

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF COSTILLA
COUNTY**

RESOLUTION 2025-08

**A RESOLUTION AMENDING THE COSTILLA COUNTY LAND USE
CODE TO PERMIT TEMPORARY CARGO CONTAINER USE IN
RESIDENTIAL ZONES ONLY FOR STORAGE AND SECURITY OF
BUILDING MATERIALS**

WHEREAS, the Board of County Commissioners (“Board”) of Costilla County (“County”), a political subdivision of the State of Colorado, is authorized by the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.* and the County Planning Code C.R.S. § 30-28-101 *et seq.* to plan for and regulate the use and development of land in the unincorporated territory within its boundaries, including activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species; and

WHEREAS, the County initiated proposed amendments to the County Land Use Code (“Land Use Code”) to develop regulations for allowing cargo containers for storage material during the construction of residences; and

WHEREAS, the County following a public meeting on October 1, 2024, recommended that the Board adopt proposed amendments to the Land Use Code to allow for the use of cargo containers; and

WHEREAS, the Board hereby finds, determines, and declares that this Resolution is necessary for the public health, safety, and welfare of the residents of Costilla County, and for protecting private property from theft during construction; and

WHEREAS, based on the evidence presented at the public meeting and the matters included in the record, the Board desires to adopt the proposed amendments to the Land Use Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF COSTILLA, COLORADO:

SECTION 1. Section 1.40 F of the Land Use Code is hereby amended to add a new subsection (3) to read as follows:

K. (3) **Cargo Container Use for Construction in Estate Residential and Rural Residential.** Cargo containers are temporarily allowed in Estate Residential and Rural Residential only if the following conditions are met:

A. The property in question has a valid building permit issued by the Costilla County Planning and Zoning Office.

B. The cargo container must be leased by the Landowner of the parcel. The Landowner of the parcel shall not own the cargo container. The Landowner shall

obtain a lease and/or that requires the owner of the cargo container to remove the cargo container if:

1. The building permit expires; or
2. The Landowner finished construction; or
3. The County sends a written request to the cargo owner to remove the cargo container from the property. The County will send a notice to the Landowner of the written request being made to the cargo owner.

C. The Landowner shall provide proof of the contract and/or the lease to the Planning and Zoning office. The Planning and Zoning Office shall not issue the temporary cargo permit use if the lease does not contain the requirements imposed by this section.

D. The term of the Temporary Cargo Permit shall not exceed the term of the building permit. The Landowner shall apply for an extension of the Temporary Cargo Permit if the building permit is also extended.

E. Only one cargo container may be permitted.

F. The Temporary Cargo Permit shall be automatically revoked if the building permit issued by the Costilla County Planning and Zoning expires. The Costilla County Planning and Zoning Office has the authority to revoke the permit if the cargo container is being used as a residence or if the Landowner is issued a notice of violation based upon another Land Use Code provision.

G. An owner of a cargo container can be an individual who leases cargo containers.

H. At the end of construction, at the end of the term of the Temporary Cargo Permit, or upon the expiration of the building permit the cargo container owner shall remove the cargo container from the property. If the cargo container remains on the property contrary to these provisions, the Landowner shall be liable for fines of up to \$50.00 per day for each day that the cargo container remains on the property.

SECTION 2. If any provision of this Resolution should be found by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any parts thereof, other than the part so declared to be invalid. For this purpose, this Resolution is declared to be severable.

SECTION 3. Any and all County resolutions, regulations, or codes or parts thereof in conflict or inconsistent with this Resolution are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such resolution or code or part thereof shall not revive any other section or part of any resolution or code previously repealed or superseded. This repeal shall not affect or prevent the prosecution or punishment of any person for any act

done or committed in violation of any resolution hereby repealed prior to the effective date of this Resolution.

SECTION 4. This Resolution shall take effect as of the date of the adoption of this Resolution by the Board. Any notices of violations, fines, suspensions, and revocations received prior to this date shall remain in full force and effect.

MOVED, READ, AND ADOPTED this 15 day of July, 2025, in San Luis, Colorado.

Board of County Commissioners



Steven Romero, Chair



Attest:



Najondine Placek, County Clerk and Recorder