

ATTACHMENT 1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO AMENDING TITLE 6 OF THE PITKIN COUNTY CODE TO ADOPT LAWS PERTAINING TO THE LICENSING AND REGULATION OF SHORT TERM RENTAL OF LODGING UNITS AND RESIDENTIAL PROPERTIES

ORDINANCE NO. _____-2022

RECITALS

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, Colorado, a Home Rule County, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred by law.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. In 2020, the Colorado Legislature adopted an amendment to the County General Police Powers Statute and delegated to counties the ability to license and regulate lodge units rented for short-term stays.
4. This Regulation is established in order to license and regulate short term rental activity in unincorporated Pitkin County.
5. Authority to enact these regulations is specifically found in House Bill 20-1093, codified at C.R.S. § 30-15-401 (1)(s), which delegates to the counties of the State of Colorado the ability to license and regulate residential Dwelling Units used as Lodging Units for Short Term Stays.
6. To implement this delegation of authority these regulations are adopted ~~in order to~~ fully establish a system of registration, licensing, tax collection, and regulation of Short Term Rental activity for the health, safety and welfare of the citizens and property owners of Pitkin County.
7. These regulations do not apply or pertain to hotels, motels, lodges, resort cabins, guest ranches, country inns or bed and breakfast establishments as these are defined in the Pitkin County Code and the Land Use Code Chapter 11 in particular.
8. These regulations shall be adopted as Section 6.50 of the Pitkin County Code and may be referred to as the “Pitkin County Short Term Rental Code”.
9. The BOCC finds that the expansion of short term rental activity has been accompanied by many unintended negative impacts within different County communities. The consequence of making more beds available for short term rental reduces potential housing stock for the local work force as well as increases the number of visitors to the community causing an increase in demand for

services. The BOCC finds as the number of people that can be accommodated increases, demands on County transportation infrastructure, housing infrastructure, recreation infrastructure, the back country, water resources, and other services also increases. This consequence is detrimental to the health, safety and welfare of residents and visitors alike. This resulting increased demand for services and resources has been generated by a pattern of changing residential land uses to de facto commercial uses without any review or constraint or analysis as to the compatibility of this change or its sustainability within the community.

10. The BOCC ~~finds that some of the detrimental impacts caused by short term rental activity can be mitigated by restricting the number of short term rental licenses that are available and limiting the number of nights licensed properties may be rented during the one year license term. The Board also finds that impacts associated with traffic generation through the servicing of rental properties can be reduced by establishing a minimum stay of four days.~~discussed limitations to the number of nights rentals could be available during the license year. The BOCC determined that without sequencing when particular properties would be available any limitation would not necessarily reduce impacts associated with rental activity and may be unnecessarily harsh to property owners.

11. The BOCC ~~finds that the short term rental regulation should require an applicant for a short term rental license use the rental property as their principal residence, be a natural person and have some degree of ownership interest in the rental property. These requirements will address the issues identified by the BOCC such as; ownership by non-natural entities that have no real relation to the community that are managing their property as an investment and renting the property continually through the year to maximize their monetary return.~~

12. The BOCC ~~finds that the principal residency requirement would be a natural limiting force against having the property available all year long for rental. This will yield a similar result as a limitation of the number of days available for rental without using a particular number of days as a limitation.~~

13. ~~During the public comment considering this Ordinance there have been circumstances presented to the BOCC that the principal residency requirement would work a unique hardship on property owners that have locally owned their property for a long time but whose various owners do not use the property as a principal residence. As a result, this limitation could result in local families being forced to sell their legacy properties and perhaps leave the community.~~

14. The BOCC ~~finds that an exception to the principal residence requirement is appropriate if the property has been held in the same family ownership for a significant length of time or the property has been previously short term rented for a period of time without injury, incident or complaint.~~

1145. The potential occurrence of short term rentals in the Rural and Remote Zone District is of particular concern to the BOCC. This concern is grounded in three different aspects of rental operations in this zone district. First, there is a general absence or limited availability of emergency services or at least not the potential delivery of emergency services that most individual would expect to find. Second, there is no real ability to guarantee that renters and guests to these properties will appreciate the nature of these remote areas and will unnecessarily be placed at risk as a result of unpreparedness for a back country excursion. Third, the spread of commercial activity

and its associated impacts within the zone district are inconsistent with the objectives of the Rural and Remote Zone district.

126. The nature of properties within this zone district and the character of the zone district is articulated within the Pitkin County Land Use Code (LUC). The intent of the zone district as stated in section 3-40-20 of the LUC is as follows:

“The RR (Rural and Remote) zone district is intended to: (i) conserve and protect the natural environment and its resources, while allowing for limited recreational uses and limited residential development, (ii) preserve the small scale, low-density backcountry character and lifestyle, (iii) retain undeveloped areas, and (iv) allow for the transfer of development rights to areas that are more appropriate for development. This district accommodates only small new structures and very limited types of development.”

“Areas within the RR Zone District should exhibit some or all of the following characteristics:

(1) Location more than one-half (1/2) mile from winter-maintained public roadways, (2) Absence of traditional utility service districts, such as electric, gas and phone, (3) Limited availability, or absence of rapid, traditional Pitkin County emergency services, (4) Little or no development existing in the surrounding area, (5) Presence of natural hazard areas or important environmental or historic resource areas, (6) Location within subalpine or alpine ecosystems, and/or location at or above the nine thousand (9,000) foot elevation, and/or (7) Location adjacent to U.S. Forest Service or Bureau of Land Management owned properties.”

137. The Board recognizes that all properties located in the Rural and Remote Zone district are defined by similar characteristics which are requisites to zoning properties Rural and Remote. The Board also recognizes not all properties are exactly the same and there may be circumstances which should allow an application to proceed.

148. The Board finds that Rural and Remote applications may proceed directly to this Board for final determination if the Licensing Authority first recommends that adequate emergency services are available to the property, adequate provisions can be made for the safety of the renters and guests considering the remote quality of the property, and that the rental activity and the activities associated with servicing the property will not be injurious to other properties or owners, public and private, or to the qualities inherent to areas in the Rural and Remote Zone District in the area of the rental property.

159. The BOCC finds that adoption of this Ordinance is necessary for the preservation of the public health, safety and welfare of the citizens of Pitkin County and therefore declares this legislation to be effective 90 days after adoption.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pitkin County, Colorado that it hereby adopts an Ordinance Amending Title 6 of the Pitkin County Code to Adopt Laws Pertaining to the Licensing and Regulation of Short Term Rental of Lodging Units and Residential Properties in a form substantially similar to that attached and authorizes the Chair or the Chair’s designee to sign the Ordinance upon the satisfaction of the

County Attorney as to form, and to execute any other associated documents necessary to complete this matter.

INTRODUCED AND FIRST READ ON THE 15TH DAY OF DECEMBER 2021 AND SET FOR SECOND READING AND PUBLIC HEARING ON THE 26TH DAY OF JANUARY 2022, SET FOR A CONTINUED SECOND READING AND NOTICED PUBLIC HEARING ON MARCH 9, 2022, SET FOR A SECOND CONTINUED SECOND READING AND NOTICED PUBLIC HEARING ON APRIL 13, 2022, ~~AND~~ SET FOR A THIRD READING AND NOTICED PUBLIC HEARING ON MAY 11, 2022 AND SET FOR A FOURTH READING AND PUBLIC HEARING ON JUNE 22, 2022.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE ORDINANCE PUBLISHED IN THE ASPEN TIMES WEEKLY ON THE ____ DAY OF _____, 2022.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE ORDINANCE POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE ____ DAY OF _____ 2022.

ADOPTED AFTER FINAL READING AND PUBLIC HEARING ON THE ____ DAY OF _____ 2022.

POSTED BY TITLE AND SHORT SUMMARY ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE ____ DAY OF _____, 2022.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON THE ____ DAY OF _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By _____
Julia Ely
Deputy County Clerk

By: _____
Patti Clapper, Chair

Date: _____

APPROVED AS TO FORM:

MANAGER APPROVAL

John Ely, County Attorney

Jon Peacock, County Manager