 Site improvements
 - Sec 5.5.5.4 Structures
 - Sec 5.5.5.5 Water & Sewer service
 - Sec 5.4.7 Vision Clearance Area (driveway)

PROPOSED MOTION

I move to recommend **NOT to approve to the Board of County Commissioners, of the request for the Last Resort RV Park & Campground CUP, with the Findings A and B, of the Staff Report.**

OR

I move to continue this hearing to the next Planning Commission meeting on June 26, 2019.

OR

I move to recommend **Approval to the Board of County Commissioners, of the request for the Last Resort RV Park & Campground, with the Findings C and D, and conditions #1-3 of the Staff Report.**

ATTACHMENTS.

- Attachment 1: Area Maps
- Attachment 2: Section 5.5.5 RV Parks & Campgrounds (2018)
- Attachment 3: Review Comments
- Attachment 4: Applicant Narrative
- Attachment 5: Construction Plans