

SECTION 2 – LAND USE REVIEW

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, 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 general and inclusive terms 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 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.

2.1.1.3 Dwelling Density Bonus. In any Zoning District, where permitted as a Use by Right (Agricultural/Ranching - AR, Agricultural Estate - AE, Rural Residential - RR, Residential – R, or Commercial - C), a Dwelling Density Bonus is allowed with Administrative Review and Approval, for the construction of an Affordable Workforce Housing Unit (AWHU), as long as the parcel has one (1) acre or more. Up to two (2) Bonus AWHUs are allowed on parcels of ten (10) acres or more.

2.1.2 Exemptions from Land Use Permit Requirement:

2.1 REVIEW PROCEDURE

2.2.1 General:

2.2.2 Review Process Chart:

TABLE 1: REVIEW PROCESS

<u>Approval Requested</u>	<u>Pre-App</u>	<u>Sketch</u>			<u>Preliminary</u>			<u>Final</u>				<u>Notes</u>
		<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>BOA</u>	
Floodplain Development Permit	M							A ³			APP	³ Sec 10.2.2
Minor O&G Permit	M ¹							M	H ³		APP	¹ Sec 9.2.4.1 ³ Sec 9.2.6.9
Minor S&G Permit	M							A ³			APP	³ Sec 9.1.4
Major O&G Permit	M ¹							M	P	H ³		¹ Sec 9.2.4.1 ³ Sec9.2.6.10
Major S&G Permit	M							M	H	H ³		³ Sec 9.1.5
Geothermal Exploration Activity Notice	M							A ³			APP	³ Sec 2.5.6.3
Geothermal Resources Permit	M	M ¹						A ³	H ³	H ³		¹ Sec 2.5.6.4 ³ Sec 2.5.6.4 Sec 2.5.6.5 Sec 2.5.6.7
Temporary Use Permit								A ³			APP	³ Sec 3.2.4
Change of Use	M							A ³			APP	³ Sec 3.2.1
Use by Right Site Plan	M							A ³			APP	³ Sec 3.2.2
Conditional Use Permit	M							M ³	H	APP		³ Sec 3.2.3
Board CUP	M							M ³	H	H		³ Sec 3.2.3
Vacation Rental Permit	M							A ⁴	APP	APP		⁴ Sec 3.2.7
Concept Review	M	M		H ¹				M	H	H		¹ Sec 2.2.12
General Development Plan	M	M				H ²		M	H	H		² Sec 2.2.13
PUD	M	M	P ¹		M	H	APP	M	H	H		¹ Sec 3.1.6.2
Rezoning	M							M	H	H ³		³ Sec 3.1.7.3

SECTION 2 – LAND USE REVIEW

	<u>Pre-App</u>	<u>Sketch</u>			<u>Preliminary</u>			<u>Final</u>				
<u>Approval Requested</u>		<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>Staff</u>	<u>PC</u>	<u>BCC</u>	<u>BOA</u>	<u>Notes</u>
Major Subdivision	M	M	P ¹		M	H ²	APP	M	P	H ³		¹ Sec 4.2.3.2 ² Sec 4.3.3 ³ Sec 4.4.3
Minor Subdivision	M	M	A/ p ¹					M	P	H ³		¹ Sec 4.2.3.2 ³ Sec 4.4.3
Rural Land Use Process	M	M	P ¹		M	H	APP	M	P	H		¹ Sec 4.5
Site Specific Development Plan	M									H ³		³ Sec 2.3.1
Amended Plat -Major	M	M	P ¹		M	H ²	APP	M	P	H ³		¹ Sec 4.2.3.2 ² Sec 4.3.3 ³ Sec 4.6.4
Amended Plat-Minor	M	M	A/ p ¹					M	P	H ³		¹ Sec 4.2.3.2 ³ Sec 4.6.4
Minor Lot Line Adjustment	M							M	P	P ³		³ Sec 4.6.4.3
Lot Consolidation	M							M		P ³		³ Sec 4.9.5, Sec 4.10.4
Vacation of Recorded Subdivision	M							M	P	H ³		³ Sec 4.8.3
Subdivision Exemption	M							M		H ³		³ Sec 4.9.3
Legal Lot Certificate	M							A ⁴	APP			⁴ Sec 4.10.4
Access Plan	M							M	P	P ³		³ Sec 5.3.2
Sign Permit	M							A ³			APP	³ Sec 7.1.3
Dwelling Density Bonus	M							A			APP	Sec 2.1.1.3 Sec 3.2.2 Sec 5.6.8
Variences-Administrative	M							A ³			APP	³ Sec 2.4.3
Variences-General	M							M			H ³	³ Sec 2.4.3

SECTION 3 – ZONING REGULATIONS

3.1 DISTRICT REGULATIONS

3.1.1 Zoning Map:

3.1.1.1 Zoning Map Adopted

The Board of County Commissioners hereby provides for the adoption of the “Zoning Map of Archuleta County, Colorado,” a true and correct copy of which shall be maintained on file in the office of the County Clerk and Recorder.

3.1.1.2 Transition to Zoning Districts

On and after the date of adoption by the Board of County Commissioners of the zoning map described at Section 3.1.1 and any amendment thereto, all real property within the unincorporated area of Archuleta County described in such map or amendment thereto shall be included within the Zoning Districts described at Section 3.1.2., and, in some cases, also within one or more of the Overlay Districts described at Section 3.1.5, all as shown on the Zoning Map of Archuleta County, Colorado.

3.1.1.3 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts to be shown on the official Zoning Map, the following shall apply:

- (1) Centerlines of road boundaries shall follow the centerlines of roads, highways, and /or alleys.
- (2) Platted lot line boundaries shall follow the platted lot line.
- (3) County line boundaries shall follow the County limits.
- (4) Railroad line boundaries shall be midway between the main track(s).
- (5) Shore line boundaries shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of rivers, streams, canals, ditches, or other bodies of water shall be construed to follow the center lines.

3.1.2 Zoning Districts Established:

The County is divided into the following Zoning Districts to implement the Community Plan and related official plans and the official Zoning District Map, and to serve other purposes of these Regulations:

3.1.2.1 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.

3.1.2.2 Agricultural/Ranching (AR)

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) 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 farm and ranching operations, with an approved Land Use Permit.
- (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 subdivision process. Commercial uses are generally limited to those associated with Agricultural and Recreational uses.

3.1.2.3 Agricultural Estate (AE)

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 (5) 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 two (2) dwellings per 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.

Note: There is also a Zone AE, an area of the Special Flood Hazard Area on the NFIP Flood Insurance Rate Maps (FIRM).

3.1.2.4 Rural Residential (RR)

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 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 two (2) dwellings per lot, with typical accessory structures.
- (2) Lots of three (3) acres or larger are 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.

SECTION 3 – ZONING REGULATIONS

Farm and Ranch Use	R	R	R	R	C	C	C	C
Commercial Stables or Horse Boarding		R	R	C			C	
Farm/Ranch Stand		R	C	C				
Plant Nursery and Greenhouse		R	R	C			R	R
Log and Soil Storage	R	R	R					
Forestry Operation	R	R	R					
Tree Farms	R	R	R					
RESIDENTIAL								
Affordable Workforce Housing Unit (*See Section 5.6.8)		R	R	R	R		R	C
Employer Provided Workforce Housing (*See Section 5.6.9)		BC	BC	BC	C		C	BC
Dwelling Density Bonus (*See Sections 2.1.1.3)		R	R	R	R		R	C
Dwelling, Multi-family					C		C	BC
Dwelling, Single-family Attached				C	R		R	C
Dwelling, Single-family Detached		R	R	R	R		R	C ¹⁰
Family Child Care Home		R	R	R	R	R	R	
Group Home		R	R	R	R		R	
Home Occupations (*See Section 5.6.5)		R	R	R	R	R	R	C
Manufactured Home		R	R	R	R	R	R	C
Mobile Home Park (*See Section 5.6.7)						R		
Tiny Home or Tiny House		R	R	R	R	R	R	C
Tiny Home Village (*See Section 5.6.7)						R		
Vacation Rentals of a Single-family Dwelling		VRP	VRP	VRP	VRP	VRP	VRP	VRP
Vacation Rentals, Multi-family (*See Sections 3.2.7 & 5.5.6)					VRP		VRP	VRP
RECREATIONAL								
Campground		R	C				C	
Dude Ranch or Wilderness Lodging (*See Section 5.5.4)	BC	BC						
Golf Courses and Driving Ranges		C	C	C			C	
Limited Indoor Recreation Facility							R	
Limited Outdoor Recreation Facility		BC					C	

SECTION 3 – ZONING REGULATIONS

Outdoor Shooting Range		BC						
Parks, Greenbelts and Passive Recreation Areas	R	R	R	R	R	R	R	R
Racetrack		BC						BC
Recreational Vehicle or Park Model/Trailer (*See 3.2.4.3)		TUP	TUP	TUP	TUP	TUP	TUP	TUP
Recreational Vehicle Park (*See Section 5.5.5)		BC	BC			R	C	BC
COMMERCIAL								
Adult-Oriented Use							C	
Auto/Equipment Sales Lot							R	R
Bar or Tavern					C		C	C
Bed and Breakfast		C	C	C	C		R	
Car Wash							R	
Child Care Center					C		R	
Clubs and Lodges							R	
Drive-in/Drive-thru Use							C	
Entertainment Facilities and Theaters							R	
Event Center (*See Section 5.6.4)	C/R	C/R	C/R				R	
Firewood Related Wood Product Sales	R	R					R	R
Gasoline Station					C		C	C
Group Care Facility		C	C				R	
Health and Athletic Club							R	
Kennel	BC	BC	BC				C	C
Lodging Establishment		C	C				R	
Lodging Units, 3 or fewer	R	R	C				R	
Lodging Units, 4 or more ¹⁶	R	C	C				R	
Medical and Dental Offices							R	
Medical Clinic							C	
Mortuary and Funeral Home							R	
Office, Professional					C		R	R
Restaurant					C		R	R
Retail/Service, Small (<5,000 S.F.)					C		R	R
Retail/Service (5,000 S.F. to 25,000 S.F.)							R	
Retail/Service, Large (>25,000 S.F.)							C	
Shopping Center							C	
Shopping Center, Neighborhood					C		R	

3.1.4 Zoning District Standards

Table 4 lists the height, setback and other zone district standards for each of the zone districts listed in Section 3.1.2.

TABLE 4: ZONE DISTRICT STANDARDS

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres (w/H2O or Sewer)	8,000 ft ²	2,500ft ²	10,000 ft ²	10,000 ft ²
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	50 feet	25 feet	20 feet	10 feet	10 feet	20 feet	25 feet
Minimum Garage Door Setback ²⁰	n/a	n/a	n/a	20 feet	20 feet	20 feet	20 feet	n/a
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	10 feet	10 feet	10 feet	25 feet
Minimum Corner Setback	100 feet	50 feet	25 feet	20 feet	10 feet	10 feet	20 feet	25 feet
Minimum Rear Setback	100 feet	25 feet	25 feet	20 feet	10 feet	10 feet	10 feet	25 feet
Maximum Height	40 feet	40 feet	35 feet	35 feet	35 feet	16 feet	40 feet	40 feet
Accessory Height	40 feet	40 feet	30 feet	30 feet	30 feet	16 feet	40 feet	40 feet
Maximum Density	n/a	2 DU/ Parcel*	2 DU/ Parcel*	2 DU/ Parcel*	5 DU/ Ac.*	12 DU/Ac.	n/a	n/a
Minimum District Size	500 acres	100 acres	20 acres	12 acres	1 acre	5 acres	1 acre	1 acre

*See also sections 2.1.1.3 & 2.1.2.5

DU = Dwelling Unit

Ac. = Acre

3.1.4.1 Measuring Setbacks: Setbacks are a minimum ...

3.1.4.2 Garage Door Setback:

3.1.4.3 Other Setbacks: ...

SECTION 5 – DEVELOPMENT STANDARDS

5.1 SUBDIVISION DESIGN STANDARDS

5.1.1 Access:

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

5.1.1 Roads and Blocks:

5.1.2 Lots:

5.1.3 Survey Monuments:

5.2 ENVIRONMENTAL STANDARDS

5.2.1 Preservation of Surface Water Resources

5.2.2 Preservation of Natural Features and Resources

5.2.3 Mitigation of Natural Hazards

5.3 INFRASTRUCTURE STANDARDS

5.3.1 Access Plan Required

5.3.2 Roads:

5.3.3 *(Reserved for future use.)*

5.3.4 Drainage System:

5.3.5 Sidewalks and Trails

5.3.6 Utility Location:

5.3.7 Sewage Facilities

5.3.8 Water Supply:

5.3.9 Fire Protection¹³

5.4 SITE DEVELOPMENT STANDARDS

5.4.1 Commercial Design:

5.4.2 Performance Standards:

5.4.3 Landscape Requirements

5.4.4 Outdoor Lighting:

5.4.5 Parking:

5.4.6 Buffers and Screening:

5.4.7 Vision Clearance Area:

5.5 PUBLIC ACCOMMODATIONS AND LODGING STANDARDS

5.5.1 Lodging Establishment.

5.5.2 Lodging Food Service Operations.

5.5.3 Lodging Units.

- 5.5.4 Dude Ranch or Wilderness Lodging
- 5.5.5 Recreational Vehicle Parks and Campgrounds
- 5.5.6 Vacation Rental Standards

5.6 SUPPLEMENTARY USE STANDARDS

- 5.6.1 Adult-Oriented Businesses
- 5.6.2 Gardening and Raising Animals as Accessory Uses
- 5.6.3 Commercial Mobile Radio Systems (CMRS)
- 5.6.4 Event Center Standards.
- 5.6.5 Home Occupations.
- 5.6.6 Junk Yards

5.6.7 Mobile Home Parks and Tiny Home Villages (or Subdivisions)

5.6.7.1 **Total Area.** The minimum lot area for a Mobile Home Park shall be five (5) acres. The minimum lot area for a Tiny Home Village shall be two (2) acres.

5.6.7.2 ~~Park~~ Setbacks.

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

5.6.7.3 **Manufactured Home and Tiny Home Space Requirements.**

- (1) No **Manufactured or Tiny Home** may be occupied in a Mobile Home Park or Tiny Home Village unless the ~~mobile~~ Home is situated on an improved ~~mobile~~ home space.
- (2) The following minimum area requirements shall apply to ~~mobile~~ all home spaces:
 - a. The minimum area of a **Manufactured Home** space shall be two-thousand five hundred (2,500) square feet. **The minimum area of a Tiny Home space shall be two thousand (2,000) square feet.**
 - b. Each home space must provide a minimum of two off-roadway parking spaces. The minimum size of each parking space shall be one hundred sixty-two (162) square feet measuring nine (9) feet wide and eighteen (18) feet long.
 - ~~b. Groups or clusters of manufactured homes may be placed on a combined lot, where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard spaces. Minimum setbacks are required on the combined spaces perimeter lines, as are minimum spacing requirements.~~

- (3) All **Manufactured and Tiny Homes** shall be placed on such spaces so that there shall be a minimum of twenty (20) feet between **mobile** Homes and **ten (10) feet from all interior and exterior roads and walkways**. **Mobile** Homes placed end-to-end shall have clearance of not less than ten (10) feet. The tongue or hitch and enclosed additions to the **mobile** home structure shall be considered a part of the **mobile** home in measuring required setback distances. The required area of each **mobile** home space shall not include additional area required for access roads, off-street parking, service buildings, recreation areas, office, and similar Mobile Home Park/**Tiny Home Village** needs.

5.6.7.4 Access and Interior Roadways.

- (1) A Mobile Home Park or **Tiny Home Village** shall have at least one (1) direct access to a public road by a roadway at least thirty-two (32) feet in width.
- (2) Access to each **mobile** home space within a Mobile Home Park or **Tiny Home Village** shall be provided by interior roadways not less than thirty-two (32) feet in width.
- (3) Interior roadways in a Mobile Home Park or **Tiny Home Village** shall be surfaced with one and one-half (1 ½) minus gravel, asphalt, or concrete.
- (4) No part of a **mobile** home shall obstruct any roadway or walkway in a Mobile Home Park or **Tiny Home Village**.
- (5) Each space shall be assigned a unit number. Numbers must run sequentially along the interior roadway from beginning to end of the roadway. The roadway is assumed to begin at the point it departs from another roadway. If the roadway connects to another roadway at two points, the unit numbers will run in a clockwise sequence. If spaces are on both sides of the interior roadway, odd numbers are on the right and even on the left.

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

5.6.7.6 Storage Areas.

- (1) An outdoor storage area, **either individual or common**, for boats, trailers, camping units, and horse trailers shall be provided within the Mobile Home Park or **Tiny Home Village** in an amount equal to **at least** fifty (50) square feet per **mobile** home space.
- (2) An indoor storage area, either individual or common, for the personal use of **mobile** home occupants shall be provided in an amount equal to **at least** fifty (50) square

feet per ~~mobile~~ home space. Space beneath the ~~mobile~~ home shall not fulfill this requirement.

5.6.7.7 Skirting. All ~~mobile~~ homes in a Mobile Home Park or Tiny Home Village shall have a skirting of a rigid-type material. Such skirting shall be in place within sixty (60) days after the ~~mobile~~ home is set on the ~~mobile~~ home space.

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

5.6.7.9 Water Supply. An accessible, adequate, safe, and potable supply of water under pressure shall be provided in each Mobile Home Park or Tiny Home Village.

- (1) A minimum of five hundred (500) gallons per day ~~must be available for every Manufactured Home space and two hundred fifty (250) gallons per day for every Tiny Home space.~~
- (2) The number of ~~mobile~~ home spaces to be occupied in a Mobile Home Park or Tiny Home Village shall be limited to the quantity of water available to supply each such ~~mobile~~ home space with the minimum requirements.
- (3) Where a public supply of water of such quality is available, connection shall be made thereto, and its supply may be used exclusively. The development of an independent water supply to serve the Mobile Home Park or Tiny Home Village shall meet all state and local requirements.
- (4) ~~If a Tiny Home Village will allow Park Model/Park Trailers to be used, appropriate connections for utilities will be required at such home sites.~~ All plumbing in the Mobile Home Park or Tiny Home Village shall comply with state and local regulations.

5.6.7.10 Sewage Disposal.

- (1) Mobile Home Parks ~~must be served by the Pagosa Area Water and Sanitation District~~ a public sanitation district, by a centralized OWTS, or by individual OWTSs adequate to serve each Manufactured Home space. Each Manufactured home space shall be provided with at least a four (4) inch sewer connection. The sewer connection shall be closed when not linked to a Manufactured Home and shall be capped ~~so as~~ to prevent escape of odors. The Manufactured Home drain shall be water-tight and self-draining. This drain shall be constructed ~~of smooth Schedule 40 plastic pipe or of other approved material~~ in accordance with state and local regulations. All plumbing in the Mobile Home Park shall comply with state and local regulations.
- (2) Tiny Home Villages may be served by a public sanitation district, by a centralized On-site Wastewater Treatment System (OWTS), or by individual OWTSs adequate

to serve each Tiny Home space. If a Tiny Home Village will allow Park Model/Park Trailers, appropriate connections for sewage will be required at such home sites. The number of Tiny Home spaces to be occupied in a Tiny Home Village shall be limited to the capacity of permitted OWTS(s) available to ensure compliance with requirements. All OWTS must be compliant with state and local regulations.

5.6.7.11 Electricity. An electrical outlet supplying 110/220 volts shall be provided for each mobile home space. If a Tiny Home Village will allow Park Model/Park Trailers, appropriate connections for electricity will be required at such home sites. The installation shall comply with all state and local regulations.

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

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

5.6.7.13 Refuse Disposal.

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

5.6.7.14 Manufactured Home or Tiny Home Standards.

- (1) Manufactured Homes within a Mobile Home Park must meet all state and local regulatory requirements and must have all appropriate Division of Housing insignia affixed.
- (2) Tiny Homes within a Tiny Home Village must meet all state and local regulatory requirements and must have all appropriate Division of Housing insignia affixed.
- (3) Park Model/Park Trailers within a Tiny Home Village must only be parked on sites with all appropriate connectors available.
- (4) Manufactured Homes within a Mobile Home Park and Tiny Homes within a Tiny Home Village must be set upon a permanent or temporary foundation in compliance with Division of Housing requirements.

5.6.8 Affordable Workforce Housing Units (AWHU). Property owners may apply for a Dwelling Density Bonus with a Residential Use-By-Right Permit (per section 3.2.2) allowing construction of additional Dwelling Unit(s) above typical Maximum Density limits found in Table 4 Zoning District Standards under the following circumstances.

5.6.8.1 Property owners must sign and record a Deed Restriction Agreement provided by the Planning Department outlining the requirements listed in this section prior to applying for a Building Permit. This agreement will be for an indefinite term and will run with the land. Twenty (20) years after the receipt of a Certificate of Occupancy for the Dwelling, property owners may request removal of the Deed Restriction through the Development Director. Final approval will be decided by the Board of County Commissioners.

5.6.8.2 Property owners must agree to provide AWHU(s) equivalent to the number of Bonus Dwelling Units approved. For as long as all Bonus Dwelling Units are AWHUs, other Dwelling Units on the parcel are eligible for use as Vacation Rentals subject to compliance with all regulations applicable to Vacation Rentals.

5.6.8.3 Availability of water, sewer, and electricity adequate to support the total number of Dwelling Units is required.

5.6.8.4 AWHU Standards.

- (1) Rental must be via a lease or other legal written agreement for a Long-Term Rental lease term. For as long as the parcel is subject to a Deed Restriction, the property owner must submit to the Development Director a copy of each signed lease for each AWHU on the parcel. Copies of all signed leases must be submitted to the Development Director within ten (10) business days after execution.
- (2) Monthly rent for each term must be set at or below the Maximum Rents identified in the Residential Incentives Program and updated annually. Fees and deposits required by the lease may not exceed the amount of one (1) month's rent in addition to the monthly rent.

- (3) At the beginning of each lease term, the tenants must provide proof (pay stub, verification from employer, etc.) that at least one adult tenant in the household is employed a minimum of 30 hours per week at a job located inside Archuleta County. Remote work for a job located outside Archuleta County does not satisfy the local job requirement. Also, the tenants' household income must be no more than 120% of AMI, adjusted for household size. Property owners must obtain information from tenants verifying employment and income standards and provide copies to the County with each subsequent lease.

5.6.8.5 The Dwelling Unit identified as an Affordable Workforce Housing Unit must be a Single-Family Dwelling Unit and may be any of the following:

- (1) A Dwelling Unit built on-site in accordance with the Adopted Building Codes. This includes one unit of a Duplex or Townhome.
- (2) A Tiny Home built in compliance with State and local regulations, with all appropriate State insignia attached, and placed on a temporary or permanent foundation. This does not include Recreational Vehicles or Park Model/Park Trailers.
- (3) A Manufactured Home built in a factory in compliance with State and local regulations, with all appropriate State insignia attached, and placed on a temporary or permanent foundation.

5.6.8.6 The following criteria must be applied to determine the maximum number of Affordable Workforce Housing Units allowed for a Dwelling Density Bonus on a single parcel.

- (1) No Dwelling Density Bonus is allowed on parcels smaller than one (1) acre.
- (2) Only one additional Dwelling Unit is allowed on parcels of sizes of at least one (1) acre but smaller than ten (10) acres.
- (3) Parcels of a size of ten (10) acres or larger may be approved for a Dwelling Density Bonus of up to two (2) Dwelling Units above the Maximum Density if all Bonus Dwelling Units are Affordable Workforce Housing Units per section 5.6.8 and are built following the concept of Cluster Development.

5.6.9 Employer Provided Workforce Housing (EPWH). Property owners may apply for a Conditional Use Permit (per section 3.2.2) allowing construction of Dwelling Unit(s) above typical Maximum Density limits found in Table 4 Zoning District Standards to provide housing for employees of a business also owned and/or operated by the property owner.

5.6.9.1 Property owners must sign and record a Deed Restriction Agreement provided by the Planning Department outlining the requirements listed in this section prior to applying for a Building Permit. This agreement will be for an indefinite term and will run with the land. Twenty (20) years after the receipt of a Certificate of Occupancy for the Dwelling(s), property owners may request removal of the Deed Restriction through the Development Director. Final approval will be decided by the Board of County Commissioners.

5.6.9.2 Vacation Rental IS NOT ALLOWED in EPWH Units.

5.6.9.3 Availability of water, sewer, and electricity adequate to support the total number of Dwelling Units is required.

5.6.9.4 EPWH Standards.

- (1)** Dwelling Units designated as EPWH must be rented to employees of the property owner or as Affordable Workforce Housing Units (AWHU), as found in Section 5.6.8 above, when not needed for employees.
- (2)** Rental must be via a lease or other legal written agreement for a Long-Term Rental lease term. For as long as the parcel is subject to a Deed Restriction, the property owner must submit to the Development Director a copy of each signed lease for each EPWH Unit on the parcel. Copies of all signed leases must be submitted to the Development Director within ten (10) business days after execution.
- (3)** Monthly Rent.
 - a.** When a Dwelling Unit is used as an EPWH Unit, the monthly rent may be set at whatever amount is determined by the property owner to be appropriate.
 - b.** When a Dwelling Unit is used as an AWHU, the monthly rent must meet the requirements outlined in Section 5.6.8, above.
- (4)** Renter Qualifications.
 - a.** When a Dwelling Unit is used as an EPWH Unit, at least one adult tenant in the household must be a full-time Archuleta County resident employed a minimum of 30 hours per week by the property owner.
 - b.** When the Dwelling unit is used as an AWHU, the renter must meet the qualifications in Section 5.6.8, above.

5.6.9.5 The Dwelling Unit identified as an EPWH Unit must be a Single-Family Dwelling Unit and may be any of the following:

- (1)** A Dwelling Unit built on-site in accordance with the Adopted Building Codes. This includes a Duplex or Townhome.
- (2)** A Tiny Home built in compliance with State and local regulations, with all appropriate State insignia attached, and placed on a temporary or permanent foundation. This does not include Recreational Vehicles or Park Model/Park Trailers.
- (3)** A Manufactured Home built in a factory in compliance with State and local regulations, with all appropriate State insignia attached, and placed on a temporary or permanent foundation.
- (4)** Multi-Family Housing Units built in accordance with the Adopted Building Codes.

5.6.9.6 The following criteria must be applied to determine the maximum number of EPWH Units allowed on a single parcel.

- (1)** No EPWH is allowed on parcels smaller than one (1) acre except in the Residential (R) or Commercial (C) Zoning Districts where development should follow the standards for those districts.
- (2)** All EPWH shall follow the guidelines of the Residential (R) Zoning District found in Table 4: Zone District Standards regarding the Maximum Dwelling Density however, must meet all other zoning standards for the assigned Zoning District, including setbacks and height limits.
- (3)** On parcels larger than 10 acres, development must follow the concept of Clustering.

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11.1 ABBREVIATIONS

AMI	Area Median Income
AWHU	Affordable Workforce Housing Unit
BFE	Base Flood Elevation
EPWH	Employer Provided Workforce Housing
FIRM	Flood Insurance Rate Map
GCE	General Common Element
LCE	Limited Common Element
LTR	Long-Term Rental
MTR	Medium-Term Rental
RV	Recreational Vehicle
SFHA	Special Flood Hazard Area
STR	Short-Term Rental

11.2 WORDS AND TERMS

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

Affordable Workforce Housing Unit: A Single-Family Dwelling Unit that is restricted by Deed Restriction to occupancy by individuals meeting the income limitations and occupancy standards outlined in Section 5.6.8. Occupancy standards include requirements for primary residency and local employment. These housing units may be eligible for Residential Construction Incentives.

Area Median Income: The median annual income for Archuleta County, Colorado, as adjusted for household size that is calculated and published annually by the Colorado Department of Housing in the Income Limit and Maximum Rent Tables.

Cluster Development: The grouping of a development's structures into a Development Envelope located on a portion of the available land, reserving a significant amount of the site as protected open space. The Development Envelope in a Cluster Development must be limited to an area no greater than 10% of the total parcel area, never to exceed five (5) acres.

Common Interest Community: A Subdivision comprised of individually owned units in addition to shared facilities and/or common areas and governed by an association of individual unit owners.

Cottage Cluster: A grouping of no fewer than four detached Affordable Housing Units, each having a footprint of no more than nine hundred (900) square feet and having a common courtyard. These units may all be owned by a single property owner or part of a Common Interest Community.

Deed Restriction: A legal restriction on the use of land, contained in the deed to the property or in a separate instrument recorded against the property, that will continue for a duration as described in the deed or instrument, and runs with the land.

Development Envelope: The portion of a parcel within which all development must take place.

Typically, this is determined by the property setback limits, but may also include restrictions due to easements, floodplains, slopes, wetlands, cluster developments, and other characteristics or restrictions of a particular parcel.

Dwelling Density Bonus: Approval to build Affordable Workforce Housing Unit(s), beyond the Maximum Density found in Table 4 Zoning District Standards.

Employer Provided Workforce Housing (EPWH): A Single-Family Dwelling Unit that is restricted by Deed Restriction to occupancy by individuals meeting the requirements outlined in Section 5.6.9. Occupancy standards include requirements for primary residency and employment by the property owner. These housing units may also be used as AWHU, as described in Section 5.6.8, when they are not needed as employee housing. These housing units may be eligible for Residential Construction Incentives.

General Common Element: A portion of a Common Interest Community that is owned in an undivided interest by all Unit owners and whose use is shared by all Unit owners.

Limited Common Element: A portion of a Common Interest Community that is owned by an association of individual unit owners, but the use is limited to only one or some unit owner(s).

~~**Manufactured (Mobile) Home Park or Subdivision, Existing:** A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or before December 31, 1974, or before the effective date of the community's initial FIRM, whichever is later.~~

~~**Manufactured (Mobile) Home Park or Subdivision, Expansion to Existing Site:** The preparation of additional sites by the construction of facilities for servicing the lots on which manufactured (mobile) homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**Manufactured (Mobile) Home Park or Subdivision, New:** A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after December 31, 1974, or on or after the effective date of the community's initial FIRM, whichever is later.~~

Mobile Home Park: An area or site containing two or more Manufactured Home spaces for Long-Term Rental, on which Manufactured Homes may be parked and used for residential habitation.

Mobile Home Subdivision: A Common Interest Community where individual Manufactured Home Lots are owned by separate owners, also containing Limited and General Common Elements.

Park Model/Park Trailer: An RV that feels like a house. Unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use; is built on a single chassis mounted on wheels; has a gross trailer area of not more than 400 square feet; without any Colorado Division of Housing insignia affixed.

Rental, Long-Term: Rental of a Dwelling or Dwelling Unit for a duration of 180 days at a time or longer.

Rental, Medium-Term: Rental of a Dwelling or Dwelling Unit for a duration of at least 30 days, but less than 180 days at a time.

Rental, Short-Term: Rental of a Dwelling or Dwelling Unit for a duration of less than 30 days at a time.

Residential Construction Incentives: Financial assistance via incentives, grants, and fee waivers to aid home builders in mitigating the cost of construction for Affordable Workforce Housing Units and Employer Provided Workforce Housing units. See Development Director for availability and eligibility requirements.

Tiny Home: A Single-Family Dwelling that is permanently constructed on a vehicle chassis; is designed for long-term residency; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is not self-propelled; has a square footage of not more than four hundred (400) square feet and a length less than forty (40) feet; and with all appropriate Colorado Division of Housing insignia affixed. A recreational vehicle is not considered a Tiny Home. (CRS 24-32-3302) See also Tiny House.

Tiny Home Subdivision: A Common Interest Community where individual Tiny Home Lots are owned by separate owners, also containing Limited and General Common Elements.

Tiny Home Village: An area or site containing two or more Tiny Home spaces for Long-Term Rental, on which Tiny Homes or Park Model/Trailers may be parked and used for residential habitation.

Tiny House: Single-Family Dwelling smaller than four hundred (400) square feet, constructed on a permanent foundation, designed for long-term residency, and is built in compliance with the Adopted Building Codes.

Features	RV	Park Trailer	Tiny Home	Manufactured Home	Tiny House	SFR-D	SFR-A	Multi-Family
Designed for temporary living, recreation, and travel	X	X						
Designed for permanent residency			X	X	X	X	X	X
Factory Built	X	X	X	X				
“Stick Built” On site					X	X	X	X
CO Insignia Applied			X	X				
VIN Assigned	X	X			X	X	X	X
Built to State RV Standards	X	X						
Built to HUD standards				X				
Built to State Standards			X	X				

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Built to Local Building Codes					X	X	X	X
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