

SECTION 5 –STANDARDS

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 Specifications.

5.1.1.2.1 Reserving strips of land to control access to roads is permitted only when the control of such strip is given to the County.

5.1.1.2.2 There shall be sufficient ingress and egress to the subdivision, to minimize chances of traffic congestion or blockage in times of emergency.

5.1.1.2.3 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:

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 follows:

5.1.2.1.1 Major highways: As required by CDOT.

5.1.2.1.2 Arterial roads: Eighty (80) feet

- 5.1.2.1.3** Collector roads: Sixty (60) feet
- 5.1.2.1.4** Local roads: Sixty (60) feet
- 5.1.2.2** Roads shall bear a logical relationship to the topography.
 - 5.1.2.2.1** 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.
 - 5.1.2.2.2** 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.
 - 5.1.2.2.3** Intersections shall be as nearly at right angles as possible with no intersections designed to an angle of less than seventy-five (75) degrees.
 - 5.1.2.2.4** 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.
 - 5.1.2.2.5** 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.

5.1.3 Blocks:

- 5.1.3.1** 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.
- 5.1.3.2** In general, block lengths should not exceed sixteen hundred (1600) feet nor be less than four hundred (400) feet.
- 5.1.3.3** 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.

5.1.4 Lots:

- 5.1.4.1** A parcel shall not be platted for residential or other uses which would be hazardous to health and safety of the public.
- 5.1.4.2** 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.
- 5.1.4.3** Lot dimensions and sizes shall conform to applicable zoning requirements.
- 5.1.4.4** Side lot lines shall be substantially at right angles or radial to road right-of way lines.
- 5.1.4.5** 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.
- 5.1.4.6** Lots with double frontage shall be avoided, except where essential to provide separation from major arterials, incompatible land uses, or topographic considerations.
- 5.1.4.7** 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.

5.2 ENVIRONMENTAL STANDARDS

5.2.1 Preservation of Natural Features and Resources:

5.2.1.1 Natural Features:

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

5.2.1.1.1 Significant vegetation, including dominant or mature trees and shrubs, 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.

5.2.1.2 Archeological Resource, Cultural Resource, or Historical Resources:

Provisions shall be made to preserve archeological, cultural or historical resources on the site:

5.2.1.2.1 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, or the appropriate archeological field survey report shall be submitted by the applicant.

5.2.1.2.2 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.

5.2.1.3 Water Quality Control

State of Colorado regulations regarding 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, have been enacted since July 1, 2002, as part of the Federal Clean Water Act, National Pollutant Discharge Elimination System. The State of Colorado regulation requires persons responsible for the disturbance to obtain a storm water discharge permit associated with construction activities through the Colorado Discharge Permit System (CDPS) from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) before construction. The County shall require proof of such permit as a condition of final approval of any development one (1) acre or larger in land area.

5.2.1.4 Water Body Setbacks:

All roads and driveways and all structures and improvements which require a land use permit shall be located a minimum of fifty (50) feet from the ordinary high water line of all water bodies. In the event that construction within the water body setback is unavoidable, a showing of unavoidability may be made by showing at least one of the following to the satisfaction of the Director of County Development:

- 5.2.1.4.1 The structure is water-dependent (i.e., docks, piers, watercraft launches and ramps, flood control structures), and is a use by right or is permitted by administrative, conditional, or special use permit;
- 5.2.1.4.2 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;
- 5.2.1.4.3 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;

5.2.1.5 Wetlands Protection:

Mitigation techniques for development near wetland areas, as defined by the US Army Corps of Engineers, may include:

- 5.2.1.5.1 Avoiding development near wetland areas.
- 5.2.1.5.2 Preserving existing significant vegetation within and surrounding wetland areas.
- 5.2.1.5.3 Developing sediment ponds and drainage swales to prevent pollution of nearby wetlands.
- 5.2.1.5.4 Replacing disturbed wetland areas in-kind, and on-site.

5.2.1.6 Wildlife Habitat Protection:

For all development within the Wildlife Habitat Overlay District:

- 5.2.1.6.1 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.
- 5.2.1.6.2 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.

- 5.2.1.6.3** Mitigation techniques for development within a Wildlife Habitat Overlay District may include:
- 5.2.1.6.3.1** Creating buffer zones between wildlife habitat and areas of development.
 - 5.2.1.6.3.2** Constructing game-proof fencing, one-way gates and game underpasses or other structures to minimize hazards.
 - 5.2.1.6.3.3** Developing additional or improved habitat to compensate for habitat losses.
 - 5.2.1.6.3.4** Retaining existing vegetation.
 - 5.2.1.6.3.5** Avoiding disturbance of stream beds, stream banks and streamside vegetation.
 - 5.2.1.6.3.6** Placing catchment basins to avoid siltation of streams.
 - 5.2.1.6.3.7** Using stream alteration techniques in accordance with the Colorado Division of Wildlife to enhance fish habitat.
 - 5.2.1.6.3.8** Reclaiming disturbed areas for use by wildlife and waterfowl upon completion of development.
 - 5.2.1.6.3.9** Using slopes flatter than three to one (3:1), and creating islands and irregular shorelines for reclamation of wet site excavations.
 - 5.2.1.6.3.10** Avoiding new road construction through critical habitat areas.
 - 5.2.1.6.3.11** Limiting recreational or other use of wildlife concentration areas during the seasons of wildlife concentration.
 - 5.2.1.6.3.12** Limiting density of adjacent development.
 - 5.2.1.6.3.13** Providing dog control in development areas.
- 5.2.1.6.4** 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).

5.2.1.6.4.1 Upon review of the wildlife impact report by CDOW, CDOW may provide additional mitigation techniques for alleviating any identified wildlife impacts.

5.2.1.6.4.2 The applicant shall be required to comply with CDOW recommended mitigation techniques, unless otherwise waived by the Board of County Commissioners.

5.2.1.6.5 Fencing within a Wildlife Habitat Overlay District shall be in accordance with the following standards:

5.2.1.6.5.1 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.

5.2.1.6.5.2 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.

5.2.1.6.5.3 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.

5.2.1.7 Scenic View Protection:

For all development within a Scenic Overlay District:

5.2.1.7.1 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.

5.2.1.7.2 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:

- 5.2.1.7.2.1** Reduce the height of the building or structure.
- 5.2.1.7.2.2** Reduce the width or decrease the mass of the building or structure.
- 5.2.1.7.2.3** Blend the roofline into the surrounding landscape.
- 5.2.1.7.2.4** Add trees and other vegetation to break up or hide the building or structure.
- 5.2.1.7.2.5** Use exterior colors and finishes that would help blend the structure into the surrounding landscape.
- 5.2.1.7.2.6** Other techniques that would help soften the appearance of the structure.

5.2.2 Mitigation of Natural Hazards:

5.2.2.1 Steep Land:

- 5.2.2.1.1** Slopes greater than or equal to twenty (20) percent shall not be built upon with habitable structures unless a geological report proves no geologic hazards exist such as excessive erosion, landslides, rockfalls, debris flows, mudflows, ground subsidence, collapsible soils or avalanches and if applicable a geotechnical report shall be submitted and approved providing appropriate provisions to eliminate or control the hazard(s).
- 5.2.2.1.2** Slopes greater than or equal to thirty (30) percent shall be built in accordance with County Road and Bridge Standards, except for purposes of forestry management or wildfire protection.

5.2.2.2 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:

- 5.2.2.2.1** Provision is made for the long-term health, welfare and safety of the public from geologic hazards to life, property and improvements.

- 5.2.2.2.2 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.
- 5.2.2.2.3 Structures designed for human occupancy or use shall be constructed so as to prevent danger to human life or property.
- 5.2.2.2.4 Permitted land uses, including public facilities that serve such uses, shall avoid or mitigate geologic hazards at the time of initial construction.
- 5.2.2.2.5 Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.

5.2.2.3 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 one hundred (100) year floodplain.

5.2.2.4 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:

- 5.2.2.4.1 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.
- 5.2.2.4.2 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.
- 5.2.2.4.3 Precautions required to reduce or eliminate wildfire hazards shall be provided for at the time of initial development.
- 5.2.2.4.4 The project will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by the Colorado State Forest Service.

5.2.2.4.5 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.

5.2.2.5 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:

5.2.2.5.1 Provision is made for the long-term health, welfare and safety of the public from radiation hazards to life, property and improvements.

5.2.2.5.2 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.

5.2.2.5.3 Structures designed for human occupancy or use shall be constructed so as to prevent danger to human life or property.

5.2.2.5.4 Permitted land uses, including public facilities that serve such uses, shall avoid or mitigate radiation hazards at the time of initial construction.

5.2.2.5.5 Man-made changes shall not initiate or intensify adverse natural conditions within a radiation hazard area.

5.3 INFRASTRUCTURE STANDARDS

5.3.1 Survey Monuments:

5.3.1.1 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 rebars, 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.

5.3.1.2 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.

- 5.3.1.3** 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.

5.3.2 Access Permit Required:

5.3.2.1 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 and 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.

5.3.2.2 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 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. No such plan, plat, replat or deed shall be accepted for recording by the Archuleta County Clerk and Recorder unless it has been so reviewed and approved as provided herein.

5.3.2.3 Access Plan Required

The applicant shall file an access plan with the Planning Department which demonstrates compliance of the proposed access with the Archuleta County Road and Bridge Standards.

5.3.2.4 Procedure

The Planning Director shall review the access plan and may request the 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. Such approval of an access permit, once granted, may be revoked if the applicant fails to follow and comply with the approved access plan, including any imposed conditions.

5.3.3 Roads:

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.

- 5.3.3.1 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.
- 5.3.3.2 Road name signs shall be installed at all intersections in the project, according to the road names approved by the County.
- 5.3.3.3 Traffic signs shall be installed in the project as required by the County Engineer and the Archuleta County Road and Bridge Department.
- 5.3.3.4 Adequate drainage shall be provided for all roads.
- 5.3.3.5 Any utility lines to be located within a public road right-of-way shall be installed before any graveling or paving is done.

5.3.4 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 infrastructure which does not involve stormwater detention, and the twenty four (24) hour precipitation depths shall be used for all drainage infrastructure 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 Trails:

- 5.3.5.1** Public sidewalks and trails shall 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.
- 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.
- 5.3.5.3.1** 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.
- 5.3.5.3.2** 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 shall also provide

a sidewalk or trail where property is adjacent to the right-of-way. This sidewalk or trail shall 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.

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.

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.

5.3.7.3 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:

5.3.8.1 Each project shall have an approved central water system, the design of which shall be approved by the Colorado Department of Public Health and Environment.

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

5.3.8.2.1 The well or wells shall be permitted and test pumped to assure adequate water for the project, prior to approval.

5.3.8.2.2 An alternate backup source of water, such as surface water rights, storage reservoir or other appropriate arrangements may be required.

5.3.8.2.3 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 Protection System:

If the project is within an existing fire protection district, written confirmation is required that current fire code requirements have been met. If outside a fire protection district, a fire protection plan shall be reviewed by the Archuleta County Sheriff, Fire Chief of the appropriate Fire Protection District or other qualified individual. The County shall not approve any project without implementation of an adequate fire protection plan.

5.4 SITE DEVELOPMENT STANDARDS

5.4.1 Commercial Design:

Commercial development should meet the following design standards:

5.4.1.1 Architectural Features:

5.4.1.1.1 Building design and architectural styling that represents the historic nature of Archuleta County. Among those architectural styles are “Lodge” and “Territorial” and other architectural styles approved by the Planning Department.

5.4.1.1.2 Box-like structures and buildings with generic or brand name architectural design are discouraged.

5.4.1.2 Building Façades:

5.4.1.2.1 Primary Facades
Ground floor facades 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.

5.4.1.2.2 Secondary Facades
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:

5.4.1.3.1 Primary facades of large retail establishments 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:

5.4.1.4.1 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.

5.4.1.4.2 Color shades shall be used to facilitate unifying the development. Façade colors should be low reflectance, subtle, neutral, or earth tone colors.

5.4.1.4.3 Exterior building material shall not include smooth-faced concrete block, aluminum or vinyl siding, or prefabricated steel panels.

5.4.1.4.4 Use of neon as an architectural building accent is discouraged.

5.4.1.5 Building Roof:

5.4.1.5.1 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.

5.4.1.5.2 Overhanging eaves should extend no more than three (3) feet past the supporting wall.

5.4.1.5.3 Sloping roofs that do not exceed the average height of the supporting wall is strongly encouraged.

5.4.1.6 Location of Parking:

5.4.1.6.1 Parking should be located at the rear or side of the building.

5.4.1.6.2 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.

5.4.1.6.3 Parking lots should provide adequate security and lighting and should limit visual clutter, parking lot signs, and equipment.

5.4.1.6.4 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.

5.4.1.6.5 Parking Areas: When the development provides parking for more than ten (10) vehicles, at least ten (10) percent of the total area of the parking lot shall be used for landscaping and/or aesthetic treatments. In addition:

5.4.1.6.5.1 A minimum of one (1) tree (planted in tree islands) for each five (5) parking spaces shall be located within the parking area/lot.

5.4.1.6.5.2 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.

5.4.1.6.5.3 All unimproved earth areas shall be planted, restored or otherwise protected from erosion.

5.4.1.6.5.4 Ongoing maintenance, including the replacement of dead or unhealthy plants, shall be provided by the parking area owner/leaseholder.

5.4.2 Industrial Performance:

All mining operations, industrial uses and commercial businesses, whether established as a use by right, administrative, or conditional use permit shall comply with the following standards.

5.4.2.1 Volume of Sound Generated.

Every use shall be so operated that the volume of sound inherently and recurrently generated does not exceed forty-fifty (45) decibels with a maximum increase of five (5) 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. 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.

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 and Water Disposal

5.4.2.6.1 Outdoor storage of fuel, flammable or explosive liquids shall comply with the requirements of the Uniform Fire Code for setbacks from roads, buildings or other structures, and shall be constructed pursuant to said regulations. 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.

5.4.2.6.2 All outdoor storage shall be enclosed by a fence, barn, landscaping, wall, or other screening approved by the Director of County Development, Planning Commission or Board of County Commissioners, which will minimize visual contact of such storage from adjacent properties and roads. Outdoor merchandise displays for retail operations may be allowed only as permitted by Planning Commission or the Board of County Commissioners.

5.4.2.6.3 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 Planning Commission and/or the Board of County Commissioners, in compliance with appropriate local, state and federal waste disposal regulations

5.4.2.6.4 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 Planning Commission and/or the Board of County Commissioners.

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.

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, & 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.

5.4.4.1 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.

5.4.4.2 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.

5.4.4.3 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.

5.4.4.4 Prohibited Lighting:

5.4.4.4.1 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.

5.4.4.4.2 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.)

5.4.4.4.3 Beacon, laser, or searchlights.

5.4.4.4.4 Mercury Vapor fixtures and or lamps.

5.4.4.4.5 Any fixture that impairs motorist safety by casting glare or direct light into the eyes of drivers.

5.4.4.4.6 Any fixture that is not directed at the ground or task area or is aimed onto an adjoining property.

5.4.4.4.7 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.

5.4.4.4.8 Any compliant fixtures that are altered or installed improperly, such that they cast light in a non-compliant manner.

5.4.4.5 Special Situations:

5.4.4.5.1 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.

5.4.4.5.2 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.

5.4.4.5.3 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.

5.4.4.5.4 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.

5.4.4.5.5 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.

5.4.4.5.6 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.

- 5.4.4.5.7** 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.
- 5.4.4.5.8** 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.
- 5.4.4.5.9** 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.
- 5.4.4.5.10** 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.
- 5.4.4.5.11** Exposed neon lighting is exempt from the shielding requirement, provided that, all other requirements are met, as applicable.
- 5.4.4.5.12** 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.

5.4.5 Parking:

Areas shall be provided for the parking of motor vehicles.

- 5.4.5.1** A minimum of two (2) paved 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. (Appropriate additional parking shall be provided for other facilities such as clubhouses, service facilities, etc.)

- 5.4.5.2** Auxiliary parking within a residential project shall be provided at a ratio of one parking space per two lots; or one parking space per two dwelling units.
- 5.4.5.3** On-street parking, on the private roads within the project, may be used for auxiliary parallel parking, providing the paved surface is widened by a minimum of nine (9) feet on each side where the parking is to be allowed.
- 5.4.5.4** All parking areas shall be paved, 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 paving would be unnecessary.
- 5.4.5.5** All commercial and retail lots shall provide off-street parking as required by the Uniform Building Code and the Archuleta County Building Regulations for the proposed occupancy of the building(s). Additional parking for large vehicles such as campers and recreational vehicles may be required depending on usage.
- 5.4.5.6** Assurance of appropriate parking and traffic flow patterns to be provided for facilities. The parking layout and traffic flow pattern shall be approved by the County Engineer. Parking areas shall be located so vehicles need not back out onto a public road.

5.4.6 Buffers and Screening:

- 5.4.6.1** It may be required that the perimeter of the project 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.
- 5.4.6.2** If a buffer or screening is required, earthen berms, fences, landscaping and/or open space shall be constructed to avoid adverse influence on adjacent uses. Parks should be located so that adverse influences from adjacent properties such as noxious industrial uses, heavily traveled highways, airport runways, and other intolerable noise and safety problems are avoided or mitigated.
- 5.4.6.3** 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.

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

5.4.7 Vision Clearance Area:

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

5.4.7.1 In all zoning districts the minimum distance shall be twenty five (25) feet or, at alleys ten (10) feet, except that when the angle of intersection between roads is less than thirty (30) degrees, the distance shall be thirty (30) 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 SUPPLEMENTARY USE STANDARDS

5.5.1 Adult-Oriented Businesses:

5.5.1.1 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.

5.5.1.2 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.

5.5.1.3 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.

5.5.1.4 It shall be unlawful to operate or cause to be operated more than one adult-oriented business in the same facility or portion thereof.

- 5.5.1.5** 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.
- 5.5.1.6** 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.
- 5.5.1.7** 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.

5.5.2 Animals

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

TABLE 5: ANIMAL REGULATIONS ¹

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 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

¹ Exempt: Platted subdivisions in existence as of the effective date of these Regulations with recorded covenants addressing animals.

5.5.3 Commercial Mobile Radio Systems (CMRS)

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

- 5.5.3.1.1** Building- or structure-mounted CMRS facilities shall be reviewed by the County Staff for compliance with the requirements of these Regulations.
- 5.5.3.1.2** Roof-mounted and freestanding CMRS facilities must receive approval as a conditional use.
- 5.5.3.2** 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.
- 5.5.3.3** Building- or structure-mounted CMRS facilities shall be subject to the following requirements:
 - 5.5.3.3.1** Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
 - 5.5.3.3.2** The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
 - 5.5.3.3.3** 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.
- 5.5.3.4** 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:
 - 5.5.3.4.1** Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
 - 5.5.3.4.2** 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.
 - 5.5.3.4.3** 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.
 - 5.5.3.4.4** 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.

- 5.5.3.5** Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:
- 5.5.3.5.1** All accessory structures and equipment cabinets shall be totally screened from view from adjacent property lines.
 - 5.5.3.5.2** 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.
- 5.5.3.6** No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.
- 5.5.3.7** 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.
- 5.5.3.8** 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.
- 5.5.3.9** Standards for approval:
- 5.5.3.9.1** Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.
 - 5.5.3.9.2** The tower shall not constitute a hazard to aircraft.
 - 5.5.3.9.3** The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.
 - 5.5.3.9.4** The proposed tower shall provide for shared capacity, if technically practicable.
 - 5.5.3.9.5** The tower shall have the least practicable adverse visual impact on the environment.
 - 5.5.3.9.6** The proposed tower shall not emit radiation that will adversely affect human health.
 - 5.5.3.9.7** The proposed tower shall be the minimum height needed to accommodate the antenna.

- 5.5.3.9.8** The proposed tower shall comply with all applicable federal and state regulations.
- 5.5.3.9.9** 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.
- 5.5.3.9.10** 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.

5.5.4 Dude Ranch or Wilderness Lodging:

The following requirements apply to a Dude Ranch or Wilderness Lodging, as defined in Section 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 (.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 abut these lands or have access to them by either:
 - 5.5.4.3.1** A written access agreement or easement across any intervening land.
 - 5.5.4.3.2** A public road.
- 5.5.4.4** Full service cooking or dining facilities shall be provided.
 - 5.5.4.4.1** Central dining facilities shall be provided for all dormitory or lodging room guests.
 - 5.5.4.4.2** 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.

5.5.5 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:

- 5.5.5.1** 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.
- 5.5.5.2** 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.
- 5.5.5.3** 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.
- 5.5.5.4** 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.
- 5.5.5.5** A home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in any residential zone district.

5.5.6 Junk Yards:

- 5.5.6.1** Junk yards shall be located a minimum of six hundred sixty (660) feet from any residential zoning district.
- 5.5.6.2** 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.

5.5.7 Mobile Home Parks:

5.5.7.1 Park Area:

The minimum lot area for a mobile home park shall be five (5) acres.

5.5.7.2 Park Setbacks:

- 5.5.7.2.1** 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:

- 5.5.7.2.1.1** Abutting a state or federally designated highway or county designated major arterial – fifty (50) feet.
- 5.5.7.2.1.2** Abutting any public right-of-way other than above, including alleys – twenty-five (25) feet.
- 5.5.7.2.1.3** Abutting any other exterior boundary – fifteen (15) feet.

5.5.7.3 Mobile Home Space Requirements:

- 5.5.7.3.1** No mobile home may be occupied in a mobile home park unless the mobile home is situated on a mobile home space.
- 5.5.7.3.2** The following minimum area requirements shall apply to mobile home spaces:
 - 5.5.7.3.2.1** The minimum area of a mobile home space shall be twenty five hundred (2,500) square feet.
 - 5.5.7.3.2.2** 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.
- 5.5.7.3.3** 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.

5.5.7.4 Access and Interior Roadways:

- 5.5.7.4.1** 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.

5.5.7.4.2 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.

5.5.7.4.3 Interior roadways in a mobile home park shall be surfaced with one and one-half (1 ½) minus gravel, asphalt or concrete.

5.5.7.4.4 No part of a mobile home shall obstruct any roadway or walkway in a mobile home park.

5.5.7.5 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.

5.5.7.6 Storage Areas:

5.5.7.6.1 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.

5.5.7.6.2 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.

5.5.7.7 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.

5.5.7.8 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.

5.5.7.9 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.

5.5.7.10 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.

5.5.7.11 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.

5.5.7.12 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:

5.5.7.12.1 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;

5.5.7.12.2 All facilities reasonable necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;

5.5.7.12.3 Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new; and

5.5.7.12.4 It shall not be necessary to remove or replace existing utility facilities used or useful in servicing the mobile home park.

5.5.7.13 Refuse Disposal:

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. 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.

5.5.8 Recreation Vehicle Parks:

5.5.8.5 Park Area:

5.5.8.5.1 For all land provided with central water and sewer facilities, the minimum area shall be five (5) acres. Recreational vehicle parks are prohibited on lands not provided with central water and sewer facilities.

5.5.8.5.2 Minimum area of a recreational vehicle space or lot shall be twelve hundred and fifty (1,250) square feet.

5.5.8.6 Park Setbacks:

5.5.8.6.1 Each recreational vehicle park shall set aside along the perimeter of the park the following setbacks which shall be landscaped, except for those portions used for ingress and egress.

5.5.8.6.1.1 Abutting a state or federally designated highway or County designated major arterial - fifty (50) feet; the County Board may reduce the setback depending on the landscaping either existing or proposed;

5.5.8.6.1.2 Abutting any public right-of-way other than (i) above, including alleys - twenty-five (25) feet;

5.5.8.6.1.3 Abutting any exterior boundary other than (i) or (ii) above - fifteen (15) feet.

5.5.8.7 Recreational Vehicle Space Requirements:

Minimum width of a recreational vehicle space or lot shall be:

5.5.8.7.1 Internal space/lot: thirty-five (35) feet.

5.5.8.7.2 Corner space/lot: forty-five (45) feet.

5.5.8.7.3 For all lots with an area of one (1) acre or larger, the minimum lot width shall be one hundred fifty (150) feet, or shall be a minimum of one hundred (100) feet when facing a cul-de-sac turn around or curve on a minor loop road on a curve as platted.

5.5.8.7.4 For all lots with an area of one-half (1/2) acre or larger, the minimum lot width shall be one hundred (100) feet, or shall be a minimum of seventy-five (75) feet when facing a cul-de-sac turn around or curve on a minor loop road on a curve as platted.

5.5.8.7.5 For all lots with an area of between six thousand (6,000) square feet and 1/2 acre, the minimum lot width shall be fifty (50) feet for an interior lot, seventy-five (75) feet for a corner lot, or shall be a minimum of forty (40) feet when facing a cul-de-sac on a minor loop road on a curve as platted.

5.5.8.7.6 Minimum setbacks for each lot or space: Setbacks in which no recreational vehicle or accessory structures except fences are to be located:

5.5.8.7.6.1 Front setback – ten (10) feet.

5.5.8.7.6.2 Rear setback – ten (10) feet.

5.5.8.7.6.3 Side setback – twenty (20) feet separation between recreational vehicles.

5.5.8.7.6.4 Setbacks for corner spaces/lots shall be the same as front and side setbacks.

5.5.8.7.6.5 Carports are allowed in the side and rear setback but shall maintain the ten (10) feet front setback.

5.5.8.8 Accessory Structures:

5.5.8.8.1 Not more than one (1) mobile home lot for every fifty (50) RV spaces/lots may be placed in a recreational vehicle park. The mobile home is to be occupied only by the owner, the manager, or employee in the operation of the park. Such mobile home lot space and mobile home shall comply with all requirements and definitions set forth in Section 5.5.8 Mobile Home Park Standards.

5.5.8.8.2 One (1) single family dwelling is permitted for the owner or manager of a recreational vehicle park. The setback requirements for this single family dwelling in this zone shall be the same as provided in

the Residential District. The minimum lot area requirement for this dwelling shall be ten thousand (10,000) square feet. The dwelling may include office space for use in connection with the park operation.

5.5.8.8.3 Social and recreational centers, provided such center is at least one hundred (100) feet from any property line of the recreational vehicle park.

5.5.8.8.4 Private recreation facilities for the use of the occupants of the park and their guests, such as swimming pool, putting greens, and shuffleboard courts.

5.5.8.8.5 Common laundry facilities, provided there is no dry-cleaning equipment or outdoor laundry drying.

5.5.8.8.6 Common shower, bath and locker room facilities.

5.5.8.8.7 Structures to assist the handicapped.

5.5.8.8.8 The following structures are prohibited within all recreational vehicle spaces:

5.5.8.8.8.1 Any enclosed habitable buildings.

5.5.8.8.8.2 Garages and carports.

5.5.8.8.8.3 Fences greater than three (3) feet in height.

5.5.8.8.8.4 Free-standing mailboxes.

5.5.8.9 Roadways:

5.5.8.9.1 All main entry roads into a recreational vehicle park shall have a minimum width of forty (40) feet and have a clear and unobstructed access to a public right-of-way. The entry road shall be paved or surfaced with gravel.

5.5.8.9.2 Roadways within a recreational vehicle park shall be a width of not less than forty (40) feet for two-way traffic and thirty (30) feet for one-way traffic. Internal roadways shall be paved or surfaced with gravel.

5.5.8.9.3 Each recreational vehicle space shall front on an internal roadway. No recreational vehicle space shall take access from a public road or alley.

5.5.8.10 Lighting:

5.5.8.10.1 Lighting, if provided, shall be indirect, hooded and positioned so as not to reflect onto the roadway and away from the recreational vehicle space and adjacent property.

5.5.8.10.2 Decorative lighting standards shall not exceed ten (10) feet in height. The height of all light standards shall be measured from the elevation of the adjacent pavement of the roadway. Lighting standards in recreational areas may be higher than ten (10) feet if specifically approved by the County Commissioners.

5.5.8.11 Drainage:

Drainage plans shall be submitted with the application to address at least the following three criteria:

5.5.8.11.1 The recreational vehicle park shall be so graded that there shall be no depressions in which surface water shall accumulate.

5.5.8.11.2 The ground shall be sloped to provide storm drainage runoff by means of surface or subsurface drainage structures.

5.5.8.11.3 The recreational vehicle space or lot shall be sloped to provide drainage from beneath the recreational vehicle to an outside surface drainage structure.

5.5.8.12 Common Recreation Area:

A common recreation area shall be required for all recreational vehicle parks. The minimum amount of common recreation area shall be two hundred (200) square feet per recreational vehicle space. Water surface can be no more than ten (10) percent of total recreation area. The recreation area may contain social halls, swimming pools, game courts, open areas, a trail system, fishing areas, etc. Open areas may either be designed for active or passive recreation, provided that the slope of the land does not exceed a gradient of ten (10) percent. Grades above ten (10) percent shall be common area, but not counted as recreation area. All required common open areas within a recreational vehicle park shall be landscaped.

5.5.8.13 Storage Areas:

No construction or flammable material, or vehicle other than a recreational vehicle shall be stored within a recreational vehicle space, lot, road, or common areas except in special storage areas. Storage areas shall be screened by an opaque living hedge or a fence or wall not less than five (5) feet in height and shall be clearly designated on the approved plans.

5.5.8.14 Movement of Recreational Vehicles:

5.5.8.14.1 Wheels and/or similar devices shall not be removed from recreational vehicles or park trailers, nor shall any fixture be added or barrier be placed which shall prevent the recreational vehicle from being moved under its own power or by a passenger vehicle.

5.5.8.14.2 Skirting is permitted provided it can easily be removed and there are proper openings for ventilation.

5.5.8.15 Fire Protection:

Every recreational vehicle park shall be provided at all times with adequate fire hydrants 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.

5.5.8.16 Water Supply:

An accessible, adequate, safe and potable supply of water under pressure shall be provided in each recreational vehicle park, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per recreational vehicle space. The number of recreational vehicle spaces or lots to be occupied in a recreational vehicle park shall be limited to the quantity of water available to supply each such recreational vehicle space or lot 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 recreational vehicle park shall meet all state and local requirements. All plumbing in the recreational vehicle park shall comply with all state and local regulations.

5.5.8.17 Sewage Disposal:

Recreational vehicle parks shall be served by the Pagosa Area Water and Sanitation District. Each recreational vehicle space or 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 shall be capped so as to prevent escape of odors. The recreational vehicle drain shall be water tight and self draining. This drain shall be constructed of smooth schedule forty (40) plastic pipe or other approved material. All plumbing in the recreational vehicle park shall comply with state and local regulations.

5.5.8.18 Electricity:

An electrical outlet of 110/220 volts shall be provided for each recreational vehicle space or lot. The installation shall comply with all state and local regulations.

5.5.8.19 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.

5.5.8.19.1 Exceptions from the requirements of the foregoing and this section shall be the following:

- 5.5.8.19.1.1** 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 appropriate public place;
- 5.5.8.19.1.2** All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or above-ground facilities;
- 5.5.8.19.1.3** Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new; and
- 5.5.8.19.1.4** It shall not be necessary to remove or replace existing utility facilities used or useful in serving the recreational vehicle park.

5.5.8.20 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 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 recreation spaces or lots, in areas screened by appropriate landscaping or fencing. Methods of storage, collection and disposal are subject to compliance with any local regulations. Collection shall be at least weekly.

5.5.8.21 Additional Provisions:

5.5.8.21.1 Recreational vehicle parks are intended for seasonal intermittent use. Except for park management and maintenance personnel, there shall be no permanent residency in a recreational vehicle park.

- 5.5.8.21.2** Permanent residency for manager or other employees in the operation of the recreation vehicle park is permitted provided they are not housed in a recreational vehicle.
- 5.5.8.21.3** Home occupations are not permitted within any recreational vehicle or residence within a recreational vehicle park.
- 5.5.8.21.4** The on-site sale of propane is prohibited, except from a commercially licensed vendor.
- 5.5.8.21.5** No part of the recreation vehicle park shall be used in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, vending or similar purpose or any other purpose unrelated to a recreational vehicle park.
- 5.5.8.21.6** The Board of County Commissioners may, by the 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 residents, 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 property development standards contained herein.