

SECTION 4 – SUBDIVISION REGULATIONS

4.1 GENERAL

Any division of land should be carefully considered. It is much easier to divide land than to re-assemble parcels for future conservation and development. ¹

4.2 SKETCH PLAN³**4.3 PRELIMINARY PLAN⁴****4.4 FINAL PLAT⁵****4.5 RURAL LAND USE PROCESS SUBDIVISION****4.6 AMENDMENTS¹⁰****4.7 LOT CONSOLIDATIONS AND UN-CONSOLIDATIONS¹³****4.8 VACATION OF A RECORDED SUBDIVISION****4.9 SUBDIVISION EXEMPTION****4.10 IMPROPERLY DIVIDED PARCELS (APPLICATION FOR LEGAL LOT STATUS)****4.10.1 Purpose and Intent**

To provide for an orderly manner of memorializing Improperly Divided Parcels of real property less than 35 acres in size and situated in Archuleta County, Colorado. This will allow property owners of those parcels to develop the land or receive use permits on the same.

4.10.2 Applicability

4.10.2.1 This Section applies to parcels of less than thirty-five (35) acres in size that were *not* created, for whatever reason, through a documented process that complies with C.R.S. 30-28-101 et. seq. If a parcel of this size is outside of a subdivision and was created after Sept 1, 1972 and before the adoption of these Land Use Regulations on May 23, 2006, this Section will apply.

4.10.2.2 If a parcel of this size was created after these Regulations were adopted, the parcel will not be eligible for this process. In these cases, the parcel will be considered a violation as described in Section 1.4.2.1(3) Activities Without Permit or Approval. These violations can only be corrected via Subdivision Exemption Plat as in Section 4.9.

4.10.3 Submittal Requirements

The Development Director shall consider and act upon all complete Applications for Legal Lot Status as authorized by these Regulations. The Development Director may waive any of these application requirements or conversely, require additional documents if needed to thoroughly review the particular case and make a recommendation under these Regulations.

4.10.3.1 Completed copy of an Archuleta County Land Use Permit Application (available online or

provided by the Planning Department) and the non-refundable application fees.

4.10.3.2 Aerial map showing the entire parcel, improvements on the parcel, and all abutting parcels.

4.10.3.3 A narrative description of the history of the parcel and how it came into existence in its current form, with supporting documentation including copies of all deeds and/or purchase contracts back to its creation.

4.10.3.4 Proof of access to a public road by:

- (1) Recorded easement or right-of-way agreement,
- (2) Entitlement to use of private road,
- (3) Court decree,
- (4) Other legal entitlement to access

4.10.3.5 Copy of vesting deed to current owner

4.10.3.6 Proof of property taxes paid current

4.10.3.7 A list of current uses on or of the property

4.10.3.8 Septic and well permits (if applicable)

4.10.3.9 Certificate of Occupancy for structures built after 1996

4.10.4 Review Procedure

4.10.4.1 Once the Application for Legal Lot Status is submitted, Planning Staff will review the request and notify the applicant within three (3) business days of application completeness.

4.10.4.2 The Planning Staff will then conduct an investigation to determine the conformance of the parcel regarding these Regulations and other County rules and ordinances. If the parcel does not meet the approval criteria, the Development Director will deny the application, providing the applicant sufficient detail regarding what steps must be taken to remedy the situation so the applicant can re-apply at a later date or that they are not eligible for this program.

- (1) If an application is denied by the Development Director, the applicant may request a hearing by the Planning Commission in writing within twenty (20) days after notice of the Development Director's action. The Development Director shall add the hearing to the Agenda for the next Planning Commission meeting that is at least thirty (30) days after the date the appeal notice is received by the Development Director.
- (2) If an application is denied or conditionally approved by the Planning Commission, the applicant will have the right to appeal for a public hearing before the Board of

County Commissioners. Again, the notice of appeal must be received by the Development Director in writing within twenty (20) days after the Planning Commission meeting. The appeal will be forwarded to the County Administrator to determine when the item will be placed on the agenda of the Board of County Commissioners at least thirty (30) days after the notice is received by the County Administrator.

(3) For all appeals, the public notice in accordance with Sections 2.2.3.1 and 2.2.3.2 shall be required.

4.10.4.3 For all parcels that are determined to be compliant with these Regulations, the Planning Staff shall prepare and submit a Certificate of Designation of Legal Lot Status for approval on the consent agenda at the next public meeting of the Planning Commission.

4.10.4.4 If there are conditions for approval recommended by the Planning Department, the Planning Commission shall review the case as part of their new business agenda.

4.10.5 Criteria for Approval

4.10.5.1 The premises is not subject to any unresolved enforcement action by Archuleta County;

4.10.5.2 The Property Taxes (real and personal) for the property are paid and no tax liens exist on the parcel;

4.10.5.3 The applicant and the parcel are in compliance with all other applicable County regulations;

4.10.5.4 The parcel has proof of access to a public road by either

(1) A recorded easement or right-of-way agreement;

(2) Entitlement to use of private road;

(3) Court decree;

(4) Other legal entitlement to access

4.10.5.5 The application and submitted documents do not contain a material falsehood or misrepresentation.

4.10.6 Certificate of Designation of Legal Lot Status

4.10.6.1 The Planning Department shall issue its Certificate of Designation of Legal Lot Status to applicants only for the purpose of establishing a Parcel as having been created or otherwise effectively complying with C.R.S. § 30-28-101 et seq.; and being exempt from minimum lot size for zoning requirements for which current land uses are to be treated as non-conforming as more specifically set forth herein below.

4.10.6.2 A Certificate of Designation of Legal Lot Status issued pursuant to these Regulations shall apply to a specific parcel of property; shall “run with the land” in perpetuity once it is recorded with the Office of the Clerk and Recorder for Archuleta County, Colorado,

and shall not be transferrable.

4.10.6.3 To avoid converting the legal lot back into an illegal lot, any and all future changes to the parcel, including further subdivision actions (including any additions or subtractions of land and moving existing lot lines in any way) must be accomplished using the appropriate process as defined in these Land Use Regulations.

VACATION RENTAL PERMITTING

3.2.7 Vacation Rental Permit (VRP):

Vacation Rental is a Residential Use of a dwelling unit—either an entire dwelling or individual rooms—on a short-term rental basis, less than thirty (30) days at a time. Meals are not provided, although guests may have full access to kitchen facilities. *It is unlawful to rent or offer to rent any Dwelling Unit as a Vacation Rental unless and until a Vacation Rental Permit has been approved.* Vacation Rentals are land uses that have potential for causing adverse impacts on others because of such factors as proximity to other homes, method of operation, scale or intensity of activity, or parking and traffic generated. Because of these characteristics, Vacation Rental Permits require review and evaluation so that Vacation Rentals may be located and operated with proper respect for their effects on surrounding neighbors, properties, and Archuleta County at large.

3.2.7.1 Purpose and Intent

Vacation Rentals may be permitted subject to such conditions and limitations as Archuleta County may prescribe. The intent is to ensure that the location and operation of the Vacation Rental is in accordance with the development objectives of the County (per the Community Plan) and will not be detrimental to other uses or properties. Vacation Rentals must meet all building, zoning, environmental, infrastructure, and site development standards as detailed in Section 5 of these regulations. Where conditions cannot be devised to achieve these objectives, or it is not possible to mitigate adverse impacts, applications for Vacation Rental Permits shall not be approved.

(1) Planning Department.

- a. The Development Director may approve VRPs administratively (as shown in Table 3).
- b. The Director may refer any VRP Application to the Planning Commission for final determination.
- c. Should an Applicant disagree with a determination or conditions of Administrative approval, the Applicant may appeal for a Public Hearing before the Planning Commission.

(2) The Planning Commission.

- a. For Vacation Rentals with the potential for causing greater adverse impacts, the Planning Commission will make the final determination, with recommendation by the Development Director.
- b. Should an Applicant disagree with a determination or conditions of approval of the Planning Commission, the Applicant may appeal for a Public Hearing before the Board of County Commissioners.

3.2.7.2 Submittal Requirements

The Applicant shall complete the online application process in the approved system including sufficient details, digital copies of required materials, and payment of the non-refundable application fee, as provided for in the current County Fee Schedule. The application shall include:

- (1) Property Details and Contact information for Property Owner, Caretaker or Property Manager, and Applicant (if other than Owner).

(2) Recorded Property Ownership Deed.

(3) Proof of Ownership. If “Grantee” on the Deed is a Trust or Corporate Entity, the Applicant must submit documents that identify all individuals who have authority to make decisions regarding the property.

(4) Agent Authorization Documents. If there is a formal Property Management Contract, that must be submitted.

(5) Proof of Neighbor and Owner’s Association Notification. Proof that the completed Vacation Rental Notification Form (provided by the Planning Department or found online) has been sent. This shall be documented via Certificates-of-Mailing (not Certified Mail) sent *at least two weeks before the date of application*. Notice is required to be sent to:

- a. All adjacent property owners (any parcel touching your parcel or units in a shared building for condos).
- b. Any Owner’s Associations for the dwelling.
- c. Certificate-of-Mailing receipts must be submitted as proof of notification during the application process.

(6) Parking Plan Site Map. An *aerial map* of the dwelling to be used for the rental including markings for all available on-site guest parking spaces. An improvement location certificate or other survey will also suffice, but not a hand-drawnsketch.

(7) Water Treatment/Sewer Documents. A public sewer bill or On-Site Water Treatment System (OWTS) Permit documenting how wastewater will be managed at the property and limits to capacity, if applicable.

(8) Proposed Advertisements. Advertisements or proposed draft advertisements must be reviewed for compliance as part of the application process.

(9) Proposed Rules for Renters. Proposed rules that will be provided to rental guests will be reviewed for the following:

- a. County ordinances, including parking, noise, and applicable fire ban ordinances.
- b. Neighborhood rules, restrictions, and covenants for the home, if applicable.
- c. Non-Emergency Phone numbers for sheriff, medical, fire protection district etc.

(10) Sales/Lodging Tax Payment Method. Documents that show how Colorado Sales and Lodging Taxes will be paid must be submitted.

(11) Proof of Property Taxes Paid. Proof that all personal and real property tax accounts with Archuleta County Treasurer are not in arrears must be submitted.

(12) Vacation Rental Disclosure Form. The completed Vacation Rental Disclosure Form (provided by the Planning Department or found online) must be reviewed,

initialed, signed, and submitted to document property owner understanding and compliance with performance standards found in Section 5.5.6.

(13) Payment of Appropriate Fees. The Development Director will assign the appropriate fee, in accordance with the current County Fee Schedule, after the application documents are fully reviewed.

3.2.7.3 Review Procedure

Upon determination of a Complete Application, the Development Director shall approve, approve with conditions, or deny the application, basing this decision upon the facts presented in the application and in due consideration of the criteria for review.

(1) The Development Director shall make the final determination without a public hearing, unless appealed or referred to the Planning Commission.

(2) Conditions. The Development Director, Planning Commission, or Board of County Commissioners may require or recommend conditions or stipulations, which may include property and room configurations, as well as operational and/or maintenance considerations, in addition to standard development and use regulations which apply within a particular zone district or for a similar “permitted use.”

(3) The Development Director, Planning Commission, or Board of County Commissioners may specifically require or recommend the permit be granted only for a defined period, after which time the approved use shall expire unless renewed subject to all of the requirements of this Section.

3.2.7.4 Review Criteria

Before acting on a Vacation Rental Permit application, the Development Director, Planning Commission, or Board of County Commissioners shall consider the following criteria and factors with respect to the proposed use:

(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 of the proposed use in relation to surrounding uses.

(5) The adequacy of the design features of the site and dwelling to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, lighting, etc.

(6) The effect of the use upon the natural resources and wildlife habitat areas.

(7) Such other factors and criteria as the Development Director, Planning Commission,

and Board of County Commissioners deems applicable to the proposed Vacation Rental.

3.2.7.5 Necessary Findings:

Before acting on a Vacation Rental Permit application, the Development Director, Planning Commission, or Board of County Commissioners shall make the following findings:

- (1)** That the location of the proposed Vacation Rental, the proposed access to the site, and the conditions under which the unit 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 there are adequate and available utilities and public services to service the proposed Vacation Rental, 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 Vacation Rental 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, community character, etc.

3.2.7.6 Approval and Effect:

- (1)** Unlike other Use Permits, a Vacation Rental Permit shall NOT run with the land in perpetuity. New property owners must apply for their own Vacation Rental Permit after transfer of property ownership is completed. It is unlawful to rent or offer to rent a Vacation Rental until and unless the VRP is *approved*.
- (2)** The Planning Department will conduct a Validation Inspection to verify the accuracy of the information submitted during the application process, as well as the compliance or continued compliance with conditions of approval, applicable building codes, land use codes, zoning restrictions, and other standards for Vacation Rental operations.
- (3)** The dwelling will be inspected within forty-five (45) calendar days after the approval of a new VRP.
- (4)** The dwelling will be re-inspected within forty-five (45) calendar days after the approval of a renewal VRP.
- (5)** The dwelling may be re-inspected within fourteen (14) calendar days after a complaint is received regarding violations of these Land Use Regulations to determine complaint validity.
- (6)** New conditions may be applied after any Validation Inspection. If any conditions or standards are not met or maintained, it shall be considered a violation of these Land Use Regulations and the VRP shall be subject to the provisions of Section 1.4 (Enforcement).

(7) An approved Vacation Rental Permit shall be effective from the date of approval for one (1) year, unless otherwise determined by the Development Director, Planning Commission, or Board of County Commissioners at the time of issuance. Renewal applications (including all required documents and payment) must be submitted before the VRP expiration date or the permit will be considered Closed.

(8) A Closed permit requires the completion of a New Vacation Rental Application and will be subject to all standards and criteria in place on the date of application submittal.

VACATION RENTAL STANDARDS

5.5.6 Vacation Rental Standards

Vacation Rental is a Residential Use of a dwelling—in whole or in part—on a short-term rental basis (less than 30 days at a time). Temporary structures (recreational vehicles, tents, yurts, tipis, park model tiny homes, etc.) may not be used for Vacation Rentals.

5.5.6.1 There are two categories of Vacation Rentals.

(1) Owner-occupied (OO) Vacation Rentals are any Vacation Rentals that provide a portion of the dwelling for short-term rental while another portion is used for long-term rental or permanent residency of a property owner; or where there are multiple dwellings and one (1) dwelling is provided for short-term rental and the other is occupied as a long-term rental or as permanent residence of a property owner.

(2) Not-Owner-Occupied (NOO) Vacation Rentals are any Vacation Rentals that provide the entire dwelling for short-term rental while the property owner permanently resides elsewhere, and no portion of the dwelling or property is provided as a long-term rental.

5.5.6.2 Location. Vacation Rentals are a permitted use in each Zoning District in which a Dwelling Unit or Manufactured Home is a permitted use, as shown in Table 3. This includes the PUD Zone, unless the Development Plan specifies otherwise.

5.5.6.3 Performance Standards.

(1) Owner/Caretaker Responsibilities. The owner of a Vacation Rental shall either be present within a distance of sixty (60) miles of the property, or shall employ a Property Manager or Caretaker within that distance who shall be on call 24 hours a day to respond to the property as needed to alleviate complaints regarding violations of these standards, County Ordinances, or neighborhood rules and covenants.

a. Contact phone numbers will be made available to the public upon request.

b. The Planning Department shall be informed within 10 days of any change of contact information for the manager/caretaker or owner.

(2) Code Compliance. Any dwelling offered as a Vacation Rental, in whole or in part, must be in conformance with all applicable building, zoning, and development codes, as well as nuisance ordinances.

(3) Density. The number of dwellings permitted as Vacation Rentals shall be limited by density to preserve community character and encourage more equal distribution of Vacation Rentals throughout the county.

a. In each Major Subdivision (four (4) or more lots or parcels), Vacation Rentals shall not exceed a number equal to 5% of the total number of lots, tracts, or parcels in the neighborhood, with a minimum of one (1) active permit allowed.

b. In each Condominium or Townhome Community, Vacation Rentals shall not exceed a number equal to 5% of the total number of units in the community, with a minimum of one (1) active permit allowed.

c. In each Minor Subdivision (fewer than four (4) lots or parcels), Vacation Rentals shall not exceed one (1) active permit per subdivision.

d. On each lot, tract, or parcel (regardless of size), only one (1) active Vacation Rental Permit is allowed.

(4) Space and Occupancy. The number of short-term rental guests shall be limited by the number of bedrooms and capacity of a valid Onsite Wastewater Treatment System (OWTS). In situations where on-site parking availability is constrained, the number of guests may similarly be restricted. These limits do not otherwise apply to personal (not Short-term Rental) use by the property owner.

a. Dwelling Guest Limits. There shall be no more than two (2) overnight guests per bedroom, plus up to two (2) additional guests per dwelling.

1. These sleeping capacity limits must be reflected in the combination of all sleeping fixtures (beds, futons, air mattresses, cots, fold-away beds, Murphy beds, day beds, sleeper couches, etc.). Any excess sleeping capacity must be removed as a condition for approval of the VRP, as applicable.

2. Rooms not originally designed for sleeping will NOT be added to the dwelling's bedroom count to increase rental capacity, unless:

i. The room is completely enclosed (separated from the rest of the house by its own door and four (4) solid walls.

ii. The room meets all structural and fire safety requirements listed in sections 5.5.6.3(4)c below.

iii. The infrastructure supporting the dwelling can adequately absorb the additional occupancy generated by increasing the guest limits.

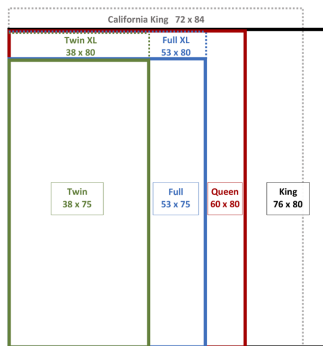
iv. Approval received from Development Director.

b. Sleeping Room Guest Limits. Every room occupied for sleeping must be configured/furnished according to these standards:

1. **Floor Size.** No Sleeping Room shall be less than seven (7) feet in any vertical dimension and must contain at least seventy (70) square feet of floor space for the first guest, and fifty (50) square feet of floor space for each additional guest and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

2. **Ceiling Height.** No room used for sleeping shall have a ceiling height less than seven (7) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50% of the room and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required areas.

3. **Bed Capacity.** Guest capacity per bed is calculated by mattress size. King, California king, and queen size mattresses are calculated as two-guest capacity. All others, including full, double, single, twin are calculated as one-guest capacity. Triple-deck bunk beds are prohibited, and there shall be a clear ceiling height above the mattress of not less than thirty-six (36) inches and a clear space of at least twenty-seven (27) inches between mattresses of a double bunk.



c. Structural and Fire Safety. The dwelling must meet safety codes.

1. Access and Exits.

i. Access. Every room used for sleeping must have its primary entrance directly accessible, without passing through another room or rooming unit, to the outside or to a common hallway leading to the outside.

ii. Emergency Escape Route. All rooms used for sleeping must have an emergency escape route, other than its primary entrance, that leads from the room directly to the outside of the dwelling. If the emergency escape route is via a window, the minimum total window areas shall be at least 10% of the floor area of the room, and 1/2 of the window area must be openable. If the window is on the second or higher floor, there must be an emergency escape ladder available for use.

2. Detectors.

i. All rooms used for sleeping must have a smoke detector installed *inside* the room and one outside each separate sleeping area within fifteen (15) feet of the entrance to the room.

ii. All room used for sleeping must have a carbon-monoxide (CO) detector installed *outside* the room within fifteen (15) feet of the entrance to the room. If there is a fuel-burning appliance (wood or gas fireplace, etc.) inside a sleeping room or its attached bathroom, there must *also* be a CO detector inside the room.

3. Extinguishers. There must be at least one fire extinguisher in the dwelling, kept in the kitchen or food prep area.

4. Handrails and Guardrails. Any stair way with four (4) or more risers must have a grip-able handrail installed with a return on both ends. Any walking surface that is higher than thirty (30) inches above grade must have a sturdy guardrail of at least thirty-six (36) inches in height.

(5) Advertisements. All ads for Vacation Rentals in all media shall follow these guidelines. Deviations from these standards will be treated as a violation of these Land Use Regulations and will be subject to the provisions of Enforcement found in Section 1.4.

a. All ads must include the Vacation Rental Permit/Account Number.

- b. All ads must reflect a guest limit at or below that which is reflected on their permit.
- c. All ads must reflect the proper sleeping configuration as reflected in their permit and conditions.

(6) Refuse Disposal. The property owner, caretaker, or property manager shall manage storage, collection and disposal of refuse. All refuse shall be stored in fly-tight, water-tight, rodent-proof, bear-resistant containers, or be removed upon guest departure.

(7) Guest Parking. There must be at least one on-site parking space for every bedroom offered for rent. Bedroom capacity on your permit may be restricted by the number of parking spaces, if inadequate spaces are available or provided.

(8) Wastewater Treatment. Dwellings must be serviced either by public/district sewer services or an On-Site Water Treatment System (OWTS). No composting toilets or out-houses are allowed for use in Vacation Rentals.

(9) Rental Guest Notice.

- a. All Vacation Rental guests must receive notice outlining property rules. At a minimum, these rules must include the requirements of these standards, County Ordinances, and neighborhood rules and covenants.
- b. Non-emergency contact numbers for fire, ambulance, and sheriff must be provided. Additionally, the property address must be prominently displayed on the refrigerator or cover of the guest book.

(10) Identification Sign. Each Vacation Rental property shall be equipped with one (1) Identification Sign, measuring 12" x 18" for houses or 8" x 10" for condos and townhomes. This sign will include information regarding parking and guest limits, as well as how to report a violation. No other advertising signs promoting or identifying Vacation Rental properties shall be permitted anywhere in residentially zoned districts. The required identification sign will be initially provided by the Planning Department with the approved permit, and at no cost to the property owner. However, if the sign is lost, stolen, or damaged, it must be replaced by the property owner within 10 days, at the fee found in the approved County Fee Schedule.

- a. For single-family dwellings, the sign will be placed in the yard near the driveway entrance from the road.
- b. For condos or town homes, the sign will be hung on the door to the unit.

1.4 ENFORCEMENT

1.4.3.4 Stop Work/Suspend Use:

With or without revoking any approval or authorization, the County may stop work or suspend a use on any land (including, but not limited to, road construction or site grading), structure or building, or use for which there is an uncorrected violation of a provision of these Regulations or of a permit, or other form of authorization issued hereunder, in accordance with its power to stop work or suspend use under its authority.

1.4.3.5 Revoke Plan or Other Approval:

Where a violation of these Regulations involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with these Regulations; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board may reasonably impose.

SECTION 5 – DEVELOPMENT STANDARDS¹

5.1 SUBDIVISION DESIGN STANDARDS

5.2 ENVIRONMENTAL STANDARDS

5.3 INFRASTRUCTURE STANDARDS

5.4 SITE DEVELOPMENT STANDARDS

5.5 ACCOMMODATIONS AND LODGING STANDARDS¹⁹

5.5.1 Lodging Establishment. These standards apply to Lodging Establishments, including Bed and Breakfast Establishments.

5.5.1.1 Grounds

- (1)** All grounds areas shall be well drained, graded, and surfaced, where necessary, and free from depressions in which water may stand. Traffic, pedestrian walkways, and parking areas must be improved so as to minimize the collection of mud.
- (2)** Premises shall be kept free from accumulations of refuse, dilapidated structures, open excavations, or other health and safety hazards constituting a nuisance.
- (3)** During periods of occupant use, the occupant shall maintain his premises which he occupies and controls in a safe sanitary manner. The operator shall keep that part of the building he occupies or controls, and the shared or public areas of the building and premises in a clean, safe, and sanitary condition. All garbage and refuse shall be collected and disposed of so as to prevent nuisance conditions.
- (4)** The operator shall be responsible for clean, safe, and sanitary condition of the building and premises prior to each occupancy.
- (5)** Livestock or poultry shall not be located less than fifty (50) feet from any room or lodging unit.
- (6)** Where electrical service is available within 300 feet of the premises, public areas and structures including roadways, paths, routes of egress, and sanitary service buildings shall be adequately illuminated at night.

5.5.1.2 Water Supply

- (1)** The water system shall be designed, constructed, and protected so as to assure that a safe, potable and adequate water supply is available for domestic purposes in compliance with Colorado Department of Health regulations.
- (2)** No surface or cistern water supply shall be used except under conditions approved by the Colorado Department of Health. When such a facility is approved for use, water shall be obtained from an acceptable source and shall contain a chlorine residual of at least 0.3 p.p.m.
- (3)** The water supply system shall deliver water at a normal operating pressure (20 pounds per square inch minimum) to all fixtures at least 20% of the total daily required volume needed for any one-hour peak use period. The water supply system shall deliver at least 60 gallons of water per person, per day.

- (4) Water under pressure, protected from back siphoning, shall be supplied to all lodging units and to all other buildings in which cooking is permitted or which contain a toilet, bathing, laundry, or dishwashing facilities.

5.5.1.3 Sewage Facilities

- (1) Facilities shall be provided and properly maintained for the disposal or treatment of excreta and liquid waste.
- (2) Where a public sewer system is available, all plumbing fixtures and all building sewers shall be connected thereto. If a public sewer system is not available, a private sewage disposal system (on-site water treatment system) meeting the requirements of the Colorado Water Pollution Control Commission and applicable local regulations, shall be installed and connected to all plumbing fixtures and building sewers. Guest limits must be at a number supported by the permitted capacity of any OWTS.

5.5.1.4 Refuse Disposal

- (1) The storage, collection, and disposal of refuse shall be so conducted as to control odors, insects, rodents, and other nuisance conditions. Sufficient numbers of covered metal refuse containers shall be provided for refuse storage and located not more than 150 feet from any lodging unit. All refuse shall be collected and regularly disposed of in an approved manner.

5.5.1.5 Insect and Rodent Control

- (1) Rodents and insects shall be controlled by establishing proper sanitary practices, vermin proofing of buildings, extermination, or other safe and effective control methods.
- (2) All exterior openings shall be protected with fly screening of not less than 16 mesh per square inch unless other approved protective devices are provided.

5.5.1.6 Mechanical Requirements

- (1) Where climatic conditions require artificial heating, all lodging units and service structures shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and which are capable of maintaining a temperature of 70 degrees Fahrenheit in all habitable spaces. If this temperature cannot be maintained, the lodging unit must only be used seasonally, as appropriate.
- (2) No open flame gas or oil-fired kitchen stoves, hot plates or unvented heaters shall be approved for heating purposes.
- (3) Where electrical service is available within 300 feet of the premises, structures shall be connected to the service, as follows:
 - a. The electrical system shall be installed and maintained in accordance with provisions of the National Electrical Code.
 - b. Each service room (bathroom, shower room, kitchen, etc.) shall have at least one convenience outlet and one light fixture.
 - c. All public hallways, stairs, other exit ways, storage, and utility areas shall have at least one supplied electric light fixture and shall be adequately lighted with light level intensities of at least ten (10) foot candles at all times.

5.5.1.7 Exits

- (1)** Every Lodging Establishment or Bed and Breakfast Establishment shall have at least one (1) direct and one (1) alternate safe, unobstructed means of egress leading to a safe and open space at ground level. In addition, each building in which ten (10) or more people sleep, eat, or otherwise occupy, and each building containing more than two (2) stories, shall have at least two (2) conveniently located and accessible means of egress for emergency exit from each occupied floor.
- (2)** A landing shall be provided beyond each exterior door opening and beyond each interior doorway opening into a stairway. Such landings shall have a width and depth of not less than a door opening. The landing over which a door does not swing, shall be located not more than seven and one-half (7 ½) inches below the threshold level. The landing over which the door swings, shall be located not more than two (2) inches below the threshold level.
- (3)** All porches and balconies more than thirty (30) inches in height, and all stairs with four (4) or more risers shall be provided with a handrail, except in storage or similar type rooms.
- (4)** The rise of each step in a stairway shall not exceed eight (8) inches, and run (tread) shall not be less than nine (9) inches. Every stairway and doorway shall have headroom clearance of not less than six and one-half (6 ½) feet.

5.5.1.8 Household Equipment and Furnishings

- (1)** Basic household equipment, where provided by the operator, shall include tables, chairs, beds, and storage for clothing and personal effects which shall be easily cleanable and shall be kept clean and in good repair.
- (2)** Dishware, utensils, glassware, and flatware furnished for guest use, shall be untarnished, clean, with undamaged use surfaces. They shall be stored in a clean, dry sanitary place.
- (3)** Approved washing and bactericidal treatment shall be provided for all multi-use glassware in guest rooms after each occupancy. The use of common drinking cups or vessels is prohibited.
- (4)** Individual soap and towels shall be provided in all public toilet facilities and in all guest rooms. The use of common towels is prohibited.
- (5)** Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous chemicals or product shall be stored safely and separately from the laundry facilities, linen and other supply storage.

5.5.1.9 Sanitary Facilities

- (1)** Toilet, lavatory, bathing, and laundry facilities shall be installed and provided in minimum numbers as required by the provisions of the Colorado Technical Plumbing Code.
- (2)** Where private toilets, lavatories, and baths are not provided, required sanitary facilities shall be provided on each floor for each sex, and shall be accessible from a public hallway with toilets and baths installed in separate compartments. Sanitary facilities for different sexes will be separated by a solid wall extending from floor to ceiling and shall be clearly marked "Men" or "Women." Entrances shall be screened so the interiors are not visible from the outside.
- (3)** Centralized sanitary facilities shall have a smooth, impermeable, and easily cleanable surface, sloped to drain floors. Floor drains, properly trapped, shall be provided in all shower baths, and shower rooms to remove waste water and to facilitate cleaning. The walls and ceilings of such facilities shall be finished, and the wall shall have a smooth, non-absorbent, easily cleanable

surface extending a height of four (4) feet in toilet rooms, and six (6) feet in shower rooms.

- (4) Where provided, centralized toilets, lavatories, and baths shall be provided at the rate of one (1) for each sex for every ten (10) guests.
- (5) Where provided, centralized sanitary service units, at least one urinal is required for every twenty-five (25) males. Urinals may be substituted for up to one-third (1/3) of the required number of toilets.
- (6) No toilet space shall be less than thirty (30) inches in width, and there shall be no less than thirty (30) inches of clear space in front of a toilet.
- (7) Laundry tubs, kitchen sinks, and bath tubs shall not be acceptable substitutes for lavatories.
- (8) Group shower facilities are prohibited. Each shower facility must have at least nine (9) square feet of floor space and be individually partitioned and be enclosed with either a waterproof draw curtain or door. Shower and bathtub floors shall have a non-skid surface or provided with a non-slip impervious mat. Wooden racks (duck boards) over shower floors are prohibited. Where rubber or impervious mats are used, they must be cleaned, dried, and kept off the shower floor between usage.
- (9) Dressing room space equivalent to the size of the shower floor area must be provided adjacent to bathing facilities.
- (10) Hot and cold water under pressure shall be supplied to all required plumbing fixtures except that only cold water shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heat and heating equipment.
- (11) Required plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
- (12) Sufficient numbers of faucets with running water shall be provided to wash walkways, courts, passage ways, and other common use areas.
- (13) Service rooms and buildings housing required plumbing fixtures shall be constructed of easily cleanable, non-absorbent materials, maintained in good repair, in a clean and sanitary condition, and conveniently located at a distance of not more than 150 feet from any lodging facility.

5.4.1.1 Food Preparation Facilities. For Bed and Breakfast Establishments (preparing and providing meals to guests), or Lodging Establishments that make cooking facilities available for guest use, kitchen facilities must provide the following:

- (1) A trapped and vented kitchen sink with hot and cold running water.
- (2) Approved refrigeration and cooking appliances properly installed and maintained.
- (3) A cabinet for the storage of food, dishes, and cooking utensils.
- (4) A smooth, washable, non-absorbent finish for all sink and cabinet tops.
- (5) Adequate ventilation of the kitchen to the outside air.

5.4.2 Bed and Breakfast Food Service Operations

5.4.2.1 A Bed and Breakfast Establishment must provide at least one meal to all guests for no additional

charge other than the lodging fee.

5.4.2.2 A Bed and Breakfast Establishment must obtain and maintain an Archuleta County Liquor License if alcohol will be offered to guests, whether for payment, or included in the lodging fee.

5.4.2.3 Food Characteristics

- (1) Food shall be safe, unadulterated, in sound condition, free from spoilage or contamination, and shall be safe for human consumption.
- (2) Food shall not contain unsafe or unapproved food or color additives per 21 CFR 170-186.
- (3) Food shall be obtained from approved sources that comply with the applicable laws relating to food and food labeling.
- (4) Food prepared or stored for use in the Bed and Breakfast Establishment must be kept separate from food for use by the operator or manager of the establishment in his private quarters.

5.4.2.4 Food Storage

- (1) Containers of food shall be stored a minimum of six (6) inches above the floor on dollies, skids, or racks which are easily movable by hand. Such storage areas shall be kept clean.
- (2) Pressurized beverage containers, cased food in waterproof containers (such as bottles or cans), and waterproof, easily moveable, covered containers may be stored on a floor that is clean and not exposed to floor moisture.
- (3) Packaged food, once the container is opened prior to use, shall be kept covered and refrigerated, as required by food package instructions. Food, whether raw or prepared, if removed from the container in which it was originally packaged, shall be stored in a clean, covered container and refrigerated, as required by original food package instructions, except during necessary periods of preparation. Foods uncovered during preparation must be protected from contamination from the environment or other foods.
- (4) Prohibited food storage areas include:
 - a. In locker areas unless the food is completely packaged;
 - b. In toilet rooms and their vestibules;
 - c. In dressing rooms;
 - d. In rooms designated for garbage, recycling or composting collection;
 - e. In mechanical rooms;
 - f. Under sewer lines that are not shielded to intercept potential drips;
 - g. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
 - h. Under open stairwells;
 - i. Under other sources of contamination; or

- j. In a private home.

5.4.2.5 Food Preparation Equipment and Utensils

(1) Food Preparation Surfaces must be:

- a. Smooth;
- b. Free of breaks, open seams, cracks, chips, pits, and similar imperfections;
- c. Free of sharp internal angles, corners, and crevices; Finished to have smooth welds and joints; and
- d. Accessible for cleaning and inspection.

(2) Food-contact Surfaces and Utensils shall be:

- a. Clean to sight and touch
- b. Cleaned and sanitized:
 - 1. Before each use with a different type of raw animal food, such as beef, fish, lamb, pork, or poultry;
 - 2. Each time there is a change from working with raw animal foods to working with ready-to-eat foods;
 - 3. Between uses with raw fruits or vegetables and with potentially hazardous food (time/temperature control for safety food);
 - 4. At any time during the operation when contamination may have occurred; and
 - 5. After final use each working day.

5.4.2.6 Poisonous Material Storage

- (1)** Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- (2)** Working containers used for storing poisonous or toxic material, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with at least the name of the material.
- (3)** Poisonous or toxic materials shall be stored so they do not contaminate food, equipment, utensils, linens, or single-service and single-use articles by:
 - a. Separating the poisonous or toxic materials by spacing or partitioning; and
 - b. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. Except that equipment and utensil cleaners and sanitizers may be stored in ware-washing areas for availability and convenience if such materials are stored to prevent contamination of food, equipment, utensils, linens, or single-service and single-use articles.

5.4.2.7 Garbage and Refuse

- (1) Garbage, refuse, compost, and recyclables shall be held in durable, easily cleanable containers that do not leak and do not absorb liquids. Plastic bags and/or wet strength paper bags shall be used to line these containers. Such bags and durable plastic garbage and refuse containers shall be used for storage inside the food preparation facilities.
- (2) Containers stored in food preparation and utensil washing areas shall be emptied when full.
- (3) Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, shall be insect and rodent-proof, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. Drains in receptacles and waste handling units for refuse, recyclables and returnables shall have drain plugs in place.
- (4) There shall be a sufficient number of containers to hold all the garbage, refuse, compost and recyclables that accumulate.
- (5) Soiled containers, including dumpsters, compactors, and compactor systems, shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

5.4.3 Lodging Units. These standards will apply to Lodging Establishments as well as Bed and Breakfast Establishments.

5.4.3.1 Structure Requirements

- (1) Lodging units may be detached or attached, including but not limited to cabins, yurts, park model tiny homes, recreational vehicles, tents, and other types of units for short-term commercial lodging only.
- (2) Lodging units shall be structurally sound, provide protection for the occupants against the elements, constructed so as to facilitate cleaning and afford privacy, and maintained in good repair in a safe and clean condition.
- (3) Floors of lodging units shall be constructed of wood, concrete or other comparable materials and shall be reasonably smooth and so constructed as to prevent the entrance of ground and surface water.
- (4) Every lodging unit shall be directly accessible, without passage through another lodging unit or sleeping space, to the outside or to a common hallway leading to the outside.

5.4.3.2 Space and Occupancy Standards

- (1) Every lodging unit and sanitary facility shall have a ceiling height of not less than seven (7) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50% of the room and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.
- (2) No lodging unit or sanitary facility shall be less than seven (7) feet in any dimension.
- (3) Every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant.

- (4) Each lodging unit shall have at least one window with direct and unobstructed opening to the outside. The minimum total window area shall be at least 10% of the floor area of the room. At least one-half (1/2) of the required window area shall be openable.
- (5) Each sanitary facility (bathroom, shower, etc) shall have at least one openable window facing directly to the outside in order to provide ventilation. An approved mechanical ventilation system, vented to the outside, may be used in lieu of a window.

5.4.3.3 Sleeping Facilities

- (1) Suitable sleeping facilities shall be provided for each occupant, consisting of beds, bunks, cots, or sleeper couches (all with mattresses), futons, or air mattresses. Mattresses shall be clean, in good repair, and so constructed as to afford reasonable comfort.
- (2) Mattresses and pads with covers, pillows, bed covers, and other bedding shall be of proper size, maintained in good repair, and provided in a clean and sanitary condition upon each change of occupancy.
- (3) Sheets and pillow cases shall be of standard size and all sheets, pillow cases, towels, and wash cloths shall be laundered in an approved manner before they are replaced weekly, or when they are furnished to new guests. All clean linen shall be stored in a clean, dry place.
- (4) In sleeping rooms where more than one bed is allowed, single beds shall be spaced not closer than 36 inches laterally or end-to-end, and double-bunk beds are to be spaced not less than 60 inches laterally or end-to-end. Triple-bunk beds are prohibited. There shall be a clear ceiling height above the mattress of not less than 36 inches and a clear space of at least 27 inches between the mattresses of a double-bunk bed.

Section 11 Changes

Kitchen: An area in a dwelling or dwelling unit used to prepare food. Elements that must be present are food preparation area (counter top) and sink larger than 12" x 12".

Lodging Establishment: A facility intended and used for occupancy as a temporary accommodation for individuals who are lodged with or without meals, in which there are ~~five (5)~~ two (2) or more Lodging Units, including typical accessory uses such as meeting rooms and special events.

Lodging Unit: A temporary accommodation, other than in a Vacation Rental, which is subject to Colorado state sales tax under CRS 39-26-704. Lodging units may be detached or attached, including but not limited to cabins, yurts, park model ~~RV~~ tiny homes, recreational vehicles, tents, and other types of units for short-term commercial lodging only. Does not include units used for permanent residency as exempted by State law (39-26-704(3)). Lodging units, regardless of type, must meet the applicable building code(s) in effect at the time of permitting.

Vacation Rental: Residential use of a dwelling unit, or any portion thereof (including any legal dwelling unit) as a short-term rental accommodation for no more than thirty (30) days, subject to Colorado state sales tax under CRS 39-26-704, where no meals are served or provided to renters. Renting anything that is not a legal dwelling requires a lodging conditional use permit.