

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. The standards outlined here are derived from Colorado Department of Public Health and Environment Sanitary Standards and Regulations for Public Accommodations (6 CCR 1010-14). See section 1.1.5.1 of these Regulations regarding how to resolve conflicts between the standards found here and other applicable guidance.

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 - 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.

5.5.1.1 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.

5.5.2 Bed and Breakfast Food Service Operations

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

charge other than the lodging fee.

5.5.2.2 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.

5.5.3 Lodging Units. These standards will apply to Lodging Establishments as well as Bed and Breakfast Establishments. Where indicated below, soft-sided lodging units (tents, yurts, teepees, etc.) may be exempt from some of these requirements.

5.5.3.1 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. Soft-sided lodging units must be reasonably smooth to provide for safe movement within the unit.
- (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)** Every lodging unit 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. Soft-sided lodging units may be exempt from smoke detector requirements.
- (6)** Every lodging unit 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 lodging unit or its attached bathroom, there must *also* be a CO detector *inside* the room. Soft-sided lodging units may be exempt from CO detector requirements.

5.5.3.2 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. Soft-sided lodging units are exempt from a minimum ceiling height.
- (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. Soft-sided lodging units that have less than 120 square feet of floor space are limited to two guest maximum per unit.
- (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. Soft-sided lodging units may be exempt from having a window.

- (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.

5.5.3.3 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. Soft-sided lodging units may be exempt from the requirement to provide sleeping facilities as listed above.
- (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. Soft-sided lodging units may be exempt from these spacing requirements.

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) Non-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 an Administrative Conditional Use~~ as shown in Table 3. This includes the PUD Zone, unless the Development Plan specifies otherwise.

5.5.6.3 Performance Standards.

These standards were derived in part from Colorado Department of Public Health and Environment Sanitary Standards and Regulations for Public Accommodations, 6 CCR 1010-14.

(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 person offering and 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 (Section 1.4.3.1).

(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. Where calculations result in fractional numbers, all numbers will be rounded up to the nearest whole number (i.e. 1.1 = 2 VRPs allowed). Except as outlined in Section 5.5.6.3(3)d below, dwellings with a current Vacation Rental permit at the time of the adoption of these standards will be treated as a Non-Conforming Use in accordance with Section 1.3.3, except that the VRP will NOT be transferrable to new owners as outlined in Section 3.2.7.6(1). If a VRP is revoked due to violations of these Regulations, or Closed (Section 3.2.7.6(7)) the Non-Conforming Use designation will be removed. New permits in areas over the 5% number will not be allowed.

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. Properties with more than one Vacation Rental Permit at the time of the adoption of these standards will be allowed to continue with multiple Vacation Rentals until the permit expiration date. After that, only one Vacation Rental Permit will be approved.

(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.

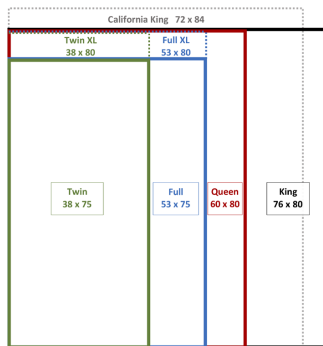
iv. Approval is received from Development Director.

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 horizontal dimension, 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. 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 having a two-guest capacity. All others, including full, double, single, twin are calculated as having a one-guest capacity. Triple-deck bunk beds are prohibited. 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 bed.



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 the 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. Bedroom capacity on the permit will be limited to the bedroom capacity included on the OWTS permit.

(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) Vacation Rental Identification Sign. Each Vacation Rental property shall be equipped with one (1) Vacation Rental 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. The sign must remain visible at all times and be kept clear of snow, ice, and other debris.
- b. For condos or town homes, the sign will be hung on the door to the unit.