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Lori A Mitchell Chaffee County Clerk

CHAFFEE COUNTY COLORADO
RESOLUTION 2024-79

ADOPTING REGULATIONS CONCERNING THE LICENSING AND OPERATION OF SHORT-TERM RENTALS IN UNINCORPORATED CHAFFEE COUNTY

APPENDIX L TO THE CHAFFEE COUNTY LAND USE CODE

FINDINGS AND CONCLUSIONS:

A. The Chaffee County Board of County Commissioners ("BOCC") has authority to exercise all County powers for the unincorporated areas of Chaffee County pursuant to the authorities set forth in Section 1.1.4.1 of the Chaffee County Land Use Code ("LUC").

B. These powers include the authority "to license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued therefor."

C. Pursuant to those authorities, Chaffee County sets forth the following regulations, which it finds to be necessary to protect the health, safety, and welfare of Chaffee County:

CHAFFEE COUNTY SHORT-TERM RENTAL LICENSING PROGRAM

1. DEFINITIONS.

In addition to incorporating by reference the definitions set forth in Article 6 of the LUC, the County adopts the following Definitions for purposes of this Resolution:

Local Agent means a management company or a full-time resident who is identified by an applicant as the responsible agent in the application for a short- term rental license and who is physically based in Chaffee County. The local agent may be the owner of the short-term rental unit or a property manager and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

Long-Term Rental means the rental or leasing of properties for thirty (30) or more consecutive calendar days to a single renter or lessee.

Owner means the owner of a property within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit.

Renter means the party to a written lease or rental agreement that has obtained the temporary right to use and occupy a short-term rental unit or a portion thereof for a term of twenty-nine (29) consecutive calendar days or less.

Short-Term Rental means rental or lease of all or a portion of a residential structure for fewer than thirty (30) consecutive calendar days.

2. APPLICABILITY AND EXEMPTIONS.

This section does not apply to approved Hospitality land uses as set forth in LUC Table 2.1.3.4. Approved Agritourism uses as set forth in LUC Table 2.1.3.2 are required to obtain a short-term rental license from the County for any unit operating as a short-term rental but are exempt from and do not count towards the Maximum Number of Licenses Per Year as defined in this Resolution. Historic vacation rental sites that can verify that they have been continuously operating as short-term rentals for more than fifty (50) years prior to the year 2022 are exempt from the permit issuance requirement and shall not count against the maximum number of licenses available as set forth herein but shall be required meet the use standards as set forth in Section 7 below.

This section does not supersede any Planned Development (or Planned Unit Development) approvals or agreements contemplating short-term rentals, private covenants, or restrictions prohibiting short-term rental units. A short-term unit within a Planned Development, Agritourism property, or similar exemption shall be required to meet the use standards as set forth in Section 7 below. This section shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property.

3. MAXIMUM NUMBER OF LICENSES PER YEAR.

There shall be a maximum of three hundred ten (310) short-term rental licenses available within unincorporated Chaffee County per year. If the maximum number of licenses is met for a given year, applicants will be placed on a waiting list in the order of the receipt of a complete application.

The Board of County Commissioners shall receive, during a public meeting no later than September 15th of a calendar year unless otherwise noticed, a report from the Planning Department's short-term rental program facilitator. Following such report, the Board of County Commissioners may, at its discretion, revise by resolution approved no later than November 1st of the same calendar year, the maximum number of short-term rental licenses available, to take effect beginning January 1st of the following calendar year.

4. MAXIMUM NUMBER OF LICENSES PER OWNERSHIP INTEREST.

The Board of County Commissioners may, at its discretion by resolution, establish a maximum number of licenses any owner or owner entity with an ownership interest may possess at a time. For purposes of this limitation, an ownership interest is defined as any financial, fiduciary, legal, or functional interest in a property associated with a short-term rental license, whether whole or partial, and considering all forms of real or potential ownership interests, including as an individual owner or as part of an owner entity. Any owner or owner entity with an ownership interest in a property for which a short-term rental license has been applied shall not be permitted to apply for another short-term rental license within one (1) year of the submission of a short-term rental license application.

5. ELIGIBILITY.

Any property solely within Chaffee County is eligible for a short-term rental license pursuant to this Resolution. Where a property contains multiple dwelling units and the property is not operating as an Agritourism use, only one dwelling shall be eligible for a short-term rental license. For the purposes of this Section, condominium units shall be considered separate "properties."

6. LICENSE REQUIRED.

It is unlawful for an Owner to lease or rent, advertise for lease or rent, or permit the leasing or renting of any short-term rental unit within the County without a valid license issued by the County pursuant to this Resolution. During the term of the license, license holder shall include the specific license number for the short-term rental unit on any and all rental advertisement listings. A physical copy of the valid license shall be conspicuously posted inside the property such that it is visible to guests. It shall be a violation of this Resolution for an Owner without a valid license to rent or lease a property as a Long-Term Rental with the intent for the occupancy of the renter or lessee to resemble that of a Short-Term Rental.

7. USE STANDARDS.

a. Quiet Hours. Quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.
b. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance.
c. Occupancy. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing and shall be determined by the Director based on Colorado Department of Public Health and Environment

public accommodation standards including, but not limited to, unit size, number of bedrooms, water adequacy, and septic capacity.

d. Event Hosting Prohibited. Short-term rentals shall not be used for hosting events, such as concerts or weddings. However, this subsection shall not be interpreted to limit agritourism uses that may also include short-term rentals.

8. APPLICATION REQUIREMENTS.

A complete application for a short-term rental license must be submitted to the County. The application shall be in writing on forms provided and approved by the County or submitted through any online application process approved by the County. In addition to the requirements in the LUC, as may be applicable, the following documents and information regarding the proposed short-term rental unit must be included with the application for the application to be considered complete:

a. The name, address, and contact information of the Local Agent;
b. A copy of the approved Certificate of Occupancy;
c. A site plan showing the location of the structures on the property, including off-street parking spaces;
d. A scaled floor plan noting the floor area of bedrooms, location of egress windows, fire extinguishers, smoke alarms, and carbon monoxide detectors;
e. Verification of adequate wastewater treatment system sized for the maximum possible number of renters;
f. Payment of applicable fees.

9. LICENSE FEES.

All license and application fees as set forth by the BOCC shall be due at the time of application and license approval, if applicable.

10. PHYSICAL INSPECTION.

A physical inspection of the property and the unit for which a short-term rental license is applied shall be performed by the Director or their designee prior to approval of the license.

11. REVIEW AND AWARD OF LICENSE.

Short-term rental applications shall be administratively reviewed by the Director or their designee. The County shall process all applications by the final business day of the calendar month following the submission of a complete application. The County shall not award a short-term rental license unless:

a. Applicant has submitted a complete application, including payment of all applicable fees;
b. Applicant has provided proof of a current filing of a Personal Property Declaration with the Chaffee County Assessor's Office detailing all personal property in the short-term rental unit;
c. Applicant has provided proof the short-term rental unit is current on all assessed property taxes;
d. Applicant has obtained any required sales and lodging tax license;
e. The proposed short-term rental unit does not exceed the maximum number of licenses available per year or per ownership interest;
f. The property and application are found to be in compliance with this Resolution and all applicable County and State of Colorado regulations following inspection; and
g. The property has not had a short-term rental license revoked in the last three (3) years.

12. LICENSE TERM.

All short-term rental licenses shall be effective for a period of one (1) year from the date of issuance.

13. RENEWAL.

All short-term rental licenses must be renewed or will automatically lapse. All renewal applications must be submitted no later than the date of expiration as stated on the license in the same format and subject to the same standards as set forth herein.

14. LIMITATIONS AND REQUIREMENTS.

a. Non-Transferability. No short-term rental license granted pursuant this Resolution shall be transferable to a different applicant, natural person, owner, entity, or property.
b. Capacity. The use of the property shall not exceed in practice or in advertisement the capacity as set forth in the license.
c. Local Agent. The Local Agent shall be available to respond to complaints or violations of any applicable law, code or regulation regarding the property twenty-four (24) hours a day, seven (7) days a week. Local Agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours and shall respond to emergencies at the short-term rental unit within one (1) hour of notice of such emergency. The Local Agent shall notify the County in writing of all incidents and notifications within twenty-four (24) hours of notice.

15. VIOLATION, SUSPENSION, AND REVOCATION.

In the event a property is found to be in violation of this Resolution, the LUC, or any applicable State of Colorado regulation, the County shall issue a Notice of Violation via email and regular mail to the contact information provided in the application. If the violation is not cured within fourteen (14) days after the date of the Notice of Violation, the license shall be suspended. If a license remains suspended for more than thirty (30) days without written approval of the Director, the license shall be revoked and a Notice of Revocation issued to the owner via email and regular mail. Revocation of a license may be grounds for denial of a future application.

16. APPEAL.

Applications are subject to the Appeals and Call-Ups provisions as set forth in Division 5.2.14 of the LUC.

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RESOLUTION:

The Board resolves as follows:

Adoption and Incorporation. The foregoing recitals are incorporated herein and made a part of this Resolution. The BOCC hereby adopts this Resolution as the Short-Term Rental Licensing Program and incorporates it by reference as Appendix L to the Chaffee County Land Use Code.

Corrections. In preparing this Resolution for codification and distribution, the Clerk to the Board of County Commissioners shall not alter its sense, meaning, effect, or substance, but, with such limitations, may, after consultation with the Director of Planning & Zoning and the County Attorney, correct manifest clerical or typographical errors.

Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board. To the extent that Section 16 of the Chaffee County Short-Term Rental License Program refers to Division 5.2.14 of the LUC, Division 5.2.14 shall also be effective immediately, but only with respect to appeals and "call ups" of approvals or denials pursuant to this Resolution. Otherwise, the effective date of the LUC is not affected by this Resolution.

Repealer. All resolutions, ordinances, policies, or parts thereof in conflict with this Resolution are hereby repealed. This repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution.

Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on November 19, 2024.

BOARD OF COUNTY COMMISSIONERS

Chair

The vote on the above Resolution was as follows:

Commissioner P.T. Wood	Yes
Commissioner Keith Baker	Yes
Commissioner Greg Felt	Yes

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2024-79 duly adopted by the Chaffee County Board of County Commissioners by a 3-0 vote at a regular meeting, properly noticed and held on November 19, 2024.

Chaffee County Clerk

CHAFFEE COUNTY CLERK SEAL COLORADO