

SECTION 3 – ZONING REGULATIONS

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3.2.7 Vacation Rental Permit (VRP):

Vacation Rental is a Residential Use of a dwelling unit—either ~~in whole or in part~~ ~~an entire dwelling or individual rooms~~—on a short-term rental basis, less than thirty (30) days at a time. Meals are not provided, although guests may have full access to kitchen facilities. *It is unlawful to rent or offer to rent any Dwelling Unit as a Vacation Rental unless and until a Vacation Rental Permit has been approved.* Vacation Rentals are land uses that have potential for causing adverse impacts on others because of such factors as proximity to other homes, method of operation, scale or intensity of activity, or parking and traffic generated. Because of these characteristics, Vacation Rental Permits require review and evaluation so that Vacation Rentals may be located and operated with proper respect for their effects on surrounding neighbors, properties, and Archuleta County at large.

3.2.7.1 Purpose and Intent

Vacation Rentals may be permitted subject to such conditions and limitations as Archuleta County may prescribe. The intent is to ensure that the location and operation of the Vacation Rental is in accordance with the development objectives of the County (per the Community Plan) and will not be detrimental to other uses or properties.

Vacation Rentals must meet all building, zoning, environmental, infrastructure, and site development standards as detailed in Section 5 of these regulations. Where conditions cannot be devised to achieve these objectives, or it is not possible to mitigate adverse impacts, applications for Vacation Rental Permits shall not be approved.

(1) Planning Department.

- a. The Development Director may approve VRPs administratively (as shown in Table 3).
- b. The Director may refer any VRP Application to the Planning Commission for final determination.

- c. Should an Applicant disagree with a determination or conditions of Administrative approval; the Applicant may appeal for a Public Hearing before the Planning Commission.

(2) The Planning Commission.

- a. For Vacation Rentals with the potential for causing greater adverse impacts, the Planning Commission will make the final determination, with recommendation by the Development Director.
- b. 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.

3.2.7.2 Submittal Requirements

The Applicant shall complete the online application process in the approved system including sufficient details, digital copies of required materials, and payment of the non-refundable application fee, as provided for in the current County Fee Schedule. The application shall include **the following (items marked with an * will also be required for renewal applications):**

- (1) *Property Details and Contact information for Property owner and all assigned Agents, Caretaker (or Property Manager), and Applicant (if other than owner);
- ~~(2) Recorded Property Ownership Deed;~~
- (2) Proof of Ownership – If owner of the property is a Trust or Corporate Entity, the Applicant must submit documents that identify all individuals who have authority to make decisions regarding the property;
- (3) *Agent Authorization Documents – ~~If there is a formal Property Management Contract, it must be submitted~~ Proof that the property owner has authorized an individual(s) to make binding representation on their behalf for any of the following reasons:
 - a. Submitting a Vacation Rental Permit Application,
 - b. Acting as the Emergency Contact for a Vacation Rental,
 - c. Accepting and managing bookings for a Vacation Rental;
- (4) *Proof of Neighbor and Owner’s Association Notification – Proof that the completed Vacation Rental Notification Form (provided by the Planning Department or found online) has been ~~sent~~ mailed. This shall be documented by submitting a copy of the completed notification form, and either a Firm Book Form (USPS Form 3665 or 3877) with affixed postmark or Certificates-of-Mailing (not Certified Mail) proving the notification was sent prior to the date the application was submitted. ~~at least two weeks before the date of application.~~ Notice must be sent to:

- a. All ~~adjacent~~ property owners of any parcel ~~touching adjacent to~~ your parcel or units in a shared building for condos (contact the Planning Department for ~~assistance with this~~ a list of required neighbor notifications);
 - b. Any Owner’s Association for the dwelling (Associations with a defined notification process supersede this process);
- (5) Parking Plan Site Map – An *aerial map* of the dwelling to be used for the rental including markings for all available on-site guest parking spaces. ~~If there is a garage on the property that will be available to guests, these spaces must also be marked on the map.~~ An improvement location certificate or other survey will also suffice, but not a hand-drawn sketch;
- (6) Water Treatment/Sewer Documents – A public sewer bill or On-Site Wastewater Treatment System (OWTS) Permit ~~or Transfer of Title Acceptance Document documenting proving~~ how wastewater will be managed at the property and limits to capacity, if applicable;
- (7) ~~Proposed Advertisements~~ – Advertisements ~~(or proposed draft advertisements and pictures)~~ must be reviewed for compliance as part of the application process.
- a. ~~*For new and renewal applications, a list of all booking and advertising platforms (AirBNB, VRBO, Evolve, etc.) to be used must be submitted,~~
 - b. For new applications only, a draft advertisement, including all proposed pictures and narrative descriptions, must also be submitted;
- ~~(9) Proposed Rules for Renters – Proposed rules that will be provided to rental guests will be reviewed for the following:~~
- ~~a. County ordinances, including parking, noise, and applicable fire ban ordinances;~~
 - ~~b. Neighborhood rules, restrictions, and covenants for the home, if applicable;~~
 - ~~c. Non-Emergency Phone numbers for sheriff, medical, fire protection district, etc.;~~
- (8) ~~*Sales/Lodging Tax Payment Method~~ – Documents that show how Colorado Sales and Lodging Taxes will be paid must be submitted;
- (9) ~~*Proof of Property Taxes Paid~~ – ~~Proof that all personal and real property tax accounts with Archuleta County Treasurer are not in arrears must be submitted~~ Current Certificate of Taxes Due signed and stamped by the Archuleta County Treasurer showing personal and property tax accounts are not in arrears, must be submitted;
- (10) ~~*Vacation Rental Disclosure Form~~ – The completed Vacation Rental Disclosure Form (provided by the Planning Department or found online) must be reviewed, initialed, signed, and submitted to document property owner’s and agent’s (as applicable) understanding and compliance with all performance standards found in Section 5.5.6;

- (11) *Proof of Homeowner’s Insurance STR Coverage – Proof that the homeowner’s insurance policy includes STR coverage and that the insurance provider will notify Archuleta County of changes to or cancellation of the policy;
- (12) *Payment of Appropriate Fees – The ~~Development Director~~ Planning Staff will assign confirm the appropriate fee, in accordance with the current County Fee Schedule, after the application documents are fully reviewed.

3.2.7.3 Review Procedure

Upon determination of a Complete Application, the Development Director shall approve, approve with conditions, or deny the application, basing this decision upon the facts presented in the application and in due consideration of the criteria for review. If an application remains incomplete for more than 30 days after notification of such status, the permit may be denied and a new application and fees will be required.

- (1) The Development Director shall make the final determination without a public hearing, unless appealed or referred to the Planning Commission.
- (2) **Conditions.** The Development Director, Planning Commission, or Board of County Commissioners may require or recommend conditions or stipulations, which may include property and room configurations, 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.”
- (3) The Development Director, Planning Commission, or Board of County Commissioners may specifically require or recommend the permit be granted only for a defined period, after which time the approved use shall expire unless renewed subject to all of the requirements of this Section.

3.2.7.4 Review Criteria

Before acting on a Vacation Rental Permit application, the Development Director, Planning Commission, or Board of County Commissioners shall consider the following criteria and factors with respect to the proposed use:

- (1) The relationship and impact of the Vacation Rental on the development objectives of Archuleta County.
- (2) The effect of the Vacation Rental on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3) The effect of the Vacation Rental upon traffic, with particular attention to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, side-walks, and parking areas.

- (4) The effect of the Vacation Rental upon the character of the area in which the dwelling unit is located, including the scale of the proposed Vacation Rental in relation to surrounding uses.
- (5) The adequacy of the design features of the site and dwelling unit to accommodate the proposed Vacation Rental, including but not limited to accessibility, service areas, parking, loading, lighting, etc.
- (6) The effect of the Vacation Rental upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Development Director, Planning Commission, and Board of County Commissioners deems applicable to the proposed Vacation Rental.

3.2.7.5 Necessary Findings:

Before acting on a Vacation Rental Permit application, the Development Director, Planning Commission, or Board of County Commissioners shall make the following findings:

- (1) That the location of the proposed Vacation Rental, the proposed access to the site, and the conditions under which the Rental would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2) That there are adequate and available utilities and public services to service the proposed Vacation Rental, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed Vacation Rental will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, community character, etc.

3.2.7.6 Approval and Effect:

- (1) Unlike other Use Permits, a Vacation Rental Permit shall NOT run with the land in perpetuity.
 - a. New property owners must apply for their own Vacation Rental Permit after transfer of property ownership is completed. **If they wish to keep short-term rental bookings from the previous property owner, the new application and required fees for a VRP must be submitted within thirty (30) calendar days after the closing date for the purchase, to avoid penalty. It is unlawful to rent or offer to rent a Vacation Rental. But no advertisements may be active** until and unless the VRP is *approved*.

- b. If a property transfers as the result of an inheritance, the Vacation Rental Permit may also be so transferred.
 - c. If a property is transferred from individual(s) to a trust or corporate entity, or vice versa, and the individual(s) remain identical, this is not considered a change of ownership that would require a new VRP application.
- (2) The Planning Department will conduct an **Validation** Inspection to verify the accuracy of the information submitted during the application process, as well as the compliance or continued compliance with conditions of approval, applicable building codes, land use codes, zoning restrictions, and other standards for Vacation Rental operations.
- a. The dwelling unit will be inspected within ~~forty five thirty (4530)~~ calendar days after the ~~approval of a new VRP~~ date a completed application for a new VRP is submitted, and all fees are paid.
 - b. The dwelling unit will be re-inspected within ~~forty five thirty (4530)~~ calendar days after the ~~approval of a renewal VRP~~ date a completed application for a VRP renewal is submitted, and all fees are paid.
 - c. The dwelling unit may be re-inspected to investigate staff or citizen concerns or complaints regarding violations of these Regulations, conditions of approval, or other development codes. ~~within fourteen (14) calendar days after a complaint is received regarding violations of these Land Use Regulations to determine complaint validity.~~
 - d. New conditions may be applied after any **Validation** Inspection. If any conditions or standards are not met or maintained, it shall be considered a violation of these **Land Use** Regulations and the VRP shall be subject to the provisions of Sections 1.4 and 5.5.6.
 - e. Application fees will include up to two (2) site visits to a dwelling unit to conduct the inspection and verify required corrections. Additional visits or no-show appointments may require payment of additional fees, as shown in the Archuleta County Fee Schedule.
- (3) An approved Vacation Rental Permit shall be effective from the date of approval for one (1) year, unless otherwise determined by the Development Director, Planning Commission, or Board of County Commissioners at the time of issuance. Renewal applications (including all required documents and payment) must be submitted before the VRP expiration date or the permit will be considered Closed.
- (4) A Closed permit requires the completion of a New Vacation Rental **Permit** Application and will be subject to all standards and criteria in place on the date of application submittal.

END OF PROPOSED CHANGES SECTION 3

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5.5.6 Vacation Rental Standards

Vacation Rental is a Residential Use of a dwelling **unit**—in whole or in part—on a short-term rental basis (less than 30 days at a time). Temporary structures (recreational vehicles, tents, yurts, tipis, park model tiny homes, etc.) may not be used for Vacation Rentals.

5.5.6.1 There are two categories of Vacation Rentals.

- (1) **Owner-occupied (OO) Vacation Rentals** are any Vacation Rentals that provide a portion of the dwelling unit for short-term rental while another portion is used for long-term rental or permanent residency of a property owner; or where there are multiple dwelling units and one dwelling unit is provided for short-term rental and the other is occupied as a long-term rental or as permanent residence of a property owner. To qualify for this status, at least one full-time occupant of the property must reside on the parcel while rental guests are present to provide oversight.
- (2) **Non-Owner-Occupied (NOO) Vacation Rentals** are any Vacation Rentals that provide the entire dwelling unit for short-term rental while the property owner permanently resides elsewhere, and no portion of the dwelling unit or property is provided as a long-term rental.

5.5.6.2 Location. Vacation Rental is a permitted use in each Zoning District in which a Dwelling Unit or Manufactured Home is a permitted use, as shown in Table 3. This includes PUD Zone, unless a Development Plan specifies otherwise.

5.5.6.3 Performance Standards.

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

- (1) **Owner/Caretaker Roles and Responsibilities.** The Property Owner is ultimately responsible for ensuring all requirements of this regulation are met. In doing so, the Property Owner may act as the Applicant, the Operator, and/or the Emergency Contact. As an alternative, the Property Owner may employ others as Agents to fulfill any or all of these responsibilities as described here. Contact information for all parties fulfilling any of these responsibilities must be provided to the Planning Staff and must be updated if/when changed within five (5) business days of the change.
 - a. **Applicant.** The individual(s) who completes the Vacation Rental Permit application process will be referred to as the Applicant. This party is responsible for the gathering of all required documents and providing them to the Planning Staff via the approved application process or system along with payment of all application fees. They shall remain actively engaged with the Planning Staff to ensure all application requirements are fully met in a timely manner to avoid penalties.
 - b. **Operator.** The individual(s) who offers, confirms, and manages all bookings for stays at the Vacation Rental (including guest payments) and who communicates with guests before and during their stay will be referred to as the Operator.
 - c. **Emergency Contact.** The party who is available 24 hours a day, 7 days a week, 52 weeks a year to respond to the Vacation Rental as needed to alleviate complaints regarding violations of these standards, County Ordinances, or neighborhood rules and covenants is the Emergency Contact. **The Emergency Contact must reside no more than 30 minutes away from the Vacation Rental.** If the Property Owner resides outside this response time, an Agent whose

residence complies with this requirement must be assigned to fulfill this role. The Development Director will be the final authority for validating that the Emergency Contact's residential address meets the thirty (30) minute response requirement.

- ~~d. The owner of a Vacation Rental shall either be present within a distance of sixty (60) miles of the property, or shall employ a Property Manager or Caretaker within that distance who shall be on call 24 hours a day to respond to the property as needed to alleviate complaints regarding violations of these standards, County Ordinances, or neighborhood rules and covenants.~~
- ~~a. Emergency Contact phone numbers will be made available to the public upon request.~~
- ~~b. The Planning Department shall be informed within ten (10) five (5) days of any change of contact information for the manager/caretaker Emergency Contact or property owner.~~

(2) Code Compliance. Any person offering (Property Owner or their Agent) and dwelling unit offered as a Vacation Rental, ~~in whole or in part~~, must be in conformance with all applicable building, zoning, public health, and development codes, as well as nuisance County ordinances (Section 1.4.3.1).

(3) Density. *(Reserved for Future Use)*

(4) Space and Occupancy. The number of short-term rental guests shall be limited by the number of bedrooms and capacity of a valid Onsite Wastewater Treatment System (OWTS). In situations where on-site parking availability is constrained, the number of guests may be similarly restricted. These limits do not otherwise apply to personal (not Short-term Rental) use by the property owner.

a. Dwelling Guest Limits. ~~When determining the Dwelling Guest Limit~~, there shall be no more than two (2) overnight guests per bedroom allowed. ~~For a dwelling unit on public sewer, plus up to two (2) additional overflow guests per dwelling unit may also be allowed if adequate guest beds are provided. For a dwelling unit on an OWTS, overflow guests may not be allowed (see section a.3 below).~~ Children under the age of 24 months will not count against the Dwelling Guest Limits.

1. These sleeping capacity limits are calculated in all sleeping facilities in the home. Any excess sleeping capacity must be removed from all advertising as a condition for approval of the VRP, as applicable. ~~Triple bunks are prohibited.~~
2. Lofts and other open spaces can be used ~~for~~ as guest sleeping rooms. However, these rooms ~~not originally designed for sleeping~~ will NOT be added to the dwelling unit's bedroom count to increase rental capacity unless:
 - i. The room is completely enclosed (separated from the rest of the house dwelling unit by its own door and four (4) solid walls which are at least seven (7) feet in height.

- ii. The room meets all structural and fire safety requirements listed in section 5.5.6.3(4)c below.
 - iii. The infrastructure supporting the dwelling can adequately absorb the additional occupancy generated by increasing the guest limits.
 - iv. Approval is received from the Development Director.
- 3. OWTS Permitted Guest Limit.** If a dwelling unit is serviced by an OWTS, the Dwelling Guest Limit will be determined by the capacity of the OWTS (included on the approved OWTS permit or Transfer of Title Acceptance Document) as follows:
- i. If the OWTS documentation shows a design flow expressed in gallons per day (GPD), the Dwelling Guest Limit will be determined by dividing this GPD by 75 gallons per person as explained in the OWTS regulation. The resulting number of persons will be the Dwelling Guest Limit on the VRP and cannot be exceeded.
 - ii. If the Approved OWTS document DOES NOT list the Design Flow as described above, the number of bedrooms listed on the document shall be used as described in Table 6-1 from the *Colorado State Regulation 43, On-Site Wastewater Treatment Systems*. This table shows that there will be two people (guests) counted for bedrooms 1-3, and only one person (guest) for bedrooms 4 and over. Dwelling Guest Limits will be calculated in this manner.
 - iii. Updated approved OWTS permits may be submitted to the Staff at any time during the permitted period to adjust the Dwelling Guest Limit. Please speak to the Planning Staff before undertaking work on upgrading an OWTS for this purpose to ensure potential outcomes are fully understood.
 - iv. No overflow guests will be allowed unless the OWTS capacity supports such an addition to Dwelling Guest Limit, and will never exceed two (2) guests.
- b. Sleeping Room Guest Limits.** Every room occupied for sleeping must be configured ~~and~~ furnished according to these standards:
- 1. Floor Size.** No sleeping room shall be less than seven (7) feet in any horizontal dimension, must contain at least seventy (70) square feet of floor space for the first guest, and fifty (50) square feet of floor space for each additional guest. No portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas. **Areas within a closet or other space separated from the room by a door SHALL NOT be included in area measurements.**
 - 2. Ceiling Height.** No room used for sleeping shall have a ceiling height less than seven (7) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50% of the room and no portion of any room having a

ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

- 3. Bed Capacity.** Guest capacity per bed ~~is will be~~ calculated using ~~the industry standard for mattress size following guidelines~~. King-, California king-, and queen-size mattresses are ~~calculated considered~~ as having a two-guest capacity. All others, including full-, double-, single-, and twin-size are ~~calculated considered~~ as having a one-guest capacity. See Figure 5-1 for required dimensions for determining the size of a mattress. ~~Triple-deck bunk beds are prohibited~~. There shall be a clear ceiling height above the mattress of not less than thirty-six (36) inches and a clear space of at least twenty-seven (27) inches between mattresses of a double-bunk bed.
- 4. Guest Beds.** Each guest must be provided with a bed to sleep in. Beds allowed as guest beds include: beds with a frame (including trundle bed, murphy bed, day bed, double-bunk bed) and mattress (i.e. mattresses with springs, foam mattresses, adjustable air-chamber mattresses, etc.); sleeper couches, sofa beds, futon beds, and other convertible couches; and folding roll-away cots. Triple-bunk beds, camping cots, and any mattress placed directly on the floor are prohibited as guest beds.



Figure 5-1. Mattress Dimensions

c. Structural and Fire Safety Standards. The dwelling unit must meet safety codes.

1. Access and Exits.

- i. **Access.** Every room used for sleeping must have its primary entrance directly accessible, without passing through another room or rooming unit, to the outside or to a common hallway leading to the outside.
- ii. **Emergency Escape Route.** All rooms used for sleeping must have an emergency escape route, other than its primary entrance, that leads from the room directly to the outside of the dwelling. If the emergency escape route is via a window:

- 1) The opening of that window must be at least 5.0 square feet for at-grade and below-grade windows, or 5.7 square feet for above-grade windows. The window opening must also be at least 20 inches in width and 24 inches in height.
- 2) The windowsill must be no higher than 44 inches above the finished floor. To mitigate this, Approved Emergency Escape Step(s) may be used. These steps must be attached permanently to the structure of the dwelling unit and have a minimum tread depth of 10 inches, minimum tread width of 26 inches, a riser height between 7 ¾ and 10 inches, and a total vertical rise not to exceed 20 inches.
- 3) If the window is on the second or higher floor, there must be an emergency escape ladder available for use.

2. Detectors and Meters.

- i. **Smoke Detectors.** All rooms used for sleeping must have a smoke detector installed *inside* the room and one outside each separate sleeping area within fifteen (15) feet of the entrance to the room.
- ii. **Carbon-Monoxide (CO) Detectors.** All room used for sleeping must have a carbon-monoxide (CO) detector installed *outside* the room within fifteen (15) feet of the entrance to the room. If there is a fuel-burning appliance (wood or gas fireplace, etc.) inside a sleeping room or its attached bathroom, there must *also* be a CO detector inside the room.
- iii. **Noise Meters.** Noise meters must be installed outside the dwelling unit at all doors leading directly to the outside of the home, other than garage man-doors. These detectors must be connected to a 24/7 monitoring and data collection service accessible to the Property Owner or their Agent. For noise complaints, the Staff may request all monitoring data for the period of the complaint to validate or invalidate the violation.

3. Extinguishers. There must be at least one fire extinguisher in the dwelling unit, kept in ~~the~~ all kitchen or food-prep areas.

4. Handrails and Guardrails. Any stairway with four (4) or more risers must have a grip-able handrail installed with a return on both ends. Any walking surface that is higher than thirty (30) inches above grade must have a sturdy guardrail of at least thirty-six (36) inches in height.

(5) Advertisements. All ads for Vacation Rentals in all media shall follow these guidelines. Deviations from these standards will be treated as a violation of these Land Use Regulations and will be subject to the provisions of Enforcement found in Sections 1.4 and 5.5.6 of these Regulations.

- a. All ads must include the Vacation Rental Permit/Account Number.
- b. All ads must reflect a guest limit at or below that which is reflected on their permit.

- c. All ads must reflect the proper sleeping configuration as reflected in their permit and conditions.
- (6) **Refuse Disposal.** The Property Owner, ~~caretaker, or property manager~~ or his Agent shall manage storage, collection, and disposal of refuse. All refuse shall ~~be stored in fly tight, water tight, rodent proof, bear resistant containers,~~ or be removed upon guest departure.
- (7) **Guest Parking.** There must be at least one on-site parking space for every bedroom offered for rent. Bedroom capacity on the permit may be restricted by the number of parking spaces, if inadequate spaces are available or provided.

5.5.6.4 Vacation Rental Violations

In addition to the violations outlined in Section 1.4 of these Regulations, the following Vacation-Rental-specific violations will be applicable. The Director of County Development, or designee, shall be responsible for enforcing these Regulations, unless otherwise specifically stated.

- (1) **Critical Violations.** Critical Violations are those violations, usually committed by the Vacation Rental Property Owner or his Agent, that reflect disregard for the requirements of these Regulations. The following are considered Critical Violations and will be subject to the most severe remedies available, as explained in section 5.5.6.5.
 - a. **Operating an Unpermitted Vacation Rental.** Advertising a short-term rental without an approved Vacation Rental Permit or accepting bookings for short-term rental without an approved Vacation Rental Permit is a Critical Violation of these Regulations.
 - b. **Violation of Conditions of Approval.** Violations of the conditions of approval provided with the approved Vacation Rental Permit will be considered Critical Violations of these regulations.
 - c. **Overbooking.** Encouraging or allowing more guests than the Permitted Guest Limit identified on the Vacation Rental Permit is a Critical Violation of these Regulations.
 - d. **Double Booking.** Encouraging or allowing more than one party to simultaneously book under a single Vacation Rental Permit within a single dwelling unit is a Critical Violation of these Regulations.
 - e. **Illegal Advertising.** Advertising for more guests than the Permitted Guest Limit identified on the Vacation Rental Permit is a Critical Violation of these Regulations.
 - f. **Falsifying a Vacation Rental Permit Application.** Submitting false or falsified documentation in a Vacation Rental Permit Application is a Critical Violation of these Regulations.

- g. Violations of Other Codes and Regulations.** Uncorrected violations of other State and County adopted codes and regulations will also be considered a Critical Violation of these Regulations.

(2) Operational Violations. Operational Violations are those violations, usually committed by guests of the Vacation Rental, that reflect disregard for neighborhood character and/or the rights of property owners located in the area around the Vacation Rental property. These violations will be subject to staff validation.

- a. Excessive Noise.** Violations of the Archuleta County Noise Ordinance by guests of a Vacation Rental will also be considered Operational Violations of these Regulations if the instance is validated by Staff and not resolved by the Property Owner or their Agent in a timely manner. Failure to provide the Noise Meter data for the time period requested by the Staff after a complaint will result in a validated violation.
- b. Illegal Parking.** Violations of Archuleta County Parking Ordinances by guests of a Vacation Rental will also be considered Operational Violations of these Regulations if the instance is validated by Staff and not resolved by the Property Owner or their Agent in a timely manner.
- c. Illegal Fire Burning.** Violations of Archuleta County Fire Bans by guests of a Vacation Rental will also be considered Operational Violations of these Regulations if the instance is validated by Staff and not resolved by the Property Owner or their Agent in a timely manner.
- d. Trespassing.** Trespassing on private property by Vacation Rental guests or their pets is an Operational Violation of these Regulations if the instance is validated by Staff and not resolved by the Property Owner or their Agent in a timely manner.

5.5.6.5 Vacation Rental Remedies

In addition to the remedies outlined in Section 1.4 of these Regulations, the following Vacation Rental specific remedies will be available. The Director of County Development, or designee, shall be responsible for determining the most appropriate remedy for violations of these Regulations, unless otherwise specifically stated.

- (1) Vacation Rental Permit Application Denial.** Critical Violations of these Regulations discovered after the receipt of a completed application and while the application is in a Pending status, may result in the Denial of a Vacation Rental Permit application.
 - a.** If a VRP is Denied, a waiting period for resubmittal of a Vacation Rental Permit Application will be indicated ranging from 0 – 365 days from date of the Denial.
 - b.** Failure to submit corrections to a Vacation Rental Permit Application within 30 days of notification of errors may result in VRP Application Denial.

- c. Failure to correct items identified in the Vacation Rental Inspection report within 30 days of receipt of that report, may also result in VRP Application Denial.
- d. Non-payment of unpaid fines levied against a Vacation Rental may also result in VRP Application Denial.
- e. No refunds will be issued for Denied VRP applications.
- f. Upon VRP Denial, all advertisements and bookings must cease to avoid additional penalties.

(2) Vacation Rental Permit Revocation. Critical Violations of these Regulations discovered after the approval of a Vacation Rental Permit may result in the Revocation of that Vacation Rental Permit.

- a. If a VRP is Revoked, a waiting period for resubmittal of a new Vacation Rental Permit Application will be indicated ranging from 0-365 days from the date of the Revocation.
- b. Three (3) validated and unresolved Operational Violations within the permitted period may result in VRP Revocation.
- c. No refunds will be issued for Revoked Vacation Rental Permits.
- d. Upon VRP Revocation, all advertisements and bookings must cease to avoid additional penalties.

(3) Vacation Rental Permit Suspension. Critical or Operational Violations of these Regulations discovered after the approval of a Vacation Rental Permit may result in the Suspension of that Vacation Rental Permit.

- a. If a VRP is Suspended, the Suspension period will be for an identified duration during which time the Property Owner or their Agent will be expected to correct the identified violation(s) to have the VRP reinstated. If the violation(s) is(are) not corrected within this designated time-period, the Vacation Rental Permit may be Revoked in accordance with section (2) above.
- b. Upon VRP Suspension, all advertisements and bookings must cease to avoid additional penalties.

(4) After-the-Fact Fines. Operating an Unpermitted Vacation Rental discovered after the receipt of a completed application and while the application is in a Pending status, may result in After-the-Fact fines as outlined in the Archuleta County Fee Schedule. Additionally, violations of sections 5.5.6.4(1)f, 5.5.6.4(2)d, or 5.5.6.4(3)b may also result in After-the-Fact fines.

(5) Per Instance Fines. Each instance of a validated and unresolved Operational Violation of these Regulations will result in a graduated Per Instance Fine as defined in the Archuleta County Fee Schedule. Failure to pay Per Instance Fines in

accordance with the Notice of Violation timelines may result in the Suspension or Revocation of the Vacation Rental Permit.

END OF PROPOSED CHANGED SECTION 5

SECTION 11 – DEFINITIONS

11.1 ABBREVIATIONS

11.1.1 The following abbreviations are defined as follows:

OWTS On-Site Wastewater Treatment System

11.2 WORDS AND TERMS

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

Critical Violation: For Vacation Rental Permits, these are violations, usually committed by the Vacation Rental property owner or his agent, that reflect disregard for the requirements of these Regulations.

Operational Violation: For Vacation Rental Permits, these are violations, usually committed by guests of the Vacation Rental, that reflect disregard for neighborhood character and/or the rights of property owners located in the area around the Vacation Rental. These violations are subject to Staff validation.