

EXHIBIT A

Draft 6/14/2018

Proposed Amendments to the Archuleta County Land Use Regulations for General Review:

Additions in RED UNDERLINE, deletions in ~~strikeout~~; commentary in italics, recommended by Planning Commission for amendment, 5/23/18, with minor modifications, GREEN UNDERLINE for new Administrative Conditional Use.

1.1 GENERAL PROVISIONS

1.1.2 Authority:

The County is required and enabled to control land use within the county by virtue of, among other authorities, Colorado Revised Statutes, as amended, Sections 24-65.1-101 *et seq.* (Areas and Activities of State Interest), 24-67-101 *et seq.* (PUD Act), ~~24-65.1 *et seq.*~~, 29-20-101 *et seq.* (Local Government Land Use Control Enabling Act), 30-28-101 *et seq.* (County Planning and Building Codes), 30-28-133 *et seq.* (Subdivision Regulations), and these Regulations are hereby declared to be in accordance with all applicable statutes.

1.1.7 Effective Date:

These Regulations became effective September 5, 2000 (Resolution 2000-88), ~~as April 18, 2002,~~ and were originally adopted by the Board of County Commissioners ~~on April 18, 2002,~~ with a comprehensive revision effective May 23, 2006 (Resolution 2006-13), and as subsequently amended. The Archuleta County Road & Bridge Design Standards and Construction Specifications, adopted by Resolution 2005-40 and as revised, are incorporated by reference.

Development approved under previous regulations that received vested property rights shall be valid for the duration of that vested property right provided that all terms and conditions of the review procedures are followed. Existing legal uses that may become nonconforming by adoption of these Regulations shall become legal nonconforming uses subject to the provisions of Section 1.3.

1.1.8 Application to Developments in Process:

1.1.8.1 All land use applications for ~~land use changes~~ initiated on and after May 23, 2006, shall be reviewed pursuant to the review process and standards set forth in these Regulations, ~~as amended by Resolution No. 2006-13~~ and effective on that date the application is accepted as complete. All applications for land use changes submitted for review prior to May 23, 2006, shall be reviewed pursuant to the process and under the criteria set forth in applicable portions of these Regulations in force prior to that date.

1.1.9 Amendment:

The Board of County Commissioners may amend, add to or delete from these Regulations, as has been proposed by or is first submitted for the approval, disapproval, or suggestions of the Planning Commission; after giving public notice of any such proposed changes and after holding a public hearing thereon, as provided by CRS §30-28-116.

1.2 DECISION-MAKING BODIES

1.2.3 Planning Commission:

1.2.3.1 It shall be the duty of the Planning Commission to review applications for Conditional Use Permits, based on criteria and in accordance with procedures contained in Section 3.2.3 of these Regulations. After review, the Planning Commission shall make a decision or recommendation to the Board for approval, with or without conditions, or for disapproval with reasons for recommending disapproval, as provided in Section 3.2.3.

1.2.4 Board of Adjustment:

1.2.4.3 Powers and Duties:

The Board of Adjustment shall have the powers and duties granted by C.R.S. §30-28-117 and 118, including:

- (1) To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of these Regulations, including the refusal to issue a building permit (see Section 2.2.2 Table 1: Review Process).
- (2) To grant, upon an appeal relating to appellant's property, a variance from the strict application of any regulations regarding dimensional requirements including minimum setbacks, minimum lot width, minimum lot area, minimum floor area, maximum allowable building height or maximum separation permitted between an accessory structure and a principal structure if, by reason of exceptional narrowness, shallowness, or shape of the specific piece of property at the time of the enactment of these Regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the said property and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations.
- (3) Variance from Floodplain Development Standards as provided in Section 10.
- (4) No appeal to the BOA shall be allowed for denial of rezoning, Conditional Use Permit, subdivision, PUD or for building use violations that may be prosecuted pursuant to C.R.S. §30-28-124(1)(b).

1.2.4.4 Standards for the Grant or Denial of Appeals Variances: Requests of appeal alleging error shall be reviewed as to the preponderance of evidence. Requests of appeal for a dimensional variance from these Regulations shall be reviewed as provided in Section 2.4.

- (1) ~~The BOA may grant a variance or~~ Planning Staff may grant an administrative variance¹ as a waiver of setbacks according to the review criteria in Section 2.4 if all of the following are found to exist:

¹ Amended July 2010 (Res. 2010-32)
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[Move below to Section 2.4.]

- ~~a. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of these Regulations are strictly enforced.~~
 - ~~b. Circumstances creating the hardship were created subsequently through no fault of the appellant.~~
 - ~~c. That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zoning or overlay district.~~
 - ~~d. That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.~~
 - ~~e. The variance, if granted, will not be directly contrary to the intent and purpose of these Regulations or the Community Plan.~~
- Appeals to the BOA are allowed and outlined in Section 1.2.4.5
- (2) ~~Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit or special privilege to the applicant.~~
 - (3) ~~Under no circumstance shall the BOA grant a variance to allow a use not permissible under the terms of these Regulations in the appropriate zone district.~~
 - (4) ~~Variations shall be granted only with respect to specific plans. Unless otherwise specified by the BOA, a variance may be transferred to successive owners prior to construction if no changes are made to the approved plan and shall run with the land after the construction of any authorized structures or structures and only for the life of such structures.~~
 - (5) ~~The BOA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.~~
 - (6) ~~In order to insure that the protection of the public good and the intent and purpose of these Regulations is preserved, the BOA may impose any other condition upon the grant of a variance, including those categories of conditions which may be placed upon conditional use permits under Section 3 of these Regulations.~~

1.2.4.5 Procedure:

- (1) All appeals shall be in writing and in such form as shall be prescribed by the BOA. Every appeal shall indicate what provision of these Regulations is involved, what relief from these provisions are being sought, the ground upon which such appeal is being sought, and a site plan illustrating the manner in which the appeal or variance, if granted, would affect the subject property and adjacent uses. The applicant shall have the burden of demonstrating that the applicable standards of Section 2.4 ~~1.2.4.4~~ have been met.

[Below revised per CRS 30-28-118]

- (2) If the Board of County Commissioners acts as the BOA, decisions shall require a ~~two-thirds~~ concurring vote of all three members. If the Board of County Commissioners has appointed a separate BOA, the concurring vote of four out of five of the ~~seated~~ members of the BOA shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant.

1.3 NON-CONFORMING LAND USE

1.3.1 Non-Conforming Lots:

- 1.3.1.1 In any district where permitted, a single family dwelling and customary accessory structures may be *erected and/or maintained on any single lot of record which exists as such at the time of adoption of these Regulations*². This provision shall apply even though such lot fails to meet the requirements of the zoning or overlay district in which it is located for area, or width, or both, provided, however, that the requirements of the zoning or overlay district for minimum setback dimensions shall be met unless a variance to said requirements has been granted ~~by the BOA~~ as provided in Section 2.4.

1.3.2 Non-Conforming Sites and Structures:

- 1.3.2.1 Sites and Structures lawfully existing prior to the effective date of these Regulations may be maintained in reasonable repair and subject to minor alterations and shall be exempt from these Regulations.

² Amended October 2006 (Res. 2006-29)
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2.1 GENERAL

2.1.1 Land Use Permit Required:

2.1.1.1 Any development, re-development or change in land use shall be completed in conformance with these Regulations, Archuleta County Road & Bridge Design Standards and Construction Specifications, Archuleta County Ordinances, ~~unless expressly exempt from permit requirements in Section 2.1.2, shall require a Land Use Permit before commencing the development or activity associated with the land use change. All land use changes must also obtain building and construction permits pursuant to the uniform codes adopted by the County, and must comply with all other applicable County requirements.~~

(1) "Development" and "Land Use Change," as used in these Regulations, are ~~is a~~ general and inclusive terms, ~~and is defined in Section 11 of these Regulations.~~

(2) As provided in Section 1.1.5, should there be any conflict between these regulations, the Road & Bridge Design Standards, adopted County Ordinances, or any other regulations, the more restrictive shall apply.

2.1.1.2 A Land Use Permit is required for any Land Use Change is inclusive of any action listed as an "approval requested" in Table 1: Review Process Chart, Section 2.2.2.

(1) A Land Use Permit is not required when expressly exempt by Section 2.1.2.

(2) For any Use by Right, the use of property may be changed with a Change of Use Review (Section 3.2.1), rather than a Site Plan Review (Section 3.2.2), when:
a. The Change of Use does not require a Building Permit, and
b. Off-street parking requirements can be met within existing parking areas, and
c. There is no increase in impervious surface area (no increase in storm water runoff), and
d. The change is otherwise in complete conformance with these Regulations.

(3) A Land Use Permit may be required for any Development, as defined, in a Special Flood Hazard Area (floodplain), with or without a building permit, including Substantial Improvement of existing structures.

~~(1) For land use changes that do not involve a division of land, approval of the proposed land use change will constitute a Land Use Permit.~~

~~(2) For land use changes that involve a division of land, final plat approval will constitute a Land Use Permit.~~

2.1.2 Exemptions from Land Use Permit Requirement:

2.1.2.4 In any Agricultural or Residential district where permitted as a Use by Right (Agricultural/Ranching - AR, Agricultural Estate - AE, Rural Residential - RR, ~~and Residential - R,~~ or Planned Unit Development - PUD) one (1) single family detached dwelling or Manufactured Home is allowed and exempt from a land use permit.

2.1.2.5 In any Agricultural or Residential district where permitted as a Use by Right (Agricultural/Ranching - AR, Agricultural Estate - AE, Rural Residential – RR, or Planned Unit Development – PUD) a second single family detached dwelling or Manufactured Home is allowed and exempt from a land use permit as long as the lot is three (3) acres or more³.

2.1.2.6 In the Residential (R) Zoning District or in a Planned Unit Development (PUD), where permitted as a Use by Right, a single Duplex is exempt from a Land Use Permit within Maximum Density limits in Table 4 or in the PUD Development Plan.

2.2 REVIEW PROCEDURE

2.2.2 Review Process Chart:

Approval Requested	Pre-App	Sketch			Preliminary			Final				Notes
		Staff	PC	BCC	Staff	PC	BCC	Staff	PC	BCC	BOA	
Temporary Use Permit	M							A ³			APP	³ Sec 3.2.4
<u>Change of Use</u>	M							A ³			APP	³ Sec 3.2.1
Use by Right Site Plan	M							A ³			APP	³ Sec 3.2.2
<u>Administrative CUP</u>	M							A ³	APP			³ Sec 5.5.6
Conditional Use Permit	M							M ³	H	APP H		³ Sec 3.2.3
<u>Board CUP</u>	M							M ³	H	H		³ Sec 3.2.3

A: Administrative Approval P: Public Meeting H: Public Hearing M: Staff Meeting APP: Appeal Permitted

2.2.3 Public Notice Requirements:

2.2.3.5 Public Notice Requirements Chart. Public notice shall be given of all Public Hearings. Table 2 identifies for which requested approvals public notice is required, either by publishing, posting, or mailing:

TABLE 2: PUBLIC NOTICE REQUIREMENT

Approval Requested	NOTICE REQUIRED		
	Publish	Post	Mail
<u>Administrative CUP</u>			X
Conditional Use Permit	X	X	X

³ Amended Oct 2006 (Res. 2006-29)
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2.2.4 Application Procedure:

2.2.4.1 Pre-application Conference:

All applicants shall schedule and attend a pre-application meeting with a member of the Planning Department before submitting an application. The purpose of the pre-application meeting is to inform the applicant of the applicable procedures, submittal requirements, development standards, and other pertinent matter before the applicant finalizes the proposal. If a formal permit application is not submitted within six months one hundred eighty (180) days of the pre-application meeting, a new pre-application meeting must be scheduled before the formal application will be accepted.

(1) The Director may schedule Pre-Application Conferences by telephone or webcast for relatively routine applications, especially for those that can be completed electronically.

2.2.4.4 Fees:

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for Land Use Permits, plat approvals, including zoning amendments, variances and other administrative relief.

(1) The fee schedule will be adopted periodically by the Board of County Commissioners and is available from the Planning Department. Fees shall not be required for projects on property owned by Archuleta County.

(2) In addition to the application fee, outside consulting fees for expert review may be required. When the Planning Department determines that they are in need of additional technical expertise, in order to conduct a competent analysis of the application, the Planning Department shall be authorized to engage the services of a qualified consultant. These services shall be provided at the applicant's expense. It is anticipated that a determination on whether to use outside consulting services, for the review of an application, will be made during the pre-application meeting.

2.2.5 Review by Referral Agency:

Based upon the specific nature of the application, the Planning Department shall distribute a copy of a completed application to other reviewers, such as other Archuleta County departments and outside review agencies. **The applicable reviewing agencies will have up to twenty-one (21) days to respond for Subdivision Review, or up to fourteen (14) days for other Land Use Permits.** The express purpose of this distribution is to solicit review comments and to ensure that the proposal complies with all applicable development standards and requirements.

2.2.7 Review by Planning Commission:

The Planning Commission shall conduct either a public meeting or public hearing on an application, as appropriate. The Planning Commission shall consider the application, the relevant support materials, the recommendation of the Planning Department, the recommendations of the outside review agencies, and public input. The Planning Commission, by a majority vote of the quorum present, shall make a decision, or recommend to the Board of County Commissioners either to approve, approve with conditions, or deny the application. The Planning Commission can also table the request to a future meeting date.

2.4 VARIANCES

2.4.1 Variances may be granted from portions of these Regulations where the applicant can clearly demonstrate that because of peculiar conditions, the literal enforcement of one or more of these regulations is impractical or will exact undue hardship.

2.4.1.1 Such variances shall be heard by the Board of Adjustment (BOA) as provided in Section 1.2.4.

2.4.1.2 An administrative variance can be processed reviewed as a waiver by Staff if the request is⁴: ~~(1)~~ for a to vary from a required setback in Table 4 or PUD Development Plan variance;

~~(1)(2)~~ The property owner or designated agent shall has obtained and furnishes to the Planning Department written verifications of consent from:

2.4.3 Review Procedure:

2.4.3.1 The Planning Director ~~Department~~ shall prepare a written report and present it to the Board of Adjustment for decisions on Variances; ~~for Administrative Variances, Staff shall review and provide a report for the applicant's file and the applicant. Both reviews shall be in accordance with the Standards for grant or denial of variances set forth in this Section 1.2.4.4(1).~~

(1) Planning Staff may seek the advice of any affected utility companies and/or property/home owners' associations and/or contiguous, affected property owner(s).

(2) For an Administrative Variance, ~~t~~The written notice and request for verification of consent should include but not be limited to: property location by block and lot if applicable and by address if available; a map showing property highlighted, and a copy of proposed plans. If the applicant cannot obtain written consent from required respondents, the Variance request shall be processed through the Board of Adjustment.

[Below moved from Section 1.2.4.4.]

2.4.3.2 Standards for the Grant or Denial of Variances:

(1) The BOA may grant a variance from dimensional standards of this Regulation, or Planning Staff may grant an administrative variance waiver, if all of the following are found to exist:

- a. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of these Regulations are strictly enforced.
- b. Circumstances creating the hardship were created subsequently through no fault of the appellant.
- c. That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and

⁴ Amended July 2010 (Res. 2010-32)
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exceptional situation or condition which does not occur generally in other property in the same zoning or overlay district.

- d. That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.
- e. The variance, if granted, will not be directly contrary to the intent and purpose of these Regulations or the *Community Plan*.

(2) Variance from Floodplain Development Standards may be granted as provided in Section 10—Floodplain Regulations.

(3) Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit or special privilege to the applicant.

(4) Under no circumstance shall the BOA grant a variance to allow a use not permissible under the terms of these Regulations in the appropriate zone district.

(5) Variances shall be granted only with respect to specific plans. Unless otherwise specified by the BOA, a variance may be transferred to successive owners prior to construction if no changes are made to the approved plan and shall run with the land after the construction of any authorized structure or structures and only for the life of such structures.

(6) In order to insure that the protection of the public good and the intent and purpose of these Regulations is preserved, the BOA may impose any condition upon the grant of a variance, including those categories of conditions which may be placed upon Conditional Use Permits under Section 3 of these Regulations.

- a. The BOA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.

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SECTION 3 – ZONING REGULATIONS

3.1 DISTRICT REGULATIONS

3.1.2 Zoning Districts Established:

3.1.1.1 Agricultural/Forestry (AF)

The AF Zoning District is an Agricultural zoning district intended to provide for permitted regulation of land uses on federal, state, BIA, lands. The AF district includes the majority of public lands within the county. Land use in the AF district is encouraged to conserve forest resources, protect the natural environment, and preserve uninhabited areas.

3.1.1.2 Agricultural/Ranching (AR)⁵

The AR Zoning District is an Agricultural zoning district intended to be generally consistent with the Very Low Density Residential land use district in the Community Plan and provide areas where continued agriculture or grazing use is practiced on a large scale. The AR district includes the majority of the rural agricultural land within the county that is in private ownership,

(1) ~~with Residential density~~ shall be a maximum of 2 dwellings per lot, parcel or tract, with typical accessory structures.

(2) More than 2 dwellings on 35 acres or more may be permitted for active agricultural ~~businesses such as farms and ranching operations,~~ with an approved ~~where the associated Land Use Permit has been approved.~~⁶

(3) Land use in the AR district is encouraged to provide for the maintenance of agricultural production and preservation of associated life styles, with new residential development encouraged to proceed through the Rural Land Use ~~Preservation~~ subdivision process. Commercial uses are generally limited to those associated with Agricultural and Recreational uses.

3.1.1.3 Agricultural Estate (AE)⁷

The AE Zoning District is an Agricultural zoning district intended to be generally consistent with the Low Density Residential land use district in the Community Plan, with lots of five to 35+ acres, and provide areas where continued agriculture or grazing use is practiced on a smaller scale.

(1) Residential densities in this district shall be no more than ~~range from two (2) dwellings per five (5) acre lot up to two (2) dwellings per thirty five (35) acre lot,~~ with typical accessory structures.

(2) Residential development in the AE district is encouraged to be designed in a way that provides for the preservation and protection of irrigated croplands, range lands, watershed and wildlife habitats. Commercial uses are generally limited to home occupations and those associated with non-intensive agricultural operations.

3.1.1.4 Rural Residential (RR)⁸

The RR Zoning District is a Residential zoning district intended to be generally consistent with the Medium Density Residential land use district in the Community Plan, and

⁵ Amended Sept 2006 (Res. 2006-25)

⁶ Amended Dec 2010 (Res. 2010-56)

⁷ Amended Sept 2006 (Res. 2006-25)

⁸ Amended Sept 2006 (Res. 2006-25)

provide for orderly residential development where water and/or sanitary sewer services may not be available.

- (1) Residential densities in this district ~~shall be no more than range from two (2) dwellings per three (3) acre lot to two (2) dwellings per five (5) acre lot,~~ with typical accessory structures.
- (2) ~~Lots of t~~Three (3) acres or larger development are is permitted where either water or sanitary sewer is available; a minimum of five (5) acres is required where both well and septic systems are necessary.
- (3) Commercial uses are generally limited to home occupations.

3.1.2.5 Residential (R)

The R Zoning District is a Residential zoning district intended to be generally consistent with the High Density Residential land use district in the Community Plan, where adequate services and facilities are available and such densities do not negatively impact the essential character of the district or adjacent districts.

- (1) Residential densities in this district ~~shall be no more than range from one (1) dwelling unit per eight thousand (8,000) square feet foot of lot area to one (1) dwelling unit per three (3) acre lot,~~ with typical accessory structures.
- (2) Residential development may be permitted in building configurations of single-family, two-family and multi-family dwellings, and home occupations are allowed, with approvals in Table 3, to standards in Table 4.
- (3) Commercial development other than home occupations is generally ~~not permitted as~~ a walkable Neighborhood or Mixed Use center ~~unless it is approved in conjunction with a Planned Unit Development or Rural Community Overlay district.~~

3.1.2.6 Mobile Home Park (MH)

The MH Zoning District is a Residential zoning district intended to provide residential areas specifically for mobile home parks and manufactured (HUD) mobile homes on individually owned lots. The integration of manufactured mobile homes is encouraged in areas where adequate services and facilities are available and such development does not impact the essential character of the district or adjacent districts. Commercial development other than home occupations is generally not permitted ~~unless it is approved in conjunction with a Planned Unit Development.~~

3.1.2.7 Commercial (C)

The C Zoning District is a Non-residential zoning district intended to be generally consistent with the Commercial land use district in the Community Plan, and provide for all types of commercial and mixed use activities which have functional and economic relationships to the County, including retail, office and personal services. Quality commercial development using design standards is required, while poor site planning that would negatively impact the County's scenic environment and tourism economy is discouraged.

3.1.2.8 Industrial (I)

The I Zoning District is a Non-residential zoning district intended to be generally consistent with Industrial Parks land use district in the Community Plan "to set aside possible locations for industrial parks to encourage the development of a more diversified economy". The I Zoning District also allows flexibility for other types of industrial development which are not likely to become a nuisance to surrounding areas.

Any impact generating uses are operated primarily within an enclosed building, and outdoor storage areas are concealed from abutting roads and highways and from adjacent residential properties. Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations are confined primarily to the premises of the lot on which an industrial use is located. Non-industrial development is generally discouraged ~~not permitted~~ in the Industrial district.

3.1.3 Zoning District Uses:

Table 3 identifies Uses-By-Right and Conditional Uses that may be permitted in each of the zoning districts listed in Section 3.1.2. Any use not specifically listed shall be considered a ~~prohibited use~~ may be considered by the Board of County Commissioners as a Conditional Use. Additional permits may be required.

TABLE 3: USES BY ZONING DISTRICT

- R – Use by Right
- AC – Administrative Conditional Use Permit
- C/BC – Conditional Use / Board Conditional Use Permit
- Geo = Geothermal
- O&G = Oil & Gas
- S&G = Sand & Gravel

Note: ~~Any unlisted use is prohibited.~~ The Director of County Development is authorized to interpret the meaning and scope of the uses listed herein. The Director of County Development’s interpretation may be appealed to the Board of Adjustment ~~County Commissioners~~.

USE	AF	AR	AE	RR	R	MH	C	I
AGRICULTURAL								
<u>Farm and Ranch</u> Agricultural Uses	R	R	<u>RC</u>	<u>R</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Commercial Stables or Horse Boarding		R	<u>RC</u>	<u>C</u>			<u>C</u>	
Farm/Ranch Stand		R	C	<u>C</u>				
Plant Nursery and Greenhouse ⁹		R	<u>RC</u>	<u>C</u>			<u>RC</u>	R
Log and Soil Storage	R	R	<u>R</u>					
Forestry Operation	R	R	R					
Tree Farms	R	R	R					
RESIDENTIAL								
Dwelling, Multi-family					C		C	<u>BC</u> ¹⁰
Dwelling, Single-family Attached				C	R		<u>RC</u>	C ¹¹
Dwelling, Single-family Detached		R	R	R	R		<u>RC</u>	C ¹²
Family Child Care Home		R	R	R	R	R	<u>R</u>	
Group Home		R	R	R	R		<u>R</u>	
Home Occupations (*See Section 5.5.5)		R*	R*	R*	R*	R*	<u>R</u>	<u>C</u>
Manufactured Home ¹³		R	R	R	R	R	<u>RC</u>	C

⁹ Amended October 2016 (Res 2016-62)

¹⁰ Amended May 2013 (Res. 2013-21)

¹¹ Amended May 2013 (Res. 2013-21)

¹² Amended May 2013 (Res. 2013-21)

¹³ Amended May 2013 (Res. 2013-21) “Mobile Home” deleted

Mobile Home Park (*See Section 5.5.7)						R*		
Mobile Home Subdivision		€				R		
Recreational Vehicle Park* (*See Section 5.5.8)		€ ¹⁴	€			R	€	
RV Subdivision						R		

[Move RV Park to Recreational Use below. Update Development Standards in Section 5 separately.]

USE	AF	AR	AE	RR	R	MH	C	I
COMMERCIAL								
Adult-Oriented Use							C	
<u>Auto/Equipment Sales Lot</u>							R	R
Bar or Tavern					C		C	C
Bed and Breakfast		C	C	C	C		RC	
Car Wash							R	
Child Care Center					C		R	
Clubs and Lodges							R	
Drive-in / <u>Drive-thru</u> Use							C	
Entertainment Facilities and Theaters							R	
Equipment Rental and Sales							€	R
Financial Institution							R	
Firewood Related Wood Product Sales	R	R					R	R
Gasoline Station					C		C ¹⁵	C
Grocery Store, Large							€	
Grocery Store, Small					€		R	
<u>Group Care Facility</u>		C	C				R	
Health and Athletic Club							R	
Kennel ¹⁶	BC	BC	BC				C	C
Lodging Establishment		C	C ¹⁷				R	
Lodging Units, 3 or fewer ¹⁸	R	R	C				C	
Lodging Units, 4 or more ¹⁹	R	C	C				C	
Medical and Dental Offices and Clinics							R	
<u>Medical Clinic</u>							C	
Mortuary and Funeral Home							R	
Neighborhood Commercial Center					€			
Office, General							€	R
Office, Professional					C		R	RC

¹⁴ Amended May 2013 (Res. 2013-21)

¹⁵ Amended Oct 2006; (Res. 2006-29)

¹⁶ Amended May 2014; (Res. 2014-22)

¹⁷ Amended July 2013; (Res. 2013-42)

¹⁸ Amended July 2013; (Res. 2013-42)

¹⁹ Amended July 2013; (Res. 2013-42)

Personal and Business Service Shops					€		R	
Printing and Publishing							€	R
Restaurant					C		R	<u>R</u>
Retail, Convenience Store /Service, Small (<5,000 S.F.)					C		R	<u>R</u>
Retail Use /Service (5,000 S.F. to 25,000 S.F)							R	
Retail /Service Establishment, Large (>25,000 S.F.)							C	
Shopping Center							C	
<u>Shopping Center, Neighborhood</u>					<u>C</u>		<u>R</u>	
Vehicle Minor Repair, Servicing and Maintenance							R	<u>R</u>
Veterinary Facility Facilities, Small Animal Clinic		R	<u>R€</u>				R	<u>R</u>
Veterinary Hospital		€	€				R	
USE	AF	AR	AE	RR	R	MH	C	I
INDUSTRIAL								
Asphalt Batch Plants							<u>BC</u>	<u>BC</u>
Building Contractors and Equipment		<u>BC</u>	<u>BC</u>				C	R
Concrete or Cement Plants							<u>BC</u>	<u>BC</u>
Industrial, Heavy								<u>BC</u>
Industrial, Light							<u>C</u>	R
Junk Yard (*See Section 5.5.6)								<u>BC*</u>
Logging Operation	C	<u>R€</u>						
Marijuana Establishment, Medical ²⁰							R	R
Marijuana Establishment, Retail							R	R
Oil and Gas Operation (*See Section 9.2)	<u>O&G€</u>	<u>O&G€</u>	<u>O&G</u>				<u>O&G</u>	<u>O&G€</u>
<u>Outdoor Storage*</u> (*See Section 5.4.2.6)		<u>BC</u>	<u>BC</u>				<u>R</u>	<u>R</u>
Recycling Facility							C	R
Resource Extraction, Processes and Sales (*See Section 9.1)	<u>S&G€</u>	<u>S&G€</u>	<u>S&G</u>				<u>S&G</u>	<u>S&G€</u>
Sawmill	C	R					<u>C</u>	R
Truck Stop							<u>C</u>	C
Vehicle Major Repair, Servicing and Maintenance							C	R
Warehouse, Mini-storage							C	R
Warehouse and Distribution							<u>C</u>	R

²⁰ Amended March 2015; October 2016 (Res 2016-62)
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Workshop and Custom Small Industry		R	C	<u>C</u>			<u>RE</u>	R
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RECREATIONAL								
Campground ²¹		R	C				C	
Dude Ranch or Wilderness Lodging* (*See Section 5.5.4)	<u>BC</u>	<u>BC</u>						
Golf Courses and Driving Ranges		C	C	C			<u>C</u>	
Limited Indoor Recreation Facility							R	
Limited Outdoor Recreation Facility		<u>BC</u>					C	
Outdoor Shooting Range		<u>BC</u>						
Parks, Greenbelts and Passive Recreation Areas	R	R	R	R	R	R	R	R
Race track		<u>BC</u>						<u>BC</u>
<u>Recreational Vehicle Park*</u> <u>(*See Section 5.5.8)</u>		<u>BC</u>	<u>BC</u>			<u>R</u>	<u>C</u>	<u>BC</u>

USE	AF	AR	AE	RR	R	MH	C	I
OTHER								
<u>Accessory Uses and Structures</u> <u>(*See Sections 3.2.5, 3.2.6)</u>	<u>R*</u>							
Airport, Airstrip, Helipad* (*See Section 3.1.5.1)	<u>BC</u>	<u>BC</u>	<u>BC</u>	<u>BC</u>			<u>BC</u>	<u>BC</u>
Animal Shelter	<u>BC</u>	<u>BC</u>	<u>BC</u>				<u>BC</u>	<u>BC</u>
Cemetery	R	R	C	<u>BC</u>				
Churches and Religious Institutions	C	R	R	R	C	<u>BC</u>	R	R
Building- or structure-mounted CMRS Facilities (*See Section 5.5.3)	R*							
CMRS Facilities roof-mounted and freestanding (*See Section 5.5.3)	<u>BC*</u>							
<u>Electric Power Distributed Generation</u>	<u>BC</u>	<u>C</u>						
Electric Power Generation Facilities	<u>BC</u>							
Electric Power Transmission Lines	<u>BC</u>							
Geothermal Resources (*See Section 2.5.6)	<u>Geo</u>							
Major Extensions of Existing <u>Water or Sewage</u> Systems	<u>BC</u>							

²¹ Amended August 2011 (Res. 2011-39)
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Major Extensions of Existing Water Systems	€	€	€	€	€	€	€	€
Major New Sewage Systems	<u>BC</u>							
Major New Water Systems	<u>BC</u>							
Meeting Place and Place for Public Assembly	C	R	R	R	C	<u>BC</u>	R	R
Mixed-Use Development					C		C	C
Natural Gas Transmission Pipelines	<u>BC</u>							
Outdoor Storage* (*See Section 5.4.2.6)		€					€	R
Parking Lot							C	R
Private School	<u>BC</u>							
Public School	<u>BC</u>							
Public Use	<u>BC</u>							
Public Utility	<u>BC</u>							
Sanitary Landfills <u>or</u> and-Solid Waste Transfer Stations	<u>BC</u>							
Temporary Uses (*See Section 3.2.4)	R*	R*	R *	R*	R*	R*	R *	R*
Transportation Services and Facilities	<u>BC</u>							
Utility Substations	<u>BC</u>							
Water Impoundments	R	R	<u>BC</u>	<u>BC</u>	<u>BC</u>	<u>BC</u>	<u>BC</u>	<u>BC</u>
Water Storage Facilities	<u>BC</u>							

3.2 USE REGULATIONS

3.2.1 Change of Limited Impact Use

3.2.1.1 Conversion of Limited Impact Uses to Use-By-Right or Conditional Use Permit²²

All legal, conforming Limited Impact Uses previously permitted and approved as such by specific action of the County and in existence on May 23, 2006, the date of adoption of this Section, are hereby converted to either a use by right or a conditional use permit, as detailed in Table 3 at Section 3.1.3. In order to determine whether a previously permitted Limited Impact Use is now a use by right or a conditional use permit, locate the description of the use in the Table, then read to the right to determine into which category the use in question falls.

3.2.1.2 Change of Use Review

As provided in Section 2.1, any development, re-development or change in land use shall be completed in conformance with these Regulations. As required by CRS 30-28-114 et seq, it is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure without obtaining a Building Permit. Prior to occupancy, a tenant, property owner, or their representative should apply for a Change of Use Land Use Permit to confirm land use conformance without Site Plan, Conditional Use, or other required review.

²² Amended Oct 2006 (Res. 2006-29)
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3.2.2 Use-by-Right Site Plan Review²³

3.2.2.1 Purpose and Intent:

A Use by Right is a land use that is allowed within the specific zoning district per Table 3 of these regulations, confirmed by a Land Use Permit for Site Plan Review. ~~While Uses by Right are not subject to review with respect to their impact on surrounding properties, uses other than those exempted in section 2.1.2 of these regulations are subject to site plan review.~~ The site plan review is conducted to ensure that the development is in conformance with environmental, infrastructure, and site development standards outlined in sections 5.2, 5.3, and 5.4 of these regulations.

3.2.2.2 Submittal Requirements:

All requests for a Use by Right Site Plan Review shall be submitted utilizing the Archuleta County Land Use Permit application form and the applicable application fees. The application fee shall be as established by the Board of County Commissioners in accordance with Section 2.2.4.4. Application fees shall be non-refundable. The applicant shall submit a six (6) complete copies of the application and sufficient printed or digital copies of associated materials as determined by the Planning Director. Certain submittal requirements may be waived or modified by the Planning Staff, if it is demonstrated that the material to be waived or modified is not applicable to the proposed use. Except where more specifically detailed in specific Development Standards, ~~t~~he following information and materials shall be submitted with the application:

- ~~(1)~~ ~~A completed application form and the required filing fee.~~
- ~~(2)~~ A vicinity map, locating the subject parcel within Archuleta County (8-½" by 11").
- ~~(2)(3)~~ A written description of the proposed use, in sufficient detail to describe the nature of the proposal, including but not limited to:
 - a. How the use will be operated.
 - b. How ongoing maintenance of the use and site will be provided.
- ~~(3)(4)~~ A detailed site development plan, drawn to a scale appropriate to the size of the project. All sheet sizes shall be twenty-four by thirty-six inches (24"x36"). The site development plan may need to indicate existing (and proposed) topography; but shall indicate all existing natural and man-made features and the proposed development for the property (including but not limited to building locations, parking areas, traffic circulation, usable open space, landscaped areas, exterior lighting locations and utilities and drainage features).
 - a. Note the Zoning District, Water and Sewer supply, Landscape requirements, Minimum parking requirements and how calculated, and Vision Clearance Areas.
 - ~~(5)~~ b. If required, topography should ~~shall~~ be indicated as follows:
 - 1a. Contour intervals of two (2) feet on land sloping less than ten (10) percent.
 - 2b. Contour intervals of five (5) feet on land sloping ten (10) percent to twenty (20) percent.

²³ Amended February 2007; Use By Right Review section added (Res. 2007-08)
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- ~~3~~e. Contour intervals of ten (10) feet on land sloping greater than twenty (20) percent.
- ~~(6)~~ c. If applicable, a final determination as to the required drawing scale and appropriate contour interval shall be as determined by the Planning Staff.
- ~~(4)~~~~(7)~~ Elevation drawings (drawn to scale) of any proposed structures.

Renumber Subsections to follow.

3.2.2.7 Minor Amendments:

- (1) The Planning Director ~~Staff~~ may approve Minor Amendments to an approved Land Use Permit. Authorized Minor Amendments include those that do not alter the basic intent and character of the approved Land Use Permit; are consistent with the Site Development Standards (Section 5.4); are deemed necessary in light of technical or engineering considerations first discovered during actual construction; or could not have been reasonably anticipated during the initial review process.
- (2) Minor Amendments must comply with all relevant Archuleta County regulations. Minor Amendments may include, but are not limited to:
 - a. variations to the location of an approved building footprint of not more than five (5) feet;
 - b. minor deviations in the location of infrastructure (roads and utilities);
 - c. modifications to approved site or landscape plans that do not adversely impact pedestrian or vehicular circulation throughout or adjacent to the project; or
 - d. changes to the gross floor area of not more than ten (10) percent of the approved square footage on the site.

3.2.3 Conditional Use Permit:

3.2.3.1 Purpose and Intent:

- (1) The Planning Commission shall be the primary decision-making body for Conditional Use Permits.
 - a. Should an Applicant disagree with a determination or conditions of approval of the Planning Commission, the Applicant may appeal for a Public Hearing before the Board of County Commissioners, with payment for any difference for a Board Conditional Use Permit.
- (2) Administrative Conditional Use Permit: For certain relatively routine uses, the Director may approve a Conditional Use administratively (as shown in Table 3).
 - a. Should an Applicant disagree with a determination or conditions of Administrative approval, the Applicant may appeal for a Public Hearing before the Planning Commission, with payment for any difference for a regular Conditional Use Permit.
 - b. The Director may refer any Administrative CUP to the Planning Commission for final determination.

(3) Board Conditional Use Permit: For certain uses with potential for causing greater adverse impacts (as shown in Table 3), the Board of County Commissioners will make the final determination, with recommendation by the Planning Commission.

3.2.3.2 Submittal Requirements

The applicant shall submit a ~~minimum of fifteen (15) complete copies of the application~~ and sufficient printed or digital copies of associated materials as determined by the Director and the non-refundable application fee ~~and any supplemental data~~ for the proposed Conditional Use Permit to the Planning Department. Except where more specifically detailed in specific Development Standards, tThe Conditional Use Permit application shall include:

- (3) A detailed site development plan, drawn to a scale appropriate to the size of the project. All sheet sizes shall be twenty-four by thirty-six inches (24"x36"). The site development plan shall indicate existing (and proposed) topography, all existing natural and man-made features, and the proposed development for the property (including but not limited to building locations, parking areas, traffic circulation, usable open space, landscaped areas, exterior lighting locations and utilities and drainage features).
 - a. Note the Zoning District, Water and Sewer supply, Landscape requirements, Minimum parking requirements and how calculated, and Vision Clearance Areas.
 - b. Topography should ~~shall~~ be indicated as follows:
 1. Contour intervals of two (2) feet on land sloping less than ten (10) percent.
 2. Contour intervals of five (5) feet on land sloping ten (10) percent to twenty (20) percent.
 3. Contour intervals of ten (10) feet on land sloping greater than twenty (20) percent.
 - c. A final determination as to the required drawing scale and appropriate contour interval shall be as determined by the Planning Department during the pre-application meeting.

3.2.3.3 Review Procedure:

Upon determination of a complete Application, ~~Following the meeting with the Planning Department, the proposal application shall be scheduled for public hearing before the Planning Commission. The Planning Commission shall recommend that Board of County Commissioners approve, approve with conditions, or deny the application, basing its recommendation upon the facts presented in the public hearing in consideration of the criteria for review below.~~

(1) For an Administrative CUP, the Planning Director shall make the final determination without a public hearing, unless appealed or referred to the Planning Commission.

(2) For a Board CUP, the Planning Commission shall recommend that the Board of County Commissioners approve, approve with conditions, or deny the application based on the same criteria.

(3) Conditions. The Planning Commission may require or recommend conditions or stipulations, which may include physical design as well as operational and/or

maintenance considerations in addition to standard development and use regulations which apply within a particular zone district or for a similar “permitted use.”

- (1) a. Unless otherwise specified, a Conditional Use Permit shall run with the land in perpetuity.
1. The Planning Commission ~~may~~ shall specifically require or recommend, ~~and the Board of County Commissioners shall specifically consider,~~ whether the particular conditional use is dependent upon design, management or operational aspects such that it should be a personal grant of use to the owner of the conditional use and not a grant which transfers with the affected property, or and, in that connection, ~~the Planning Commission and Board of County Commissioners shall recommend and decide, respectively, whether the conditional use:~~
- ~~a.~~ Runs with the land in perpetuity;
- ~~b.~~ Is personal to the applicant and may or may not be inherited; and/or
- ~~c.~~ 2. The Planning Commission may specifically require or recommend the permit shall be granted only for a defined period, after which time the conditional use shall expire unless renewed subject to all of the requirements of this Section.
- b. For an Administrative CUP, the Director may approve the permit specifically conditional to the owner, or for a defined time period.

- (2) The Board of County Commissioners shall also conduct a public hearing on a Board Conditional Use Permit the application. In addition to consideration of the Planning Commission recommendation, the Board shall hear additional evidence and testimony presented, and either approve, approve with conditions or deny the application; the Board’s decision being based upon all evidence presented, with due consideration of the criteria for review.

3.2.3.7 Minor Amendments:

- (1) The Planning Director ~~Planning Commission~~ may approve Minor Amendments to an approved Conditional Use Permit, or may refer Minor Amendments to the Planning Commission. Authorized Minor Amendments include those that do not alter the basic intent and character of the approved Conditional Use Permit; are consistent with the Site Development Standards (Section 5.4); are deemed necessary in light of technical or engineering considerations first discovered during actual construction; or could not have been reasonably anticipated during the initial review process.
- (2) Minor Amendments must comply with all relevant Archuleta County regulations. Minor Amendments may include, but are not limited to:
- a. variations to the location of an approved building footprint of not more than five (5) feet;
 - b. minor deviations in the location of infrastructure (roads and utilities);
 - c. modifications to approved site or landscape plans that do not adversely impact pedestrian or vehicular circulation throughout or adjacent to the project; or
 - d. changes to the gross floor area of not more than ten (10) percent of the approved square footage on the site.

3.2.4 Temporary Use Permit:

Some uses of land may be appropriate as Temporary Uses when not detrimental to the public health, welfare and safety. Certain Uses by Right occur infrequently, while others do not require permanent facilities. Certain special events and other accessory uses of property may also be properly permitted as Temporary Uses. The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts) subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.

3.2.4.1 Application Requirements: All Temporary Uses require a permit from the Planning Department. Temporary Use Permit reviews are subject to review by all other agencies such as the fire district, health department, Road & Bridge transportation department, and any other applicable agency at the local, State or Federal or other level. Applications for TUPs shall include: the application, the appropriate application fee, a written description of the proposed use, a sketch site plan showing all existing and proposed uses in adequate detail so as to provide enough information for Staff to review; other items as reasonably necessary to make an informed decision.

(1) Temporary events and structures do not require a separate permit if the property has an approved Land Use Permit specifically including those uses.

(2) Private events, where no admission is charged nor goods or services bought or sold, do not require a Temporary Use Permit when hosted by the property owner or long-term (>30 days) lessee.

3.2.4.12 Commercial Special Events, where property is made available for a fee, admission is charged, or where the goods or services are bought or sold, may be permitted with sufficient potable water and wastewater facilities, public access and on-site parking.

(1) Any Use by Right that does not require permanent facilities may be allowed as a Temporary Use for up to ninety (90) days in a calendar year.

(2) Auctions, flea markets, carnivals, circuses, bazaars, concerts and other amusement activities, may be allowed provided they do not continue more than ten (10) consecutive days, no more than three times per year, and obtain any permits required by law.

a. Garage sales or yard sales of typical size and scope accessory to a Dwelling Unit do not require a Temporary Use Permit, unless held more than three times per year.

(3) Christmas tree sales shall be allowed in all zoning districts, except in residential districts on lots of one (1) acre or less, for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the setback requirements of these Regulations provided that no tree shall be displayed within a required Sight Triangle. thirty (30) feet of the intersection of the right of way line of any two (2) streets.

(4) Any Special Events in conjunction with a Vacation Rental shall require a Temporary Use Permit.

3.2.4.23 Temporary Structures and Recreational Vehicles may be permitted when meeting setbacks specified in Table 4 or PUD Development Plan.

(1) Contractors' office/living quarters and equipment sheds accessory to a construction project shall be allowed in any zoning district, with an active land use or building permit, and to continue only during the duration of such project.

a. A temporary Building Contractors and Equipment yard, temporary Asphalt Batch Plants, temporary Concrete or Cement Plants, or temporary Aggregate Crushing facilities necessary for an active construction project may be permitted in any zoning district on adjacent property for the duration of such project, with all required State of Colorado permits.

~~**3.2.4.3** Auctions, flea markets, carnivals, circuses, bazaars and other amusement activities, provided they do not continue more than ten (10) consecutive days and obtain any permits required by law.~~

~~3.2.4.4~~ **(2)** A Recreational vehicles (RV) ~~is~~ are allowed to be occupied in residential zoning districts coinciding with the commencement of an active building permit for a principal building structure and renewable with the building permit until such time a Certificate of Occupancy is received for the principal building structure. At any time when San Juan Basin Health Department requires a septic system ~~(currently, after 120 days)~~, the approved system shall be installed or RV removed. ~~Typical building permits are active for 180 days.~~²⁴

~~3.2.4.5~~ **(3)** Recreational vehicles are allowed to be occupied and used for non-commercial camping purposes on residential property for up to 120 consecutive days in a calendar year ~~12-month period~~. At no time shall solid and liquid wastes be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake, or reservoir and shall be consistent with State and local regulations. ~~All recreational vehicles must meet the setbacks for the property as specified in Table 4.~~²⁵

3.2.6 Accessory Structures:²⁶

Accessory structures shall comply with all building code requirements and require a building permit where applicable. ~~The following conditions shall apply:~~

3.2.6.1 An accessory structure may be constructed or placed onto a property with or without a principal ~~primary~~ structure.

3.2.6.3 An accessory structure shall meet the same required setback distances as a principal structure or as provided in subdivision covenants recorded prior to ~~the effective date of these Regulations (May 23, 2006)~~, whichever is less.²⁷

(1) A fence over 8' in height must meet all required setbacks.

²⁴ Amended Dec 2010 (Res. 2010-57)

²⁵ Amended Dec 2010 (Res. 2010-57)

²⁶ Amended Feb 2011 (Res. 2011-09)

²⁷ Amended October 2016 (Res 2016-62)

~~(2)~~ a. A fence over 6' in height or a security fence as defined in Sec. 11.2.1 must meet the minimum front or corner setback, unless located in Commercial (C) or Industrial (I) zoning districts.

~~(3)~~ b. Fences must maintain the required Vision Clearance Area in Sec. 5.4.7.

(2) Propane tanks shall be exempt from setbacks for accessory structures, provided the tank location conforms to requirements of the National Fire Protection Association (NFPA) and Colorado Department of Labor and Employment, Division of Oil and Public Safety.

3.2.6.4 Flag poles and personal antenna structures (including ham radio antennas but not Commercial Mobile Radio Systems structures) shall be exempt from the Accessory Height requirements in Table 4.

Renumber Sections 3.2.6.4 – 3.2.6.6 to follow.

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SECTION 5 – DEVELOPMENT STANDARDS

5.2 ENVIRONMENTAL STANDARDS

5.2.1 Preservation of Surface Water ~~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.

~~(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.

~~(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.

5.2.1.13 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 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.~~

(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) ~~The State of Colorado regulation~~ requires persons responsible for land 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.

a. The County shall require proof of approval or waiver of a CDPS General Permit for Stormwater Discharges Associated with Construction Activities or other such permit as may be required by CDPHE, as a condition of final approval of any development one (1) acre or 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.

5.2.1.24 Water Body Setbacks. All roads and driveways, and all structures and improvements, which require a land use permit shall be located a minimum of **twenty five (25) feet** from the Ordinary High Water Mark (OHWM) of any perennial Water Body top of the bank²⁸.

(1) Exceptions include:

- a.** The structure is water-dependent (i.e., wellhouse, 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~~;
- b.** ~~(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;
- c.** ~~(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;

(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.

5.2.1.35 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:

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.**

²⁸ Amended Sept 2006 (Res 2006-25)
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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.

5.2.3 Mitigation of Natural Hazards.

Renumber Sections 5.2.2.1 – 5.2.2.5 as 5.2.3.1 – 5.2.3.5 to follow.

5.3 INFRASTRUCTURE STANDARDS

5.3.5 Sidewalks and Trails:

5.3.5.1 Public sidewalks and trails ~~should~~ 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.

5.3.5.4 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~~ shall also provide a sidewalk or trail where property is adjacent to the right-of-way. This sidewalk or trail ~~should~~ shall run parallel to the right-of-way along the entire length of the property adjacent to the right-of-way.

5.3.8 Water Supply: Applicants shall demonstrate adequate domestic water supply.

5.3.8.1 ~~Any proposed~~ 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 (CDPHE).

5.3.9 Fire Protection System:

5.3.9.1 ~~For a~~ If the project is within an existing fire protection district, written confirmation will be is required that current F 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 ~~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:~~ 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 ~~that~~ represents the historic nature of Archuleta County. Among those architectural styles are “Lodge” and “Territorial” and other architectural styles as noted ~~approved~~ 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.

5.4.1.3 Building Entrances:

- (1) Primary facades of large Retail/Service buildings ~~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:

- ~~(4) Use of neon as an architectural building accent is discouraged.~~

[Move below to Section 5.4.5.]

~~5.4.1.6 Location of Parking:~~

- ~~(1) Parking should be located at the rear or side of the 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.~~
- ~~(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:

 - ~~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.~~~~

5.4.2 Industrial Performance Standards:

All Non-Residential development, including 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 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 ~~forty-five~~ five (5) decibels with a maximum increase of ~~ten~~ 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.

- (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.

5.4.2.6 Outdoor Storage ~~and Water Disposal.~~

- (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. ~~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.~~
- (2) Except in the Industrial (I) zone, ~~a~~**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.
 - a. **Outdoor merchandise displays** for retail operations may be allowed only with a Land Use Permit as permitted by Planning Commission or the Board of County Commissioners.
- (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 ~~Commission and/or the Board of County Commissioners~~, 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 ~~Commission and/or the Board of County Commissioners~~.
- (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.

5.4.5 Parking:

Areas shall be provided for off-street 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.

(1) Appropriate additional parking shall be provided for other facilities such as clubhouses, service facilities, etc.}

5.4.5.2 (2) Auxiliary parking within a multi-family 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. ~~24~~ All ~~p~~ Parking areas shall be paved when required by the Archuleta County Road & Bridge Design Standards, with the exception of those uses which are located in the more rural areas of the County, and where at the discretion of the County Engineer and the Planning Department have determined that paving would be unnecessary.

5.4.5. ~~35~~ All Non-Residential projects commercial and retail lots shall provide off-street parking as necessary required by the Uniform Building Code and the Archuleta County Building Regulations 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 campers and recreational vehicles may be required depending on usage.

[Below moved from Section 5.4.1.6]

5.4.5.4 Design of Non-Residential 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.

(5) Parking Areas: 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 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 Assurance of appropriate Access and parking shall be designed to assure public convenience and safety, as required by the Archuleta County Road & Bridge Design Standards and traffic flow patterns to be provided for facilities.~~ 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:

~~5.4.6.1 It may be required that~~ The perimeter of a development site ~~the project~~ 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.

~~5.4.6.12 If a buffer or screening is required,~~ Earthen berms, fences, landscaping and/or open space may be used for a buffer or screening ~~shall be constructed to mitigate~~ 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 (1) Buffering or screening by natural vegetation 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.

(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.

5.4.6.24 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:

A Sight Distance Triangle Vision clearance areas shall be provided at all intersections with the following distance establishing the size of 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, ~~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.

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11.1 ABBREVIATIONS

11.1.1 The following abbreviations are defined as follows:

CDOW	<u>Formerly</u> Colorado Division of Wildlife
CPW	<u>Colorado Parks & Wildlife</u>
ITE	<u>Institute of Traffic Engineers</u>

11.2 WORDS AND TERMS

11.2.1 **Definitions.** The following specific words and terms are defined as follows:

Accessory Structure:²⁹ Any ~~uninhabitable, covered~~ structure, not intended for permanent occupancy that is permanently affixed to the ground, ~~and~~ not attached to a principal structure, and intended for an Accessory Use.

Accessory Structure, Portable:³⁰ An Accessory Any ~~uninhabitable, covered~~ structure that is not affixed to the ground nor ~~not~~ attached to a principal structure.

Accessory Use: A subordinate use incidental to any principal, ~~or~~ use of land.

Accommodations: A room, group of rooms, building or structure for overnight occupancy.

~~Automobile/Equipment, Truck, Boat, or Mobile Home~~ Sales Lot: An building or open lot used for the display, sale or rental of new or used motor vehicles, boats, trucks, trailers, recreational vehicles, equipment, or manufactured ~~mobile~~ homes in operative condition and where no repair work is done.

Building: A structure with more than one wall and a roof, designed to be used as a place of occupancy, storage or shelter.

Building, Accessory: A minor building that is located on a lot in addition to the principal principle building(s), both of which are located on the same parcel and which is designated for accessory use.

Building Contractors and Equipment: Offices of builders or contractors with associated Outdoor Storage; offices on Residential property with no Outdoor Storage may qualify as Home Occupations.

Butcher Shop: A type of specialized Retail use supplying meat, poultry or seafood, with limited indoor processing of carcasses.

Campground: A site developed for temporary occupancy in tents, with limited accessory structures.

Car Wash: A site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

²⁹ Amended February 2011 (Res 2011-9)

³⁰ Amended February 2011 (Res 2011-9)

Change of Use: A change from one principal use of a building or land to another principal use of the building or land when there is no increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use:

- (a) ~~The new use has an off-street parking requirement which is greater than parking available and necessary per these Regulations; or~~
- (b) ~~The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition, and a building permit is required; or~~
- (c) ~~The amount of storm water runoff or impervious (to drainage) surface area will be increased with the new use.~~

Code:³¹ The Archuleta County Land Use Code. Land Use Regulations, as amended.

Commercial Stables or Horse Boarding: An Agricultural equestrian use, such as boarding, training or exhibitions, but not including breeding, for horses and other large animals.

Convenience Retail Store: A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

Director:³² The Director of the Development Services (County Building and Planning Director) or other responsible staff member designated by the County Administrator.

Drive-in/Drive-thru Use: An establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Electric Power Distributed Generation: Any electric energy generating facility with capacity between ten (10) kWh and ten (10) megawatts, and any appurtenant facilities thereto.

Electric Power Generation Facility: Any electric energy generating facility with generating capacity of ten (10) megawatts or more, and any appurtenant facilities thereto.

Electric Power Onsite Generation: A typical Accessory Use, electric energy generating facility with capacity of ten (10) kWh or less, and any appurtenant facilities thereto.

Equipment:³³ Bulky items such as but not limited to tools and machinery, and agricultural or construction implements not intended for on-road use. For Oil & Gas purposes, mMachinery or structures located on well pads or right-of-ways including, but not limited to, wellheads, separators, dehydration units, heaters, meters, storage tanks, compressors, pumping units, internal combustion engines, and electric motors.

Farm and Ranch use:³⁴ The Agricultural use of land for the purpose of obtaining a profit from the production and sale of agricultural products, animals or animal products, including accessory uses.

³¹ Amended December 2008 (Res 2008-81)

³² Amended December 2008 (Res 2008-81)

³³ Amended December 2008 (Res 2008-81)

³⁴ Amended October 2016 (Res 2016-62)

Firewood Related Wood Product Sales: A site for cutting, storing and selling firewood to the public.

Food Truck. A temporary structure used for preparation and sales of food, whether self-propelled or designed to be towed; considered a type of Restaurant.

~~**Grocery Store, Large:** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty five thousand (25,000) square feet. The term large grocery store is synonymous with supermarket.~~

~~**Grocery Store, Small:** A retail establishment primarily selling food as well as other convenience and household goods, which occupies a space of not more than twenty five thousand (25,000) square feet.~~

Group Care Facility: A facility providing custodial care and treatment in a protective living environment for persons with a disability or handicap, residing voluntarily or by court placement including, ~~without limitation,~~ homes for the aged, ~~correctional and post-correctional facilities,~~ drug or alcohol abuse centers, ~~juvenile detention facilities,~~ and temporary custody facilities. A Group Home is a limited Residential type of Group Care Facility.

Group Home: A Residential Group Care Facility similar to a single-family dwelling, as provided by CRS §30-28-115(2), for the exclusive use of:

- Up to 8 persons with intellectual and development disabilities (also known as Community Residential Homes) with a state license; or
- Up to 8 persons sixty years of age or older (for the aged);
- Up to 8 persons with behavioral or mental health disorders, with a state license.

Golf Courses and Driving Ranges: A recreational facility for playing golf (except miniature golf) including any customary accessory facilities such as a clubhouse, restaurant, meeting rooms, golf-related retail/service uses, and/or golf-support buildings.

Health and Athletic Club: A commercial or non-profit establishment for passive or active exercise, including indoor or outdoor facilities.

Industrial, Heavy: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the ~~operation, parking and maintenance of vehicles;~~ cleaning of equipment or work processes involving solvents; brewery, distillery or winery; ~~solid waste or sanitary waste transfer stations, recycling establishments,~~ and transport terminals (truck terminals, public works yard, container storage), including any industry conducted outdoors.

Industrial, Light: Uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products (except typical retail grocery food preparation), micro-brewery producing less than 15,000 barrels annually, pharmaceutical manufacturing, research and scientific laboratories, or the like, conducted entirely indoors.

Legal Lot: A Lot, Parcel or tract of land created prior to September 1, 1972; or after that date by Subdivision Review or exempted from Subdivision Review by the Board of County Commissioners.

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

Major Extension of an Existing Water or Sewer System: Either the expansion of existing water treatment plant capacity or sewer treatment plant capacity; or any extension of existing water supply systems or sewer lines, with the **exception** of line extensions located within either:

- (a) The ~~1999~~ Pagosa Area Water & Sanitation District (PAWSD) boundary as amended, ~~and within a platted subdivision.~~
- (b) Areas where annexation petitions have been submitted to the Town of Pagosa Springs and pre-annexation agreements concerning land use have been approved and fully executed by the Town of Pagosa Springs.
- (c) The district boundary of the San Juan River Village Metropolitan District as amended.

~~**Major Extension of an Existing Water System:** Either the expansion of existing water treatment plant capacity; or any extension of existing water supply systems, with the exception of line extensions located within either:~~

- ~~(a) The 1999 Pagosa Area Water & Sanitation District boundary, as amended); and within a platted subdivision.~~
- ~~(b) The district boundary of the San Juan River Village Metropolitan District, as amended.~~

~~**Medical and Dental Offices and Clinics:** An specialized establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.~~

Medical Clinic: Medical offices or hospital where in-patient care and lodging may be provided overnight.

Ordinary High Water Mark (OHWM): The line between the bed and banks of a stream or lake that persists through successive changes in water levels, generally where vegetation is marked. On a water impoundment controlled by a dam structure, OHWM shall be considered the elevation of the spillway.

Professional Office: An office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

~~**Personal and Business Service Shops:** Shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops.~~

Principal Structure: A structure (generally inhabitable) intended for a Principal Use of a property.

Principal Use: The main use of land or of a structure as distinguished from a subordinate or accessory use.

Public Use: Uses which are owned by and operated for the public, such as the Town of Pagosa Springs, Archuleta County, metro district, state or federal governments, or by public school districts.

Recycling Facility: A site building used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. ~~Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.~~

Retail/Service Use: A commercial enterprise to ~~Space within any structure or portion thereof intended or primarily suitable for occupancy by persons or utilities which supply~~ goods and services commodities to customers on the premises including, but not limited to, stores, shops, butcher shops, grocery stores (with food prepared on-site or off-site), restaurants, bars, eating and drinking businesses, etc., art studios, and personal and business services, including accessory offices.

Sanitary Landfill or Waste Transfer Station: An area of land or an excavation where solid wastes are received and sorted, including Recycling, then placed for final disposal that conforms to all applicable State and Federal requirements.

Shopping Center: A multi-tenant group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

Special Event: A temporary commercial use of property.

Neighborhood Shopping Commercial Center, Neighborhood: A shopping center which contains a limited number of businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter [$\frac{1}{4}$] mile radius).

Temporary Uses: Uses established for limited duration at a specific location, with the intent to discontinue such use upon the expiration of a set time period established by these Regulations. Temporary uses are land uses that do not require any new permanent structures or improvements for their operation, may use existing buildings or improvements, shall not include continuing a nonconforming use or building, and do not result in any long-term impact on surrounding properties.

Veterinary Facilities, Small Animal Clinic: Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases ~~wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.~~

Veterinary Facility Hospital: Any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases, with overnight care only when necessary in the medical treatment of the animal.

Workshop and Custom Small Industry: A facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, restoration of antiques and ~~other~~ production of art objects, or other similar uses.

.....
Following Subject to approval by the Colorado Water Conservation Board (CWCB):

Floodplain³⁵: Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir,

~~An area adjacent to a stream, which area is subject to flooding as the result of the occurrence of a base flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.~~

Floodway (Regulatory Floodway):³⁶ The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six inches). Letters of Map Revision (LOMR) to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

~~That area of the floodplain exclusive of the flood fringe, in which channel of the watercourse and those portions of the adjoining floodplain which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half (½) foot at any point.~~

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³⁵ Amended September 2009 (Res 2009-50)

³⁶ Amended August 2015 (Res 2015-52)