



RESOLUTION NO. 2018-89

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLANNING CASE #PLN17-151, ADOPTION OF SHORT TERM VACATION RENTAL REGULATIONS FOR UNINCORPORATED SUMMIT COUNTY THROUGH AMENDMENTS TO CHAPTERS 3, 12, 13 AND 15 OF THE SUMMIT COUNTY LAND USE & DEVELOPMENT CODE TO ADD SECTION 3821, SHORT-TERM VACATION RENTALS (STRS). IN ADDITION TO SECTION 3821, SUCH AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO SECTION 12000 DEVELOPMENT REVIEW PROCEDURES, SECTION 13200, APPEALS, CHAPTER 15 DEFINITIONS, AND OTHER AMENDMENTS TO ACCOMPLISH THE FOREGOING (Applicant: Summit County)

WHEREAS, the short-term vacation rental (STR) industry has grown rapidly in Summit County over the past several years, to an extent that the County’s existing regulations are not able to adequately manage the widespread proliferation of this lodging use and the resulting impacts to the community; and,

WHEREAS, many resort communities throughout the state and nation have established regulations for short-term vacation rentals in order to address the variety of impacts such a use has on the community, and Summit County lags behind typical and widespread resort community regulatory practices for STRs; and,

WHEREAS, during the Countywide Comprehensive Plan update process in the spring and summer of 2017, community input and data gathering, indicated that the increasing number of short-term vacation rentals in Summit County is a priority issue that the community requested the County address through the creation of a consistent countywide policy on short-term vacation rentals that focuses on permitting, tax collection and regulating impacts on surrounding neighborhoods; and,

WHEREAS, in December of 2017, the Board of County Commissioners directed County staff to initiate a public planning process to develop STR regulations for the unincorporated areas of Summit County; and,

WHEREAS, a public planning process was initiated in April 2018 to gather information and community input, coordinate with the towns in Summit County, and draft proposed STR regulations for Summit County with numerous community engagement and input opportunities, including a community survey, focus group meetings and submission of online feedback forms and email comments; and,

WHEREAS, the purpose and intent of developing STR regulations for Summit County is to (1) establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of the County; (2) verify collection and remittance of the applicable sales and personal property taxes; and (3) ensure that short-term vacation rentals are operated in a manner that is compatible with the surrounding neighborhood and protects the overall community character and quality of life for County residents and visitors; and,

WHEREAS, the Countywide Planning Commission has reviewed the application at public hearings on August 27, 2018 and September 17, 2018, considered the evidence and testimony presented at these

meetings, and has recommended approval of the proposed Development Code amendments with suggested revisions described in the October 23, 2018 BOCC meeting staff report; and,

WHEREAS, the Board of County Commissioners has reviewed the application at public hearings held on October 23, 2018, November 13, 2018, and December 18, 2018 and considered the evidence and testimony presented at these meetings; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. The proposed revisions meet the purpose and intent of the Summit County Land Use and Development Code, which is to protect, promote and enhance the public health, welfare, and safety; to provide for planned and orderly development in Summit County in a manner consistent with constitutional rights of property owners; and to balance the needs of a changing population with legitimate environmental concerns. The purpose and intent section of the Development Code outlines a number of objectives, which are met by this Code Amendment including:
 - i. Providing a comprehensive regulatory system for the development and use of land in Summit County.
 - ii. Establishing uniform application procedures and development standards to promote the equitable handling of all development applications.
 - iii. Coordinating the development of land with the County's and other agencies' ability to provide essential services.
 - iv. Encouraging the economic health of Summit County.
 - v. Preserving and enhancing Summit County's unique mountain character and protecting its natural environment.

The proposed amendments are specifically intended to maintain the character of residential neighborhoods and developments, while balancing the economic benefits of short-term vacation rentals to the community with the need to protect the public health, safety, and welfare. The regulations are designed to apply uniformly and equitably to all properties, while maintaining the ability to allow flexibility for unique properties.

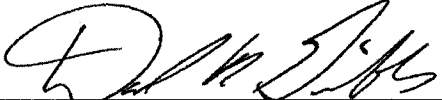
2. The proposed amendments give consideration to the goals and policies in the Summit County Countywide Comprehensive Plan and any applicable basin and subbasin master plan because, without limitation, the proposed amendments will help to: maintain the residential character of neighborhoods and mitigate the adverse impacts of noise and light; ensure use of residential properties for short-term lodging does not exceed the capacity of existing infrastructure and services; fulfill relevant master plan goals related to economic sustainability, while protecting community health, safety and welfare and protecting the surrounding environment by mitigating potential wildfire hazard and impacts to wildlife.
3. Pursuant to the County land use statutes at C.R.S. 30-28-101 et seq. and the Local Government Land Use Control Enabling Act at C.R.S. 29-20-101 et seq., the County has broad authority to regulate the use of land. All of the proposed amendments are in conformance with applicable State Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT #PLN17-151, Adoption of Short Term Vacation Rental Regulations for Unincorporated Summit County through amendments to Chapters 3, 12, 13 and 15 of the Summit County Land Use & Development Code, is hereby approved and shall be implemented in accordance with the phased implementation plan set forth in the attached **EXHIBIT 1**, with such formatting improvements, numbering revisions, or correction of other clerical errors as necessary to promote consistency and clarity throughout the Development Code.

ADOPTED THIS 18TH DAY OF DECEMBER 2018.



COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS



Dan Gibbs, Chair

ATTEST:



Kathleen Neel, Clerk & Recorder

EXHIBIT 1

A. Timeline for Phased Implementation of County Short-term Vacation Rental (STR) Permitting Process: Following adoption of County STR regulations by the BOCC, the anticipated timeline for implementing the STR permitting process is as follows:

- **December 18, 2018** – Adoption of Short-term vacation rental regulations by the BOCC.
- **December 18, 2018** – Upon adoption of the STR regulations by the BOCC, all STRs shall be required to operate in accordance with the regulations, with the exception that operating without a permit shall not be considered a violation until June 30, 2019. Grandfathering provisions for existing bookings made prior to the date of submitting a STR permit application as outlined below shall also apply.
- **Late February 2019** – The STR permitting system will go live and the County will begin accepting and processing STR permit applications.
- **June 1, 2019** – This is the required deadline for a STR permit application to be submitted to the County for any STR unit operating in the unincorporated areas of Summit County.
- **June 30, 2019** – As of this date, if a STR is found to be operating without the required County STR permit, it shall be considered a violation of the Summit County Land Use and Development Code. This will allow all STR unit owners to get through the 2018-2019 ski season before enforcement of the new County STR regulations begins.

B. Grandfathering of Prior Bookings for Occupancy Provisions: Existing bookings (any rental reservations booked prior to the date of submitting a County STR permit application) will be grandfathered in, even if these bookings exceed the occupancy limitations in the new regulations. Applicants requesting grandfathering of pre-existing bookings will need to submit a list of the existing bookings requested for grandfathering with their STR permit application materials. The only provision that grandfathering will apply to shall be occupancy; compliance with all other life, safety, trash and other provisions of the STR regulations shall be required.

C. Permit Application Fees:

New STR permit application fee **\$150**

Administrative CUP application fee: **\$350**

Note: the \$350 Administrative CUP fee is the full fee charged for an administrative CUP; these applications are not charged both the STR permit fee and the administrative CUP fee.

Annual renewal fee (for either STR Permit or CUP) **\$75**

Expired permit renewed within 60 days of expiration **\$82.50**

(with added 10% penalty fee)

Note: A 20% discount will be applied for bulk STR permit applications of 6 or more STR permits submitted at the same time by the same managing entity or owners' association for units within a building or complex that utilizes common parking, trash, utilities, contact information, etc.

These permit application fees will be analyzed annually during review/adoption of the Summit County Planning Department Development Review Fee Schedule in March of each year, and will be adjusted annually as needed based on the volume of STR permits and associated annual administrative costs.

D. Permit Application Documents: The County STR permit application form will provide a reminder that there may be separate homeowners' association (HOA) rules and regulations that the

owner/applicant needs to be aware of and follow, with a check box for the applicant to acknowledge they are aware of this obligation.