

SECTION 11 – DEFINITIONS

11.1 ABBREVIATIONS

11.1.1 The following abbreviations are defined as follows:¹

ADA	Americans with Disabilities Act (1990 and as amended)
BHP	Break Horsepower
BOA	Board of Adjustment
CC&Rs	Covenants, Codes & Restrictions
CDMG	Formerly Colorado Division of Minerals and Geology
CDOT	Colorado Department of Transportation
CDOW	Formerly Colorado Division of Wildlife
CDPHE	Colorado Department of Public Health and Environment
CDPS	Colorado Discharge Permit System
CFS	Cubic Feet per Second
COGCC	Colorado Oil & Gas Conservation Commission
CPW	Colorado Parks & Wildlife
C.R.S.	Colorado Revised Statutes
FAA	Federal Aviation Administration
FBFM	Flood Boundary-Floodway Map
FEMA	Federal Emergency Management Agency
FHA	Federal Housing Administration
FIRM	Flood Insurance Rate Map
HUD	Department of Housing and Urban Development
ITE	Institute of Traffic Engineers
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NRCS	Natural Resource Conservation Service
OHWM	Ordinary High Water Mark
PDF	Portable Document Format or equivalent electronic file
PUD	Planned Unit Development
WQCD	Water Quality Control Division

11.2 WORDS AND TERMS

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

Abandonment: The permanent abandonment of a well and shall be based on the operator's filing of abandonment with the Colorado Oil and Gas Conservation Commission (COGCC).²

Abutting: Adjoining with a common boundary line except where two or more lots adjoin only at a single point, such as a corner.

¹ Amended June 2018 (Res. 2018-18); May 2019 (Res. 2019-39)

² Amended December 2008 (Res 2008-81)

Acre: A unit of area used in the measurement of land equal to one hundred sixty (160) square rods, four thousand and eight hundred forty (4,840) square yards, or forty-three thousand and five-hundred sixty (43,560) square feet.

Access: The way by which pedestrians and vehicles enter and leave property.

Accessory Structure: Any structure, not intended for permanent occupancy that is permanently affixed to the ground, not attached to a principal structure, and intended for an Accessory Use.³

Accessory Structure, Portable: An Accessory Structure that is not affixed to the ground nor attached to a principal structure.³

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

Accommodations: A room, group of rooms, building or structure for overnight occupancy.⁴

Adjacent: Meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.

Adjacent Property Owner: An owner of record of any estate, right or interest in real property, abutting and/or within five hundred (500) feet of the subject property.

Adjoining: In contact at some point or line; located next to another, bordering, contiguous.

Adult-Oriented Use: A use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to “specified sexual activities” or “specified anatomical areas” as the primary attraction to the premises. The term “adult-oriented business” includes, but is not limited to, bookstores, video stores, gift stores, cabarets, motels, hotels, theaters, nightclubs, and similar establishments.

Agent: One authorized to make binding representations on behalf of the applicant.⁵

Agricultural: Currently in use for farm or ranch purposes, including pasture and assessed in the Archuleta County Assessor’s records as agricultural land.⁵

Agricultural Uses: Those farm or ranch uses which primarily involve raising, harvesting, producing or keeping plants or animals, including agricultural structures which house farm or ranch implements, hay, grain, poultry, livestock or other horticultural products. An agricultural structure shall not be a place of human habitation. Agricultural uses exclude any business whose primary function is to provide on-site services or retail sales of non-agricultural products. Agricultural Uses excludes any use governed by the Colorado Medical Marijuana Program (CRS §25-1.5-106 *et seq*), Colorado Medical Marijuana Code (CRS §12-43.3-101 *et seq*) or Colorado Retail Marijuana Code (CRS §12-43.4-101 *et seq*).⁶

³ Amended February 2011 (Res. 2011-9); June 2018 (Res. 2018-18)

⁴ Amended June 2018 (Res. 2018-18)

⁵ Amended December 2008 (Res. 2008-81)

⁶ Amended December 2008 (Res. 2008-81); March 2015; October 2016 (Res. 2016-62)

Airport Influence Area: An area bounded by imaginary lines parallel to and one (1) mile from each side of every existing or proposed runway centerline and perpendicular to and one (1) mile from every existing or proposed runway end, as shown on the official map on file in the County Planning Office.

Alley: A specialized road which provides secondary access to property.⁷

Alteration: Any change, addition or modification in construction, occupancy or use.

Amendment: A change in the wording, context or substance of an official document, including related maps, illustrations, concepts, or plans.

Animal Hospital or Animal Clinic: *See Veterinary Facility.*

Animal Shelter: A facility usually operated by a public agency where licenses for domestic pets are issued and stray animals are housed until claimed by their owners, adopted or euthanized.⁸

Antenna: A device, dish or array used to transmit or receive signals for telecommunication purposes.

Apartment: A dwelling unit within a multi-family building, intended for lease or rent rather than individual purchase as a Condominium.⁷

Applicant: The owner of land or the owner's authorized representative or the optionee of the land, as well as mineral estate owners and lessees. For mining permits, the person, corporation or other legal entity possessing the legal right to develop the mineral resource or any other use proposed in connection thereof for the site in question.⁹

Archeological Resource, Cultural Resource, or Historical Resource: Those resources that have been designated by the County or are recognized or historically known to the County, or that are on the National Register of Historic Places (National Register), and/or that may be considered under the National Historic Preservation Act.

Area of Shallow Flooding: A designated AO district on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

Area of Special Flood Hazard: The land in a floodplain subject to a one (1) percent or greater chance of flooding in any given year. See "base flood".

Automobile/Motor Vehicle Service Station: A building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale, and where repair service is secondary.

⁷ Amended May 2019 (Res. 2019-39)

⁸ Amended May 2014 (Res. 2014-22)

⁹ Amended December 2008 (Res. 2008-81); May 2019 (Res. 2019-39)

Auto/Equipment Sales Lot: A 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 homes in operative condition and where no repair work is done.¹⁰

Auxiliary Parking: Parking that functions in a subsidiary or supporting capacity to a use or structure.

Bar or Tavern: An establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Base Flood: A flood having one (1) percent chance of being equaled or exceeded in any year. The term is used interchangeably with the intermediate regional flood, the one hundred (100) year flood, and the one (1) percent flood.

Base Flood Elevation (BFE):¹¹ The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: Any area of the building having its floor sub grade (below ground level) on all sides.

Bed and Breakfast: An establishment operated in a private residential dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee, including meals and typical accessory uses such as special events, and which is occupied by the operator of such establishment.¹²

Best Management Practices: Proven techniques used in conducting mineral extraction operations which eliminate or minimize adverse impacts to public health and the environment, landowners, and natural resources; which enhance the value of natural and landowner resources; and which reduce conflicts. BMP's are dynamic and intended to promote excellence in the conduct of operations.¹³

Billboard: *See Sign, Billboard.*

Block: A unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board or Board of County Commissioners: The Board of County Commissioners of Archuleta County, Colorado.

Boundary Line Adjustment: The moving of property lines without creating any new parcels, for parcels not in a subdivision.¹⁴

¹⁰ Amended June 2018 (Res. 2018-18)

¹¹ Amended September 2009 (Res. 2009-50)

¹² Amended July 2018 (Res. 2018-14) effective 1 October 2018

¹³ Amended December 2008 (Res. 2008-81)

¹⁴ Amended May 2021 (Res. 2021-35)

Buffer/Natural Screening: Land, berm, or planted vegetated area and/or naturally vegetated area used to visibly separate one use from another. This area is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

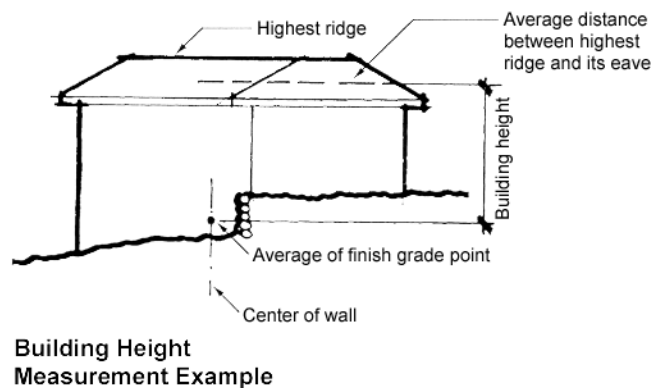
Building: A structure with more than one wall and a roof, designed to be used as a place of occupancy, storage or shelter. ¹⁵

Building, Accessory: A minor building that is located on a lot in addition to the principal building(s), both of which are located on the same parcel and which is designated for accessory use. ¹⁵

[See also definition of Accessory Structure.]

Building Area: The sum in square feet of the area of the horizontal projections of all buildings on a lot, excluding open pergolas, steps, chimneys, eaves, buttresses, cornices, unenclosed and unroofed terraces, and minor ornamental features projecting from the walls of the building that are not directly supported by the ground.

Building Height: Measured from the average of grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof. See also *Roof Types*.



Building, Principle: The primary building on a parcel intended for principle use as defined herein.

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. ¹⁵

Butcher Shop: A type of specialized Retail use supplying meat, poultry or seafood, with limited indoor processing of carcasses. ¹⁵

¹⁵ Amended June 2018 (Res. 2018-18)

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Campground: An area made available by lease or rent for lodging use of tents and similar temporary structures on a short-term basis.¹⁶

Camping: Use of recreational vehicles or tents for short-term recreational purposes, whether for commercial or personal use.¹⁷

Campsite: Any specific area within an organized campground or other lodging site which is used for overnight stays in a tent or similar temporary structure, by an individual, a single camping family, group or other similar entity.¹⁶

Car Wash: A site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.¹⁶

Cash-in-lieu: The payment of money instead of land dedication in those cases where the dedication of land is not the preferred alternative.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Centerline: The linear centerline of a right-of-way or access easement, as recorded with the Archuleta County Clerk and Recorder.¹⁸

Centralized Facility: A facility serving multiple well pads consisting of one or more compressors, generators and / or water, gas or oil treatment equipment.¹⁹

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.¹⁶

Chemical(s): Shall mean any element, chemical compound or mixture of elements and/or compounds.¹⁸

Chemical Inventory: Shall mean a list of the Chemical Products (including Material Safety Data Sheets) brought to a well site for use down hole during drilling, completion and workover operations including fracture stimulations and the maximum capacity of fuel stored on the oil and gas location during those operations. The Chemical Inventory shall state the amount of the Chemical Product used, the manner in which it was used or applied and the dates on which it was used.¹⁸

¹⁶ Amended June 2018 (Res. 2018-19)

¹⁷ Amended October 2021 (Res. 2021-76)

¹⁸ Amended May 2019 (Res. 2019-39)

¹⁹ Amended December 2008 (Res. 2008-81)

Chemical Product: Shall mean any product consisting of one or more constituent chemicals that is marketed or sold as a commodity. Chemical Products shall not include substances that are known to be entirely benign, innocuous or otherwise harmless, such as sand, walnut shells and similar natural substances.²⁰

Child Care Center: A facility, by whatever name known, which is maintained for the whole or part of a day for the care of six (6) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four (24) hour per day care for dependent and neglected children, but specifically excludes any family child care home as defined in these Regulations. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services. (CRS 26-6-102 (1.5)).

Church: A place of public worship containing a hall, auditorium or other suitable room or room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

Clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and Lodges: Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Cluster Development: The grouping of a development's structures on a portion of the available land, reserving a significant amount of the site as protected open space.

CMRS Facility: All telecommunication devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation, within the range of frequencies from one hundred (100) KHz to three hundred (300) GHz, and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles or buildings. CMRS facilities include radio, television, telephone and microwave towers or antennas for commercial transmission to consumers.

Code: The *Archuleta County Land Use Regulations*, as amended.²¹

²⁰ Amended December 2008 (Res 2008-81)

²¹ Amended December 2008 (Res 2008-81); June 2018 (Res. 2018-18)

Commercial: Refers to the activity of a non-agricultural business, industry, or trade in commerce with the sole or chief emphasis on salability, profit, or success.

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. ²²

Common Open Space: Parcels of land, areas of water, improvements and other facilities, or a combination of these within the site designated for a subdivision or PUD, and designed and intended primarily for the use or enjoyment of all residents, occupants, and owners of the subdivision or PUD.

Community Plan: The *Archuleta County Community Plan*, adopted in 2001, as amended, serving as the County Master Plan per C.R.S. 30-28-106.

Conceptual Development Plan: A plan intended to be submitted for preliminary, conceptual review by the Board of County Commissioners. Such plan shall consist of a draft Development Agreement and a map depicting the conceptual plan for the property under consideration. Conceptual Plan or Conceptual Development *Plans do not warrant* any land use rights nor guarantees above and beyond those already vested with the property. These Plans are not subject to any voting or decision-making that would in any way grant vested rights or other land use rights that would normally be obtained through other land use processes. ²³

Conditional Use: A use allowed in the indicated zoning district only upon satisfactory demonstration that all pertinent conditions and requirements imposed by the County regarding that particular use will be observed.

Condominium: An individual air space dwelling unit together with an undivided interest in common elements appurtenant to each dwelling unit.

Conservation Easement: A right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

Consolidation: The combining of two (2) or more lots, tracts or parcels within the same unit of a platted subdivision, which actually deletes the common boundary lines, and results in fewer lots remaining than were started with.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installation or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

Contiguous: Sharing an edge or boundary; touching.

²² Amended June 2018 (Res. 2018-18)

²³ Amended November 2009 (Res 2009-58)

Convalescent Home: Group quarters type facility for either short or long term individual care, medical treatment, rehabilitation or recuperation from disability or illness.

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.

Corridor: The tracts of land within which a pipeline right-of-way is located.

County: Shall refer to Archuleta County.²⁴

Covenants: A private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by Archuleta County. In the event of conflict between the covenants and these Regulations, these Regulations control.

Critical use hours: That time of day when disturbance is most likely to increase stress to and negatively impact wildlife.²³

Critical use period: That portion of the year (weeks or months) when disturbance is most likely to increase stress to and negatively impact wildlife.²³

Critical Facility: A structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during or after a flood.²⁵ *See Section 10.3.3.5.*

Day Care Center: See Child Care Center or Family Child Care Home.

Decision Making Body: Any person, entity or Board that has authority to make decisions pursuant to these Regulations.

Dedication: Any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.

Department: The Archuleta County Planning Department, or its successor.²³

Designated Agent: An agent designated by the applicant, owner or lessee.²³

Developer: Any person, firm, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer, seller or agent in the planning, platting, development, promotion, sale or lease of a development.

²⁴ Amended December 2008 (Res 2008-81)

²⁵ Amended August 2015 (Res 2015-52)

Development: The division of a parcel of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or use; any mining, excavation, land fill or land disturbance; any new use or extension of a permitted use; or the extension or alteration of the scope of a use, as well as the storage of equipment or materials.²⁶

Development Plan: The written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; common open space, and other public facilities.

Directly Impacted: Any property or homeowner, or legally established association or district of property or homeowners, including private road improvement districts (not including public roads) whose surface property is to be the subject of drilling, a pipeline, construction, storage or improvements related to the permitted activity; or privately held lands or roads that must be traversed by the applicant in accessing the permit site, or those carrying out activities under the permit must traverse to gain access to the permit site.²⁷

Director: The Director of Development Services (County Planning Director) or other responsible staff member designated by the County Administrator.²⁶

District: A portion of the total area within the boundaries of Archuleta County within which specific zones and associated requirements apply (i.e. RR is the rural residential district).

Drainage plan: A written description and depiction on a site plan for the collection, transport, treatment and discharge of storm water runoff.²⁶

Drilling Operation: Any work or actual operation undertaken for the purposes of carrying out any of the rights, privileges or duties of a lessee for drilling of an oil well, gas well, or cathodic protection well, and by the actual operation of drilling in the ground.²⁶

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.²⁸

Driveway: A constructed vehicular access other than a road serving one (1) or more properties and abutting a public or private road.²⁹

²⁶ Amended August 2015 (Res 2015-52)

²⁷ Amended December 2008 (Res 2008-81)

²⁸ Amended June 2018 (Res. 2018-18)

²⁹ Amended May 2019 (Res. 2019-39)

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

Duplex: A Single-Family Attached Dwelling with two units in one building on one legal lot, and each unit has primary ground floor access to the outside and which are attached to each other by party walls without openings.³⁰

Dwelling: A building used exclusively for residential occupancy, with complete living facilities including kitchen, bathroom and sufficient living area to meet the minimum requirements of the adopted residential building code.²⁹

Dwelling group: A group of two or more detached buildings used for residential dwelling purposes, located on a parcel of land in one ownership and having any yard or court in common.

Dwelling, Multi-Family: A dwelling containing two (2) or more dwelling units, on one parcel or a condominium, but not including Single-Family Attached Dwellings such as a Duplex or Townhouse, and not including hotels, motels, and similar group accommodations.²⁹

Dwelling, Single-Family: A building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, Single-Family Attached: A residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended for such dwelling types as townhouses and duplexes.

Dwelling, Single-Family Detached: A single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing.

Dwelling, Two-Family: A multi-family residential building occupied by two (2) families living independently of each other, not including a Single-Family Attached Dwelling such as a Duplex or Townhouse.²⁹

Dwelling Unit: One (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate living quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

³⁰ Amended May 2019 (Res. 2019-39)

Easement: A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses, or authorization by a property owner for the use of a designated portion of his property by another, for a specified purpose.³¹

Eave: The overhanging lower edge of a roof.

Electric Power Distributed Generation: Any electric energy generating facility with capacity between ten (10) kWh and ten (10) megawatts, and any appurtenant facilities thereto.³²

Electric Power Distribution Line: Any power line designed for or capable of distribution of electricity of less than Transmission voltage, generally originating at a substation and terminating at point of service.³³

Electric Power Generation Facility: Any electric energy generating facility with 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.³¹

Electric Power Transmission Line: Any power line designed for or capable of the transmission of sixty-nine (69) kilovolts of electricity or greater and which emanates from an electrical power plant or electric substation and terminates at a substation.

Elevation: The external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression

Employees: The total number of persons to be employed in a building during normal periods of use.

Entertainment Facilities and Theaters: A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Environmentally Sensitive Areas: Aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

Equipment: 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, machinery 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.³⁴

³¹ Amended December 2008 (Res 2008-81)

³² Amended June 2018 (Res. 2018-18)

³³ Amended April 2017 (Res 2017-13)

³⁴ Amended December 2008 (Res 2008-81); June 2018 (Res. 2018-18)

Facility: A site and any and all equipment associated with a site used for the production, transportation, treatment, and/or storage of oil and gas and waste products, regardless of the permanency or period for which the vehicles or equipment are on the site. ³⁵

Family Child Care Home: A facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home. Family child care home may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the Colorado Department of Human Services.

Farm/Ranch Stand: A structure used for the display and sale of primarily raw farm or ranch products, produced principally upon the farm or ranch on which the stand is located.

Farm and Ranch use: 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. ³⁶

Fence: A structure which serves as a barrier intended to prevent escape or intrusion, to mark a boundary, to shield or screen view, or to serve any similar purpose constructed of materials other than vegetation.

Fence, Sight-Obscuring: Sight-obscuring fence means a fence constructed in such a manner or of such materials as to obstruct vision.

Firewood Related Wood Product Sales: A site for cutting, storing and selling firewood to the public. ³⁷

Fixture: The assembly that houses the lamp or lamps, which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Fixture, Fully Shielded: A fixture that does not project light in an upward direction, and in which shielding is provided to (or below) the plane of the bottom of the light-producing portion of the light bulb (lamp). The shielding that extends to or beyond the bottom plane of the lamp may be opaque (no light passes through) or translucent (only diffused light passes through.) Examples of opaque shielding would include solid metal or plastic, while translucent would include alabaster glass, smoked glass, or glass tinted darkly enough to block all of the details, including outline, of the lamp from view while turned on, but that still allows some light to pass through.

Fixture, Partially Shielded (or Partial Cut-off): A fixture that does not project light in an upward direction, and in which shielding is provided to (or below) the plane of the centerline of the light-producing portion of the light bulb (lamp). Fixtures constructed in this manner will not allow more than ten percent (10%) of the light produced to be directed above the horizontal plane at the lowest point of the light emission source (which is the light bulb or lamp). The shielding that extends to or beyond the centerline plane of the lamp may be opaque (no light passes through) or translucent (only diffused light passes through).

³⁵ Amended December 2008 (Res 2008-81)

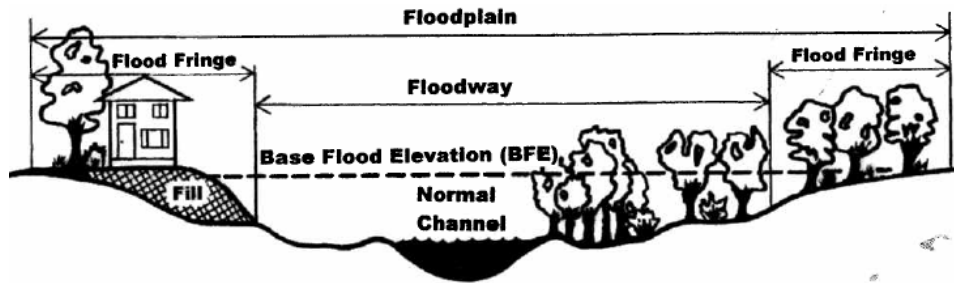
³⁶ Amended October 2016 (Res 2016-62); June 2018 (Res. 2018-18)

³⁷ Amended June 2018 (Res. 2018-18)

Fixture, Unshielded: A fixture that projects light in an open, unrestricted fashion both above and below the horizontal plane at the centerline of the light bulb (lamp) of the fixture. Light is typically directed in every direction, (including upward), by this type of fixture. This type of fixture has no shielding at all, or it has transparent (totally see-through) shielding. Examples of transparent shielding would be clear glass, including clear beveled or dimpled glass.

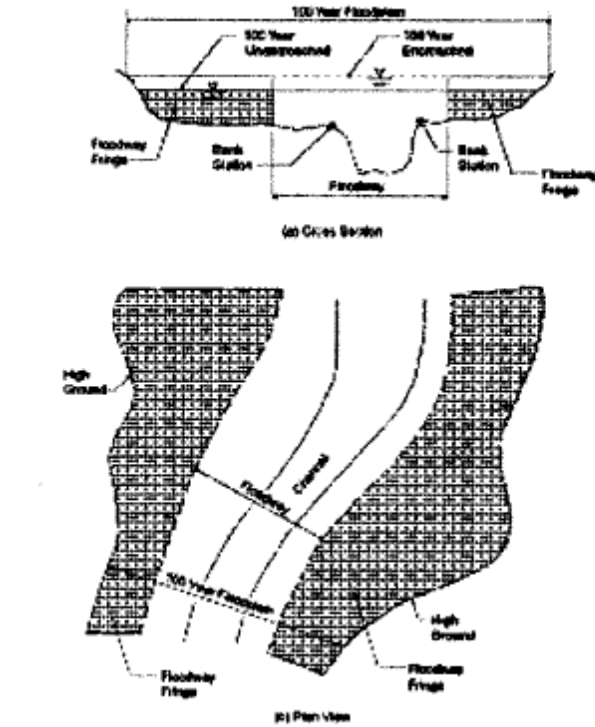
Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of streams, river, or other inland water, or (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe: That area of the floodplain exclusive of the floodway area; plus that portion of the floodplain that could be completely obstructed without increasing the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point.³⁸



(image: Washington Dept. of Ecology)

³⁸ Amended August 2015 (Res 2015-52)

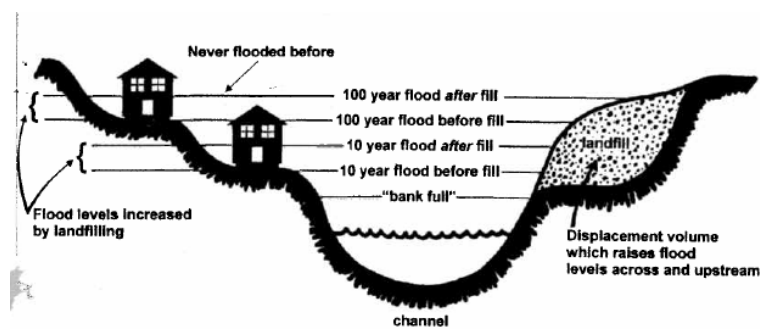


(image: G. Dyehouse, *Floodplain Modeling Using HEC-RAS*)

Flood Hazard Area: Areas subject to being flooded by a base flood as identified by the Federal Insurance Administration report entitled "Flood Insurance Study, Town of Pagosa Springs, and Unincorporated Areas of Archuleta County, Colorado" dated July 1978, as amended, with accompanying FIRM and FBFM maps dated January 3, 1979 as amended, and May 2, 1991 as amended.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zone applicable to the community.

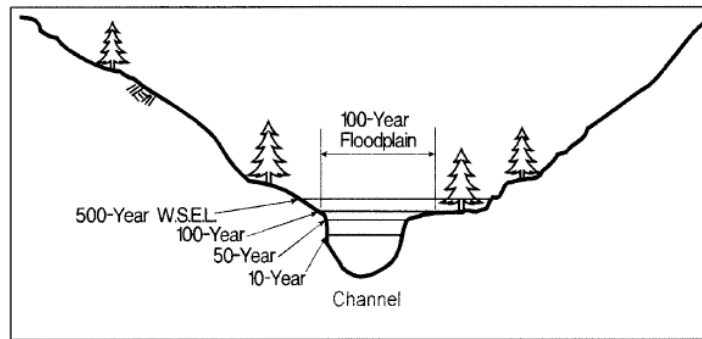
Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.



(image: Washington Dept. of Ecology)

Floodplain: 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, 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.³⁹

Floodplain, Cross-Section: A cross section is a graphical description of the stream and the floodplain at a particular point along the stream. It is taken at right angles to the flow of the stream. At each cross section, the engineer has accurate information on the size and geometry of the channel, the shape of the floodplain, and the changes in the elevation of the ground. Cross sections are taken of the floodplain at locations along the stream that are representative of local conditions. Cross sections are taken at each bridge or other major obstruction and at other locations, depending on how much the stream or adjacent floodplain conditions change. The more changes there are in topography (perhaps steep riverbanks changing to large flat overbank areas), the more cross sections are needed to define the floodplain accurately.⁴⁰



Cross –Section with Flood Elevations (image: FEMA)

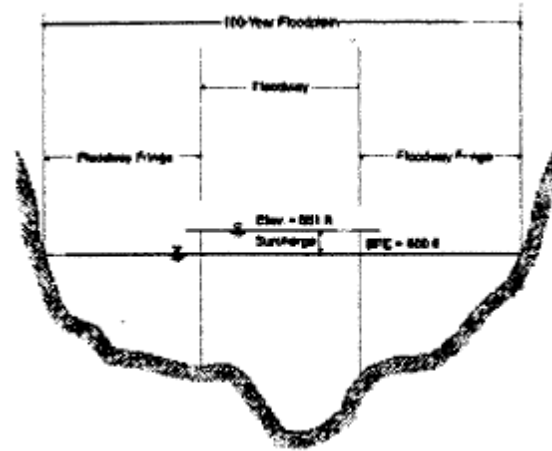
Floodplain, Fill: By nature, floodplains are low-lying areas which seem to invite filling activities. Filling is included under the NFIP definition of “development” and therefore requires a floodplain development permit. Care should be taken to ensure that the fill will not alter drainage or divert flood waters to other properties.⁴¹

Floodplain, Flood Surcharge: The water surface elevation difference between the 100-year base flood elevation and the floodway elevation at any cross-section. For the computed floodway, the surcharge normally varies from cross section to cross section.

³⁹ Amended September 2009 (Res 2009-50); June 2018 (Res. 2018-18)

⁴⁰ Amended September 2009 (Res 2009-50)

⁴¹ Amended September 2009 (Res 2009-50)



(image: G. Dyehouse, *Floodplain Modeling Using HEC-RAS*)

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.⁴⁰

Floodway (Regulatory Floodway): 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 ($\frac{1}{2}$) 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.⁴²

Floor area: The sum in square footage of all floor space on each floor of a building, contained within the exterior walls of all buildings on a specific lot.

Floor Area, Gross: The total area of a building measured along the outside dimensions of the building, including each floor or level used for occupancy and storage.

Floor area ratio (FAR): A mathematical ratio determined by dividing the total floor area of a building or buildings by the area of the lot on which it (or they) is (are) located.

Flowline: A pipeline connecting an individual well to production equipment or a pipeline connecting individual production equipment to a gathering line that transports gas, oil, or produced water.⁴³

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.⁴⁴

⁴² Amended August 2015 (Res 2015-52); June 2018 (Res. 2018-18)

⁴³ Amended December 2008 (Res 2008-81)

⁴⁴ Amended June 2018 (Res. 2018-18)

Foot-candle: The amount of visual light over a specific area as measured by a light meter. One foot-candle equals one lumen/square foot.

Forestry Operation: Forestry practices involving the removal of saw logs, firewood, poles and various other wood products, as well as forest improvement practices such as non-commercial thinning, pruning, brush reduction and planting.

Frontage: That portion of a lot which abuts a dedicated access easement road or highway.⁴⁵

Functional Classification: Categories of roads (such as arterial, collector, or local) as established in the *Archuleta County Road & Bridge Design Standards*.⁴⁶

Gable: The triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.



(image source: <http://architecture.about.com>)

Garage: A fully enclosed detached accessory building or portion of a main building, designed for the shelter or storage of a motor vehicle.

Gardening: An accessory use of land which involves raising, harvesting, producing or keeping plants or animals for personal, non-commercial use.⁴⁶

Gasoline Station: Any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Gasoline station shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

Gathering line: A pipeline receiving produced gas, oil, or produced water from more than one well pad and thereafter transporting gas, oil, or water to a transmission line or centralized facility.⁴⁷

General Development Plan: The same as a Site Specific Development Plan in that it shall consist of a Development Agreement and a map substantially depicting the development parcels or tracts, road system, open space. Either the Development Agreement or the Map shall identify the maximum number of dwelling units, non-residential square footage, and types of uses allowed in each development parcel or tract. These depictions shall be the maximum numbers for build-out of the entire project.⁴⁸

Glare: Direct or reflected intense light striking the eye and dazzling or blinding the viewer.

⁴⁵ Amended May 2019 (Res. 2019-39)

⁴⁶ Amended October 2016 (Res 2016-62)

⁴⁷ Amended December 2008 (Res 2008-81)

⁴⁸ Amended November 2009 (Res 2009-58)

Grade: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line; when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grade, Finished: The final elevation of the ground surface after development.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Grading plan: A plan view and cross section of existing and proposed contours, cuts and fills, topsoil storage location and stabilization methods, and maximum slopes.⁴⁸

Green Chemicals: Environmentally benign, chemically inert, water-based drilling fluids. Chemicals used in the oil and gas exploration and production process that are identified by government and private studies to be preferred and deemed to be environmentally friendly, including, but not limited to: low toxicity glycols, synthetic hydrocarbons, polymers, and esters.⁴⁸

Grocery Store:⁴⁹ *See Retail/Service.*

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 homes for the aged, drug or alcohol abuse centers, and temporary custody facilities. A Group Home is a limited Residential type of Group Care Facility.⁵⁰

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:⁵⁰

- 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.⁵⁰

Guesthouse: An accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities.

Half Street: A street shared with other platted subdivisions or property outside of a platted subdivision

⁴⁹ Amended June 2018 (Res. 2018-18)

Health and Athletic Club: A commercial or non-profit establishment for passive or active exercise, including indoor or outdoor facilities.⁵⁰

Heavy equipment: Drilling rigs, completion rigs, construction equipment, water or other tank trucks, road or facility maintenance vehicles, individual truck/trailer combination vehicles, or any vehicle with a gross vehicle weight exceeding 5 tons.⁵¹

Hedge: A series of plants, shrubs, or other landscape material, so placed as to act as a buffer or to form a physical barrier or enclosure.

Hemp, Industrial: As defined by the Colorado Constitution, the plant of the genus cannabis and any part of such plant, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.⁵²

Hip Roof: A roof having sloping ends and slides meeting at an inclined projecting angle.

Historic Site: A structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Home Occupation: An occupation or business activity which results in a product or service and is conducted entirely within a dwelling unit which is incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the residential character thereof.

Illegal Lot: Any parcel of land or lot that is smaller than 35 acres, either inside or outside of a subdivision, that was created or modified after the adoption of these Regulations on May 23, 2006 without approval of the Board of County Commissioners.⁵³

Improperly Divided Parcel: Any parcel of land outside of a subdivision that is less than 35 acres in size and was created after September 1, 1972, and before the adoption of these Regulations on May 23, 2006, unless approved by Board of County Commissioners via Subdivision Exemption Review.⁵⁴

Improvement: Any new construction activity or the addition of equipment, utilities, structures, fencing or materials to a site, or anything done to, erected, or placed on land which did not naturally exist thereon.⁵²

Improvements Agreement: An agreement including a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Board of County Commissioners to ensure that all improvements will be completed in a timely, quality and cost-effective manner. Improvement agreements shall run with and be a burden upon the land.

⁵⁰ Amended June 2018 (Res. 2018-18)

⁵¹ Amended December 2008 (Res. 2008-81)

⁵² Amended October 2016 (Res. 2016-62)

⁵³ Amended May 2021 (Res. 2021-35)

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 maintenance of vehicles; cleaning of equipment or work processes involving solvents; brewery, distillery or winery; and transport terminals (truck terminals, public works yard, container storage), including any industry conducted outdoors.⁵⁴

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.⁵⁵

Junk Yard: An industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.

Kennel: Any premises where five or more dogs, cats, or other small animals or any combination thereof are kept commercially or permitted to remain for board, propagation, training or sale, not including veterinary clinics and animal hospitals.

Kitchen: An area in a dwelling or dwelling unit used to prepare food that contains all of the following elements: 1. kitchen sink (larger than 12" x 12"), 2. refrigeration, 3. cooking appliances (microwaves and counter-top appliances are exempt). If any one of these elements is not present, it is not considered a kitchen.⁵⁵

Landscaping: Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Land Use Change: Zoning or rezoning of property, subdivision of land, substantial clearing, grading, filling or excavation, construction, alteration or moving of buildings or roads, or any action listed as an "approval requested" in the Review Process Chart, Section 2.2.2.

Large Retail Establishment: A retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

⁵⁴ Amended June 2018 (Res. 2018-18)

⁵⁵ Amended May 2021 (Res. 2021-35)

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. ⁵⁶

Lessee: The entity entitled under an oil or gas lease to drill and operate wells. The lessee may also be the applicant for purposes of this article. ⁵⁷

Letter of Map Revision Based on Fill (LOMR-F): FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. ⁵⁸

Light Pollution: Any adverse effect of man-made light including sky-glow, glare, light trespass, and light clutter.

Limited Impact Use: Limited Impact Uses are transitioning to either a Use-By-Right or a Conditional Use.

Limited Indoor Recreation Facility: A place where recreation activities occur completely within an enclosed structure including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.

Limited Outdoor Recreation Facility: A place with outdoor activities including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.

Lodging Establishment: A facility intended and used for occupancy as a temporary accommodations for individuals who are lodged with or without meals, in which there are typically two (2) or more Lodging Units, including typical accessory uses such as meeting rooms and special events. ⁵⁷

Lodging Unit: A temporary accommodation other than a Vacation Rental, which is subject to Colorado state sales tax under CRS 39-26-704. Lodging units may be detached or attached, including but not limited to cabins, yurts, Park model RVs (tiny homes), recreational vehicles, tents, and other types of units for short-term commercial lodging only. Does not include units used for permanent residency as exempted by State law (39-26-704(3)). Lodging units, regardless of type must meet the applicable building code(s) in effect at the time of permitting. ⁵⁹

Logging Operation: Lands owned, leased or managed by commodity-producing forest products companies for the primary purpose of generating profit through the processing and sale of forest products

Lot: A designated parcel, tract or area of land established by plat or exemption from subdivision review of at least a sufficient size to meet minimum requirements for use, frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private road. ⁶⁰

⁵⁶ Amended June 2018 (Res. 2018-18); May 2021 (Res. 2021-35)

⁵⁷ Amended December 2008 (Res 2008-81)

⁵⁸ Amended August 2015 (Res 2015-52)

⁵⁹ Amended July 2013 (Res 2013-42); June 2018 (Res. 2018-19); July 2018 (Res. 2018-14); May 2021 (Res. 2021-35)

⁶⁰ Amended December 2008 (Res 2008-81); May 2019 (Res. 2019-39)

Lot Area: The total area within the boundary lines of a lot, exclusive of any road rights-of-way.⁶¹

Lot, Corner: A lot situated at the intersection of two or more streets, which have an interior angle of intersection of not more than one hundred thirty-five degrees.

Lot Coverage: The percentage of the lot area, exclusive of rights-of-way, that is covered by structures or buildings, including accessory buildings.

Lot Depth: The average distance between the front lot line and the rear lot line.

Lot, Double Frontage: Lots which front on one (1) road and back on another (not including an Alley).⁶²

Lot, Flag: A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot Line, Front: A property line dividing a lot from a road. On a corner lot the shorter frontage shall be considered the front line for measurement of setbacks.⁶²

Lot Line, Rear: The line opposite the front lot line.

Lot, Reverse Corner: A corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot Line, Side: Any lot lines other than the front lot line or rear lot line.

Lot Size: The total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot Width: The distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Lumen: The unit used to measure the actual amount of visual light produced by a lamp.

Lowest Floor: The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements.⁶²

Maintain: To cause or allow to continue in existence. When the context indicates, the word means “to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.”

⁶¹ Amended May 2019 (Res. 2019-39)

⁶² Amended September 2009 (Res 2009-50)

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: ⁶³

- (a) The Pagosa Area Water & Sanitation District (PAWSD) boundary as amended.
- (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 New Sewer System: A new sewage treatment system and collector system capable of treating the wastewater generated by ten (10) or more residential dwelling units, or the equivalent thereof in other uses.

Major New Water System: A new water treatment facility; or a system, for provision to the public, of piped water for human consumption; or a system for the provision to the public of piped water which will be treated for human consumption; if such systems are proposed to serve a total development density of ten (10) or more dwelling units, or the equivalent thereof in other uses.

Major oil and gas facilities: Oil and/or gas sites that include at least one of the following: ⁶⁴

- (1) Centralized facilities.
- (2) Water injection or centralized water transfer stations and associated facilities serving multiple well pads.
- (3) Storage yards and construction staging yards, including temporary or permanent offices or housing.
- (4) Any permanent equipment, facility or structure related to the production of oil and/or gas which contains internal combustion engines with a cumulative horsepower, de-rated for elevation, of 50 BHP_e or greater.
- (5) Pipelines for which the power of eminent domain is available.
- (6) Any oil and gas facility not meeting the definition of minor oil and gas facility.

Manufactured Home: Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m square) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a **certification required by the secretary (HUD)** and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile shall be considered a manufactured home. ⁶⁵

⁶³ Amended June 2018 (Res. 2018-18)

⁶⁴ Amended December 2008 (Res 2008-81)

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.⁶⁵

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).⁶⁶

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.⁶⁶

Manufacturing: A business which makes products by hand or by machinery.

Marijuana: As defined by the Colorado Constitution, all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate; does not include Industrial Hemp.⁶⁶

Marijuana Caregiver: A person, other than a medical patient or the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition, as defined by CRS §25-1.5-106(2)(d.5).⁶⁷

Master Plan: The *Archuleta County Community Plan*.

Medical and Dental Offices: A 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.⁶⁷

Medical Clinic: Medical offices or hospital where in-patient care and lodging may be provided overnight.⁶⁸

Medical Marijuana Establishment: Means a medical marijuana center, medical marijuana-infused products manufacturer, and/or optional premises cultivation operation licensed pursuant to the Archuleta County Marijuana Licensing Regulations as amended from time to time.⁶⁸

⁶⁵ Amended September 2009 (Res 2009-50)

⁶⁶ Amended October 2016 (Res 2016-62)

⁶⁷ Amended June 2018 (Res. 2018-18)

⁶⁸ Amended March 2015

Meeting Place and Place for Public Assembly: A hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.

Mile: A unit of length equal to five thousand and two hundred eighty (5,280) feet or one thousand and seven hundred sixty (1,760) yards (1,609 meters).

Mineral Estate: a mineral interest in real property that is shown by the real estate records of the Archuleta County Clerk & Recorder.⁶⁹

Mineral Estate Owner: the owner or lessee of a Mineral Estate underneath a surface estate.⁷⁰

Mini-storage Warehouse: A building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.

Minor Lot Line Adjustment (MLLA): A re-plat amending existing legal lots within a subdivision and involving no more than three (3) lots or parcels. No new lots or parcels are created.⁷⁰

Minor oil and gas facilities: Oil and gas sites that do not exceed the following:⁷¹

- (1) An individual well pad built with one or more wells and operated for exploration or production of liquid petroleum and/or natural gas, including any and all associated equipment located on the well pad or within 150 feet of the wellhead required for such production.
- (2) Gathering lines and ancillary equipment including but not limited to drip stations, vent stations, pigging facilities, chemical injection stations and valve boxes.

Minor oil and gas facilities requiring special mitigation measures: A minor oil and gas site as described above with the following special conditions:⁷²

- (1) An individual well site built and operated for exploration or the production of petroleum and/or natural gas and associated equipment (as defined above) which does not meet the minimum setback and other requirements specified in this article for minor facilities.
- (2) Any of the facilities specified under subsection (1) of this definition which do not comply with all applicable standards and requirements, as set forth in this article, and which are not classified as major facilities.
- (3) Continuous drilling and completion operations of wells or well legs on a well pad that are planned to continue for longer than six weeks.

Mixed Use Development: The development of a lot, building, or structure with two (2) or more different uses including but not limited to, residential, office, manufacturing, retail, public, or entertainment.

⁶⁹ Amended May 2019 (Res. 2019-39)

⁷⁰ Amended May 2019 (Res. 2019-39); May 2021 (Res. 2021-35)

⁷¹ Amended December 2008 (Res 2008-81)

⁷² Amended December 2008 (Res 2008-81)

Mobile Home Subdivision: A parcel or contiguous parcels of land divided into two or more lots for the purpose of placing mobile homes on the lots.

Modular Home: Similar in construction to manufactured homes except modular homes must comply with local building and zoning codes including a Certificate of Occupancy and once transported to their foundation not intended to be transported again.

Natural Areas: Floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, and any wetland greater than one-quarter (¼) acre in size.

Natural Gas Transmission Pipeline: Any pipeline and appurtenant facilities that are capable of transporting natural gas from a gathering line or storage facility to a distribution center or storage facility.

Neighborhood Commercial Center: ⁷³ See *Shopping Center, Neighborhood*.

National Geodetic Vertical Datum (NGVD): The national standard reference datum for elevations; formerly referred to as Mean Sea level (MSL) of 1929. NGVD is used as the reference datum on most Flood Insurance Rate Maps. ⁷⁴

Net Residential Area: The area devoted to residential uses, and the term shall not include streets and parking areas, or required useable open space areas.

New Construction: Structures for which the start of construction began on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structures. ⁷⁵

Nonconforming Structure: A structure, or portion thereof, that does not conform to these Regulations, but that was lawfully constructed under the Regulations in force at the time of construction.

Non-Conforming Use: A use that does not conform to these Regulations, but that was lawfully established under the Regulations in force at the time the use was established and has been in regular use since that time.

Nuisance: A facility which is not being constructed, operated or installed in substantial compliance with the regulations of this article and any applicable conditions of approval and as to which the applicant has failed or refused to abate, correct or discontinue the violation of this article after being ordered to do so by the Board of County Commissioners.

Offices: A room, set of rooms or building where the business of a commercial or industrial organization or of a professional person is transacted.

⁷³ Amended June 2018 (Res. 2018-18)

⁷⁴ Amended September 2009 (Res 2009-50)

Off-Street Parking Area: All off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a “recreational vehicle, boat or truck storage” use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and Gas Operation: Any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.⁷⁵

Oil or Gas Transmission line: See Transmission Line (oil or gas).

Oil or Gas Well: A well capable of producing and for which the principal production at the mouth of the well crude petroleum oil or gas.⁷⁶

Operating plan: A general description of a facility identifying purpose, use, typical staffing pattern, equipment description and location, access routes, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to regular functioning of that facility.⁷⁶

Ordinary High Water Line: The line on the shore of a water body established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

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.⁷⁶

Outdoor Shooting Range: A commercial facility for the firing of rifles and hand guns.

Outdoor Storage: The keeping, in an unroofed area, of any equipment, goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.⁷⁷

Out lot: A measured piece of land contained within subdivided land that is not a building lot. An out lot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owner’s association.

Owner: The person or entity that owns the property under consideration.

Owner or Operator: Shall mean the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced there from either for such owner or operator or others.⁷⁸

⁷⁵ Amended December 2008 (Res 2008-81)

⁷⁶ Amended June 2018 (Res. 2018-18)

⁷⁷ Amended October 2016 (Res 2016-62)

⁷⁸ Amended December 2008 (Res 2008-81)

Owners Association: The association set up to enforce the covenants and maintain all common areas and buildings for a development.

Parapet: A low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

Parcel: A tract or plot of land outside of a recorded subdivision which was deeded separately and has continuously had a separate deed, with the same legal description, prior to the effective date of Senate Bill 35; also, a lot or tract delineated as part of a recorded subdivision plat.

Park: An area that is open to the general public and reserved for recreational, educational or scenic purposes.

Parking Lot: Off-street Parking Area or vehicular use area.

Permanent equipment: Equipment located onsite for a duration of time greater than six months effective one year after the drilling and completion of a well.⁷⁹

Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Personal and Business Service Shops:⁷⁹ *See Retail/Service.*

Personal Use: Any use that is operated or conducted solely for the enjoyment of the owner or operator and not for profit, payment, or donation.⁸⁰

Pets: Those animals which are normally and reasonably kept as household pets, not including any animals that are considered wild or vicious, or other creatures which, if not contained, would be considered dangerous to the public health or safety.

Phase: A portion of property that is being platted and engineered for development at the same time.

Planned Unit Development (PUD): A project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Pit: Subsurface earthen excavation (lined or unlined) or subsurface open top tank used for the purpose of retaining or storing substances associated with the drilling or operation of oil and gas wells.

⁷⁹ Amended June 2018 (Res. 2018-18)

⁸⁰ Amended October 2021 (Res. 2021-76)

Planning Commission: The duly appointed Planning Commission for Archuleta County, Colorado.

Plant Nursery and Greenhouse: Any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

Plat: A map of certain described land prepared as an instrument for recording of real estate interests with the Archuleta County Clerk and Recorder.

Platted building envelope: An area of land within a buildable lot within which all site structures, buildings and other hardscape elements shall be contained, except driveways.⁸¹

Platted subdivision lot: Any lot created pursuant to state law, which has received subdivision approval by the Board of County Commissioners since September 1, 1972.⁸¹

Principal Structure: A structure (generally inhabitable) intended for a Principal Use of a property.⁸²

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

Private School: A school that is established, conducted and primarily supported by a non-governmental agency.

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.

Proof of Ownership: Ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.

Property Line: The boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

Public Hearing: A meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public Highway: A state or county road as defined in CRS §43-2-201.

Public School: A free, tax supported school that is controlled and operated by the Archuleta School District 50 Joint.

⁸¹ Amended December 2008 (Res 2008-81)

⁸² Amended June 2018 (Res. 2018-18)

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.⁸³

Public Utility: A common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Receiving Area: Areas designated by description or on a zoning map to which development rights may be transferred.

Recreational Facility: A facility used for a pastime, diversion, exercise, or other resource affording relaxation and enjoyment to restore or refresh one’s physical or mental being.

Recreational Vehicle: An automobile, travel trailer, camp-car, camper, bus, motor home, or other vehicular or portable unit, with or without motor power, designed and constructed for travel and intended for human occupancy as temporary living quarters for recreational, vacation, or travel purposes.

Recreational Vehicle Park: An area made available by lease or rent for lodging use of recreational vehicles on a short-term basis.⁸³

Recreational Vehicle Subdivision (RV Subdivision): A parcel or contiguous parcels of land divided into two or more lots for the purpose of placing recreational vehicles on the lots.

Recycling Facility: A site 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.⁸³

Re-Plat: Changing the boundaries of a platted subdivision or changing the property lines within a platted subdivision.

Residential: A property having an existing residence or platted subdivision lot within one-quarter mile of a site.⁸⁴

Resource Extraction, Processes and Sales: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.⁸⁴

⁸³ Amended June 2018 (Res. 2018-18)

⁸⁴ Amended December 2008 (Res 2008-81)

Restaurant: Any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- (a) Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- (b) Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Restaurant, Drive-Through: Any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, Fast Food: Any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.

- (a) Food and beverages are usually served in paper, plastic or other disposable containers;
- (b) The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
- (c) Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations.

Retail/Service: A commercial enterprise to supply goods and services to customers on the premises including, but not limited to, stores, shops, butcher shops, grocery stores (with food prepared on-site or off-site), art studios, and personal and business services, including accessory offices.⁸⁵

Retail Marijuana Establishment: Means a retail marijuana center, and/or retail marijuana cultivation facility licensed pursuant to the Archuleta County Marijuana Licensing Regulations as amended from time to time.⁸⁶

Right-of-Way: An area of land legally separate and distinct from adjacent lots or tracts of land, designated for public use including public or privately-owned roads, walkways, and utility lines. The term “Right-of-Way” may also be used in specialized contexts to refer to easements for uses such as electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use.⁸⁷

Roads: For purposes of this regulation, a general term denoting a public or private way for purposes of vehicular travel, including the entire area within the right-of-way and/or access easement.⁸⁸

Roadway: That portion of a right-of-way or access easement, not including a driveway, improved for vehicular traffic.⁸⁸

⁸⁵ Amended June 2018 (Res. 2018-18)

⁸⁶ Amended March 2015

⁸⁷ Amended December 2008 (Res 2008-81); May 2019 (Res. 2019-39)

⁸⁸ Amended May 2019 (Res. 2019-39)

Roof types:

Gable



Hipped



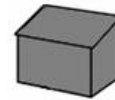
Gambrel



Mansard



Salt box



Shed

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.⁸⁹

School: A place, institution, or building where instruction is given.

Section: A land unit equal to one (1) square mile (2.59 square kilometers), six hundred forty (640) acres, or one thirty-sixth ($\frac{1}{36}$) of a township.

Security fencing: A six-foot chain link fence topped by three strands of barbed wire, or the equivalent, with a gate that can be secured.⁹⁰

Sending Area: Areas designated by description or on a zoning map from which development rights may be transferred.

Setback: The minimum distance between a structure and the nearest property line, edge of road right-of-way or access easement (whichever is closer);
For mining regulations, also including any permitted facility, wellhead, flow line, gathering line or a major facility boundary.⁹¹

Setback, Front Yard: The distance a building or structure must be placed from the front lot line.

Setback, Rear Yard: The distance a building or structure must be placed from the rear lot line.

Setback, Side Yard: The distance a building or structure must be placed from the side lot line.

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.⁸⁹

Shopping 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).⁹²

Sidewalk: The hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

⁸⁹ Amended June 2018 (Res. 2018-18)

⁹⁰ Amended December 2008 (Res 2008-81)

⁹¹ Amended December 2008 (Res 2008-81); May 2019 (Res. 2019-39)

⁹² Amended June 2018 (Res. 2018-18)

Sight Distance Triangle: The area at the four corners of an intersection forming a triangle in which visibility is maintained. Distance along the legs of the triangle shall be measured from the corner or intersection point along the right-of-way lines, access easements, or along edge of driving surface for driveways. See also *Archuleta County Road and Bridge Design Standards and Construction Specifications*.⁹³

Sign: Any device used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties. The term “sign” shall not include any flag, badge or insignia of any governmental unit nor shall it include an item of merchandise normally displayed within a show window of a business.

Sign, Awning: Signs which are placed on or integrated into a fabric or other material canopies which are mounted on the exterior of a building.

Sign, Billboard: A sign which is intended to advertise a business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than on the property where the sign is located.

Sign, Construction and Development: A temporary sign providing information about future development or current construction on a site, and the parties involved in the project.

Sign, Directional: An on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Sign, Directory: A sign, other than an identification sign, listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site directions.

Sign, Fascia: A sign that is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Sign, Freestanding: A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

Sign, Identification: A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which it is located.

Sign, Mansard: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than thirty (30) degrees from vertical.

Sign, Menu Board: A permanently mounted sign displaying the menu and prices for a drive thru restaurant.

Sign, Noncommercial: A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction.

⁹³ Amended May 2019 (Res. 2019-39)

Sign, Nonconforming: A sign lawfully erected and maintained prior to the adoption of this ordinance which does not conform with the requirements of this ordinance.

Sign, Political: A sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

Sign, Portable: Any sign not affixed to a structure or ground mounted on a site.

Sign, Projecting: A sign attached to a building or other structure and extending in whole or in part more than fourteen (14) inches beyond the building.

Sign, Reader Panel: A sign designed to permit immediate change of copy either manually or electronically.

Sign, Roof: A sign erected on a roof, or signs that project above the highest point of the roof line, parapet, or fascia of the building.

Sign, Shingle: A sign suspended from, and located entirely under a covered porch, covered walkway, or awning.

Sign, Temporary: A sign not intended or designed for permanent display.

Sign, Wall: A sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of a building with the exposed face of the sign parallel to the face of the wall.

Sign, Window: A sign affixed to the interior or exterior of a window, or placed immediately behind a windowpane so as to attract the attention of persons outside the building.

Significant Wildlife Habitat and Migration Corridors: Areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Single Family Dwelling: A freestanding dwelling intended for occupancy by an individual, family, or group of persons sharing living arrangements.

Site: Any lands, including the surface of a severed mineral estate, on which exploration for, or extraction and removal of oil or gas is authorized under a lease.⁹⁴

Site Plan: A scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

⁹⁴ Amended December 2008 (Res 2008-81)

Site Specific Development Plan: Shall have the same meaning as set forth in C.R.S. 24-68-102(4) as amended from time to time.⁹⁵

Special Event: A temporary commercial use of property.⁹⁶

Special Flood Hazard Area (SFHA): An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V. For the purpose of determining Community Rating System premium discounts, all AR and A99 zones are treated as non-SFHAs.⁹⁷

Spot Zoning: Zoning of a particular piece of land without regard for the zoning of the larger area surrounding the land. Zoning inconsistent with the Community Plan and that would benefit single landowners rather than the community at large can be considered spot zoning.

Standard Operating Practices: Criteria developed by the County and the Colorado Division of Wildlife for the protection of wildlife resources in the County during oil and gas development activities. Standard Operating Practices may be referred to herein as “SOPs”.⁹⁸

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.⁹⁷

Street: A type of Road.⁹⁹

Structure: Anything constructed, assembled, erected or built on a lot.

Subdivider or Developer: Any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

⁹⁵ Amended November 2009 (Res. 2009-58)

⁹⁶ Amended June 2018 (Res. 2018-18)

⁹⁷ Amended September 2009 (Res 2009-50)

⁹⁸ Amended December 2008 (Res 2008-81)

⁹⁹ Amended May 2019 (Res. 2019-39)

Subdivision: Any parcel of land which is divided into two (2) or more parcels, separate interests or interests in common, including land to be used for condominiums. Unless the method of disposition is adopted for the purpose of evading these Regulations, these Regulations shall not apply to any division of land:

- (a) Which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners;
- (b) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest;
- (c) Which could be created by any court in the state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners of the county in which the property is situated is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this part 1 prior to entry of the court order; and, if the board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court;
- (d) Which is created by a lien, mortgage, deed of trust, or any other security instrument;
- (e) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
- (f) Which creates cemetery lots;
- (g) Which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;
- (h) Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this subsection as only one interest;
- (i) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
- (j) Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable county regulations, the land which he is to acquire pursuant to the contract.

See CRS §30-28-101; also definition of Legal Lot above.

Subdivision, Single Transaction Large Lot: Any division of land done for the purpose of changing the form of ownership of a previously subdivided parcel, provided that the change does not alter the overall existing density of the parcel being subdivided.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure would equal or exceed 50 percent of the market value of the structure before the damage occurred.¹⁰⁰

¹⁰⁰ Amended September 2009 (Res 2009-50)

Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction.¹⁰⁰

Surface Estate: A fee title interest in the surface of real property that may or may not include mineral rights as shown by the real estate records of the Archuleta County Clerk & Recorder.¹⁰¹

Surface owner: The owner of the Surface Estate and any person with rights under a recorded contract to purchase all or part of the Surface Estate.¹⁰²

Sustainable and/or Restoration Forest Practices: To practice sustainable forestry to meet the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic that integrates reforestation and the managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, biological diversity, wildlife and aquatic habitat, recreation and aesthetics.

Temporary equipment: Equipment located onsite for a duration of time less than six months.¹⁰³

Temporary use area (oil and gas): Disturbed lands immediately adjacent to the well pad or right of way used by an operator during the construction or maintenance of a well, pipeline or other facility that will be reclaimed for permanent operations.¹⁰³

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.

Tent: A temporary structure at least partially made from fabric or other soft-sided material and intended primarily for short-term uses, including teepees and yurts.¹⁰⁴

Title Commitment: Formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

Townhouse: A single family, attached residence with individual exterior entries that will never have units above or below, and does not have more than two (2) walls in common.

¹⁰¹ Amended May 2019 (Res. 2019-39)

¹⁰² Amended December 2008 (Res. 2008-81); May 2019 (Res. 2019-39)

¹⁰³ Amended December 2008 (Res. 2008-81)

¹⁰⁴ Amended October 2021 (Res. 2021-76)

Transmission Line (oil or gas): Any pipeline and appurtenant facilities that are capable of transporting oil, natural gas or any other products derived from oil and gas production from a gathering line or storage facility to a distribution center or storage facility, or as defined as a transmission line by the U.S. Department of Transportation regulations under the Natural Gas Pipeline Safety Act of 1968, as amended.¹⁰⁵

Trade Secret: Any confidential formula, pattern, process, device, information or compilation of information that is used by an owner, operator or vendor, and that gives the owner, operator or vendor an opportunity to obtain an advantage over competitors who do not know or use it.¹⁰⁴

Trade Secret Chemical Product: Shall mean a chemical product, the composition of which is a trade secret.¹⁰⁴

Tree Farm: A registered trademark of the American Forest Foundation, involving small-scale forestry operations on a minimum of ten (10) acres of land by certified members of the American Tree Farm System.

Truck Stop: An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

Use-By-Right: A use allowed by right in conformance with the particular Zoning District. Uses by right are not required to show need for their location.

Useable Public Open Space: An open area developed and designed for use by the occupants of the development, or by others for uses including, but not limited to, recreation, courts, gardens, parks, playgrounds and walkways. The term shall not include space devoted to streets, parking, loading areas and accessory structures.

Utility Substation: Any facility designed to provide switching, voltage transformation or voltage control, required for the transmission of electricity sixty-nine (69) kilovolts or greater.

Vacation Rental: Residential use of a dwelling unit, or any portion thereof (including any legal dwelling) as a short-term rental accommodation for no more than thirty (30) days, subject to Colorado state sales tax under CRS 39-26-704, where no meals are served or provided to renters.¹⁰⁶

Variance: A grant of relief from the requirements of these Regulations which permits development in a manner that would otherwise be prohibited by these Regulations.

Vegetation: Plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.

¹⁰⁵ Amended December 2008 (Res 2008-81)

¹⁰⁶ Amended July 2018 (Res. 2018-14); May 2021 (Res. 2021-35)

Vehicle Major Repair, Servicing and Maintenance: Any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle Minor Repair, Servicing and Maintenance: The use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, including any approved amendments thereto, pursuant to Section 2.3 of these Regulations.

Veterinary Facility: 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.¹⁰⁷

Walkway: A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path, or any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing: A business which stores or stocks merchandise or commodities.

Water Body: A perennial or intermittent river, stream, lake, reservoir, or pond, whether natural or artificial, but does not include irrigation or roadway drainage ditches, or artificial lakes or ponds which are created and used for the primary purpose of agricultural activities. A "perennial" river, stream, lake, reservoir, or pond is one that normally holds water or flows continuously during all of the calendar year as a result of ground-water discharge or surface runoff. An "intermittent" river, stream, lake, reservoir, or pond is one that normally holds water or flows continuously for at least sixty (60) days of the calendar year as a result of ground-water discharge or surface runoff.

Water Impoundment: An impoundment of water, including surface runoff, stream flow, extracted ground water and water as a by-product of extraction or processing of mineral resources, energy generation or agricultural, municipal, or industrial water supply or sewage treatment installation that is designed to contain at least one (1) acre foot of water, or a number of smaller impoundments on one (1) lot with an aggregate capacity of at least one (1) acre foot. Water impoundments described in the January 1989, "Preliminary Engineering Study of Pagosa Area Water and Sanitation District for Domestic Water Supply Facilities" (prepared by Davis Engineering Service, Inc., as amended), shall be specifically excluded from this definition.

¹⁰⁷ Amended June 2018 (Res. 2018-18)

Water Storage Facility: Any enclosed impervious structure, capable of holding five thousand (5,000) gallons or more, either above or below ground and that is used to store water for public consumption or for fire protection.

Well head: The equipment attached to the casing of an oil, gas or injection well above the surface of the ground.¹⁰⁸

Well Pad: The area in which permanent operations for the well takes place and shall always include, at a minimum, that portion of the pad area occupied within the drilling rig anchors. Well pads may contain one or more well heads and associated equipment.¹⁰⁷

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, production of art objects, or other similar uses.¹⁰⁹

Yard: That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zoning district in which the lot is located.

Yard, Front: A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, Front Setback: The distance a building or structure must be placed from the back of the front property line.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, Rear Setback: The distance a building or structure must be placed from the back of the rear property line.

Yard, Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, Side Setback: The distance a building or structure must be placed from the back of the side property line.

Zoning District: A zoning district of Archuleta County as established in Section 3 of these Regulations, unless the term is used in a context that clearly indicates that the term is meant to include both the zoning district(s) of Archuleta County and the zoning district(s) of an adjoining governmental jurisdiction.

Zoning Map: The official zoning map adopted by Archuleta County, as amended.

¹⁰⁸ Amended December 2008 (Res 2008-81)

¹⁰⁹ Amended June 2018 (Res. 2018-18)