



## **Keystone Town Council Work Session Agenda**

The Keystone Town Council will have a Work Session on May 14, 2024, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. DISCUSSION OF WORKFORCE HOUSING POLICIES IN SUMMIT COUNTY
- III. DISCUSSION OF SNAKE RIVER AND COUNTYWIDE COMPREHENSIVE PLANS
- IV. DISCUSSION OF EARLY CHILDHOOD EDUCATION IGA
- V. DISCUSSION OF SHORT-TERM RENTAL LICENSING POLICIES
- VI. DISCUSSION OF MANAGER/COUNCIL ISSUES
- VII. ADJOURNMENT

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: Gary Martinez, Interim Town Manager  
Jennifer Madsen, Town Attorney  
FROM: Lindsay Hirsh, Community Development Director  
DATE: May 14, 2024  
SUBJECT: Workforce Housing Policies in Summit County

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### **Executive Summary:**

On April 25, 2024, the Council directed staff to research policies applicable to Workforce Housing in Summit County.

### **Background:**

In response to the Town of Keystone's request to join the Summit County Combined Housing Authority (SCHA), the SCHA asked that Keystone provide information related to the Town's housing policy.

The purpose of this work session discussion is to review and discuss the housing policies that are included in the Countywide Comprehensive Plan and Snake River Master Plan.

Council may choose to provide direction to Staff related to these housing policies. One option is that Council may direct Town Staff, working with the Town Attorney, to draft a resolution which affirmatively communicates that the Town's housing policy is consistent with those housing policies and goals as stated in the Countywide Comprehensive Plan and Snake River Master Plan.

**Alternatives:**

**Financial Considerations:**

Potential loss of pending 5A funding.

**Previous Council Actions:**

None.

**Next Steps:**

**Attachment:**

- Attachment A – List of housing related goals, policies, actions from the Countywide Comprehensive and Snake River Master Plans.

# Attachment A

## List of Workforce Housing Related Goals/Policies/Actions Adopted by the Town of Keystone

### Countywide Comprehensive Plan:

#### GOALS, POLICIES/ACTIONS

#### Evaluation of the 2003 Housing Element Goals and Policies/Actions:

Significant progress was made to further many of the affordable housing goals and policies/actions contained in the Housing Element as part of the 2003 edition of the Plan. For example, passage of Referred Measure 5A (approved by voters in November 2006) implemented a key policy/action to pursue the establishment of an ongoing funding mechanism for affordable housing projects.

1. Additionally, a number of policies/actions were implemented as a result of the amendments to the “Local Resident Housing” regulations in the Development Code in 2008. For example:

- Working with the Summit Combined Housing Authority to adopt/codify standard guidelines for deed restricted units.
- Increasing the percentage of homes in a subdivision that can have accessory apartments as a means of increasing local housing stock.

#### MARKET RATE HOUSING

**Goal A. Summit County will have a mix of housing that supports visitors, second homeowners, and current and future local residents as their housing needs and conditions change over time.**

##### Numerical Targets, Home Size and Senior Housing

Policy/Action 1. Strive to reduce the current ratio of 64 percent second homes / 36 percent permanently occupied homes, to a ratio of 60 percent second homes / 40 percent permanently occupied homes in unincorporated areas of the County. In working to achieve this target, the County shall continue to monitor the ratio and strive to increase the number of homes occupied by permanent residents using the policies/actions and implementation strategies outlined in the Local Resident / Affordable Workforce Housing section of this Housing Element.

Policy/Action 2. Work to bring closure to the baseline allowable structure size component of the County’s Transferable Development Rights (TDR) program regulations. This includes an evaluation of: the appropriateness of a baseline allowable structure size; suitable thresholds; and potential mitigation measures for larger homes.

Policy/Action 3. Closely monitor the trends and needs of the senior population and households in the event additional housing suitable for seniors is needed in the future (e.g., senior apartment buildings, assisted living facilities, retirement communities, skilled nursing home).

#### LOCAL RESIDENT / AFFORDABLE WORKFOCE HOUSING

**Goal B. Maintain and ensure an adequate and diverse supply of local residents and affordable workforce housing in the County.**

### Density

Policy/Action 1. Continue to allow deed restricted affordable housing units, created in conjunction with an upzoning, to be exempted from the need to transfer in development rights.

### Demand Analysis

Policy/Action 2. The Summit Combined Housing Authority and/or Summit County shall endeavor to contract a qualified third-party consultant to complete or refine a housing demand analysis for the County on a periodic basis (every 23 years). The chosen consultant should be one that preferably has a thorough or intimate knowledge of the community, and local housing trends or conditions.

- The demand analysis should provide an accurate projection of the total number of additional affordable workforce housing or rental units needed in the County, and should provide information on topics such as: progress toward meeting 2015 housing targets; ownership and rental units being lost; in-commuter demand; the specific demand by basin; the demand for ownership units vs. rental units; the specific demand at each area median income (AMI) level; and the specific demand by unit type (i.e. single family or multifamily) and unit size (i.e. one-bedroom, two Countywide Comprehensive Plan Housing Element October 5, 2009 77 bedroom, or three-bedroom).
- Stakeholders in the community should be involved in creating the study to provide feedback on the content, assumptions and methodology used to assure the results of the study are valuable for planning future housing.
- Explore alternative funding sources or partnership opportunities to assist in the funding of the study.

### Rentals, Seasonal/Employee Housing and Accessory Apartments

Policy/Action 3. Conduct a thorough evaluation of rental housing and needs for rental housing serving a wide range of income levels and household types. This could be achieved, for example, through: property conversion programs, public private partnerships, tax credit projects (when warranted), and a revolving loan fund to provide very low interest loans to property owners who convert existing seasonal housing into year-round affordable rental housing.

Policy/Action 4. Closely monitor the trends and needs for seasonal/employee housing and ensure their needs continue to be met.

Policy/Action 5. Develop strategies or incentives to encourage and help property owners who own non permitted/illegal accessory apartments to seek County approval. For example, provide public outreach/education on the permit requirements for and benefits of constructing an accessory apartment.

Policy/Action 6. Create incentives to facilitate and spur the construction of additional accessory apartments in the County, such as:

- Exemptions or waivers from applicable fees if an accessory apartment is provided.
- Working jointly with water and sewer districts to reduce the cost of water and sewer tap fees.
- Revising building code requirements, procedures or fee structures that are unnecessary inhibitors to the development of accessory apartments.

Policy/Action 7. When appropriate and reasonable, the County should encourage applicants to incorporate accessory apartment's into their initial site planning and/or new construction phases.

### Numerical Targets

Policy/Action 8. To increase the current percentage of the County's workforce that has access to affordable housing options and is housed in County, the County shall endeavor to meet the following housing and in-commuting targets by 2015:

- Affordable Workforce Housing: Increase the stock of affordable workforce housing throughout the entire County by at least 2,500 units to span a range of income levels up to 180 percent AMI. A significant portion of the units to be built should serve the needs of the low to moderate income levels (30 – 50% AMI and 50 – 80% AMI).
- Rentals: Increase the stock of rental units throughout the entire County by at least 1,400 units. Of these committed rental units, provide that 80 percent are reserved for lower income levels (80% AMI and less).
- Accessory Apartments: Increase the stock of built accessory apartments throughout un-incorporated portions of the County by at least 100 units.
- Commuting Patterns: No more than 20 percent of the local workforce should commute from outside the County.
- Policy/Action 9. Modify and continually update the housing targets based on updated housing demand analyses.
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### **OTHER IMPORTANT STRATEGIES & CONSIDERATIONS**

#### Preservation, Redevelopment and Financial Assistance Opportunities

Policy/Action 10. Preserve the existing stock of affordable workforce housing in the County by maintaining its affordability, improving its condition, and preventing future deterioration and resident displacement. For example, in accordance with the Master Deed Restriction Guidelines in the Land Use and Development Code, continue to ensure that deed restrictions include language to protect the deed restriction from being released in the event of a foreclosure to the extent possible.

Policy/Action 11. Identify and create reasonable strategies to preserve units that are now occupied by local residents or employees for continued occupancy as local resident housing into the future (e.g., acquisition and resale/rental, buying the right to impose deed restrictions or other methods that might be identified).

Policy/Action 12. In redevelopment projects, analyze the net effect and impacts such project will have on the local resident housing situation. In light of this analysis, attempt to mitigate and offset impacts, to the extent possible, to prevent the loss of housing for local residents.

Policy/Action 13. Work with the Summit Combined Housing Authority to maintain and expand their existing financial assistance programs which provide low interest loans for structural repair and maintenance of existing affordable workforce housing units (e.g., roof repair).

#### Design, Diversity, Resource Conservation & Energy Efficiency Policy/Action

14. Strongly encourage well designed, energy efficient housing units that will minimize operational energy consumption and maintenance costs of affordable workforce housing over time (e.g., passive heating and cooling).

Policy/Action 15. Design employee and affordable housing that is compatible with the surrounding neighborhood, complements community character and is of good quality.

Policy/Action 16. To the extent reasonable, affordable housing should be integrated into free market housing and not segregated from it.

Policy/ Action 17. Affordable workforce housing developments should provide diversity, including:

- A range of housing prices for local residents (using the affordability mix set forth in the affordable workforce housing regulations in the Development Code).
- A diverse mix of building types to create variety in architecture and diversity among residents (i.e. a mixture of detached single family homes, duplexes, townhouses, etc.).
- A variety of home sizes, floor plans and bedroom configurations (i.e. 1 bedroom, 2 bedroom, and 3-bedroom units) to serve a diverse mix of households.
- Variety in architecture by using different façade treatments on buildings with similar floor plans.
- For development projects that include both market-rate residential units and deed-restricted affordable workforce housing units, the range of housing types and bedroom configurations for the affordable workforce housing units should be similar to the range of housing types and bedroom configurations for the market rate units in the development. In addition, the affordable workforce housing units shall be constructed with building materials having a compatible exterior style to the market-rate units in the development.

Policy/Action 18. To the extent practicable, promote the use of sustainable and local materials (e.g., beetle kill pine), and renewable energy technologies in affordable workforce housing.

#### Private Sector Development of Local Resident Housing Regulatory Requirements and Incentives

Policy/Action 19. Provide more local resident housing through a combination of regulatory requirements, incentives, and other strategies/programs/measures that are in the community's interest to increase the supply of affordable housing.

Policy/Action 20. Explore the feasibility and potential effectiveness of adopting and implementing regulatory requirements to further encourage the provision of local resident housing within the County.

Policy/Action 21. Encourage the provision of deed-restricted affordable housing units in negotiations for discretionary land use decisions, such as PUDs.

Policy/Action 22. Revise development standards, procedures or fee structures that are unnecessary inhibitors to the free market development of local resident housing.

Policy/Action 23. Enable or facilitate the development of affordable workforce housing through incentives that are in the community's interest, such as: land donation or deeply discounted land sales; supplying or subsidizing utility taps or fees and other infrastructure requirements; expedited development review, review fee waivers or funding assistance.

- Where incentives for local resident housing units are provided, require deed restrictions or other mechanisms to ensure that the housing remains accessible as long-term housing for local residents.

Policy/Action 24. As part of an affordable workforce housing proposal, a range of strategies and incentives shall be thoroughly evaluated to determine what will be the most effective given the current circumstances (e.g., construction, land or infrastructure costs, AMI, interest rates, waived building fees, etc.). Market-rate density (density exempt from TDR requirements) may be allocated as part of an overall affordable workforce housing project to make the project economically viable. The amount of market-rate density allocated shall be negotiated on a project specific basis and shall not be a substantial or significant portion of the project.

- If an affordable workforce housing project permits market-rate density without the transfer of TDRs, such decision shall be determined by the appropriate review authority, in conjunction with any proposed development application, on a case by case basis.

#### Summit County Housing Strategy

Policy/Action 25. Work with the Summit Combined Housing Authority (and possibly other jurisdictions) to develop and frequently update the Summit County Housing Strategy. Such Housing Strategy should:

- Not duplicate previous efforts or studies conducted by other jurisdictions.
- Address topics relevant to the shortage of local resident housing in the County, such as: matching identified housing goals and projected needs or demands with suitable properties; outlining strategies to best meet the range of identified needs (in terms of the appropriate mixture of ownership units, rental units, various housing types and price points, etc.); and identifying financial resources and possible initiatives or incentives.
- Evaluate and prioritize objectives and strategies on a regular basis to determine if opportunities exist between the County and respective towns to effectively collaborate and determine which strategies will be most effective to implement given the current circumstances (e.g., construction costs, AMI, interest rates, buildout, rental vacancies, job generation rates, in commuter rates, etc.).

#### Collaboration & Partnerships

Policy/Action 26. Continue to work with the towns and Summit Combined Housing Authority to monitor and update the inventory of Local Resident Housing (i.e. affordable workforce and employee housing, accessory apartment and caretaker units) in the County on an annual or biannual basis (every 12 years).

Policy/Action 27. Seek opportunities to collaborate and develop strategies or implement programs to increase the supply of local resident housing.

Policy/Action 28. Work with the Summit Combined Housing Authority, towns, school district, adjacent counties, nonprofit organizations, businesses, and other appropriate entities in a coordinated and creative manner to facilitate and provide for local resident housing. For example:



- Acquire existing housing units through buydowns and convert them to affordable workforce housing.
- “Homes on the move” program—where existing houses that an owner wishes to demolish are donated to a housing fund, moved to a new location, and used as affordable housing.

Policy/Action 29. Work with respective business communities to create or establish programs through which employers can help provide housing for their employees (e.g., Employer Assisted Housing).

### Land Banking & Financing

Policy/Action 30. The County should explore partnerships to and/or individually pursue the land banking of properties that have been identified as potential sites for affordable workforce housing in respective basin master plans. For example, pursue USFS land trades/conveyances to acquire National Forest Systems lands that have been identified as potential locations for affordable workforce housing.

Policy/Action 31. The County shall continue to explore mechanisms to generate ongoing funding to support or initiate affordable workforce housing projects (e.g., countywide housing fund, real estate transfer assessment in PUDs, payment in lieu programs, impact fees).

Policy/Action 32. The County shall continue to leverage financial resources through public/private/non profit partnerships and joint ventures for County and community-initiated projects.

### **Affordable Workforce Housing**

In response to the undersupply of affordable workforce housing, in September 2008 the BOCC determined that it was a priority and necessary for each basin planning commission to update their respective master plan in an attempt to identify properties in the unincorporated areas of the County that could potentially serve as sites to locate affordable workforce housing.

#### Intent

This section of the Plan is intended to represent a significant step toward working to address the supply of housing that is affordable to all types of local employees in the unincorporated portions of the Basin. The results of inserting this element into the 2009 edition of the Plan could have direct impacts to help plan for or facilitate any potential affordable workforce housing projects in the future.

Amending the Plan to evaluate and identify sites suitable for affordable workforce housing was relevant to the overall housing issues in the Basin, and one of the first steps necessary to encourage and plan for future affordable workforce housing in unincorporated portions of the Basin. The subsequent information, goals, policies/actions and accompanying Affordable Workforce Housing Map are intended to ultimately help guide, spur or encourage affordable workforce housing projects in the future (e.g., land banking, land trades, development and redevelopment opportunities, and/or strategic partnerships).

### Overview of the Existing Inventory of Affordable Workforce and Employee Housing Units

Goals, Policies/Actions The following goals and policies/actions are intended to advance affordable workforce housing in the Basin. Goal C. Increase the supply of local resident housing in the Snake River Basin through promoting or facilitating opportunities, strategies and proposals that guide, plan for and provide affordable workforce and employee housing.

Policy/Action 1. Support the Countywide Comprehensive Plan goals and policies/actions regarding affordable workforce housing (e.g., deed-restricted affordable workforce housing units shall be exempt from requirements to transfer density).

Policy/Action 2. The following sites or general locations (as identified in the Table 6 and/or on the Snake River Basin Affordable Workforce Housing Map) have been identified as potentially appropriate for affordable workforce housing (in addition to other possible identified land uses). The general guidelines in the Table shall be used to shape proposals for affordable workforce housing on these properties.

Policy/Action 3. The Affordable Workforce Housing Map identifies properties that contain existing affordable workforce housing and/or employee housing units. Any future development of these properties should be maintained and, to the extent possible, increase the current level of affordable workforce housing and/or employee housing that exists on these sites.

Policy/Action 4. Encourage future infill or redevelopment of multifamily properties, particularly those that contain older residential buildings, provide permanently deed-restricted affordable workforce housing or employee housing for local residents (e.g. condominiums in the Dillon Valley area).

Policy/Action 5. Continue to work with the Town of Dillon, Summit Combined Housing Authority or other entities to:

- Monitor and update the inventory of affordable workforce and employee housing units in the Basin.
- Explore and support mechanisms or tools to facilitate affordable workforce and employee housing in the future (e.g., land banking, land trades, development and redevelopment opportunities, creative funding, and/or strategic partnerships) in the Basin.

### Snake River Master Plan:

Goals, Policies/Actions The following goals and policies/actions are intended to advance affordable workforce housing in the Basin. Goal C. Increase the supply of local resident housing in the Snake River Basin through promoting or facilitating opportunities, strategies and proposals that guide, plan for and provide affordable workforce and employee housing.

Policy/Action 1. Support the Countywide Comprehensive Plan goals and policies/actions regarding affordable workforce housing (e.g., deed-restricted affordable workforce housing units shall be exempt from requirements to transfer density). Policy/Action 2. The following sites or general locations (as identified in the Table 6 and/or on the Snake River Basin Affordable Workforce Housing Map) have been identified as potentially appropriate for affordable workforce housing (in addition to other possible identified land uses). The general guidelines in the Table shall be used to shape proposals for affordable workforce housing on these properties.

Table 6. Snake River Basin – Potential Affordable Workforce Housing Sites/Locations

| Site or General Location      | General Guidelines |
|-------------------------------|--------------------|
| USFS Compound (adjacent to CR |                    |

51 and Forest Canyon Rd.) This property serves as a location to encourage or accommodate additional affordable workforce or employee housing through redevelopment activities. Any future development on this property should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood). When evaluating any future development of this property for affordable workforce housing, the County should consider the adequacy of the Highway 6 / CR 51 intersection and work with appropriate entities to Snake River Master Plan 34 January 21, 2010 Snake River Master Plan 35 January 21, 2010 Table 6. Snake River Basin – Potential Affordable Workforce Housing Sites/Locations Site or General Location General Guidelines address any necessary improvements to the intersection. City and County of Denver Property (north of the USFS compound) To ensure livability, affordable workforce housing on this site should be buffered/visually screened from adjacent Town of Dillon community facility uses. Development should also occur in a manner that maintains access to area trails and buffers development from adjacent recreational uses. Any future development on this property should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood). When evaluating any future development of this area for affordable workforce housing, the County should consider the adequacy of the Highway 6 / CR 51 intersection and work with appropriate entities to address any necessary improvements to the intersection. East Extension to Dillon Valley Condos Affordable workforce housing on this property should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood). When evaluating any future development of this property for affordable workforce housing, the County should consider the adequacy of the Highway 6 / CR 51 intersection and work with appropriate entities to address any necessary improvements to the intersection. Glen Cove West (property west of Glen Cove Subdivision) Affordable workforce housing on this property should ensure continued public access for recreational uses, and should be buffered from Highway 6 and the adjacent recreational uses. Development on this property should also be compatible with adjacent properties (i.e. similar unit types and densities as those of the surrounding properties). Summit Cove Recreation Site (southwest corner of Cove Blvd. and Summit Dr.) Affordable workforce housing on this property should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood), and should be adequately setback from the power lines along the southern property line, in accordance with the then current regulations/setback requirements for residential development adjacent to high-tension power lines. In addition, any redevelopment of this property for affordable workforce housing should ensure a portion of the site is reserved for public neighborhood parks, open space and recreational uses (e.g., ball fields). Soda Creek Condos Extension (property south of Soda Creek Condos) Affordable workforce housing on this property should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood), and avoid impacts to adjacent wetlands. Development should also accommodate possible realignment of the County Recpath through the property, and ensure adequate buffering of residential development from the County Recpath. Keystone Ranch/Stables Property Affordable workforce housing on this property should be buffered/visually screened from the adjacent Keystone Science School property. Consideration should be given to preserving historical structures on the property (i.e. historic Keystone train station), and designing the neighborhood in a manner that protects the existing character of the area. Wintergreen Neighborhood The Wintergreen Neighborhood serves as a potential location to accommodate community-oriented affordable workforce and employee

housing, in conjunction with other community facilities (e.g., childcare center, post office boxes, transit center, and limited neighborhood commercial). Neighborhood design should: provide adequate landscaping / buffering along Highway 6; address the wildlife movement corridor in the area and possible mitigation measures (as identified by the DOW); Snake River Master Plan 36 January 21, 2010 Table 6. Snake River Basin – Potential Affordable Workforce Housing Sites/Locations Site or General Location General Guidelines preserve or potentially relocate the historical cabin on the site; provide pedestrian connections, parks, open space and recreation areas; and avoid wetland disturbance. Additionally, future development on the property should be designed to provide an aesthetically pleasing entrance/gateway to the Keystone Resort area. Keystone Gulch Property Affordable workforce housing in this area should be compatible with the surrounding neighborhood (i.e. similar unit types and densities as those in the surrounding neighborhood). Development should occur in a manner that to the extent reasonable: mitigates wildfire hazard; ensures access to public transit; provides continued access to the Keystone Gulch Road for emergency vehicles and other Keystone Resort vehicles; mitigates potential impacts to wildlife; provides continued public access to trailhead parking and area trails; and buffers development from adjacent recreational uses (i.e. Keystone Gulch Road and Granny’s Trail). Brown’s Cabin Property The property is potentially appropriate for affordable workforce and employee housing. Any development of the site should: avoid impacts to adjacent wetlands; buffer residential development from the County Recpath to the south; and provide high quality design that is compatible with the surrounding neighborhood and resort development. Lakeside Neighborhood, Parcel A This parcel serves as a location to potentially accommodate additional affordable workforce or employee housing. Any future development of the area should: avoid wetland impacts; be buffered/visually screened from the adjacent Keystone Center property; mitigate potential impacts to wildlife; and provide high quality design that is compatible with the surrounding neighborhood and resort development. Town of Dillon The Town of Dillon is a preferred location for affordable workforce housing due factors including: availability of urban services, employment opportunities, and infrastructure; and access to mass transit. Moreover, concentrating residential development in the Town is consistent with the Plan’s goal of focusing development in existing urban areas and protecting rural, outlying areas of the Basin from development. For these reasons, the Town should continue to plan for and accommodate affordable workforce housing (e.g., Ristorante Al Lago redevelopment).

2.1 The specific properties or sites listed in the above table represent those identified as a result of a very exhaustive, extensive and thorough process and analysis of all properties in unincorporated portions of the Basin. As a result, these properties are considered to have the highest potential for affordable workforce housing in unincorporated portions of the Basin. The properties or sites display characteristics (e.g., lack of significant development constraints and proximity to employment centers), when weighed against other properties and sites in the Basin that make potential affordable workforce housing seem the most viable or practical.

2.2. However, there could be properties not identified in the table that exhibit similar characteristics to those determined to have the highest potential for affordable workforce housing, and would therefore make good affordable workforce housing sites. If there is a situation or instance when such a property (not identified in the above table) is proposed for affordable workforce housing, the property’s suitability shall be determined by the appropriate review authority in conjunction with any proposed development application on a case by case basis.

2.2 When determining whether the property may be appropriate for affordable workforce housing, the review authority shall give consideration to such factors including but not limited

to: existing use, proximity to employment centers, availability of necessary infrastructure and utilities, adequate access, access to mass transit, neighborhood compatibility, development constraints on the site, and opportunities to create a quality residential community on the site.

Policy/Action 3. The Affordable Workforce Housing Map identifies properties that contain existing affordable workforce housing and/or employee housing units. Any future development of these properties should maintain and, to the extent possible, increase the current level of affordable workforce housing and/or employee housing that exists on these sites.

Policy/Action 4. Encourage future infill or redevelopment of multifamily properties, particularly those that contain older residential buildings, provide permanently deed-restricted affordable workforce housing or employee housing for local residents (e.g. condominiums in the Dillon Valley area).

Policy/Action 5. Continue to work with the Town of Dillon, Summit Combined Housing Authority or other entities to:

- Monitor and update the inventory of affordable workforce and employee housing units in the Basin.
- Explore and support mechanisms or tools to facilitate affordable workforce and employee housing in the future (e.g., land banking, land trades, development and redevelopment opportunities, creative funding, and/or strategic partnerships) in the Basin.

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: Gary Martinez, Interim Town Manager  
Jennifer Madsen, Town Attorney  
FROM: Lindsay Hirsh, Community Development Director  
DATE: May 14, 2024  
SUBJECT: Master Plan Adoption Update

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### **Executive Summary:**

Per State Statute, the Town of Keystone is required to have a master plan. Until the Town adopts its own master plan, the Town needs to adopt both the County's Comprehensive and Snake River Master Plans.

### **Recommendation:**

Adopt both the County's Comprehensive and Snake River Master Plans via Resolution.

### **Background:**

Many of the land use applications that the Town's Planning and Zoning Commission and the Town Council will hear have criteria that require the finding that the subject application is in general conformance with the goals, policies/actions and provisions of the Summit County Comprehensive Plan and any applicable basin or subbasin plans.

The next step for the Town is to adopt the County's Countywide Comprehensive Plan (adopted October 2009) as well as the Snake River Master Plan (Adopted January 2010) for the interim until the Town adopts its own master plan. Staff is anticipating retaining a consultant to develop the master plan and estimated that it will be a 6-to-9-month long process once initiated.

While both County's Master Plans are not directly applicable to the new Town of Keystone, both documents have portions or elements that can be applied to the development applications that the Planning Commission and Council will hear in the upcoming months. Examples of applicable elements include but are not limited to:

- Land Use
- Environment
- Transportation
- Housing
- Design/Visual Resources
- Recreation & Trails/Open Space
- Economic Sustainability

Other elements will likely be added, including a Highway 6 pedestrian safety improvement study/element.

**Alternatives:**

Review applicable development applications without master plan consideration until such time the Town adopts its own plan.

**Financial Considerations:**

None.

**Previous Council Actions:**

None.

**Next Steps:**

Adopt by resolution both the County's Comprehensive and Snake River Master Plans.

**Attachment:**

- [Summit County Comprehensive Plan](#)
- [Snake River Master Plan](#)

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers

FROM: Gary Martinez, interim Town Manager

DATE: May 14, 2024

SUBJECT: Early Childhood Options – First Steps Tuition Program

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### **Executive Summary:**

Summit County and all municipalities have joined with Early Childhood Options to fund the First Steps Tuition Assistance Program. First Steps is nearing the end of first year operations. Keystone has been contacted regarding joining and providing some financial assistance for Year 2 operations. First Steps estimates there are approximately 4400 children in Summit County (to 12 years) of which 1500 are under the age of 6. Summit County Pre-K serves children 3-4 years old. The First Steps program serves children from 6 months to 3 years of age. An overview of the program is attached.

### **Recommendation:**

Staff is presenting this for discussion only with no recommendation at this time. After discussion the Council may ask for further information before making any decision. Later the Council may decide to defer joining for the coming year, join at a fixed rate not driven by the program funding formula or join the program and become part of the IGA.



## **Alternatives:**

There are no other alternatives to present. This program was recommended by a working group made up of public and private entities in 2021. The program started in 2023.

## **Financial Considerations:**

The Town is being asked to consider joining and providing partial funding. Staff has not yet seen the budget for the upcoming fiscal year nor yet completely understand the budget formula. We would estimate that the TOK percentage share would be 5% or less.

First Steps Year 1 budget is, \$1,226,000 broken out as follows:

Blue River 2% (\$24,520)

Dillon 10% (\$122,600)

Summit Co 10% + 5% of administrative costs

Frisco 20% (\$245,200)

Silverthorne 22% (\$269,720)

Breckenridge 36% (\$441,360)

## **Next Steps:**

Review and direct staff on follow-up.

## **Attachments**

- Summit First Steps Program Guidelines
- Current Program Usage Data

## Exhibit A

### **Guidelines - Summit First Steps**

#### **("The Rules")**

#### **OVERVIEW**

Summit First Steps offers financial tuition assistance to families living, working and utilizing childcare in Summit County. The purpose of First Steps is to assist families with the cost of childcare so that parents can remain in the local workforce while their children attend childcare. First Steps is governed by a Child Care Tuition Assistance Board and administered by a local non-profit, Early Childhood Options (ECO).

Financial assistance is available for children between the ages of 6 weeks and 3 years attending a participating, licensed childcare center or family childcare home. The amount of assistance is determined based on gross income, childcare cost, parents' work schedule, the number of children in care, and other criteria as described below. Assistance is paid, in the form of tuition credits, directly to the participating childcare center on behalf of qualified families and is intended only for the Centers' use to cover the true cost of care.

The following policies have been established to ensure that the available funds are used in the fairest and most effective way possible. The Child Care Tuition Assistance Board reserves the right to amend the eligibility criteria or to request additional information at any time. Any fraud or misrepresentation made by applicants, participants, or recipients may result in immediate termination of funding, required repayment of funds, and additional penalties. Program funding is limited, and all tuition assistance is subject to the availability of funds. It is the responsibility of the Centers and families to inform ECO if they feel that the policies and procedures herein are being violated.

#### **ELIGIBILITY CRITERIA FOR FIRST STEPS TUITION ASSISTANCE**

- Age Eligibility: For the 2023/2024 school year, participating child's birthday must be on or after October 2, 2020
- Child must be enrolled in a qualified childcare program. A qualified childcare program can be a childcare center or family childcare home. Program qualifications are:
  - Childcare program must have a childcare license in good standing from the Colorado Department of Human Services, and
  - Childcare program must have a Colorado Shines Quality rating of 2 or above ([Current SCTA Provider List](#)).
- Household income must be at or below 180% of the Area Median Income ([AMI](#)).
- At least one member of the household is required to work 30+ hours per week, for a business located in and serving Summit County.
- To access assistance for a full time childcare schedule (4 or 5 days/ week), both parents must work 30 + hours / week and have a combined household income under 180% [AMI](#).

- Self-employed applicants must maintain an average income that exceeds their business expenses and must show that his/her taxable gross income divided by the number of hours of care used for the employment activity equals at least the current Federal Minimum Wage.

### **DETERMINATION OF TUITION CREDIT AMOUNT**

The amount of tuition credit is based on a sliding scale and will be determined using the following factors: gross household income, childcare center tuition rates, number of children in care, Colorado Shines quality rating of program, parent/legal guardian work schedule, enrollment in other programs such as CCCAP or Early Head Start.

### **APPLICATION PROCESS**

All families, including currently participating families, are required to apply during the annual enrollment/application period. With the exception of Qualified Permitted Changes described below, no applications will be considered until the next annual enrollment deadline.

Applicants will be required to complete the application at <https://eco1.smapply.org/>. For a detailed list of documents required to apply click [here](#).

### **APPLICATION TIMELINES**

|                         |   |
|-------------------------|---|
| Applications Available: | On or around May 1 of the program year  |
| Applications Due:       | On or around May 31 of the program year |
| Assistance Cycle:       | September 1– August 31                  |

The application will be available online through Early Childhood Options website at: <http://www.earlychildhoodoptions.org/>

COMPLETE applications will be processed in the order they are received. Late applications will not be accepted or considered.

### **ADDITIONAL GENERAL POLICIES**

#### **ASSET TESTING**

ECO may require a comprehensive list of household assets and liabilities. A child may be ineligible or disqualified from the program if assets of the parent(s)/legal guardian exceed \$250,000. Some assets will be exempt, such as primary residence equity, retirement accounts, health savings and college savings accounts.

#### **OUT OF COUNTY APPLICANTS**

If a parent or legal guardian works in Summit County but the child does not reside in Summit County, at least one parent/legal guardian must be working a minimum average of 30+ hours per week annually in Summit County, for a Summit County business. If, during the program year, the family member's employment in Summit County upon which tuition credit was based is terminated for any reason, the child may remain in the program for up to eight (8) weeks without disruption to the tuition credits. If within eight weeks the family becomes compliant with the eligibility requirements, they may remain in the program for the duration of the program year. If after eight

weeks the family is not in compliance with the eligibility requirements, tuition credits will be terminated immediately. It is the family's responsibility to report these changes within 30 days.

### **QUALIFIED PERMITTED CHANGES/OUT OF CYCLE APPLICATIONS**

**CURRENTLY ENROLLED FAMILIES:** If a current tuition assistance recipient is experiencing an emergency including but not limited to birth, adoption, loss of job, or other situation that significantly impacts family income, they may be eligible for amended tuition credits. The parent(s)/legal guardian will need to contact the Enrollment and Eligibility Specialist at 970-406-3060 directly to discuss options.

**NEW FAMILIES:** If a family becomes eligible because of residency or new employment in Summit County, and/or they receive an enrollment offer from a qualified childcare provider, they may be eligible to apply for tuition credits outside of the application window. The parent(s)/legal guardian will need to contact the Enrollment and Eligibility Specialist at 970-406-3060 directly to discuss options.

### **COLORADO CHILD CARE ASSISTANCE PROGRAM (CCCAP)**

In some instances, children may be eligible for both the [Colorado Child Care Assistance Program \(CCCAP\)](#) and First Steps tuition credits. In such instances, all the eligibility criteria mentioned above are applicable, as well as:

- Families must be in good standing with their local CCCAP office and must comply with all CCCAP rules and regulations.
- If during the award cycle a family becomes ineligible for CCCAP, they may submit a complete application with all the required documentation to be considered for an adjustment to their tuition credit.

An application will only be considered when the application is completed and submitted in full. Any approved credit may be prorated back to the date of the completed application.

Please note, the CCCAP Program is considered the payer of first resort. The First Steps tuition credit can be used to cover a portion or all of the difference between the CCCAP reimbursement and the actual rate of tuition. If parent(s)/legal guardian(s) apply for tuition credits and appear to be potentially eligible for CCCAP, they will be referred to the CCCAP office before the application can be further processed.

For more information about Summit County CCCAP, please call 970-668-9160.

### **ATTENDANCE**

It is the expectation that children participating in Summit First Steps will regularly attend based on their approved enrollment days. Parent(s)/legal guardian(s) are required to notify the childcare program if the child is going to be absent and provide the reason for the absence when appropriate.

Consistent excused absences may result in a loss or deduction of your child's tuition credit. Childcare programs are required to notify ECO anytime a child's attendance falls below 75% of his/her regular schedule.

### **EVALUATION AND DATA TRACKING**

ECO will be using a variety of strategies to evaluate the overall success of the program. Short and long-term program data may be gathered through early childhood assessments, interviews,

surveys, observations, and small groups. Parent(s)/legal guardian will be asked to sign an information sharing release, within the guidelines of the stated confidentiality agreement.

### **PARENT RESPONSIBILITY**

1. Parent/s or legal guardians are responsible for reporting to the Enrollment and Eligibility Specialist, in writing or by email, any changes in their child's preschool or childcare schedule, or any changes of program.

2. Every parent(s) or legal guardian applying for tuition credit will be required to sign a statement acknowledging that they do not have any outstanding debt to any licensed preschool program, childcare center, and/or family childcare provider or have made agreeable arrangements to pay their debt. If it is brought to ECO' attention by any means that a participating family has an outstanding debt, an investigation will take place. If the allegations are founded, the tuition credit will be placed on-hold for a probationary period of 30 calendar days.

During the 30 days, the family must pay the balance of their debt or make acceptable arrangements for payment. If these conditions have not been met after 30 days, there will be immediate termination of funding and additional penalties adopted by ECO may occur.

A family may re-apply at the next annual deadline if they have an age-eligible child and only after the balance is paid in full to the preschool program, childcare center or family childcare provider.

3. Loss of Employment must be reported immediately to the Enrollment and Eligibility Specialist at ECO.

4. If, during the program year, household income either increases by 10% or decreases by 10% the family must notify the Enrollment & Eligibility Specialist within 20 days of the date of such change to my income. The amount of household income includes wages, assets or other property obtained during such a school year.

5. Applicants must sign a complete "Participant Responsibility Agreement" as well as a Verification and Acknowledgement form to attest that all the information that has been provided as part of their application is true and complete.

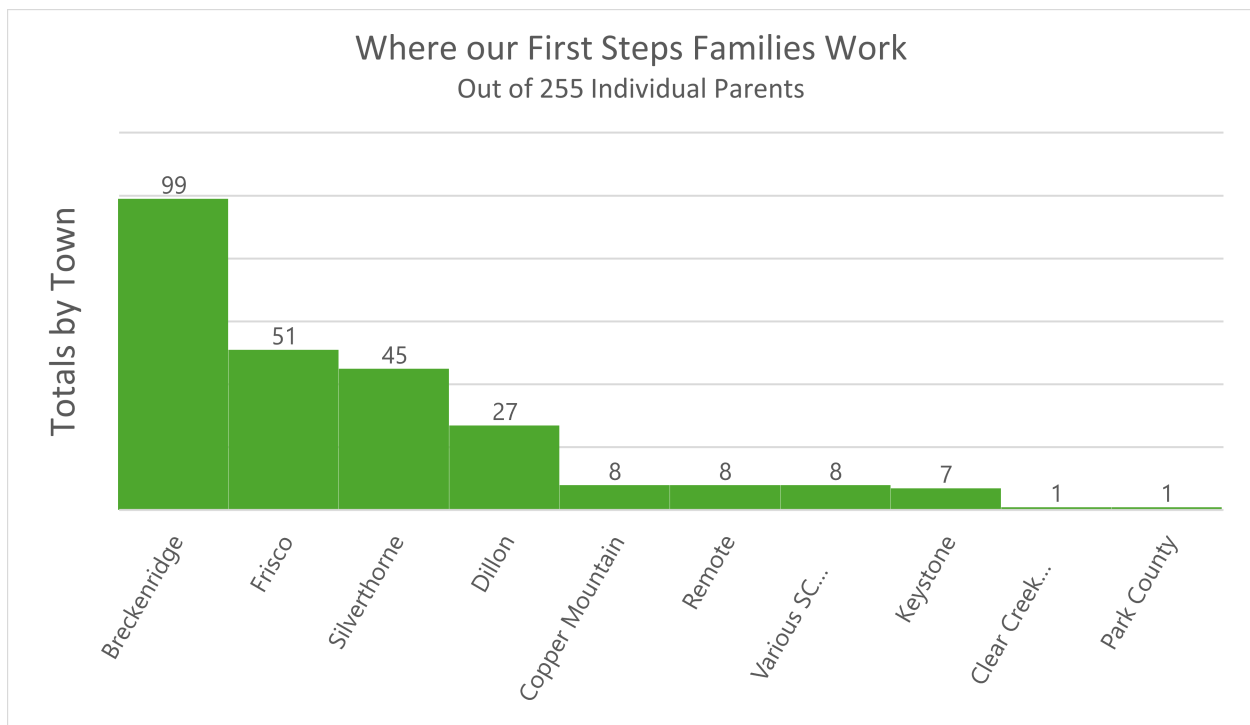
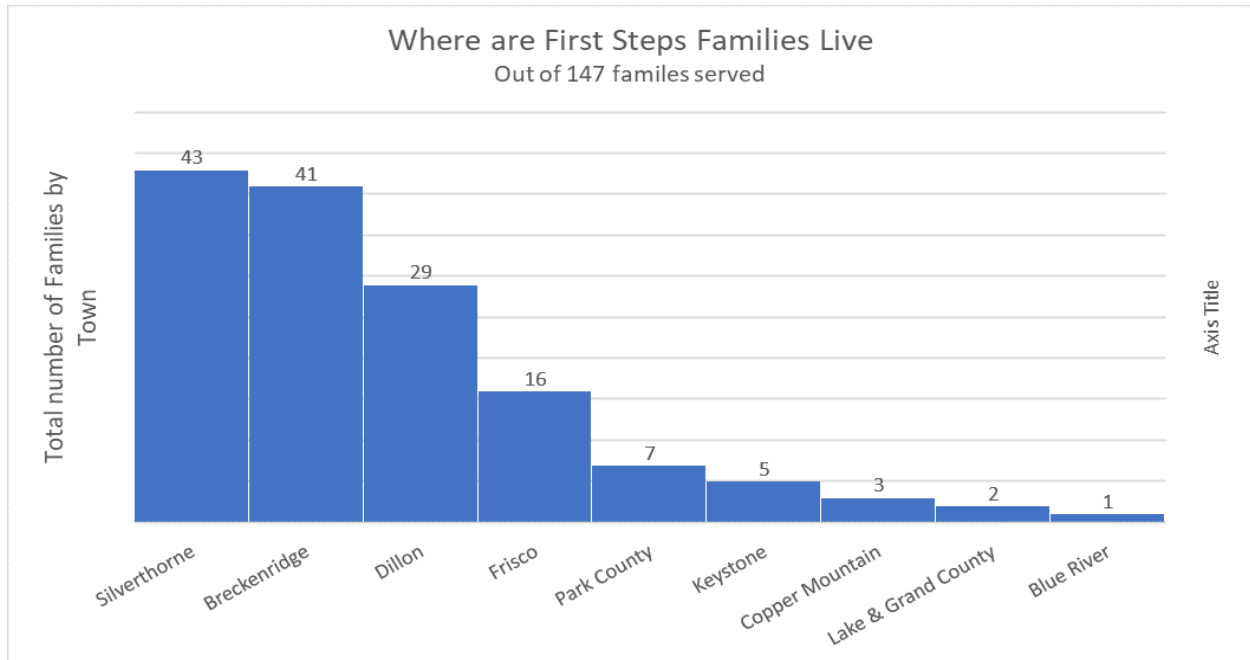
6. It is the responsibility of the parent(s)/legal guardian to comply with the rules and regulations of the childcare provider and the Frist Steps program, including but not limited to those relating to absences. The parent must agree to notify the childcare program if the child is going to be absent, and the reason for the absence when appropriate.

### **CONFIDENTIALITY**

Early Childhood Options (ECO) respects the importance of maintaining the confidentiality of personal or sensitive information disclosed in the First Steps program and takes reasonable measures to protect the unauthorized disclosure of such information.

ECO may disclose certain anonymous, aggregated data and provide it to early childhood programs, funding sources and governmental agencies either for market research and statistical purposes or to ensure compliance with the agreements between ECO and early childhood programs, funding sources, governmental agencies, and similar organizations.

# First Step Program Statistics



# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: Gary Martinez, interim Town Manager

Jennifer Madsen, Town Attorney

FROM: Madeleine Sielu, Town Clerk

DATE: May 14, 2024

SUBJECT: Short Term Rental Policies in Summit County

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### **Executive Summary:**

The County has agreed to continue to provide services related to the administration and enforcement of Short-Term Rental (STR) Licenses through September 30, 2024.

According to the amendment to the Intergovernmental Agreement between the Town of Keystone and Summit County regarding the incorporation of Keystone Colorado approved by Town Council at the Special Meeting on May 6, 2024, the Town will begin the administration and enforcement of STR Licensing beginning October 1, 2024. This deadline lines up with the renewal date for existing STR Licenses administered by Summit County of September 30, 2024.

### **Background:**

Staff has prepared this memo to provide background information for the Town Council on Summit County's current STR Licensing regulations, share initial plans for implementing STR Licensing administration and enforcement, and seek policy direction to guide the licensing program implementation.

The Summit County Land Use and Development Code (LDC), which the Town Council

adopted by reference, with the passage of Ordinance 2024-O-05, on April 23, 2024, touches on Short-Term Vacation Rentals/Short Term Rental (STR) properties in Section 3821. This section defines STR properties as “a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days.” This definition is consistent with Colorado law related to collection of sales tax – the state sales tax is collected on STRs. Additionally, the LDC clearly creates a delineation between STR properties and properties that are “furnishing of lodging services in hotels, motels, lodges, or units with a building operating akin to that of a hotel/motel with a central check-in located within such facility or to units with leases in excess of 30 days.” Section 3821.05 further outlines the process for submitting a Conditional Use Permit (CUP) for any STR permit application that proposes modifications to occupancy and parking limits for STR licenses.

In June of 2021, the Summit County Board of County Commissioners (BOCC) adopted Ordinance 20 to improve then-existing regulations for STR licensing and providing additional provisions addressing the granting, enforcement, and revocation of STR licenses. In December of 2022, the Summit County BOCC amended Ordinance 20 (Ordinance 20-B) to add overlay zones, including the Neighborhood Overlay Zone and the Resort Overlay Zone, and establishing the different license types for STRs within those zones. In February 2023, The Summit County BOCC amended Ordinance 20 (Ordinance 20-C) again, after a nine-month period of public feedback and engagement in developing STR regulation ordinances.

It is important to note that all incorporated areas within the limits of the Town of Keystone fall within the Resort Overlay Zone, as it is currently set out by Summit County. This means that all current STR licenses within the Town of Keystone are subject to Summit County’s regulations for Resort Overlay Zone STR licenses. As such, this memo will focus on outlining the Summit County regulations for these Resort Overlay Zone STR licenses.

The Summit County Planning Department is designated as the Review Authority and enforcement agency for all STR applications and operations. Due to the tight staffing



plans for the Town of Keystone, staff recommends that the Town Clerk's Office administer the STR licensing program for the Town of Keystone. Staff will work collaboratively with the Community Development department for review of specific application items and enforcement issues, with the Town Clerk's Office administering the intake of applications and issuance of licenses.

Current Summit County guidelines indicate that no person or entity may advertise or operate an STR without a license. This ensures that all STR properties can be monitored and held to the regulations set forth in the licensing code. STR licenses expire on September 30 of the calendar year following the year of initial license issuance. This means that any licenses issued by Summit County in 2024 will expire in September of 2025, instead of September of 2024. If there are no major changes to the licensing application requirements implemented by the Town, staff recommend honoring those licenses that expire in 2025 as Town of Keystone licenses and asking those licensees to renew their licenses in 2025.

Within the Resort Overlay Zone, Summit County does not have a cap on the number of available licenses. Maximum occupancy limits are set in two categories: a) Single family, duplex, and townhome units, and b) Condominium units. These occupancy limits are based upon bedrooms or square footage of the living area.

Summit County requires all STR licensee owners to designate a "Responsible Agent" for their property. The Responsible Agent shall have access and authority to assume management of the unit and take any necessary steps for compliance. The Responsible Agent shall be available 24 hours per day, 7 days per week. The Responsible Agent must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure to do so will result in the violation of the ordinance.

To help with the enforcement of the responsible agent requirements in their code, Summit County has contracted with a service provider from Granicus called Host Compliance to host a 24-hour complaint hotline. This complaint hotline allows residents to report

violations or concerns 24 hours per day, 7 days per week, to an agent in a call center. This Host Compliance agent contacts the STR Responsible Agent to provide them with the opportunity to affirmatively respond to the complaint within an hour of notification. If the issue is not resolved, or the Responsible Agent cannot be reached, the Host Compliance agent continues to escalate the issue to achieve compliance.

The Summit County STR License Application for the Resort Overlay Zone currently requires the following components:

- Contact information for Owner, property manager if applicable, and Responsible Agent, including names, mailing address, phone number, and email. All contact information shall be kept up to date.
- Application fee as established by the BOCC in the Development Review Fee Schedule (currently \$280 year for licenses within the Resort Overlay Zone).
- Self-Compliance affidavit, signed by owner under penalty of perjury certifying compliance with the STR regulations.
- Documentation listing all owners of a property, including form of ownership and percentage share, as applicable.
- Designation of responsible agent including contact information who shall be available 24 hours per day.
- Documentation of water supply and septic capacity adequate to serve the proposed use, including but not limited to improvements such as hot tubs. Such documentation shall include submittal of well permit, OWTS permit, and pumper report.
- A parking plan or description for the property that complies with parking requirements.
  - One parking space is required per unit, a maximum of 5 vehicles permitted to be parked outdoors on any property. Designated parking spaces comply with parking requirements set out in the development code. All vehicles must be parked on site in the designated parking area. The allowable number of parking spaces must be posted in the rental advertising. Property owners may request an increase in parking via a Conditional Use Permit if

parking meets all applicable regulations, is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.

- Waste disposal plan or description for the property which complies with waste disposal requirements.
  - Must have a plan to ensure that waste containers are not left outdoors where they can cause issues for wildlife or snow removal operations.
- Proof of all required state and local sales tax licenses.
- The owner certifies that they have read and understand the Good Neighbor guidelines<sup>1</sup> and has made them available to renters within the neighborhood.

## **Technology Considerations:**

With help from the Technology Advisory Group, staff have evaluated several software providers that offer services for managing licensing and STR compliance. Staff considered many factors including effectiveness, efficiency, user experience, and speed of implementation. Once Council determines its expectations for the implementation of STR licensing, Town staff will need to be prepared to launch a licensing program for the existing nearly 2000 STR licenses within the Town of Keystone. Many software companies have quoted the Town with an implementation timeline of 5-6 months.

Staff recommends utilizing Blue Vector AI's tool Snap App to perform the core licensing functions of the Town. This is an application that would be added to the Town website and would provide members of the public with one interface for all Town licensing programs (STR, business, tobacco, and liquor). This application can be set up in time to launch for processing of renewal applications before September 30, 2024. This software also provides the ability for applicants to create an account and utilize the existing licensing information we have received from Summit County. Staff believes that this will

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<sup>1</sup> Summit County has implemented the Good Neighbor Guidelines in the STR Ordinance. The Good Neighbor Guidelines are described as a code of ethics for visitors staying in an STR unit.

improve both the user and staff experience in processing STR License renewal applications. Additionally, as the licensing program evolves following implementation, this technology may offer compelling ways to use Artificial Intelligence to better serve members of the public.

This software's primary focus is on the administration of the licensing component of STR licensing. Staff are seeking additional direction to determine if there is a need for an additional contractor to host a 24/7 complaint hotline or to perform data scraping to find STR listings on popular vacation rental websites that are not currently licensed and to ensure compliance with the requirement to have an STR license. These are both stand-alone services offered by the County's current provider, Granicus, that could be acquired as add-ons.

**24/7 Complaint Hotline.** A 24/7 staffed complaint hotline would help enforce code requirements for a designated Responsible Agent. The 24/7 hotline can have a human confirm an affirmative resolution from the Responsible Agent within one hour. Staff has heard that some residents have expressed difficulty in reaching the existing 24/7 hotline with the County. It may be helpful to know that there have been 17 complaints logged related to STRs in the Town of Keystone by Host Compliance since the beginning of this calendar year.

Alternatively, BlueVector AI could build a chat flow to allow people the opportunity to report complaints digitally 24/7 and request all necessary information to make a report. The chat bot could also automatically notify the responsible agent of certain types of complaints. Staff would need to complete any additional follow-up, and outside of business hours, this would not happen within one hour, unless Town staffing models shifted.

**Data Scraping.** Data scraping of STR listings on popular vacation rental websites would help in catching any listings that have been listed without an existing STR license. Currently, this service provides the County with a handful or less of unlisted

licenses each month across all of unincorporated Summit County. Since Summit County has been using this service over the past several years, the Town should inherit a comprehensive list of licenses as they exist at the time of transition. Additionally, development of an effective reporting system would provide another mechanism for identifying properties that are not in compliance.

### **Next Steps/Timeline:**

To reach the goal of transitioning the administration and regulation of STR licensing to the Town of Keystone for renewal on September 30, 2024, staff has developed a proposed timeline of next steps.

- **May 28<sup>th</sup> Council Meeting**
  - Approval of a contract with a technology vendor for licensing software to allow enough time for implementation.
  - Draft of Town of Keystone STR Ordinance presented to Town Council for review during the work session.
- **June 11<sup>th</sup> Council Meeting**
  - Bring additional edits back to STR Ordinance before first reading, if necessary.
- **June 25<sup>th</sup> Council Meeting**
  - First reading of the Town of Keystone STR Ordinance.
- **July 9<sup>th</sup> Council Meeting**
  - Second reading, public hearing, and adoption of Town of Keystone STR Ordinance.
- **July 23<sup>rd</sup> Council Meeting**
  - Adoption of a resolution with all associated STR license fees.
- **Beginning of August**
  - Launch the renewal process to the public.
- **September 30, 2024**
  - Renewal deadline for existing STR licenses and the official transition date of licenses from Summit County to Town of Keystone.

## **Council Feedback**

- What should be included in the first draft of the Town of Keystone STR Ordinance? Are there any areas that should be included or excluded from the County's Ordinance?
- Does the Council desire software to assist with enforcement and regulation including data scraping tools or a 24/7 hotline?

## **Attachments:**

- Summit County Board of County Commissioners Ordinance No. 20-C
- Good Neighbor Guidelines



1306881  
Taryn Power – Summit County Recorder

23 Pages  
3/10/2023 8:41 AM  
DF: \$0.00

1306650  
Taryn Power – Summit County Recorder

23 Pages  
3/3/2023 2:40 PM  
DF: \$0.00

1305927  
Taryn Power – Summit County Recorder

19 Pages  
2/21/2023 3:44 PM  
DF: \$0.00

**ORDINANCE NO. 20-C**

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

**A REVISED AND RESTATED ORDINANCE FOR SHORT-TERM VACATION RENTAL REGULATIONS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH**

**WHEREAS**, over the last five to ten years, the advent and increasing popularity of individuals and companies purchasing, advertising, and renting out residential properties as short-term lodging has resulted in approximately 30% of Summit County’s housing stock being utilized as such short-term vacation rentals; and

**WHEREAS**, the conversion of residential properties to short-term vacation rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community as a whole, including issues with increased noise at all hours, parking problems, and trash not being kept or disposed of properly; and

**WHEREAS**, in an effort to address these problems and the concerns of the community, the Board of County Commissioners previously adopted an amendment to the Summit County Land Use and Development Code (“Development Code”), which sets forth numerous regulations applicable to short-term vacation rentals and requires that short-term vacation rental operators obtain a permit from the Summit County Planning Department; and

**WHEREAS**, in conjunction with the aforementioned Development Code amendment, Summit County has contracted with an outside monitoring company to monitor the internet spaces where short-term vacation rentals are advertised to determine compliance with the regulations; and

**WHEREAS**, pursuant to C.R.S. §30-15-401(s), the Summit County Board of County Commissioners has broad authorization to promulgate, through an ordinance, regulations concerning the licensing and operation of short-term vacation rentals located within the boundaries of unincorporated Summit County;

**WHEREAS**, the Board of County Commissioners adopted Ordinance 20 on June 22, 2021, to improve the existing regulations regarding short-term vacation rentals with a licensing ordinance incorporating the then-existing regulations and providing additional provisions addressing the granting, enforcement, and revocation of a short-term vacation rental license; and

**WHEREAS**, the Board of County Commissioners subsequently amended Ordinance 20 on December 16, 2022, adding two overlay zones, the Neighborhood Overlay Zone and the Resort Overlay Zone, and establishing four different license types for short-term vacation rentals within those zones (“Ordinance 20-B”); and

**WHEREAS**, Ordinances 20 and 20-B also designated the Summit County Planning Department as the department responsible for processing applications for short-term vacation rental licenses; and

**WHEREAS**, given the Planning Department’s familiarity and experience with regulating short-term rentals both before and after the adoption of Ordinances 20 and 20-B, the Board of County Commissioners wishes to continue to designate the Planning Department as the licensing entity for short-term vacation rental licensing; and

**WHEREAS**, since the adoption of Ordinance 20-B, the housing crisis in Summit County has continued to present challenges and the steady increase of short-term vacation rentals in unincorporated Summit County has continued without pause; and

**WHEREAS**, despite the more restrictive license types and regulations established for Neighborhood Overlay Zone in Ordinance 20-B, data shows that the percentage of new short-term vacation rental licenses in the Neighborhood Overlay Zone continues to increase, while the stock of seasonal and long-term rental as well as local worker ownership housing, which has traditionally been located in those non-resort areas, continues to decrease; and

**WHEREAS**, the majority of citizen complaints regarding short-term vacation rentals continue to come from the non-resort, neighborhood areas;

**WHEREAS**, on May 24, 2022 the Board of County Commissioners adopted Resolution 2022-37, placing a moratorium on the acceptance and processing of short-term vacation rental licenses in order to allow County staff time to gather additional data and work on changes to the rules and regulations for licensing short-term vacation rentals that would help to halt the continued loss of local housing as well as better address the impacts year-round residents experience from short-term vacation rentals in their neighborhoods; and

**WHEREAS**, Resolution 2022-37 was established for a nine month period in order to afford ample time for public involvement and feedback on the development of new short-term vacation rental regulations; and

**WHEREAS**, after numerous public work sessions with the Board of County Commissioners, public open houses, a publicly disseminated survey, multiple public work sessions with all four basin planning commissions as well as the Countywide Planning Commission, and one facilitated neighborhood



public meeting, County staff has prepared an amended and revised Ordinance 20, which, if adopted, will be known as Ordinance 20-C; and

**WHEREAS**, the Summit County Land Use and Development Code is concurrently being amended to ensure consistency between the regulations set forth herein and the Development Code; and

**WHEREAS**, the Board of County Commissioners held a public meeting on this ordinance for a first reading on January 24, 2023, published the draft Ordinance 20-C in full ten days prior to the second reading, and held a second reading on February 15, 2023; and has considered evidence and testimony presented at the meetings; and

**WHEREAS**, the Board of County Commissioners finds such rules and regulations are reasonable and necessary to protect the public health, safety, and welfare for both residents of and visitors to Summit County.

**NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO**, that Ordinance 20-C, “Short Term Vacation Rental Regulations” is hereby adopted setting forth rules and regulations that shall apply to the licensing, advertising, and operation of short-term vacation rental units:

**SUMMIT COUNTY SHORT TERM VACATION RENTAL REGULATIONS**

## **SECTION 1. GENERAL**

### **1.1. Definitions.**

- a. Unless otherwise defined herein, the words and terms used in this Ordinance shall have the meaning as set forth in the Summit County Land Use and Development Code (“Development Code”).
- b. For purpose of this Ordinance, the term “short-term vacation rental property” is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days (“Property”).
- c. “Booking” means an agreement to rent a unit for a period of less than 30 consecutive days for an exchange of consideration.
- d. “Qualified Occupant” means a person 18 years of age or older, along with his or her Dependents, if any, who at all times during ownership or occupancy of the Unit, resides and is employed within the County year round, an average of at least 30 hours per week on an annual basis. “Employed within the County,” also referred to as “Local Employment”, shall mean that the person earns his or her living from a business or organization operating in and serving Summit County, which requires his or her physical presence within the boundaries of Summit County in order to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis.
  - i. Self-Employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves Summit County and requires their physical presence within the boundaries of Summit County in order to complete the task or furnish the service, and such individuals must demonstrate they are earning at least minimum wage from this employment.
  - ii. Retirees: Qualified Occupants may be authorized to retire if the person is at or above the full benefit age for federal Social Security, has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 10 continuous years prior to retirement.
    - (a) Partial Retirement: Qualified Occupants may be authorized to reduce local employment to a minimum of 15 hours per week on annual basis, if the occupant has worked in Summit County an average of at least 30 hours per week on an annual basis for at least 15 continuous years prior to partial retirement.
- e. STR Resort Overlay Zone: maps of the STR Resort Overlay Zone are included in Exhibit A and described in Section 4302 of the Code.
- f. STR Neighborhood Overlay Zone is defined as all areas of unincorporated Summit County outside of the STR Resort Overlay Zone.

### **1.2. Purpose.** The purpose of this Ordinance is to:

- a. Designate a department of Summit County Government to process applications for licenses for Short-Term Vacation Rentals (“STRs”) in unincorporated Summit County and to provide the structure by which such entity will process and review the applications.
  - b. Establish comprehensive licensing 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 Summit County.
  - c. Ensure that short-term vacation rentals are operated in a manner that is in compliance with all applicable rules, laws, and regulations, as well as compatible with the surrounding neighborhood and protects the overall community character.
- 1.3. Applicability. The regulations set forth in this Ordinance shall apply to short-term vacation rental Property only, as defined herein. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, lodges, or units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to long-term leases.

## **SECTION 2. PROCEDURES**

- 2.1. Licensing Authority. The Summit County Planning Department is hereby designated as the Review Authority and enforcement agency for all STR applications and operations and is responsible for collecting fees, providing an application system, assisting the applicant with the application process, and monitoring and enforcement of this Ordinance and any applicable sections of the Development Code (collectively, the “STR Regulations”). The Planning Department shall be authorized to promulgate all reasonable administrative rules and procedures necessary to the operation and enforcement of the STR Regulations.
- 2.2. License Required. No person or entity may advertise or operate an STR without a valid license.
- 2.3. Review Process. An application for an STR license shall be reviewed by the Review Authority in accordance with the applicable criteria set forth in this Ordinance.
- 2.4. Review Criteria. The Review Authority shall consider all of the required application materials and submissions and determine that all criteria have been met and required materials submitted prior to issuing an STR license.
- 2.5. Decision. A decision regarding the issuance of a license under this Ordinance shall be issued by the Review Authority within 30 days once the application has been deemed complete.
- 2.6. Appeal. If an application for a short-term vacation rental license is denied, the applicant may appeal that decision to the Community Development Director within ten (10) days of receipt of written notice of such denial; otherwise, the license denial shall be final and not subject to appeal. All decisions by the Community Development Director may then be appealed to the BOCC pursuant to the applicable appeal procedures set forth in Section 13200 of the Development Code.
- 2.7. Length of Validity and Renewal

- a. A short-term vacation rental license shall expire on September 30 of the calendar year following the year of initial license issuance, or when title of the short-term vacation rental Property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term vacation rental Property shall require a new license, unless meeting one of the exceptions as listed in Section 2.8 below.
- b. An application for renewal of a short-term vacation rental license shall be submitted within the renewal period established by the Review Authority.
  - i. A short-term vacation rental license which is not submitted for renewal during the established renewal period shall be considered expired.
- c. Open Permits. When there is an open building permit or septic permit for an upgrade, remodel, or demolition, the STR license will remain in effect subject to annual renewal; however, no rentals may occur until the permit has received all final approvals from the county, including a Certificate of Completion or Certificate of Occupancy, if required.

#### 2.8. Transfer of Ownership.

- a. Ownership of a license may not be transferred, unless meeting one of the exceptions as listed herein.
  - i. The transfer of title to real property when there is no consideration if the grantee is a member of the grantor's immediate family. For purposes of this section, a family transaction shall mean between parents and children, spouses or domestic partners, siblings, grandparents and grandchildren, or other similar family relationship.
  - ii. The transfer of title to real property from a grantor to a trust established by the grantor.
  - iii. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity. Any transfer of title wherein the majority interest is no longer held by the same party or parties as who *originally* obtained the STR license shall be considered a non-exempt transfer and a new license will need to be obtained.
  - iv. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
  - v. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.
  - vi. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.
  - vii. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.

- b. Either prior to or within 30 days after the transfer, a property transfer purportedly meeting the requirements of this section, the new owners shall contact the Review Authority, providing all necessary materials to determine if the transfer meets the exempt criteria above.

2.9. Property Owner. The owner of the STR Property shall be the holder of the license, i.e. the licensee. A property manager or other individual may submit the application for an STR license, but the license will be issued in the Property owner's name and the Property owner is ultimately liable for compliance with the STR Regulations.

### **SECTION 3. STR LICENSE TYPES**

3.1. Resort Overlay Zone: A Resort License will apply to properties within the Resort Overlay Zone.

- a. Maximum occupancy at any time may not exceed the following, unless further restricted by an on-site wastewater treatment system (OWTS), and shall be in accordance with Section 3.3:
  - i. Single family, duplex and townhome units: a) two (2) persons per bedroom plus four (4) additional occupants; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy.
  - ii. Condominium units: a) two (2) persons per bedroom plus four (4) additional occupants, or two (2) persons per bedroom plus two (2) additional occupants in buildings with interior egress components less than 44 inches wide and without a sprinkler system; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy. When a condominium unit contains a County-approved lock-off room that meets the definition of a lock-off room set forth in Chapter 15 of the Development Code, the lock-off room shall be allowed a total of 4 occupants.
  - iii. Properties requesting occupancy in excess of 19 must first obtain a Class 2 Conditional Use Permit through the Planning Department.
- b. Limitation on Number of Bookings: no annual limit.
- c. Review Process: STR License.

3.2. Neighborhood Overlay Zone: A Type I or Type II License will apply to properties within the Neighborhood Overlay Zone, subject to the limitations on the availability of licenses in Section 4.

a. Type I License:

- i. To be eligible for a Type I license, the STR Property must be the primary residence of a member of the local workforce, meeting the definition of a Qualified Occupant. A primary residence is that which is occupied by the Qualified Occupant as that individual's principal place of residence at least 9 months out of the year and for which the licensee can provide supporting documentation as set forth in Section 6.2.1 below.
- ii. If an ADU is removed from a property by the current owner, such property shall not be eligible for a Type I License for a period of 3 years from the date of removal.
- iii. Maximum Occupancy at any time shall not exceed 2 renters per bedroom + 2 additional renters, unless further restricted by an OWTS, and shall be in accordance with Section 3.3.
- iv. Allowable Uses of a Type I License:

- (a) When the Qualified Occupant is on-site during rentals and is engaged in partial home rental, no more than 50% of the approved bedrooms in the home, up to 2 bedrooms may be short-term rented.
- (b) The Qualified Occupant may live on a property with a permitted ADU.
  - (i) Management of the STR on the property shall not comprise a majority of the hours claimed for Qualified Occupant status.
  - (ii) Applicants with an ADU seeking a Type I license shall utilize the most recent ADU covenant required by Section 3809 of the Code.
  - (iii) As required by the ADU covenant, the Owner may not be the Qualified Occupant of the restricted unit (usually the ADU) since the restricted unit must be *rented* to a member of the local workforce meeting the definition of Qualified Occupant, i.e. the owner may not live in the ADU and apply for a Type I STR license to rent their main house, or vice-versa.
- (c) At all times the property shall be the principal place of residence of the Qualified Occupant at least 9 months out of the year.
- (d) A Bed and Breakfast may not be operated under a Type I license.
- v. Limitation on Number of Bookings: no more than 35 bookings per year, as calculated from October 1 through September 30.
- b. Type II License:
  - i. Maximum Occupancy may not exceed 2 renters per bedroom + 2 additional renters, unless further restricted by an OWTS, and shall be in accordance with Section 3.3 below.
  - ii. Limitation on Number of Bookings: no more than 35 bookings per year, as calculated from October 1 through September 30, unless approved as a Bed and Breakfast under the Code.

**3.3. Occupancy Standards Applicable to All Licenses:**

- a. Units on on-site wastewater treatment systems (OWTS): the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.
- b. For the purposes of these regulations, a loft which meets the Summit County Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one-bedroom units for the purposes of this Section.
- c. Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.

**SECTION 4. LIMITATIONS ON NUMBER OF STR LICENSES PER OVERLAY ZONE**

4.1. Resort Overlay Zone. There is no cap on the number of licenses available in the Resort Overlay Zone.

4.2. Neighborhood Overlay Zone.

- a. Type I Licenses: Type I Licenses approved after the effective date of this ordinance are an exception to the cap in the Neighborhood Overlay Zone.
- b. Type II Licenses: Caps on the number of Type II licenses in the Neighborhood Overlay Zone of each Basin<sup>1</sup> are established as follows:
  - i. Lower Blue Basin: 550
  - ii. Snake River Basin: 130
  - iii. Ten Mile Basin: 20
  - iv. Upper Blue Basin: 590

4.3. Process for Managing the Cap. By January 5 of each calendar year, unless otherwise authorized by the Board of County Commissioners, the Review Authority will determine the number of licenses in each basin. At such time that the number of licenses is determined to be within 10% of the cap, the Review Authority will proceed to draft and promulgate a process for issuing new licenses.

## **SECTION 5. RESPONSIBLE AGENT REQUIRED**

- 5.1. Responsible Agent. Each owner of a short-term vacation rental Property shall designate a person or company to serve as the responsible agent (“Responsible Agent”). An owner of a short-term vacation rental Property may designate themselves as the Responsible Agent.
- a. The Responsible Agent shall have access and authority to assume management of the unit and take remedial measures. The Responsible Agent shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Ordinance. The Responsible Agent must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Responsible Agent to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.
  - b. In the event of a fire ban within Summit County, the Responsible Agent is required to notify renters of the current fire restrictions and provide renters with instructions on how to access the Summit County Alert System for real-time emergency information during their stay.
  - c. The owner shall keep all property management and Responsible Agent information updated in the established STR system.

## **SECTION 6. APPLICATION**

- 6.1. Application. The owner shall file a complete application for a short-term vacation rental license with the Planning Department via the established application system. The application shall not be deemed complete until all required information is submitted.
- 6.2. Application Materials. An application for a short-term vacation rental license shall include the following,:
- a. Application materials shall include all information and materials as set forth in this Ordinance as required in the application system.

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<sup>1</sup> Basins are described in Section 2102.01 of the Land Use and Development Code.

- b. Contact information for Owner, property manager, if applicable, and Responsible Agent, including names, mailing address, phone number, and email. All contact information shall be kept up to date.
- c. Application fee as established by the Board of County Commissioners in the Development Review Fee Schedule, or as subsequently established by resolution by the Board.
- d. Self-Compliance Affidavit, signed by the owner under penalty of perjury, certifying compliance with the STR Regulations.
- e. Documentation listing all owners of a property, including form of ownership and percentage share, as applicable.
- f. Designation of Responsible Agent including contact information who shall be available 24 hours per day, 7 days per week, in accordance with the requirements set forth in Section 5 above.
- g. If applicable, documentation of water supply and septic capacity adequate to serve the proposed use, including but not limited to improvements such as hot tubs. Such documentation shall include submittal of well permit, OWTS permit, and pumper report.
- h. A parking plan or description for the Property, which complies with the parking requirements set forth in subsection 7.2.a below.
- i. A waste disposal plan or description for the Property, which complies with the requirements set forth in subsection 7.2.b below.
- j. Proof of all required state and local sales tax licenses.
- k. Owner shall certify that they have read and understood the Good Neighbor Guidelines, and shall make these guidelines available to all renters in the rental agreement and by posting it in a prominent location within the STR.
- l. Application Materials Specific to a Type I License shall include the following:
  - i. Affidavit submitted at time of application attesting to primary residency by a Qualified Occupant for a minimum of 9 months of the year.
  - ii. Evidence showing the STR Qualified Occupant has a mailing address in Summit County.
  - iii. Evidence to the satisfaction of the Review Authority showing the STR property occupant meets the definition of Qualified Occupant, including but not limited to place of employment and hours worked on a weekly basis.
  - iv. Copy of a lease to Qualified Occupant, if applicable.
  - v. At least 2 of the following showing the STR address (where applicable) and any additional document as requested by the Review Authority to determine primary residence of the Qualified Occupant:
    - (a) Voter registration
    - (b) Tax returns or other tax documents such as a 1041 or W2.
    - (c) Motor Vehicle Registration

**SECTION 7. STANDARDS AND REQUIREMENTS FOR STR LICENSE ISSUANCE AND OPERATION**



## 7.1. Health and Safety

- a. All improvements on the Property shall be permitted by the Building Inspection Department, Environmental Health Department, Engineering Department, and all other applicable agencies. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended, i.e. rooms not approved as “sleeping rooms” by the Building Inspection Department shall not contain beds.<sup>2</sup>
- b. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and good repair.
- c. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable per CRS 38-45-104, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.
- d. An operable toilet, sink, and either bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- e. There shall be a sufficient number of waste receptacles to accommodate all waste generated by those occupying the short-term vacation rental Property.
- f. Partial home short-term vacation rentals are rentals of rooms within a dwelling unit where access and cooking facilities are shared by other occupants within the home. Partial-home rentals may not be advertised as separate units, such as but not limited to, a separate lockoff, studio, or apartment; and advertisements for such Properties shall contain language about shared access and cooking facilities.
- g. Outdoor fire pits on a Property shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the Building Inspection Department, if required per applicable building and fire code requirements. STR owners/applicants should check with their applicable fire district and the Building Inspection Department to determine if permits are needed. The use of portable outdoor fireplaces is prohibited.
- h. Electrical panels shall be clearly labeled.
- i. All short-term vacation rental properties shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable renters to call 911 in the event of an emergency.

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<sup>2</sup> The Building Inspection Department refers to bedrooms as a sleeping room / area. The Code and this Ordinance use the term bedroom which is defined in Chapter 15 of the Code and which definition is the same as the definition of sleeping room / area in the Building Code.

- j. Sanitary Standards and Rules for Public Accommodations – Where Applicable, all short term rental Property owners shall understand and maintain compliance with the Sanitary Standards and Regulations for Public Accommodations set forth in the Code of Colorado Regulations, Official Publication of the State Administrative Rules Section 6 CCR 1010-14. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public accommodations and community residents. All hot tub / spa installations require both a building permit and an electrical permit from the Building Inspection Department, in accordance with existing County regulations and compliance with 7.1.m below, if applicable. Hot tubs / spas and swimming pools shall be properly maintained in a way to prevent the spread of illness and shall comply with the requirements set forth in the Colorado Regulation Pertaining to Swimming Pools and Mineral Baths 5 CCR 1003-5.
- k. Occupancy of a recreational vehicle is prohibited on any Property that has obtained a short-term vacation rental license.
- l. STRs on Well or Septic:
  - i. If a short-term vacation rental Property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, a septic tank pumping shall be completed by a Summit County Licensed System Cleaner every 3 years, or more frequently as determined by the Summit County Environmental Health Department during each County review of a STR license renewal application for the Property.
    - (a) Upon initial application, a pumping report will be accepted within 3 years of the date of that inspection. If the OWTS is in a state of malfunction, the Short-Term Rental license will not be issued until repairs are made and approved.
  - ii. If a short-term vacation rental Property is served by an on-site well for domestic water use, an adequate water supply in terms of quantity, quality, and dependability for the proposed use per the Colorado Primary Drinking Water Regulation 5 CCR 1002-11 where applicable. In addition, if the property has an improvement such as a hot tub, such Property shall be served by a well that is permitted for such use.

## 7.2. Site Plan and Operations

- a. Parking: A minimum of one (1) parking space is required per unit, up to a maximum of five (5) vehicles permitted to be parked outdoors on any Property.
  - i. Designated parking spaces shall comply with all applicable parking requirements set forth in Section 3700 of the Development Code. All vehicles shall be parked on-site in designated parking areas; parking is prohibited on County roads, in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys or mailboxes).

- ii. The allowable number of parking spaces / vehicles shall be clearly stated in all short-term vacation rental advertising. A copy of the County-approved parking plan for the short-term vacation rental Property shall be provided to all renters in the rental agreement and posted in a prominent location within the Property.
  - iii. In the Resort Overlay Zone, a Property owner may request an increase in the maximum number of allowed parking spaces through a Conditional Use Permit if the proposed parking meets all applicable regulations and criteria, and is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.
- b. **Waste Disposal and Collection:** All short-term vacation rental Properties shall provide a waste disposal and collection plan to ensure that waste containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed waste disposal and collection plan shall be reviewed and approved by the County during initial license review and during review of any license renewals, if needed. Waste disposal plans shall comply with all applicable County regulations including the Summit County Disposal District Regulations. Examples of acceptable waste disposal and collection plans may include but are not limited to:
- i. Indoor storage of waste with concierge/valet collection service provided by the waste hauler at the time of pickup.
  - ii. Storage of waste containers in garage, with waste containers to be put out by the Responsible Agent no earlier than 6:00 a.m. and returned to the garage by 7:00 p.m. on the day of pickup.
  - iii. Waste disposal is managed by the development's homeowner's association, and renters will be instructed on the location and requirements for waste disposal.
  - iv. Waste is stored in bear proof containers located outside of the right-of-way and any snow storage areas.
- c. **Noise:** Renters shall be informed of the Summit County noise ordinance, which is enforced by the County Sheriff's Office for all properties located in unincorporated Summit County.
- d. **Outdoor Lighting:** All outdoor lighting shall comply with the exterior lighting requirements set forth in Section 3505.07 of the Development Code.
- e. **Pets:** If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise provisions set forth in the Summit County Animal Control and Licensing Regulations; such regulations are enforced by the County Sheriff's Office. All short-term vacation rental Properties shall comply with the County Animal Keeping Regulations set forth in Section 3802 of the Development Code, and all pet food shall be stored indoors.
- f. **Winter Traction and Snow Removal:** Renters shall be informed in advance of arrival and via the Good Neighbor Guidelines of winter driving conditions and the need for appropriate vehicle traction, including Colorado Department of Transportation's Traction Law. Snow shall be removed from parking areas as necessary to accommodate the approved parking plan.

- 7.3. Good Neighbor Guidelines and Practices. The Planning Department shall promulgate Good Neighbor Guidelines setting forth various recommended and/or required practices for STR owners and their renters. Owners shall endeavor to have their renters abide by the Good Neighbor Guidelines in a reasonable and effective manner. This may include changing or altering rental practices to address repeat concerns; for example, posting clear quiet hours for hot tub use, establishing a multi-night minimum for renters, clearly communicating and monitoring number of vehicles allowed, renting to fewer guest than allowed by the maximum occupancy provisions, or other practices to mitigate impacts in the neighborhood.

## **SECTION 8. SIGNAGE**

- 8.1. An owner shall post a sign or notice conspicuously inside the short-term vacation rental Property, which includes the Responsible Agent's current contact information and/or the owner's current contact information, the street address of the short-term vacation rental Property and the short-term vacation rental license number.
- 8.2. The Good Neighbor Guidelines, permitted occupancy, parking plan, and waste disposal requirements, including location of recycling centers, shall be posted in a prominent location within the short-term vacation rental Property.
- 8.3. Any exterior signs advertising a short-term vacation rental must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of the Development Code.

## **SECTION 9. ONE PARTY RENTAL, ADVERTISING**

- 9.1. Unless approved as a Bed and Breakfast per the Code, a short-term vacation rental property shall not be rented to more than one booking party at a time.
- 9.2. All advertising for a short-term vacation rental Property shall include the Summit County short-term vacation rental license number, immediately following the accurate description of the short-term vacation rental Property as reflected by County records, along with the permitted occupancy, permitted bedroom count, and parking limitations.

## **SECTION 10. TAXES**

- 10.1. All property taxes lawfully assessed against a short-term vacation rental unit shall be paid to the County Treasurer prior to approval of the short-term vacation rental license, and payment of such taxes shall continue thereafter. Non-compliance may result in suspension, revocation, non-renewal, or denial of the short-term vacation rental license.

## **SECTION 11. NOTICE**

- 11.1. Any notice of violations, hearings, or other legal matters given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent permit or renewal application. Notice given to the Responsible Agent, by first-class mail, except as provided in 12.6, to the address provided by the owner, shall also be sufficient to satisfy any legal notice to the owner under this Ordinance.
- 11.2. The Review Authority may send notice of administrative matters such as renewals, newsletters, updates, etc. via email to the registrant email address provided by the Owner on the most recent license or renewal. Failure to provide an accurate email address may result in an owner or registered agent not receiving important information.

## **SECTION 12. VIOLATIONS, ENFORCEMENT AND REVOCATION**

### **12.1. Obligation for Ongoing Compliance of Licensee.**

- a. Issuance of a license is expressly contingent upon the licensee maintaining compliance with all requirements set forth in the STR Ordinance. If at any time a licensee fails to maintain such compliance as is required, the licensee shall be in violation of this Ordinance.
- b. A licensee shall avoid any illegal, dangerous, or harmful practices or conditions which are detrimental to the public property, health, welfare, peace or safety.
- c. A licensee shall neither advertise nor operate an STR on the Property during the period the STR license is revoked or suspended.

### **12.2. Complaints and Remedies for Non-Compliance.**

- a. Complaints concerning a short-term vacation rental Property shall be first directed to the Responsible Agent. The agent shall respond to the complaint, including visiting the site if necessary. Failure of a Responsible Agent to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.
- b. The County may investigate any complaint received, in order to determine if it is a substantiated complaint which may result in a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violations are not corrected or if there are repeat offenders of the requirements, performance standards, conditions or restrictions in this Ordinance, Summit County may pursue action as provided for herein, including but not limited to suspension or revocation of the rental license.

12.3. **Enforcement.** Enforcement of this Ordinance shall be by the Review Authority and the Sheriff's Office, as deemed necessary and appropriate.

12.4. **Violations.** Violations of the STR Ordinance shall be a civil infraction and punishable by the procedure established in Sections 16-2-201 and 30-15-402, C.R.S, as amended from time to time.

12.5. **Graduated Fine Schedule.** A graduated fine schedule is hereby adopted:

- a. 1st: \$250
- b. 2nd: \$750
- c. 3rd or more: \$1,000

## 12.6. Revocation.

- a. A license issued pursuant to this Ordinance *may* be revoked by the Review Authority following a hearing for *any* violation of the Ordinance.
- b. The Review Authority *shall* commence revocation proceedings if any of the below occurs:
  - i. A licensee has been issued 2 or more citations within a 3-month period;
  - ii. A licensee has had 3 or more documented violations within a 3-month period;
  - iii. A licensee submits a license application or other document as part of the license review process that contains or represents fraud, intentional misrepresentation, or a false statement of material fact;
  - iv. A licensee has violated or is currently violating the STR Ordinance or the prior in a manner that significantly endangers the public health, safety, and/or welfare;
  - v. A licensee fails to pay sales and/or property taxes as required.
- c. Hearing on Revocation:
  - i. Notice of a hearing pursuant to this Subsection 12.6 shall be given to a licensee in writing at the address shown on the license application, and to the Responsible Agent identified in the license application. Such notice shall be mailed via certified mail at least fourteen (14) calendar days prior to the date set for the hearing.
  - ii. The licensee may appear with or without representation, and may appear remotely by telephone or video conference.
  - iii. The licensee may present evidence at the hearing and shall provide copies of such evidence to the hearing officer at or before the hearing.
  - iv. The hearing officer shall consider the following:
    - (a) The nature and seriousness of the violation
    - (b) Impact of the violation on the neighborhood and/or community
    - (c) Corrective action, if any, taken by the licensee or the designated Responsible Agent
    - (d) Prior violations
    - (e) The likelihood of recurrence of the violation or violations
    - (f) Entirety of the circumstances surrounding the violation
    - (g) Willfulness or lack thereof on the part of the licensee
    - (h) Length of time the licensee has held a license
  - v. The hearing officer shall be the Summit County Community Development Director or their designee.
  - vi. Following the hearing, if the hearing officer determines that a violation or violations has occurred and good cause exists for the imposition of a sanction against the licensee, the hearing officer may impose the following sanctions:
    - (a) License suspension for a time period not to exceed six months.
    - (b) License revocation.

- (c) Conditions on the operation of the STR reasonably related to the violation(s), and to which the licensee agrees in lieu of revocation or suspension.
  - vii. Any action taken pursuant to this subsection 12.6 shall be commensurate with the seriousness of the violation(s) and the action or lack thereof taken by the licensee to resolve the violation(s).
  - viii. The hearing officer shall provide his or her decision in writing to the licensee within 15 days of the hearing.
  - ix. Individuals or entities who have had their license revoked may, if applicable in their overlay zone per Section 4, reapply for a new license after the expiration of one year from the time of revocation, unless a longer period of time is imposed by the hearing officer, which period of time shall not exceed 3 years. The hearing officer shall not be empowered to alter or change the caps established in Section 4 of this Ordinance.
- d. Appeals of License Revocations.
- i. A licensee who has had their STR license revoked or suspended may appeal the revocation or suspension to the Board of County Commissioners by emailing, mailing, filing, or otherwise submitting a letter of appeal to the Office of the Summit County Manager within ten (10) days after the date the letter of decision by the hearing officer is emailed. The date of an appeal letter shall be the time it is marked as received by the Manager's Office.
  - ii. The Board of County Commissioners shall conduct a de novo hearing on the appeal at a regular or special meeting held within 30 days of the date of the appeal letter.
  - iii. Any such hearing shall be conducted pursuant to the parameters set forth in Section 13200 of the Development Code.

12.7. Costs of Enforcement, Revocation, and Appeal. In the event it is necessary for the County to take action for enforcement of the STR Ordinance, there shall be added to any fees due hereunder all reasonable costs and fees incurred by the County, including reasonable attorney fees. If any action is brought in a court of law by or against the County relating to the enforcement, interpretation or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution or defense of such action.

12.8. Additional Remedies. In addition to the remedies set forth herein and in the Development Code, the County reserves the right to employ all other remedies that may exist at law and in equity to enforce the STR Regulations.

### **SECTION 13. LICENSING FEES**

13.1. License Fees. Licensing fees shall apply at the time of application and shall be established and updated in the Development Review Fee Schedule.

### **SECTION 14. COMPLIANCE TIMELINE**

- 14.1. Pre-Existing Licenses. With the exception of licenses in the Resort Overlay Zone, all STR licenses approved prior to the effective date of Ordinance 20-B (adopted December 16, 2021) shall be allowed to operate pursuant to the occupancy parameters set forth in Ordinance 20 (adopted June 22, 2021), and without limitations on bookings until renewal 2023, at which point they will need to conform to all requirements of this Ordinance.
- a. Neighborhood Overlay Zone: Pre-Existing STR licenses in the Neighborhood Overlay Zone will automatically convert to a Type II license upon approval of the STR license at the next applicable renewal date.
  - b. All Pre-Existing Licenses operating under the previously established occupancy allowances of Ordinance 20 must still comply with all other provisions of this Ordinance.
- 14.2. Licenses Issued After the Adoption of Ordinance 20-B.
- a. Type I licenses will be required to show compliance with the revised Type I standards as listed in this ordinance at renewal 2023, or they will be converted to a Type II license and pay all applicable fees.
  - b. Type II licenses shall operate pursuant to the nightly limitations set forth in Ordinance 20-B until renewal 2023 at which point they will need to conform to all requirements of this Ordinance.
  - c. Type III licenses will automatically convert to a Type II license at the time of renewal 2023.
- 14.3. New Licenses. Upon the effective date of this Ordinance, all new applications for an STR license will be subject to all applicable provisions of this Ordinance.

## **SECTION 15. SCHEDULE OF REPORTING TO BOCC**

- 15.1. Establishment of Review and Reporting Requirements. In order to ensure consistent and effective application of the Regulations contained herein, the following review and reporting requirements are hereby established:
- a. Reporting: Unless otherwise directed by the Board of County Commissioners, County staff shall provide a report on the administration of the STR regulatory program once a year.
  - b. Review: Unless otherwise directed by the Board of County Commissioners, County staff shall ensure that a meaningful opportunity for review, including public, staff, and Board of County Commissioners, input, of the effectiveness of the regulations contained herein occurs at least every 2 years.
  - c. Nothing herein shall constrain the Board of County Commissioners from having more frequent review and reporting opportunities as the Board so directs.

## **SECTION 16. EFFECTIVE DATE**

- 16.1. Effective Date of Ordinance. The Ordinance shall be effective immediately upon adoption, except as set forth above in Section 14.
- 16.2. Necessity of Ordinance for Immediate Preservation of Public Health and Safety. This Ordinance is necessary for the immediate preservation of public health and safety because, without limitation:



- a. The proliferation of short-term vacation rentals in the unincorporated area of Summit County is substantially impacting Summit County’s neighborhoods; and
- b. There is currently a moratorium on the acceptance and processing of new STR license applications. The moratorium is set to expire February 24, 2023. If the Ordinance does not immediately take effect, staff anticipates hundreds of STR applications will be submitted under the old regulations, creating additional impacts and frustrating the significant and substantial efforts undertaken by staff and the BOCC during the moratorium to revise the STR regulations.

16.3. Severability. If any part or parts of this ordinance are for any reason held to be invalid, such provision shall not effect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

16.4. Repeal. Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, are hereby repealed, except that this repeal shall not affect or prevent the enforcement against any person for any act done or committed in violation of any ordinance hereby repealed prior to the date such ordinance no longer applies to such person.

**INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING ON THIS 2<sup>TH</sup> DAY OF JANUARY, 2023.**



**BOARD OF COUNTY COMMISSIONERS OF  
SUMMIT COUNTY, COLORADO**

*Joshua Blanchard*  
Joshua Blanchard, Chair

**READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED IN FULL THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2023.**



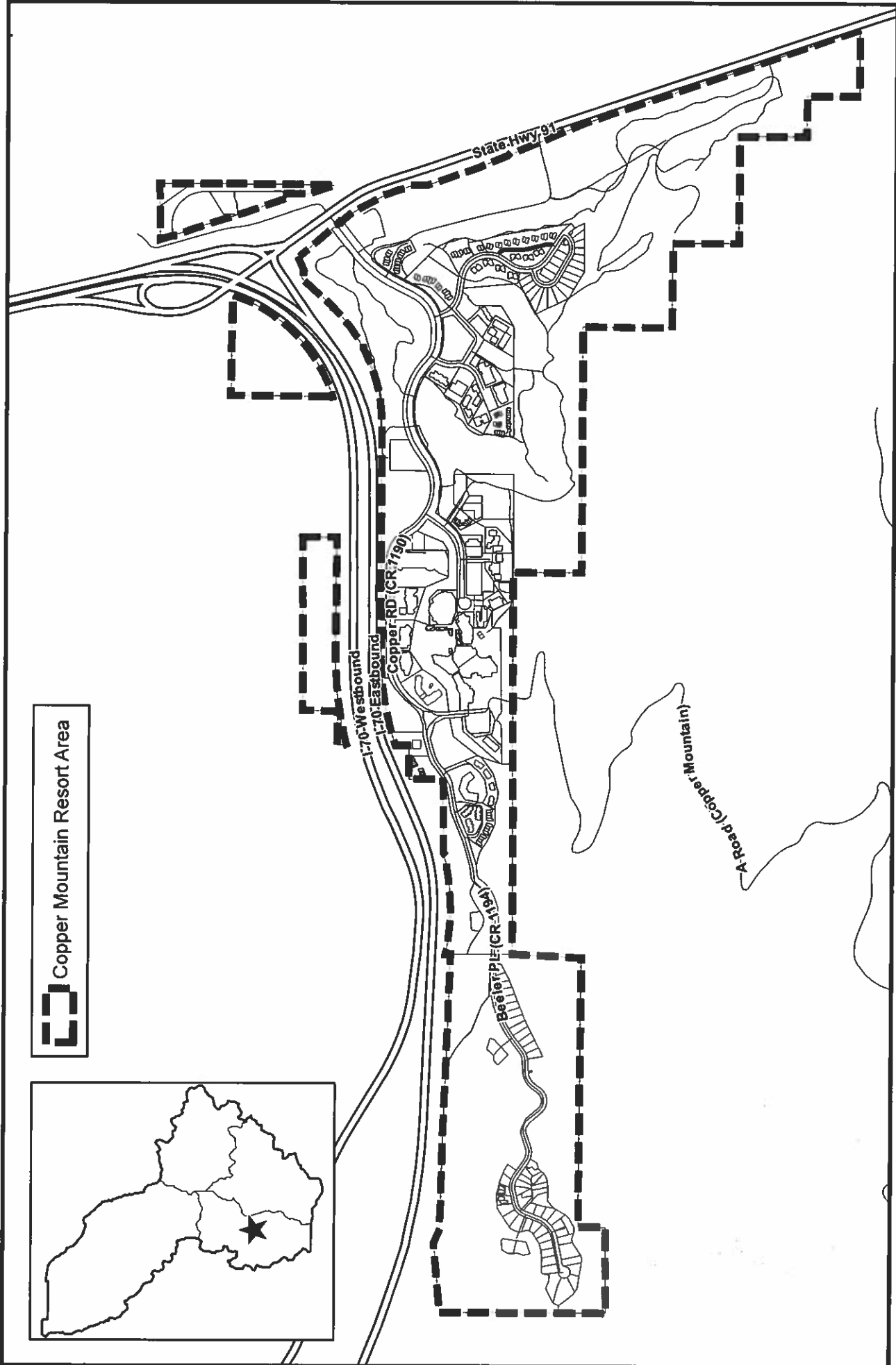
**COUNTY OF SUMMIT  
STATE OF COLORADO  
BY AND THROUGH ITS  
BOARD OF COUNTY COMMISSIONERS**

*Joshua Blanchard*  
Joshua Blanchard, Chair

**ATTEST:**

*Taryn Power*  
Taryn Power, Clerk & Recorder

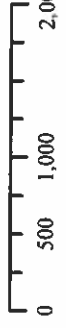
# RESORT OVERLAY ZONE: COPPER MOUNTAIN AREA



This map is for display purposes only.  
Do not use for legal conveyance.  
Not necessarily accurate by surveying standards, and does not comply with National Mapping Accuracy Standards.  
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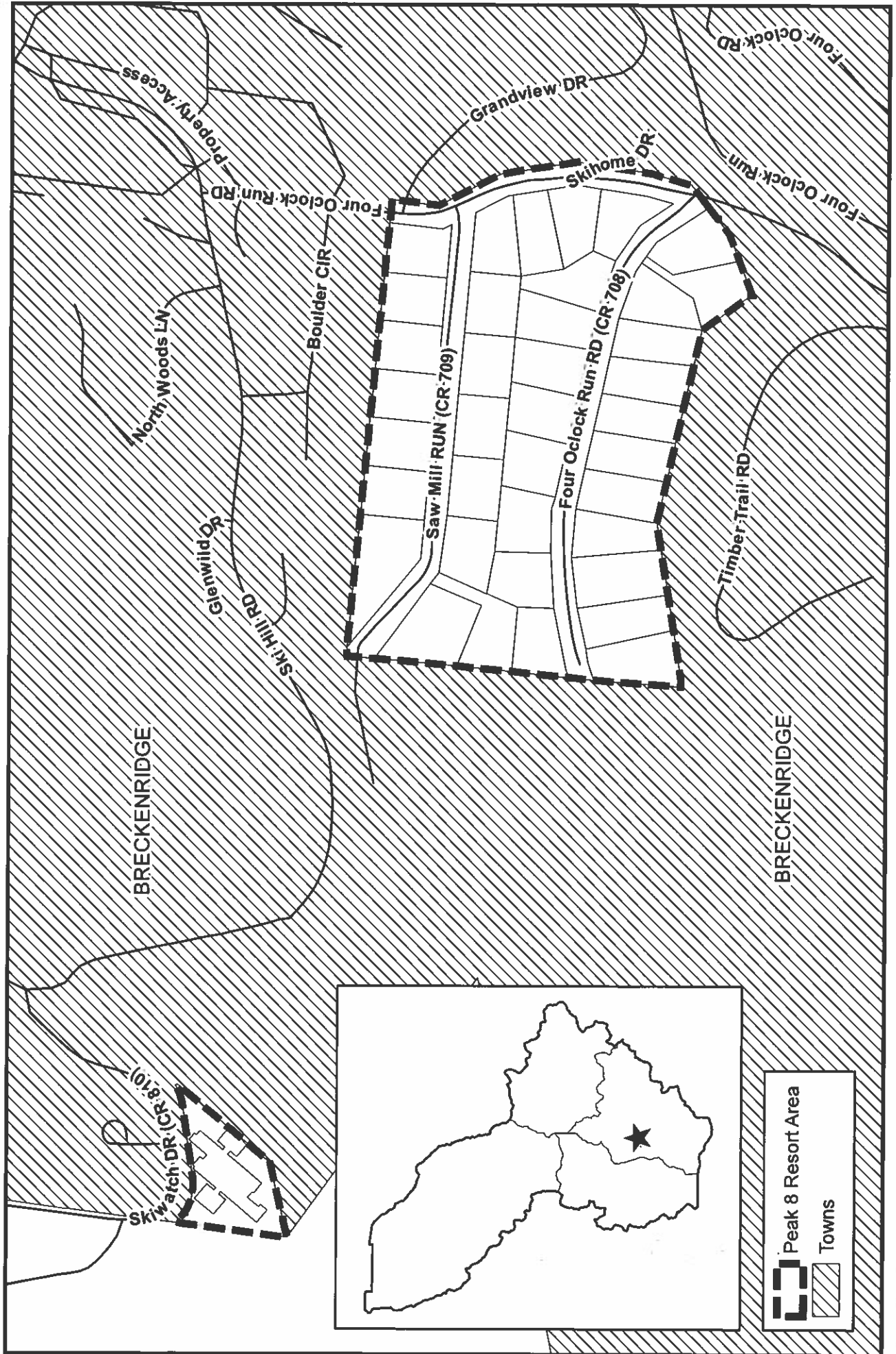
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1 Inch = 1,208.19 Feet



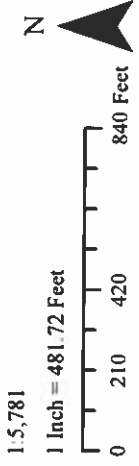
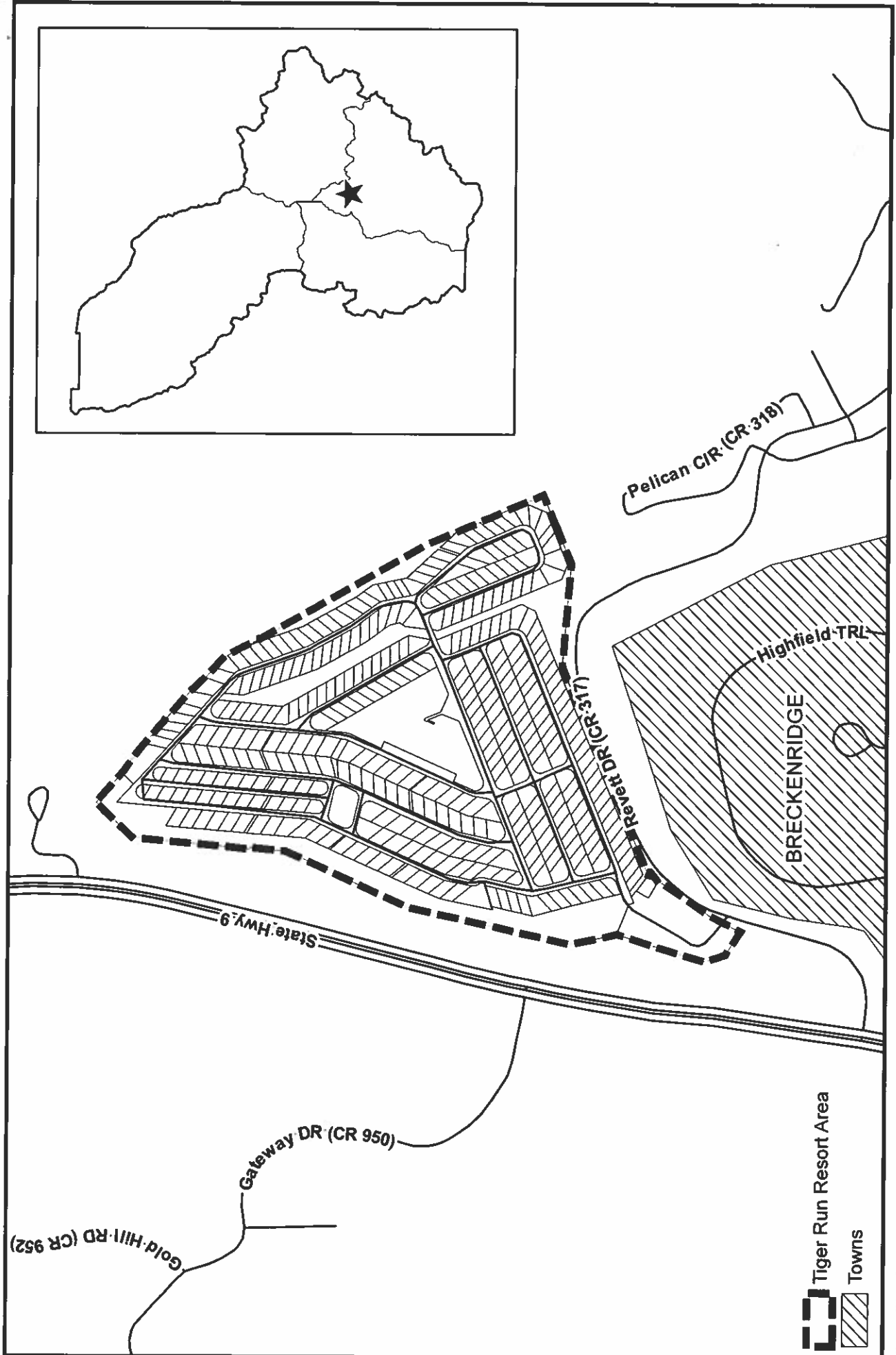




# RESORT OVERLAY ZONE: PEAK 8 AREA



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 Not necessarily accurate by surveying  
 standards, and does not comply with  
 National Mapping Accuracy Standards.  
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# RESORT OVERLAY ZONE: TIGER RUN AREA



 Tiger Run Resort Area  
 Towns

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## Good Neighbor Guidelines

The Good Neighbor Guidelines are a code of ethics for Summit County visitors staying in a short-term vacation rental unit. These guidelines help ensure that our community remains safe, enjoyable and beautiful for everyone who lives, works and plays in Summit County.

**24-Hour Responsible Agent Contact Information:** If at any time you have concerns about your stay, please call the 24-hour contact number listed in the rental lease agreement or posted in the property. In the event of an emergency, call 911.

**Wildfire Safety and Prevention:** Wildfire is a serious risk here, and fire restrictions may be in place, depending on conditions and time of year. Even if fire restrictions are not in place, be vigilant: Only use approved and permitted outdoor devices, and ensure that a responsible adult is always present until a fire is out cold.

To apply for a REQUIRED fire pit permit, please visit the [Summit Fire and EMS website](#).

Visitors must check to see whether fire restrictions are in effect before lighting a fire outdoors, smoking outdoors, or using outdoor grills, barbecues or stoves. Portable outdoor fireplaces are prohibited. Visit [www.SummitCountyCO.gov/wildfire](http://www.SummitCountyCO.gov/wildfire) to find current fire restrictions and other wildfire prevention information.

In the event of a wildfire, sign up to receive emergency information at [www.SCAAlert.org](http://www.SCAAlert.org).

**Respect for Wildlife:** Summit County is blessed with a diversity of wildlife, including bears, elk, moose, mountain lions, marmots, bighorn sheep, mountain goats and beavers. It can be exciting to view Colorado's wildlife, but it is important to do so at a safe distance. Most dangerous and potentially harmful encounters with wildlife occur because people fail to leave animals alone. Wildlife should not be harassed, captured, domesticated or fed.

Intentional or inadvertent feeding is the major cause of most wildlife problems. It is illegal in Colorado to intentionally place or distribute feed, salt blocks or

other attractants for large animals.

**Respect for Neighbors:** Please be friendly and courteous, and treat your neighbors as you would like to be treated. Respect your neighbors and their property. The property owner or responsible agent shall inform all renters of property boundaries and limitations.

**Noise and Outdoor Lighting:** Be considerate of the neighborhood and your neighbors' right to the quiet and peaceful enjoyment of their home and property, especially after 9 p.m. The Summit County Sheriff's Office may be contacted if Summit County's noise ordinance is not followed. A properly installed noise meter on the property is recommended to reduce potential issues.

Do not direct outdoor lighting toward neighbors' homes, and do not leave outdoor lights on when you check out.

**Maintenance of Property:** Be sure to keep the property clean, presentable and free of trash and debris.

**Trash and Recycling:** Place all trash and recycling in the designated containers stored indoors, in order to prevent issues for wildlife or snow removal operators. Your Responsible Agent must provide a County-approved trash disposal and collection plan. Please see the attached fact sheet for guidelines on accepted materials for recycling. If your rental does not provide recycling bins, visit <http://www.HighCountryConservation.org> to find the locations of Summit County's free recycling drop-off centers in Breckenridge, Frisco, Dillon and Silverthorne. Cigarette butts should be properly extinguished, cooled and disposed of in a trash receptacle.

**Parking & Traffic Safety:** All vehicles must park in the designated parking spaces provided. Do not park on roadways, lawns or in a manner that blocks driveways, sidewalks, alleys or mailboxes. Observe posted speed limits and watch for children and pedestrians. A copy of the County-approved parking plan must be provided to all renters in the rental agreement and posted in a prominent location within the property.

**Maximum Capacity:** This short-term rental unit has a maximum capacity of \_\_\_\_\_ overnight guests, and this limit cannot be exceeded for any reason.

**Driving Conditions:** The combination of extreme weather conditions and steep grades can create treacherous driving conditions in Colorado's mountains. Summit County roads are only plowed once per day and can become impassable. It is highly recommended that your vehicle be equipped with the following, September through May: 4WD or AWD, snow tires or mud/snow tires (M+S) with minimum 3/16 inch tread, functioning defrosts (front and back), sturdy ice scraper and snow brush, windshield fluid rated for 0 degrees F or colder, shovel, gloves, boots and other winter clothing.

In winter conditions, give plow trucks extra space, do not pass plow trucks, drive slowly, increase your following distance from other vehicles, avoid stopping on an uphill slope, use the left lane only for passing, and never use cruise control.

If weather conditions require, CDOT will implement a Traction Law on state highways (e.g., I-70, U.S. Hwy. 6, and Colo. Hwy. 9). Under a Traction Law, motorists will need to have either snow tires, M+S tires, or a four-wheel/all-wheel drive vehicle. All tires must have a minimum 3/16 inch tread. Motorists driving with inadequate equipment could be fined

more than \$130. If a motorist blocks the roadway because they have inadequate equipment during a Traction Law, they could be fined more than \$650. From September 1 – May 31, a Traction Law is always in effect on I-70 from Morrison to Dotsero. For more information visit [codot.gov/travel/winter-driving/tractionlaw](https://codot.gov/travel/winter-driving/tractionlaw).

**Transportation:** Due to parking restrictions, adverse driving conditions, and efforts to cut traffic and emissions in both Summit County and on the I-70 Mountain Corridor, we encourage you to consider transportation modes other than your personal car or a rental car. Vehicles in Summit County produce nearly 280,000 metric tons of CO2 equivalent annually; please help our effort to curb these harmful emissions. Transportation options both to and around Summit County are plentiful. Visit [goi70.com](https://goi70.com) to learn more about driving in Colorado's mountains.

**Pets:** If pets are allowed in your rental unit, you must promptly clean-up after pets, prevent excessive and prolonged barking, and keep pets from roaming the neighborhood or harassing wildlife. Control aggressive pets and be sure to abide by the local leash laws. Dogs must be on leashes when on the Summit County Recreational Pathway System. Store pet food indoors in a secure container to reduce the likelihood of attracting wildlife and pests.

**Tenant/Guest Responsibility:** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions, which may include consequences for failures to abide by the Good Neighbor Guidelines.