

SECTION 5 – DEVELOPMENT STANDARDS¹

5.1 SUBDIVISION DESIGN STANDARDS

5.1.1 Access:

All lots or parcels created by any new subdivision shall have legal access to county or state roads or highways.

5.1.1.1 For subdivisions accessing county or state roads across federal lands for year-round access, evidence of permission for such access from the federal land manager is a required precondition to subdivision approval. Such access across federal lands may be required to be upgraded to conform to the federal agency road standards or the *Archuleta County Road and Bridge Standards*.

5.1.1.2 If the proposed subdivision provides for indirect access (i.e. over intervening private drives), access and utility easements that benefit all owners of the subdivision with indirect access, shall be provided. Said easements shall be recorded at the same time the plat is recorded. An applicant, subdivider, or developer may be required to upgrade or complete such roads or accesses in conformance with the *Archuleta County Road and Bridge Standards*.

- (1)** Reserving strips of land to control access to roads is permitted only when the control of such strip is given to the County.
- (2)** There shall be sufficient ingress and egress to the subdivision, to minimize chances of traffic congestion or blockage in times of emergency.
- (3)** Alleys or other suitable means of service access shall be provided in commercial, industrial and mixed-use areas. Alleys may also be permitted in residential projects.

5.1.2 Roads and Blocks:

The road system shall be designed to be safe for traffic, allow for alternate access and routing in case of emergencies, be practical to maintain, provide access to all lots, buildings and structures, coordinate with existing or planned roads and, as appropriate, furnish access to adjoining public or private lands. Intersections shall be located and designed to provide suitable visibility, grade and other conditions optimizing traffic safety.

5.1.2.1 Right-of-way widths shall be as required in the *Archuleta County Road & Bridge Design Standards* (Table 27-3).²

5.1.2.2 Roads shall bear a logical relationship to the topography.

¹ Amended June 2018 (Res. 2018-18)

² Amended May 2019 (Res. 2019-39)

- (1)** Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a reduced gradient shall be provided having not greater than a two (2) percent slope at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting road.
 - (2)** Whenever roads intersect another road from opposite sides and are not aligned, offsets shall be at least one hundred and thirty-five (135) feet, centerline to centerline.
 - (3)** Intersections shall be as nearly at right angles as possible with no intersections designed to an angle of less than seventy-five (75) degrees.
 - (4)** Dead-end roads shall be prohibited unless they are designed to connect with future roads in adjacent land, in which case a temporary turn-around shall be required which is adequate for snow removal and emergency equipment to turn around.
 - (5)** Half roads shall not be permitted. When a proposed half road in a project adjoins another property, the entire road shall be shown on the plat, including that portion outside of the project as a dotted line. The responsibility for acquiring any additional right-of-way shall be with the developer.
- 5.1.2.3** Road names shall comply with guidelines on file with the Planning Department, and shall not duplicate the names of any previously platted or officially named roads in the County.
- 5.1.2.4** Private roads shall conform to specifications as required under the *Archuleta County Road and Bridge Specifications* and approved by the County Engineer.
- 5.1.2.5** If applicable, a letter shall be submitted from the County Engineer concerning the impact of the proposed subdivision on the County roads. If applicable, a letter shall be submitted from the Colorado Department of Transportation concerning the impact of the proposed subdivision on the highway.
- 5.1.2.6** Block lengths and widths shall be designed to allow convenient access and circulation for emergency vehicles and shall be practical and compatible with the overall design of the project, topography and natural features.
- 5.1.2.7** In general, block lengths should not exceed sixteen hundred (1600) feet nor be less than four hundred (400) feet.
- 5.1.2.8** Where block lengths exceed one thousand (1,000) feet, pedestrian right-of-ways of not less than ten (10 feet) in width shall be provided through blocks where needed for pedestrian circulation.

5.1.3 Lots:

- 5.1.3.1** A parcel shall not be platted for residential or other uses which would be hazardous to health and safety of the public.
- 5.1.3.2** No multi-family, commercial or industrial lots, tracts or parcels shall be approved unless suitable water supply, sewage treatment facilities and adequate off-street parking are assured.
- 5.1.3.3** Lot dimensions and sizes shall conform to applicable zoning requirements.
- 5.1.3.4** Side lot lines shall be substantially at right angles or radial to road right-of way lines.
- 5.1.3.5** Wedge-shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.
- 5.1.3.6** Lots with double frontage shall be avoided, except where essential to provide separation from major arterials, incompatible land uses, or topographic considerations.
- 5.1.3.7** Lot area requirements for various types of water and sewer systems shall be as set forth in the Zoning District Standards, Section 3.1.4.

5.1.4 Survey Monuments:³

- 5.1.4.1** Permanent survey monuments shall be set within all subdivisions pursuant to Title 38, Article 53, Colorado Revised Statutes, as amended. In addition, No. 5 steel rebar, twenty-four (24) inches or longer, shall be set at all lot corners prior to selling or advertising for sale such lots. All monuments, markers and benchmarks shall have fixed securely to the top thereof the registration number of the land surveyor responsible for the establishment of such monument, marker or benchmark. Benchmarks shall be stamped with the letters "B.M." and the elevation of the benchmark.
- 5.1.4.2** Monuments located within roads shall be of No. 5 rebar steel, thirty-six (36) inches or longer, placed so that their tops are six (6) inches below the final road surface. When a road is paved or otherwise surfaced, all such monuments within the paved or surfaced area shall be fitted with monument boxes of sturdy construction and monuments set after paving or surfacing shall also be provided with sturdy monument boxes.
- 5.1.4.3** All monuments, markers and benchmarks shall be set or witnessed according to standard construction techniques and in a fashion that is satisfactory to the Board of County Commissioners.

³ Amended May 2019 (Res. 2019-39) moved from Sec. 5.3.1

5.2 ENVIRONMENTAL STANDARDS

5.2.1 Preservation of Surface Water Resources⁴

5.2.1.1 Water Quality Control. The Federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) are intended to reduce pollutants entering streams, rivers, lakes and wetlands as a result of runoff from residential, commercial and industrial areas. State of Colorado regulations control storm water discharges from construction activities that disturb at least one (1) acre of land, or is part of a larger common plan of development or sale that will disturb at least the minimum land area.

- (1) Best management practices should be used to mitigate potential pollutants in stormwater runoff, during construction as well as for the life of the project.
- (2) Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) requires persons responsible for land disturbance to obtain a storm water discharge permit associated with construction activities through the Colorado Discharge Permit System (**CDPS**) before construction.
 - a. The County shall require proof of approval or waiver of a **CDPS General Permit for Stormwater Discharges Associated with Construction Activities** or other permit as may be required by CDPHE, as a condition of final approval of any development one (1) acre of larger in land area.
- (3) Disturbance of any area of land in a Special Flood Hazard Area (SFHA) or Floodplain Overlay District (FO) may also require a Floodplain Development Permit under Section 10 Floodplain Regulations.

5.2.1.2 Water Body Setbacks⁵

All roads and driveways, and all structures and improvements, shall be located a minimum of **twenty five (25) feet** from the Ordinary High Water mark (OHWM) of any perennial Water Body.

- (1) Exceptions include:
 - a. The structure is water-dependent (i.e., well-house, docks, piers, watercraft launches and ramps, flood control structures), and is a use by right or conditional use;
 - b. Because of the physical features, other restrictions, and conditions of the property, construction outside of the water body setback is not technically feasible (i.e., the entire property is within the water body setback), or would contribute to a hazardous condition on the property;
 - c. In the case of a road, the road is necessary to achieve access to the property or to a building site thereon and no other access route which would avoid the water body setback is technically feasible.

⁴ Amended June 2018 (Res. 2018-18)

⁵ Amended September 2006 (Res 2006-25); June 2018 (Res. 2018-18)

- (2) The Board of Adjustment may grant Variance to the Water Body Setback when an Applicant can meet the criteria in Section 2.4 and Section 10 Floodplain Regulations.

5.2.1.3 Wetlands Protection

Delineated wetlands shall be shown on Site Plans, and mitigation measures described in the narrative for any Land Use Permit. Mitigation techniques for development near wetland areas, as defined by the US Army Corps of Engineers, may include:

- (1) Avoiding development near wetland areas.
- (2) Preserving existing significant vegetation within and surrounding wetland areas.
- (3) Developing sediment ponds and drainage swales to prevent pollution of nearby wetlands.
- (4) Replacing disturbed wetland areas in-kind, and on-site.

5.2.2 Preservation of Natural Features and Resources ⁶

5.2.2.1 Natural Features: Provisions shall be made to preserve natural features of the site, such as unusual rock formations, lakes, rivers, streams and trees.

- (1) Significant vegetation, including dominant or mature trees and shrubs and endangered species, should be retained where possible and in accordance with *Community Wildfire Protection Plan* requirements. When regenerating sites, replacement trees or shrubs shall be selected from indigenous species native to the region (Ponderosa Pine, etc.). Provisions shall be made to provide adequate hydration and appropriate soil for the replacement trees to ensure successful growth.

5.2.2.2 Archeological Resource, Cultural Resource, or Historical Resources: Provisions shall be made to preserve archeological, cultural or historical resources on the site.

- (1) A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, or a report defining the archaeological or historical resources on the site based on information available from the State Historic Preservation Officer (SHPO), or the appropriate archeological field survey report, may be required.
- (2) Mitigation measures shall be proposed by the applicant to reduce the impact of future human settlement on any identified archeological, cultural or historical resources on the site.

5.2.2.3 Wildlife Habitat Protection: For all development within the Wildlife Habitat Overlay District [*Not Yet Defined*]:

⁶ Amended June 2018 (Res. 2018-18)

- (1) The applicant shall provide a list of all Wildlife Activity Areas and the Habitat Ranking for the proposed development site. A list of Wildlife Activity Areas may be obtained from CDOW. The list shall be developed using the Colorado Division of Wildlife’s GIS species maps. Habitat Ranking may be determined by referring to the Wildlife Habitat Assessment Map, on file at the Planning Department.
- (2) If the proposed development lies in an area identified as “HIGH” on the Wildlife Habitat Assessment Map, the applicant shall provide a Wildlife Impact and Mitigation Plan. A Wildlife Impact and Mitigation Plan shall include conflicts of the proposed development with the guidelines included in the WDSG. Also required is a mitigation plan outlining steps to address identified conflicts.
- (3) Mitigation techniques for development within a Wildlife Habitat Overlay District may include:

 - a. Creating buffer zones between wildlife habitat and areas of development.
 - b. Constructing game-proof fencing, one-way gates and game underpasses or other structures to minimize hazards.
 - c. Developing additional or improved habitat to compensate for habitat losses.
 - d. Retaining existing vegetation.
 - e. Avoiding disturbance of stream beds, stream banks and streamside vegetation.
 - f. Placing catchment basins to avoid siltation of streams.
 - g. Using stream alteration techniques in accordance with the Colorado Division of Wildlife to enhance fish habitat.
 - h. Reclaiming disturbed areas for use by wildlife and waterfowl upon completion of development.
 - i. Using slopes flatter than three to one (3:1), and creating islands and irregular shorelines for reclamation of wet site excavations.
 - j. Avoiding new road construction through critical habitat areas.
 - k. Limiting recreational or other use of wildlife concentration areas during the seasons of wildlife concentration.
 - l. Limiting density of adjacent development.
 - m. Providing dog control in development areas.
- (4) For any additional mitigation techniques, applicants shall submit a wildlife impact report created by a qualified professional for review by the Colorado Division of Wildlife (CDOW).

 - a. Upon review of the wildlife impact report by CDOW, CDOW may provide additional mitigation techniques for alleviating any identified wildlife impacts.
 - b. The applicant shall be required to comply with CDOW recommended mitigation techniques, unless otherwise waived by the Board of County Commissioners.
- (5) Fencing within a Wildlife Habitat Overlay District shall be in accordance with the following standards:

 - a. Use of privacy fencing, chain link fencing, and other restrictive access fencing shall be restricted to the immediate area surrounding a dwelling unit or within the designated building envelope and shall not be used as a method to designate boundaries of lot sizes in excess of one (1) acre.

- b. Fencing outside the immediate building envelope or area surrounding a dwelling unit shall have a recommended maximum top height of forty-two inches (42"), not to exceed forty-eight inches (48"), and the bottom section should be at least sixteen inches (16") above the ground. If fence is of wire construction, there shall be at least twelve inches (12") between the top two wires. Construction of woven wire fences shall be prohibited unless a waiver is granted by CDOW.
- c. Construction of wrought iron fencing with closely spaced vertical bars less than twelve inches (<12") and speared tops shall be prohibited unless a waiver is granted by CDOW.

5.2.2.4 Scenic View Protection: For all development within a Scenic Overlay District [*Not Yet Defined*]:

- (1) Buildings, including roofs and roof appurtenances, shall be limited to materials, textures, colors and tones that blend harmoniously and inconspicuously with the indigenous landscape and shall, to the greatest extent possible, be screened by natural slopes from highway view.
- (2) No buildings or other structures shall rise above a ridgeline to create a silhouette against the sky. Building and structures located near a ridgeline shall reduce their visual impact by one or more of the following mitigation techniques:
 - a. Reduce the height of the building or structure.
 - b. Reduce the width or decrease the mass of the building or structure.
 - c. Blend the roofline into the surrounding landscape.
 - d. Add trees and other vegetation to break up or hide the building or structure.
 - e. Use exterior colors and finishes that would help blend the structure into the surrounding landscape.
 - f. Other techniques that would help soften the appearance of the structure.

5.2.3 Mitigation of Natural Hazards ⁷

5.2.3.1 Steep Land: ⁸

- (1) Any structure **built upon** slopes of greater than twenty (20) percent shall meet the "County Typical Foundation for Slopes" or require engineered foundation plans.
- (2) Slopes of thirty-three (33) percent shall not be **built upon** with habitable structures unless a geological report proves no geologic hazards exist such as excessive erosion, landslides, rock falls, collapsible soils, etc., or unless appropriate provisions identified in the report are incorporated into engineered foundation plans to eliminate or control the hazard(s).
- (3) Habitable structures **built adjacent to** slopes of thirty-three (33) percent or greater must meet setbacks outlined in the Adopted Building Code, or as identified in a

⁷ Amended June 2018 (Res. 2018-18); May 2019 (Res. 2019-39)

⁸ Amended May 2022 (Res. 2022-32)

geotechnical investigation and report. Any roads, trails, or driveways shall only be built in accordance with *Archuleta County Road and Bridge Design Standards*, except for purposes of forestry management or wildfire protection.

5.2.3.2 Geologic Hazard Areas: The County shall not approve any development if the proposed project is located in an identified geologic hazard area, or is suspected by the County to be in a geologic hazard area, unless the developer can submit adequate evidence, prepared by a Colorado registered professional engineer or qualified geologist, that the proposed project meets the following criteria:

- (1) Provision is made for the long-term health, welfare and safety of the public from geologic hazards to life, property and improvements.
- (2) The proposed development will not create an undue financial burden on existing or future residents of the area or community as a result of damage due to geological hazards.
- (3) Structures designed for human occupancy or use shall be constructed so as to prevent danger to human life or property.
- (4) Permitted land uses, including public facilities that serve such uses, shall avoid or mitigate geologic hazards at the time of initial construction.
- (5) Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.

5.2.3.3 Flood Hazard Areas: The County shall not approve any development if the proposed project is located in an identified flood hazard area or is in an area suspected by the County to be a flood hazard area, unless the developer can submit adequate evidence from a Colorado registered professional engineer or FEMA, that the proposed project is not in a flood hazard area or unless the proposed project meets the requirements of the Archuleta County Floodplain Management Regulations within said flood hazard area. Under no circumstances shall dwelling units be constructed in the floodway⁹.

5.2.3.4 Wildfire Hazard Areas: The County shall not approve any development if the proposed project is located in an identified wildfire hazard area, or is suspected by the County to be in a wildfire hazard area, unless the developer can submit adequate evidence, prepared by a qualified professional forester, that the proposed project meets the following criteria:

- (1) Any project in which residential activity is to take place shall be designed so as to minimize significant hazards to public health and safety or to property.
- (2) All projects shall have adequate roads for emergency service by fire trucks, fire-fighting personnel and firebreaks or other means of mitigating conditions conducive to fire.

⁹ Amended February 2007 (Res. 2007-06)

- (3) Precautions required to reduce or eliminate wildfire hazards shall be provided for at the time of initial development.
- (4) The project will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by the Colorado State Forest Service.
- (5) Consideration shall be given to the recommendations of the Colorado State Forest Service, resulting from review of a proposed project in a wildfire hazard area.

5.2.3.5 Radiation Hazard Areas: The County shall not approve any development plan if the proposed project is in an area identified by a qualified geologist as a radiation hazard area, unless the developer can submit adequate evidence, prepared by a Colorado registered geologist, that the proposed project meets the following criteria:

- (1) Provision is made for the long-term health, welfare and safety of the public from radiation hazards to life, property and improvements.
- (2) The proposed development will not create an undue financial burden on existing or future residents of the area or community as a result of damage due to radiation hazards.
- (3) Structures designed for human occupancy or use shall be constructed so as to prevent danger to human life or property.
- (4) Permitted land uses, including public facilities that serve such uses, shall avoid or mitigate radiation hazards at the time of initial construction.
- (5) Man-made changes shall not initiate or intensify adverse natural conditions within a radiation hazard area.

5.3 INFRASTRUCTURE STANDARDS

5.3.1 Access Plan Required¹⁰

5.3.1.1 Purpose and Authority. This Section is enacted pursuant to the authority granted under Colorado Revised Statutes § 30-28-110 (3) (a). The purpose of this Section is to ensure that roads serving parcels of thirty-five (35) acres or more, which divisions are otherwise exempt from subdivision review by Archuleta County, provide adequate access, especially emergency vehicle access, to and from the public road system to such parcels. This Section shall not require any other review or approval beyond requiring adequate access and road design and construction.

5.3.1.2 Applicability. All plans, plats, and replats of land laid out in building lots and the roads, highways, alleys, or other portions of the same intended to be dedicated to a public use

¹⁰ Amended May 2019 (Res. 2019-39)

or the use of purchasers or owners of lots fronting thereon or adjacent thereto which are not required to be reviewed pursuant to Section 4 of these Regulations, shall be reviewed pursuant to this Section.

(1) For parcels created after the effective date of these regulations (May 23, 2006), no permit application will be accepted by the Development Services (Building & Planning) Department until an Access Plan is approved.

5.3.1.3 Access Plan Required. Prior to presenting a plan, plat, re-plat or deed for recording, the Developer, property owner or authorized representative shall apply for an Access Plan approval with the Planning Department which demonstrates compliance of the proposed access with the *Archuleta County Road and Bridge Design Standards* and this section of the *Archuleta County Land Use Regulations*.

5.3.1.4 Procedure. The Development (Planning) Director shall review the Access Plan, with review and comment of the County Engineer. The application shall be forwarded to the Planning Commission and subsequently to the Board of County Commissioners for review and action for approval, approval with conditions or denial, in a public meeting with public notice as required by Table 2 in Section 2.2. Such approval of an Access Plan, once granted, may be revoked if the applicant fails to follow and comply with the approved Access Plan, including any imposed conditions.

5.3.2 Roads:¹¹

Road improvements such as graveling, paving, width of surfaced roadway, grades, shoulders, culverts, bridges, signs, upgrading of existing roads (which may include County accepted and maintained roads, or upgrading of access roads to the proposed project) shall be approved by the County Engineer and shall comply with *County Road and Bridge Standards* and/or State specifications which exist at the time the roads are submitted to the County Commissioners for approval as part of the Improvements Agreement.

5.3.2.1 Adequate right-of-way shall be provided for all roads, in accordance with the County Road and Bridge Standards and/or State specifications, as applicable.

5.3.2.2 Road name signs shall be installed at all intersections in the project, according to the road names approved by the County.

5.3.2.3 Traffic signs shall be installed in the project as required by the County Engineer and the Archuleta County Road and Bridge Department.

5.3.2.4 Adequate drainage shall be provided for all roads.

5.3.2.5 Any utility lines to be located within a public road right-of-way shall be installed before any graveling or paving is done.

5.3.3 (Reserved for future use.)

¹¹ Amended May 2019 (Res. 2019-39)

5.3.4 Drainage System:

Unless waived by the County Engineer, a professional engineer licensed in the State of Colorado will conduct a drainage study of the area to be developed and adjacent areas that affect the development. The results of the study shall be used by the developer to implement the design and construction of drainage facilities necessary to the development.

- 5.3.4.1** Onsite detention or retention facilities will be provided and will store the difference between the one hundred (100) year historic and one hundred (100) year developed storm runoff, and shall limit the rate of runoff from the site to the one hundred (100) year historic flow rate.
- 5.3.4.2** The twenty-five (25) year storm shall be the criteria for the design of the interior stormwater drainage system of the development and the criteria for the design of cross culverts and bridges of major drainage ways shall accommodate the one hundred (100) year storm frequency.
- 5.3.4.3** The design of cross culverts and bridges of major drainage ways shall accommodate the one hundred (100) year storm frequency.
- 5.3.4.4** The Rational Method shall be used for the design of site developments and drainage infrastructure where the total drainage area does not exceed one hundred (100) acres. Precipitation intensity, depth and duration values used in the rational method calculations shall be obtained from current NOAA published data, or from the County Road and Bridge design standards.
- 5.3.4.5** The SCS Unit Hydrograph method shall be used for the design of site developments and drainage infrastructure where the total drainage area exceeds one hundred (100) acres. A Type II storm shall be used. Six (6) hour precipitation depths shall be used for all drainage infrastructures which do not involve stormwater detention, and the twenty-four (24) hour precipitation depths shall be used for all drainage infrastructures which does involve stormwater detention. All precipitation depths shall be obtained from current NOAA mapping of return frequency rainfall depths for the State of Colorado.

5.3.5 Sidewalks and Trails¹²

- 5.3.5.1** Public sidewalks and trails should be built to provide adequate flow of non-motorized traffic with the exception of those uses which are located in the more rural areas of the County, and where the County Engineer and the Planning Department have determined that constructing sidewalks would be unnecessary.
- 5.3.5.2** Public sidewalks and trails shall be designed so that they are not inundated with snow from the plowing of roads or snow shed from building roofs.

¹² Amended June 2018 (Res. 2018-18)

5.3.5.3 In residential developments, the public sidewalk or trail may be placed within the dedicated road right-of-way or set back from the road right-of-way by a median strip.

- (1)** Sidewalks or trails placed within the dedicated road right-of-way shall be constructed by adding a minimum of five (5) additional feet to the required paved width of the road. The road width shall include shoulder and drainage as required in the Archuleta County Road Specifications and/or the “Standard Specifications for Road and Bridge Construction,” a publication of the State Dept. of Highways, Division of Highways, State of Colorado, 1986 or latest edition. The non-motorized traffic lane shall be delineated on the pavement with a solid white painted line. This lane shall be designated by signage for non-motorized vehicles only, except for emergency vehicles.
- (2)** Sidewalks or trails which are set back from the road right-of-way shall have a median strip of grassed or landscaped area at least two (2) feet wide, which separates the sidewalk from the adjoining road right-of-way.

5.3.5.4 Residential, commercial or industrial developments shall provide a network of public sidewalks that provide access from the public parking areas to the public buildings. Residential, commercial or industrial developments should also provide a sidewalk or trail where property is adjacent to the right-of-way. This sidewalk or trail should run parallel to the right-of-way along the entire length of the property adjacent to the right-of-way.

5.3.5.5 Public sidewalk and trail construction shall be per the Trails Plan for Archuleta County.

[See also Section 6.2 Park and Trail Dedication.]

5.3.6 Utility Location:

All utilities, including, but not limited to electrical lines under 25Kv, telephone, and cable television shall be located underground within appropriate easements and/or rights-of-way, in all zoning districts except the AR and AF districts. Utilities may be located above ground only in the AR and AF zoning districts.

[See also Section 1.3.2.4 Non-Conforming Sites and Structures.]

5.3.7 Sewage Facilities

5.3.7.1 Sufficient area shall be provided for leach fields where individual septic systems are proposed in conformance with local health department rules.

5.3.7.2 The design of all central sewage collection/treatment systems shall be by a Colorado licensed engineer, and such design shall be approved by the Colorado Department of Public Health and Environment and acceptable to the Planning Commission.

- (1)** Where an existing community, municipality or sanitation district is to provide collection and treatment service, a written agreement outlining the terms and conditions for service and containing a commitment for collection and treatment of

sewage for the proposed project shall be provided. If the proposed project is within an existing sewer district and a sewer system exists within four hundred (400) feet of the proposed project, the proposed project shall join that system, if that system agrees to provide service.

5.3.8 Water Supply:¹³

Applicants shall demonstrate adequate domestic water supply.

5.3.8.1 Any proposed central water system shall be approved by the Colorado Department of Public Health and Environment (CDPHE).

5.3.8.2 If well water is to be the source for a central system:

- (1)** The well or wells shall be permitted and test pumped to assure adequate water for the project, prior to approval.
- (2)** An alternate backup source of water, such as surface water rights, storage reservoir or other appropriate arrangements may be required.
- (3)** A suitable location for wells shall be established where individual septic systems are proposed, in conformance with local health department rules.

5.3.8.3 Where an existing community, municipal or water district system is to be utilized as a source of water, a written agreement outlining the terms and conditions for service, and containing a commitment to furnish water to the proposed project, shall be provided. If the proposed project is within an existing water district and a water system exists within four hundred (400) feet of the proposed project, the proposed project shall join that system, if that system agrees to provide service.

5.3.9 Fire Protection¹³

5.3.9.1 For a project within an existing fire protection district, written confirmation will be required that current Fire Code requirements have been met.

5.3.9.2 If outside a fire protection district, a fire protection plan shall be reviewed by the Archuleta County Sheriff, Fire Chief of a nearby Fire Protection District or other qualified individual. The County shall not approve any project without implementation of an adequate fire protection plan.

¹³ Amended June 2018 (Res. 2018-18)

5.4 SITE DEVELOPMENT STANDARDS

5.4.1 Commercial Design:¹⁴

The *Archuleta County Community Plan* encourages conservation of the small town atmosphere, rural character, agricultural and ranching heritage, mix of cultures, and diversity of life styles in our community. The Community Plan also encourages development that is well-designed and architecturally compatible with community character, cultural heritage, and the natural environment.

5.4.1.1 Architectural Features

- (1) Building design and architectural styling should represent the historic nature of Archuleta County. Among those architectural styles are “Lodge” and “Territorial” and other architectural styles as noted by the Planning Department.
- (2) Architectural review is primarily a service of an Owners Association. The requirements of this Section 5.4.1 shall be minimum standards, which property owners are encouraged to exceed.
- (3) Box-like structures and buildings with generic or brand name architectural design are discouraged.

5.4.1.2 Building Façades

- (1) Primary Façades. Ground floor façades abutting public roads and/or parking lots shall have arcades, display windows, entry areas, awnings or other such features. Animating features such as these must total no less than sixty (60) percent of their horizontal length.
- (2) Secondary Façades. Any facade, other than a primary façade, shall include an expression of architectural or structural bay through a change in plane of no less than twelve (12) inches in width, such as offsets, reveals or projecting ribs.

5.4.1.3 Building Entrances

- (1) Primary façades of large retail buildings shall have clearly defined, highly visible customer entrances that feature unique architectural features including but not limited to: canopies, overhangs, recesses, arcades, peaked roof forms, arches, outdoor patios, display windows, and integral planters.

5.4.1.4 Building Materials and Color

- (1) Predominant exterior building material on all sides shall be high quality material, including the following and other materials with similar appearances and characteristics: brick, sandstone, other native stone, wood and logs.

¹⁴ Amended June 2018 (Res. 2018-18)

- (2) Color shades shall be used to facilitate unifying the development. Façade colors should be low reflectance, subtle, neutral, or earth tone colors.
- (3) Exterior building material shall not include smooth-faced concrete block, aluminum or vinyl siding, or prefabricated steel panels.

5.4.1.5 Building Roof

- (1) Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view are encouraged. Average height of such parapets shall not exceed fifteen (15) percent of the supporting wall.
- (2) Overhanging eaves should extend no more than three (3) feet past the supporting wall.
- (3) Sloping roofs that do not exceed the average height of the supporting wall is strongly encouraged.

5.4.2 Performance Standards: ¹⁵

All non-residential development, including mining operations, industrial uses and commercial businesses, whether established as a use by right, or conditional use shall comply with the following standards.

5.4.2.1 Volume of Sound Generated

Every use shall conform to the Archuleta County Noise Ordinance (No. 2003-8A), as it may be amended, and be so operated that the volume of sound inherently and recurrently generated does not exceed fifty-five (55) decibels with a maximum increase of ten (10) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour at any point of any boundary line of the property on which the use is located.

- (1) If required by Planning Commission and/or the Board of County Commissioners, data from monitoring of existing noise levels shall be gathered prior to the commencement of the use; then the area shall be monitored after establishment of the use.

5.4.2.2 Vibration Generated

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.

5.4.2.3 Smoke Emission

Non-agricultural prescribed fire use must comply with Colorado Department of Public Health and Environment regulations. Every use shall be operated so emissions do not exceed a maximum of twenty (20) percent opacity or as required under regulation of the Colorado Department of Public Health and Environment, as verified by a Colorado Department of Public Health and Environment certified opacity reader.

¹⁵ Amended June 2018 (Res. 2018-18)

5.4.2.4 Emission of Particulate Matter

Every use shall be operated in compliance with Colorado Department of Public Health and Environment, Air Quality Control Commission standards for particulate matter. Monitoring of certain uses may be required to establish whether compliance is being achieved.

5.4.2.5 Emission of Heat, Glare, Radiation and Fumes

Unless otherwise permitted by the Colorado Department of Public Health and Environment, every use shall be operated so that it does not emit heat, glare, radiation or fumes beyond the boundary line of the property on which the use is located.

5.4.2.6 Outdoor Storage

- (1) Outdoor storage may be a Principal or Accessory use of property. A Principal use for commercial purposes (in conjunction with a commercial enterprise or for fee or payment) is restricted to zoning districts as shown in Table 3.
 - a. All outdoor storage must meet the requirements of the Nuisance Ordinance (No. 9-2008) as it may be amended, in addition to these Regulations.
- (2) Except in the Industrial (I) zone, all outdoor storage shall be **enclosed by a fence, barn, landscaping, wall, or other screening** approved by the Director of Development, which will minimize visual contact of such storage from adjacent properties and roads.
 - a. **Outdoor merchandise displays** for retail operations may be allowed only with a Land Use Permit.
- (3) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces. Materials and wastes shall be stored and/or disposed of only as approved by the Planning Department, in compliance with appropriate local, state and federal waste disposal regulations.
- (4) Outdoor storage of materials which might cause fumes, dust, fire hazard, or which may be attractive to rodents or insects is prohibited unless such storage is within enclosed containers and is specifically approved by the Planning Department.
- (5) Outdoor storage of fuel, flammable or explosive liquids shall comply with the requirements of the adopted Fire Code.
 - a. The Director, Planning Commission and/or the Board of County Commissioners may deny the establishment of uses which require such storage if the location of such use would create a danger or nuisance to the surrounding area and/or the general public.

5.4.2.7 Water Pollution:

Surface water shall be retained on site, or may be eliminated by a drainage system approved by Planning Commission and/or the Board of County Commissioners, in accordance with the regulations of the Colorado Department of Public Health and

Environment and the U.S. Environmental Protection Agency. The quality and quantity of ground water shall not be negatively affected by the use, and proposed use of or effects to ground water shall be approved by all appropriate local, state, and federal agencies. All operations under this Section shall have an approved permit for non-point or point discharges from the Colorado Department of Public Health and Environment, Water Quality Control Division, if such permit is applicable to the use. Chemicals and other potential pollutants shall be disposed of only as permitted by state and federal agencies responsible for such activities. Monitoring may be required to determine compliance with state and/or federal standards.

[See also Section 5.2.1 above.]

5.4.3 Landscape Requirements

5.4.3.1 A minimum of **fifteen (15) percent of developed commercial and industrial sites shall be landscaped.**

5.4.3.2 All commercial and industrial development located along U.S. Highways 160, 84, and 151 shall be buffered by a landscaped area a minimum of forty (40) feet wide, measured from the property line.

5.4.3.3 A landscaped buffer zone of five (5) to ten (10) feet shall be created between commercial and industrial parking areas along any major arterial or major pedestrian route.

5.4.3.4 The use of native landscaping (drought-tolerant) materials is encouraged in required landscaped buffer areas as a method of reducing both water usage and nutrient runoff.

5.4.4 Outdoor Lighting:

It is the intent of these Regulations to provide outdoor lighting standards and systems which will curtail the degradation of the night time visual environment and minimize light pollution, glare, and light trespass, while, at the same time, maintaining nighttime pedestrian and vehicular safety, utility and security, consistent with the Community Plan. All exterior lighting fixtures, including without limitation commercial, industrial, residential, governmental and street lighting installed after the effective date of these Regulations shall comply. All exterior lighting fixtures installed prior to the effective date of these Regulations are exempt from the requirements of this Section for a period of five (5) years from that date. After this five (5) year period, all outdoor lighting shall comply with the Regulations. These Regulations shall not apply to interior lighting.

5.4.4.1 If a nonconforming fixture is replaced, the replacement fixture shall meet the requirements of these Regulations. Similarly, a conforming fixture shall not be replaced with a nonconforming fixture. A conforming fixture may be replaced with another conforming fixture.

5.4.4.2 Variance to these provisions of this Outdoor Lighting Section will be provided in situations where the applicant can provide written evidence that these Regulations are in conflict with OSHA requirements.

5.4.4.3 Prohibited Lighting

- (1) Any fixture that is not fully shielded with opaque or translucent shielding. **Partially shielded fixtures, partial cut-off fixtures and unshielded fixtures are not permitted.**
- (2) Blinking, flashing, or changing intensity lights, except for lighting required by a governmental authority such as the Federal Aviation Administration (FAA) for air traffic control, or local, state, or federal agencies for vehicular traffic control and warning purposes. (Note: blinking holiday lights are not included in this restriction.)
- (3) Beacon, laser, or searchlights.
- (4) Mercury Vapor fixtures and or lamps.
- (5) Any fixture that impairs motorist safety by casting glare or direct light into the eyes of drivers.
- (6) Any fixture that is not directed at the ground or task area or is aimed onto an adjoining property.
- (7) Any fixture, or group of fixtures, that produces a light intensity, or cumulative light intensity, that exceeds one-half (0.5) foot-candle at any property line.
- (8) Any compliant fixtures that are altered or installed improperly, such that they cast light in a non-compliant manner.

5.4.4.4 Special Situations

- (1) Lights used for the illumination of stadium and other outdoor sports arenas must be extinguished by 10:00 p.m. or immediately after the conclusion of the final event. No new event, activity, or game may start after 10:00 p.m. The remainder of the facility lights, except for reasons of safety or security, must be extinguished at 10:00 p.m. or within one (1) hour after the conclusion of the final event.
- (2) Upward flagpole lighting may be employed for government and institutional illumination of government flags after dusk. The light must be directly aimed at the flag, must be narrowly focused, and must only be sufficient to properly illuminate the flag.
- (3) Airport operations lighting and aircraft navigational beacons that are required and controlled by regulations established by the FAA are permitted. All other outdoor airport lighting must conform to these Regulations.
- (4) Carnivals, fairs, special events and festivals that require the use of temporary outdoor lighting fixtures are exempt from these Regulations, except that permanent installations must conform to these Regulations, and in no event shall lighting be allowed to impair motorist safety in any fashion.

- (5) Light shall not be considered to be trespassing if the adjacent property owners have mutually agreed to share the illumination provided by one or more fixtures, irrespective of their shared property lines. This light must still be kept on the subject properties, and must not exceed one-half (0.5) foot-candle at other property lines leading to other uninvolved properties. Further, care must be taken to ensure that the light generated does not impair motorist safety in any fashion.
- (6) Fixtures mounted on buildings or other structures shall not exceed a mounting height greater than four (4) feet higher than the tallest part of the building or structure. All other requirements shall also be met, as applicable.
- (7) Downward pointing “wall-washer” (wall-mounted sconce-style) fixtures may be installed subject to the limitations of Section 5.4.4.3. Wall-washer fixtures that direct light both downward *and* upward, (or upward only), are also permitted, provided that the fixture is fully shielded horizontally, both top and bottom, and that a protruding roof (such as a porch roof or a driveway canopy) or an eave is positioned directly above the fixture, to block light from being directed into the night sky. Wall washer fixtures that upwardly direct light must be positioned no more than six feet below a roof or eave which projects out from the wall and the light fixture sufficient to prevent any direct light passing vertically beyond the roof or eave. Further, if the fixture is mounted near a building’s corner, it can be no less than six feet from the vertical plane of the eave at the corner.
- (8) Holiday lighting shall be exempt from the shielding requirement when utilizing 7.5 watt or smaller lamps, and is used for temporary “holiday” lighting. All other requirements shall be met, as applicable.
- (9) Walking path fixtures of 9.0 watts or less each are exempt from the shielding requirement, provided that, all other requirements are met, as applicable.
- (10) Camping lights that produce light directly from natural gas or propane are permitted, and exempt from the shielding requirements, provided that they are used intermittently for their intended purposes and not used as regular outdoor lighting. All other requirements shall be met, as applicable.
- (11) Exposed neon lighting is exempt from the shielding requirement, provided that, all other requirements are met, as applicable.
- (12) Agricultural lighting fixtures for the purpose of working livestock at night are exempt from the shielding requirement, except that they shall not project light directly into the sky, nor be illuminated when it is not necessary to be actively working with livestock. All other requirements shall be met, as applicable.
- (13) Visible light sources equipped with motion detector devices that stay lit no longer than 5 minutes provided they do not impair traffic safety.

5.4.5 Parking:¹⁶

Areas shall be provided for off-street parking of vehicles for all development.

5.4.5.1 A minimum of two (2) surfaced off-street parking spaces shall be provided for each residential lot or dwelling unit. The minimum size of each off-street parking space shall be one hundred sixty-two (162) square feet and measuring nine (9) feet wide and eighteen (18) feet long.

- (1) Appropriate additional parking shall be provided for other facilities such as clubhouses, service facilities, etc.
- (2) Auxiliary parking within a multi-family residential project shall be provided at a ratio of one parking space per two lots or per two dwelling units.

5.4.5.2 Multi-family parking areas shall be paved, when required by the *Archuleta County Road & Bridge Design Standards* at the discretion of the County Engineer.

5.4.5.3 All Non-Residential projects shall provide off-street parking as necessary for the proposed occupancy of the building(s).

- (1) With any Development or Change of Use of property, Applicants shall demonstrate how they have calculated minimum necessary parking, such as the Institute of Traffic Engineers (ITE) Parking Generation manual, International Code Council standards, or an original study.
- (2) Handicapped parking shall be provided as required by the Americans with Disabilities Act (ADA).
- (3) Additional parking for large vehicles such as trailers and recreational vehicles may be required depending on usage.

5.4.5.4 Design of Non-Residential and Multi-Family Parking Areas

- (1) Parking should be located at the rear or side of a non-residential building.
- (2) Large parking lots should be divided into smaller component lots by landscaping and other appropriate features. Landscaping and accent paving are recommended to provide shade and indicate pedestrian linkages.
- (3) Parking lots should provide adequate security and lighting and should limit visual clutter, parking lot signs, and equipment.
- (4) Complementary uses of parking lots, such as evening entertainment and daytime offices, may be allowed to share parking to reduce the number of required parking spaces and is encouraged.

¹⁶ Amended June 2018 (Res. 2018-18); May 2019 (Res. 2019-39)

- (5) Parking Area Landscaping:** When a site provides parking for more than ten (10) vehicles, at least ten percent (10%) of the total area of the parking lot shall be used for landscaping and/or aesthetic treatments. In addition:
- a. A minimum of one (1) tree (planted in tree islands) for each five (5) parking spaces shall be located within the parking area/lot.
 - b. Tree islands shall be installed intermittently, have a length equal to a parking stall, be four (4) feet by four (4) feet in dimension at a minimum to protect plantings from vehicles and foot traffic and to accommodate a tree root system.
 - c. All unimproved earth areas shall be planted, restored or otherwise protected from erosion.
 - d. Ongoing maintenance, including the replacement of dead or unhealthy plants, shall be provided by the parking area owner/leaseholder.

5.4.5.5 All Non-Residential parking areas shall be paved when required by the *Archuleta County Road & Bridge Design Standards*. Variance to those standards may be appropriate for those uses which are located in the more rural areas of the County, and where the County Engineer and the Planning Department have determined that paving would be unnecessary.

5.4.5.6 Access and parking shall be designed to assure public convenience and safety, as required by the *Archuleta County Road & Bridge Design Standards*. The parking layout and traffic flow pattern shall be approved by the County Engineer.

(1) Parking areas shall be located so vehicles need not back out onto a public road.

(2) Bicycle parking should be provided.

(3) On-street parking-may be used for auxiliary parallel parking on private streets and driveways, and other roads as permitted by the County Engineer, providing the paved surface is widened by a minimum of nine (9) feet on each side where the parking is to be allowed.

5.4.6 Buffers and Screening:¹⁷

The perimeter of a development site may need to be buffered or screened with landscaping to create a noise and visual buffer or screening zone from the adjoining property, except for those portions used for ingress and egress. Interior buffers or screening may also be required to visibly separate one use from another.

5.4.6.1 Earthen berms, fences, landscaping and/or open space may be used for a buffer or screening mitigate adverse influence on adjacent uses.

(1) Buffering or screening shall be either a strip at least ten (10) feet wide of densely planted shrubs or shall be trees, at least four (4) feet high at the time of planting (or equivalent natural growth), of a type that will form a year-round dense screen at least six (6) feet high.

¹⁷ Amended June 2018 (Res. 2018-18)

- (2) Dumpsters shall be screened on at least three sides by an opaque fence, or by a wall within setbacks. A snow roof over dumpsters is encouraged, within setbacks.

5.4.6.2 Parking, service and utility areas, loading docks, mechanical equipment, antennas, rooftop appurtenances and outdoor storage areas should be screened.

5.4.7 Vision Clearance Area:¹⁸

A Sight Distance Triangle shall be provided at all intersections with the vision clearance area as specified in Section 27.1.6.3 of the *Archuleta County Road & Bridge Design Standards*.

5.4.7.1 The Corner Sight Triangle along roads shall be measured on the frontage property line(s) or edge of an access easement. The Corner Sight Triangle along driveways shall be measured along the edge of the improved surface. In all zoning districts the minimum distance shall be twenty-five (25) feet or at driveways and alleys ten (10) feet.

5.4.7.2 A vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding three and one-half (3 1/2) feet in height measured from the existing grade.

5.5 PUBLIC ACCOMMODATIONS AND LODGING STANDARDS¹⁹

5.5.1 Lodging Establishment.²⁰ 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) and Colorado Retail Food Establishment Rules and Regulations (6 CCR 1010-2). See section 1.1.5.1 of these Regulations regarding how to resolve conflicts between these standards 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.

¹⁸ Amended June 2018 (Res. 2018-18)

¹⁹ Amended June 2018 (Res. 2018-18); Amended July 2018 (Res. 2018-14)

²⁰ Amended May 2021 (Res. 2021-35)

- (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.

5.5.2 Lodging Food Service Operations.²¹ 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:

²¹ Amended May 2021 (Res. 2021-35)

- 5.5.2.1 A trapped and vented kitchen sink with hot and cold running water.
- 5.5.2.2 Approved refrigeration and cooking appliances properly installed and maintained.
- 5.5.2.3 A cabinet for the storage of food, dishes, and cooking utensils.
- 5.5.2.4 A smooth, washable, non-absorbent finish for all sink and cabinet tops.
- 5.5.2.5 Adequate ventilation of the kitchen to the outside air.
- 5.5.2.6 A Bed and Breakfast Establishment must provide at least one meal to all guests for no additional charge other than the lodging fee.
- 5.5.2.7 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. If the emergency escape route is via a window, the opening of that window must be at least 5.7 square feet. If the window is on the second or higher floor, there must be an emergency escape ladder available for use. 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 Facilities²²

- (1) 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.
- (2) 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.
- (3) 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

²² Amended October 2021 (Res. 2021-76)

double-bunk bed. Soft-sided lodging units may be exempt from these spacing requirements.

5.5.4 Dude Ranch or Wilderness Lodging

The following requirements apply to a Dude Ranch or Wilderness Lodging, as defined in Sec. 11:

5.5.4.1 A Dude Ranch or Wilderness Lodging shall be located on a parcel of at least twenty (20) acres.

5.5.4.2 A maximum of half (0.5) guests per acre is permitted.

5.5.4.3 Where activities require use of public lands or waterways the Dude Ranch or Wilderness Lodging shall about these lands or have access to them by either:

(1) A written access agreement or easement across any intervening land.

(2) A public road.

5.5.4.4 Full service cooking or dining facilities shall be provided.

(1) Central dining facilities shall be provided for all dormitory or lodging room guests.

(2) Individual cabins may be served by kitchens contained within the cabins, or by a central dining facility.

5.5.4.5 Lodging rooms or individual cabins shall not be used for occupancy by any guest for greater than ninety (90) days. Full time residents shall be limited to the Dude Ranch or Wilderness Lodging owner or manager and their immediate family, employees, or family guests.

5.5.4.6 Approval of a Dude Ranch or Wilderness Lodging may include conditions as to the location, layout and operation of facilities necessary to ensure compatibility with adjacent properties.

*See also definition of **Dude Ranch or Wilderness Lodging**: A centrally managed facility which provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A dude ranch or wilderness lodge shall include an organized program of activities such as hunting, fishing, nature study, arts and crafts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking and pack trips. A dude ranch or wilderness lodge may also include corporate or religious retreats or conference facilities. Activities shall be provided onsite to the extent possible. Adjacent public lands and waterways may be used to supplement onsite activities, but shall not be the point of origin or primary location for such activities. Motels and hotels are not considered dude ranches or wilderness lodges.*

5.5.5 Recreational Vehicle Parks and Campgrounds²³

²³ Amended June 2018 (Res. 2018-19)

Tourism is an important part of Archuleta County’s economic base. Recreational Vehicle (RV) Parks and Campgrounds offer temporary Recreational accommodations, compatible with community character and the natural environment.

5.5.5.1 Non-Conforming Recreational Vehicle Parks and Campgrounds. As provided in Section 1.3, certain sites and structures may be conforming as the use of land permitted by Table 3, but may be considered Legal Non-Conforming as to other requirements of the *Archuleta County Land Use Regulations*.

- (1) RV Parks/Campgrounds conforming as to use but nonconforming as to Development Standards in Section 5 of these Regulations, may be altered or extended in accordance with these Regulations, without requiring improvements or alteration to the existing improved site and/or RV spaces or lots.
- (2) Any Site Improvements, Structures or Facilities serving new RV spaces/lots or camping areas shall meet all standards of these regulations.
- (3) Within the Floodplain Overlay District (FO), any development including substantial improvement of existing facilities (as defined) requires full conformance with Section 10 Floodplain Regulations.

5.5.5.2 RV Park and Campground Area. The minimum park area shall be five (5) acres, unless located in a water and sewer district.

- (1) A Recreational Vehicle Park/Campground area may include all or a portion of any legal lot or parcel in an appropriate zoning district as provided in Table 3.
 - a. Any area of a parcel made available by lease or rent for lodging use shall be considered an *RV Park* if a recreational vehicle is owned by anybody other than the owner of the parcel.
 - b. When recreational vehicles, tents or other overnight accommodations are offered by lease or rent, owned by the same entity that owns a legal lot, the Land Use shall be considered *Commercial Lodging Units* instead of as an *RV Park*.
 - c. Any area made available exclusively for camping in tents shall be considered a *Campground*.
- (2) RV Park/Campground Setbacks and Buffers. A landscaped buffer shall be provided along the perimeter of the RV Park/Campground, as provided in Section 5.4.6:
 - a. 50’ wide along a US or State Highway or County Arterial.
 1. This buffer may be waived by up to 50% for earthen berms and/or higher-quality landscaping, at the discretion of the approving body (Planning Commission or Board of County Commissioners).
 - b. 25’ wide along any public or private right-of-way or access easement.
 - c. 20’ wide along any other property line.
- (3) Campsite Requirements. Campsites of at least 900 square feet may be designated on Site Plans and offered to individuals or groups for tent camping.

- a. A Campground may have up to 25 campsites per acre excluding land developed for Site Improvements and required landscape buffers.
- (4) RV Space Requirements.** Recreational Vehicles may only be parked on an improved RV pad.
- a. Each recreational vehicle space or lot shall be at least 35' wide, with an RV pad improved to adequately hold an average-weight recreational vehicle.
 - b. A minimum of 10' shall be maintained between recreational vehicles, or any recreational vehicle and any structure.
 - c. Tent camping may be permitted accessory to each RV space or lot, where minimum separation space can be maintained.

5.5.5.3 RV Park and Campground Site Improvements

- (1) Access:** All RV Parks/Campgrounds shall have access to a public or private road, which meets the requirements of the *Archuleta County Road & Bridge Design Standards*, and is approved by the County Engineer.
- a. Internal access drives within an RV Park shall be designed and constructed to the specifications for multi-family development in the Road & Bridge Design Standards.
 - 1. Parking shall only be allowed on internal driveways when specifically designed and approved with sufficient width for parking.
 - 2. An internal system of sidewalks, paths or trails shall provide bike/pedestrian circulation within the RV Park.
 - b. Each recreational vehicle space or lot shall front on an internal access driveway.
 - c. No recreational vehicle space shall take access directly from a public road.
 - d. Corner sight triangles shall be maintained along access drives a minimum 10' along the improved surface, as provided by Section 5.4.7 (Vision Clearance Area).
- (2) Parking:** Adequate parking shall be provided for guests, visitors and staff. No vehicles shall be parked outside improved RV pads and parking areas.
- (3) Drainage:** Grading and Drainage Plans shall be approved by the County Engineer, as provided in Section 5.3.4.
- (4) Common Recreation Areas:** A minimum 200 square feet of common open space per RV space/lot or campsite shall be provided, with or without facilities.
- a. Water surface can be no more than 10% of the total common area.
 - b. The common area may contain social halls, swimming pools, game courts, trail system, fishing areas, etc (See Section 5.5.5.3(3) below).
 - c. Grades above 10% shall not count toward the minimum common open space.
 - d. All required common open space shall be landscaped with grass, trees, and/or native xeriscape.
- (5) Utilities:** All utility lines shall be installed underground, except where permitted as Non-Conforming Structures by Section 1.3.2.4.

- a. An electrical outlet of 110/220 volts shall be provided for each recreational vehicle space or lot, in compliance with all state regulations.
 - b. All outdoor lighting shall follow Section 5.4.4.
- (6) Refuse Disposal: The storage, collection and disposal of refuse in the recreational vehicle park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof bear-resistant containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations no farther than 300' from each RV space/lot or campsite, in areas screened by appropriate landscaping or fencing. Collection shall be at least weekly.
- (7) Fire Protection shall be provided as required by Section 5.3.9.
- a. Fires are permitted only at locations designated on the approved Site Plan, in adequately maintained fire pits, braziers, grills, and similar facilities.
 - b. Fires will be permitted only when open burning is allowed by Archuleta County.
 - c. No fire shall be abandoned, left unattended, or allowed to become a hazard.

5.5.5.4 RV Park and Campground Structures

- (1) Recreational vehicles, tents and similar accommodations shall be considered types of temporary structures. RVs shall be kept mobile and operating, for short-term use only.
- a. Wheels shall not be removed from recreational vehicles or trailers, nor shall any fixture be added or barrier placed which shall prevent the RV from being moved.
- (2) Dwelling Units: One or two Single-Family Dwelling(s) and/or Manufactured Home(s) may be located on the same legal lot or parcel as an RV Park/Campground, as allowed in that zoning district by Section 3.1, as part of the RV Park/Campground Land Use Permit.
- (3) Common Area social/recreational facilities, such as swimming pools, putting greens, shuffleboard courts, etc., may be provided for the exclusive use of RV Park/Campground guests.
- a. Social/recreational facilities shall be located outside the buffers in Sec. 5.5.5.2(2).
 - 1. Swimming pools must also meet the requirements of Section 3.2.5.2.
 - b. Common shower/bath/locker room facilities, or common laundry facilities, shall be for the exclusive use of guests.
- (4) Storage Areas: Outdoor Storage areas shall be screened by opaque screening at least 5' in height, and shall be clearly designated on the approved Site Plan.
- (5) The following structures are prohibited within individual RV Park spaces/lots and campsites:
- a. Any habitable buildings.

- b. Garages or carports.
- c. Fences greater than 3’ high.
- d. Mailboxes.

5.5.5.5 RV Park/Campground Water and Sewer Service Facilities

- (1) An accessible, adequate, safe and potable supply of water shall be provided to each RV space/lot or Campground in accordance with Section 5.3.8.
 - a. Water supply under pressure shall deliver a minimum of 100 gallons per day per RV space/lot.
 - 1. A minimum of 50 gallons per day shall be provided for each campsite.
 - b. Applicants shall provide evidence of approval of water supply by the Colorado Division of Water Resources and Colorado Department of Public Health and Environment (CDPHE).

- (2) An accessible, adequate and safe sanitary sewage treatment system shall be provided to each RV space/lot or Campground, in accordance with Section 5.3.7.
 - a. No solid or liquid waste may be discharged or otherwise disposed on the surface of the ground or into any ditch, stream or lake.
 - 1. Recreational vehicles equipped with plumbing fixtures shall not be permitted in an RV Park/Campground unless connected to the approved sewage treatment system.
 - 2. Each RV space/lot shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be closed when not linked to a recreational vehicle and capped to prevent escape of odors. The RV drain shall be water tight and self-draining.
 - 3. Chemical toilets shall only be used on a temporary basis to supplement permanent sanitary facilities.
 - b. Applicants shall provide evidence of approval of sewage and wastewater treatment systems by San Juan Basin Public Health or the Colorado Department of Public Health and Environment (CDPHE).

- (3) Within the Floodplain Overlay District (FO), all facilities shall be designed and installed in accordance with Section 10 Floodplain Regulations, including quick disconnect-type utility and security devices.

5.5.5.6 RV Park/Campground Additional Provisions

- (1) Recreational Vehicle Parks and Campgrounds are intended for seasonal intermittent use. Except for park management and maintenance personnel; there shall be no permanent residency in a Recreational Vehicle Park or Campground.

- (2) Permanent residency for a manager or other employees in the operation of the RV Park/Campground is permitted provided they are not housed in a recreational vehicle, tent or other temporary accommodations.

- (3) Pets and animals shall be allowed under the direct control of guests, as specified in Table 5 for each zoning district. Boarding of horses (or other large animals) shall be permitted as a Commercial Stable as specified in Table 3.
- (4) The RV Park/Campground shall be maintained in a clean, safe and wholesome condition.
- (5) The on-site sale of propane is only allowed by a commercially licensed vendor.
- (6) No part of the RV Park/Campground shall be used in any way, directly or indirectly, for any purpose unrelated to a recreational vehicle park or campground.
- (7) The Board of County Commissioners may, by Conditional Use Permit approval, permit any other uses which it may determine to be similar to those listed above, operated exclusively for the convenience of Recreational Vehicle Park/Campground guests or for the general public, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in the park, as provided in these Regulations. All uses shall be subject to the development standards contained herein.

5.5.6 Vacation Rental Standards²⁴

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 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 Rental is 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 PUD Zone, unless a Development Plan specifies otherwise.

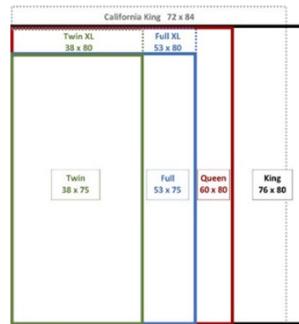
5.5.6.3 Performance Standards.

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.

²⁴ Amended July 2018 (Res. 2018-14); Amended May 2021 (Res. 2021-35)

- (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 ten (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.** *(Reserved for Future Use)*
- (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 be similarly 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 are calculated in all sleeping facilities in the home. Any excess sleeping capacity must be removed from all advertising as a condition for approval of the VRP, as applicable. Triple-bunks are prohibited.
 2. Lofts and other open spaces can be used for guest sleeping rooms. However, 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 the 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 (5) feet shall be considered as contributing to the minimum required areas.
- 3. Bed Capacity.** Guest capacity per bed is calculated using the industry standard for mattress size. King-, California king-, and queen-size mattresses are calculated as having a two-guest capacity. All others, including full-, double-, single-, and twin-size 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 opening of that window must be at least 5.7 square feet. 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 stairway 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 of these Regulations.

- 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.

5.6 SUPPLEMENTARY USE STANDARDS²⁵

5.6.1 Adult-Oriented Businesses

5.6.1.1 It shall be unlawful to operate or cause to be operated an adult-oriented business in any location other than a Commercial zone district. An adult-oriented business shall be deemed to be a conditional use.

5.6.1.2 It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred and fifty (750) feet of a church, school, child-care or day-care home or facility, dormitory, health services center or hospital, public park, or residential property (“protected uses”). For the purposes of this Section, the distance between an adult-oriented business and church, school, child-care or day-care home or facility, dormitory, health services center or hospital, public park, or residential property shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure in which the adult-oriented business is conducted to the nearest property line of the premises in which a church, school, child-care or day-care home or facility, dormitory, health services center or hospital, public park, or residentially zoned property is located.

²⁵ Amended June 2018 (Res. 2018-18)

- 5.6.1.3** It shall be unlawful to operate or cause to be operated an adult-oriented business within seven hundred and fifty (750) feet of another adult-oriented business. The distance between any two (2) such businesses shall be measured in a straight line, without regard to intervening structures or objected, from the closest exterior wall of the structures in which the adult-oriented businesses are located.
- 5.6.1.4** It shall be unlawful to operate or cause to be operated more than one adult-oriented business in the same facility or portion thereof.
- 5.6.1.5** It shall be unlawful for an adult-oriented business to be open for business, or for a licensee to allow patrons on the premises, from two o'clock a.m. to noon of any day, with the exception of private rooms within an adult-oriented motel or hotel.
- 5.6.1.6** All minors, being persons under eighteen (18) years of age, shall be prohibited admission to an adult-oriented business; provided, however, that this prohibition shall not apply to the non-adult business portion of a business's premises, if the interior of the adult-business portion of the premises is not visible from the non-adult-business portion of the premises, and access is restricted and regulated so as to bar entrance by minors. It shall be unlawful for either a licensee or minor to violate this provision.
- 5.6.1.7** Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may only contain on the sign the name of the establishment. Each letter forming a word on a sign shall be of solid color, and each such letter shall be the same print-type, size and color. The display surface of a primary sign shall be of a uniform and solid color.

5.6.2 Gardening and Raising Animals as Accessory Uses²⁶

- 5.6.2.1** Cultivation of marijuana may be conducted as an accessory use on any legal parcel.²⁴
- (1) No more than six (6) marijuana plants may be cultivated for personal use by a Colorado resident, 21 years of age or older, as provided in Sec. 14(4) and Sec 16(3) of Article XVIII of the Colorado Constitution, with no more than 12 marijuana plants on a single parcel.**
- (2) No more than 48 marijuana plants may be cultivated by a Medical Marijuana Caregiver, registered with the State licensing authority, with a Land Use Permit.**
- a.** Cultivation must be conducted in an enclosed, locked building, with plants screened from public view.
 - b.** Caregiver cultivation facilities shall follow all health and safety requirements of Archuleta County marijuana licensing ordinances.
 - c.** Caregiver operations shall comply with the Industrial Performance standards in Sec. 5.4.2, including sound, vibration, emissions, outdoor storage and water pollution. Any extraction must follow requirements of Colorado statutes.
- (3) Marijuana operations and activities are expressly prohibited as a Home Occupation.**

²⁶ Amended October 2016 (Res 2016-62)

5.6.2.2 The following chart identifies limitations on the number and type of animals permitted in each zoning district.

TABLE 5: ANIMAL REGULATIONS #

DISTRICT	ANIMALS					
	Cats, Dogs, Potbellied (Miniature) Pigs	Horses, Cows, Llamas, Mules, Buffalo, Ostrich, Emus, Goats, Sheep, Pigs, Miniature Horses	Chickens, Ducks, Turkeys, Racing or Domestic Pigeons, Quail, Pheasant and other typically domesticated fowl	Rabbits, Chinchillas	Non-domestic exotic or native animals, birds, reptiles (except any venomous reptiles, or constricting snakes greater than 6 feet in length)	Bee Keeping
AF AR	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit
AE	4 per dwelling. No limit on kittens and puppies up to 3 months old	No limit except on parcels of land less than 10 acres, then 1 per acre	No Limit	No Limit	4 per lot: Must be kept indoors	No Limit
RR	4 per dwelling. No limit on kittens and puppies up to 3 months old	No limit except on parcels of land less than 10 acres, then 1 per acre	4 per lot up to 3 acres; then 3 per acre	4 per lot up to 3 acres; then 3 per acre	4 per lot: Must be kept indoors	1 hive per acre
R ²⁷	4 per dwelling. No limit on kittens and puppies up to 3 months old	Not Allowed	4 female fowl per lot	4 per lot	4 per lot: Must be kept indoors	Not Allowed
MHP	4 per dwelling. No limit on kittens and puppies up to 3 months old	Not Allowed	Not Allowed	4 per lot	4 per lot: Must be kept indoors	Not Allowed
C	4 per dwelling. No limit on kittens and puppies up to 3 months old	Not Allowed	Not Allowed	Not Allowed	4 per lot: Must be kept indoors	Not Allowed
I	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

Exempt: In Platted subdivisions in existence as of the effective date of these Regulations (May 23, 2006) recorded covenants addressing animals take precedence.

Note that Agricultural Uses may also be exempt, except for Commercial Stables and Horse Boarding, or Commercial Kennels which require a Land Use Permit.

5.6.3 Commercial Mobile Radio Systems (CMRS)

5.6.3.1 All proposed CMRS facilities shall be reviewed pursuant to the following procedures:

²⁷ Amended October 2016 (Res 2016-62)

- (1)** Building- or structure-mounted CMRS facilities shall be reviewed by the County Staff for compliance with the requirements of these Regulations.
- (2)** Roof-mounted and freestanding CMRS facilities must receive approval as a conditional use.

5.6.3.2 Multiple providers. No more than one (1) roof-mounted or freestanding CMRS facility may be constructed or maintained upon a property in single ownership; provided, however, that additional CMRS facilities may be approved at the same location as a conditional use, provided all other requirements of this Section are met.

5.6.3.3 Building- or structure-mounted CMRS facilities shall be subject to the following requirements:

- (1)** Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
- (2)** The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
- (3)** Building or structure mounted whip antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.

5.6.3.4 Roof-mounted CMRS facilities shall be screened or camouflaged as appropriate from view from adjacent property lines. Such facilities are additionally subject to the following requirements:

- (1)** Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
- (2)** Roof-mounted CMRS whip antennas shall extend no more than ten (10) feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.
- (3)** Roof-mounted CMRS panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted.
- (4)** Roof-mounted CMRS accessory structures shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

5.6.3.5 Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:

- (1)** All accessory structures and equipment cabinets shall be totally screened from view from adjacent property lines.

- (2) Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the conditional use review process.

5.6.3.6 No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.

5.6.3.7 The construction and use of a CMRS facility shall not cause interference to other adjacent CMRS facilities. The County shall be held harmless if interference occurs.

5.6.3.8 CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner.

5.6.3.9 Standards for approval:

- (1) Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.
- (2) The tower shall not constitute a hazard to aircraft.
- (3) The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.
- (4) The proposed tower shall provide for shared capacity, if technically practicable.
- (5) The tower shall have the least practicable adverse visual impact on the environment.
- (6) The proposed tower shall not emit radiation that will adversely affect human health.
- (7) The proposed tower shall be the minimum height needed to accommodate the antenna.
- (8) The proposed tower shall comply with all applicable federal and state regulations.
- (9) The design of the proposed tower shall insure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.
- (10) All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective.

5.6.4 *(Reserved for future use.)*

5.6.5 Home Occupations.

Home occupations are permitted as accessory uses to any conforming residential dwelling; provided, however that the home occupation shall conform to all of the following:

- 5.6.5.1 A home occupation shall be conducted entirely within the dwelling or accessory structure by the inhabitants thereof, with no more than one (1) on-premise employee who is not as resident of the dwelling.
- 5.6.5.2 A home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.
- 5.6.5.3 On-premises advertising, display, or other indication of the home occupation shall be limited to one sign, not exceeding two (2) square feet in total area.
- 5.6.5.4 A home occupation shall not generate vehicular traffic in excess of that typically generated by residential dwellings. No parking or storage of commercial vehicles shall be permitted on the site.
- 5.6.5.5 A home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in any residential zone district.

5.6.6 Junk Yards

- 5.6.6.1 Junk yards shall be located a minimum of six hundred sixty (660) feet from any residential zoning district.
- 5.6.6.2 Junk yards shall be screened with an eight (8) feet high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

5.6.7 Mobile Home Parks

- 5.6.7.1 **Park Area.** The minimum lot area for a mobile home park shall be five (5) acres.
- 5.6.7.2 **Park Setbacks.**
 - (1) Each mobile home park shall set aside along the perimeter of the park setbacks which shall be landscaped according to the plan submitted for review, except for those portions used for ingress and egress. The minimum setback requirements shall be as follows:
 - a. Abutting a state or federally designated highway or county designated major arterial – fifty (50) feet.
 - b. Abutting any public right-of-way other than above, including alleys – twenty-five (25) feet.
 - c. Abutting any other exterior boundary – fifteen (15) feet.

5.6.7.3 Mobile Home Space Requirements.

- (1) No mobile home may be occupied in a mobile home park unless the mobile home is situated on a mobile home space.
- (2) The following minimum area requirements shall apply to mobile home spaces:
 - a. The minimum area of a mobile home space shall be two-thousand five-hundred (2,500) square feet.
 - b. Groups or clusters of mobile homes may be placed on a combined lot, where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard spaces. Minimum setbacks are required on the combined spaces perimeter lines, as are minimum spacing requirements.
- (3) All mobile homes shall be parked in such spaces so that there shall be a minimum of twenty (20) feet between mobile homes. Mobile homes parked end-to-end shall have clearance of not less than ten (10) feet and ten (10) feet from all roads. The tongue or hitch and enclosed additions to the mobile home structure shall be considered a part of the mobile home in measuring required setback distances. The required area of each mobile home space shall not include additional area required for access roads, off-street parking, service buildings, recreation areas, office and similar mobile home park needs.

5.6.7.4 Access and Interior Roadways.

- (1) A mobile home park shall have at least one (1) direct access to a public road by a roadway at least thirty-two (32) feet in width.
- (2) Access to each mobile home space within a mobile home park shall be provided by interior roadways not less than thirty-two (32) feet in width.
- (3) Interior roadways in a mobile home park shall be surfaced with one and one-half (1 ½) minus gravel, asphalt or concrete.
- (4) No part of a mobile home shall obstruct any roadway or walkway in a mobile home park.

5.6.7.5 Recreation Area. A mobile home park shall provide an amount of not less than eight (8) percent of the gross mobile home park area for private recreational areas. The area allowed for recreation shall not include any area designated as a roadway, mobile home space, storage area or any area required for setbacks, or a water surface.

5.6.7.6 Storage Areas.

- (1) An outdoor storage area for boats, boat trailers, camping units and horse trailers shall be provided within the mobile home park in an amount equal to fifty (50) square feet per mobile home space.
- (2) An indoor storage area, either individual or common, for the personal use of mobile home occupants shall be provided in an amount equal to fifty (50) square feet per mobile home space. Space beneath the mobile home shall not fulfill this requirement.

5.6.7.7 Skirting. All mobile homes in a mobile home park shall have a skirting of a rigid type material. Such skirting shall be in place within sixty (60) days after the mobile home is set on the mobile home space.

5.6.7.8 Fire Protection. Every mobile home park shall be provided at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations.

5.6.7.9 Water Supply. An accessible, adequate, safe and potable supply of water under pressure shall be provided in each mobile home park, capable of furnishing a minimum of five hundred (500) gallons per day per mobile home space. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with the minimum requirements. Where a public supply of water of such quality is available, connection shall be made thereto and its supply may be used exclusively. The development of an independent water supply to serve the mobile home park shall meet all state and local requirements. All plumbing in the mobile home park shall comply with state and local regulations.

5.6.7.10 Sewage Disposal. Mobile home parks shall be served by the Pagosa Area Water and Sanitation District. Each mobile home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be closed when not linked to a mobile home and shall be capped so as to prevent escape of odors. The mobile home drain shall be water tight and self-draining. This drain shall be constructed of smooth Schedule 40 plastic pipe or of other approved material. All plumbing in the mobile home park shall comply with state and local regulations.

5.6.7.11 Electricity. An electrical outlet supplying 110/220 volts shall be provided for each mobile home space. The installation shall comply with all state and local regulations.

5.6.7.12 Underground Utilities. All electrical and communication utility lines and services and all street lighting circuits, except as hereinafter provided, shall be installed underground, and street lighting may be provided by means of the utilities standard ornamental facilities. Exceptions from the requirements of the foregoing and this section shall be the following:

- (1) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the utility easement provided therefore, or within the road or other public place as appropriate;
- (2) All facilities reasonable necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;
- (3) Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new; and
- (4) It shall not be necessary to remove or replace existing utility facilities used or useful in servicing the mobile home park.

5.6.7.13 Refuse Disposal.

- (1) The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof and CDOW approved bear resistant containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to mobile home spaces, in areas screened by appropriate landscaping or fencing.
- (2) Methods of storage, collection and disposal are subject to compliance with any local laws and regulations. Collection shall be at least weekly. The mobile home park owner is responsible to provide proper garbage disposal.