

STATE OF COLORADO }  
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County of Grand }

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Administrative Building in Hot Sulphur Springs on Tuesday, the 18<sup>th</sup> day of April 2023, there were present:

- Richard Cimino \_\_\_\_\_, Commissioner Chairman
- Randal F. George \_\_\_\_\_, Commissioner
- Merrit Linke \_\_\_\_\_, Commissioner
- Maxine LaBarre-Krostue \_\_\_\_\_, County Attorney
- Edward Moyer \_\_\_\_\_, County Manager
- Jolene Linke \_\_\_\_\_, Clerk of the Board

when the following proceedings, among others, were had and done, to wit:

**RESOLUTION NO. 2023 - 4 - 10**

**A RESOLUTION AMENDING AND READOPTING THE GRAND COUNTY ZONING REGULATIONS**

WHEREAS, the Grand County Board of County Commissioners first adopted Zoning Regulations on July 1, 1970 by Resolution No. 1970-7-1; and

WHEREAS, the Board amended the Zoning Regulations to include a section regulating Short Term Rentals on May 23, 2017 by Resolution No. 2017-5-23; and

WHEREAS, this request is to amend the Grand County Zoning Regulations Section 14.7, Short Term Rentals to limit occupancy to sixteen (16) and further limit properties served by an Onsite Wastewater Treatment System (OWTS) to the design capacity of the system plus two (2) occupants; and

WHEREAS, to increase the Short Term Rental per occupant fee to \$100.00; and

WHEREAS, to amend Section 11.3, Special Use Permit Mailing requirements to remove duplicate language; and

WHEREAS, to amend Section 21.19, Floodplain Regulations, Enforcement and Penalties, to comply with State Statute and refer to Section 19, Violations and Penalties contained within the Zoning Regulations; and

WHEREAS, the Grand County Planning Commission heard the request at the March 8, 2023 regular meeting and unanimously voted to recommend approval of the proposed amendments; and

WHEREAS, public notice was published in the Middle Park Times on March 23, 2023, at least fourteen (14) days prior to the public hearing as required; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO, that Section 14.7 of the Grand County Zoning Regulations shall be and hereby are amended as set forth in the attached Exhibit "A", which by this reference is incorporated herein and made a part hereof.

BE IT FURTHER RESOLVED, that Section 11.3 shall be and hereby is amended to read as follows:

Unless waived by the Board of County Commissioners (BOCC) pursuant to the provisions contained in Section XI, no application for a Special Use Permit shall be scheduled for consideration by the Board of County Commissioners of Grand County until all of the required material is first filed with the Grand County Community Development Department. The Board of County Commissioners will be guided in their

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EXHIBIT "A"

14.7 ~~SHORT TERM RENTAL~~

1. An Administrative Permit ("Short Term Rental Permit") is required for any property to be offered, advertised, operated or rented as a short term rental.
2. A Short Term Rental Permit is required to be obtained on an annual basis.
3. A Short Term Rental Permit may be approved upon application by the property owner or by a Property Manager. In all applications, the Property Owner or Property Manager, on behalf of the Property Owners, must acknowledge that the Property Owner is responsible for compliance with all terms, conditions and requirements of this section and the Short Term Rental Permit.
4. The renewal of a Short Term Rental Permit is discretionary by the County and may be denied or approved with additional conditions based on, but not limited to, the following factors: failure to comply with any term, condition, or requirement as outlined in this Section; complaints received by the Sheriff's Office, Department of Community Development, or the Department of Road & Bridge for noise or improper parking; any zoning violations; any Building Code Violation; Onsite Wastewater Treatment System failure or other impacts that cause the Short Term Rental to become incompatible with the surrounding land uses.
5. All internet sites or advertising or booking platforms that display Short Term Rental listings for properties in unincorporated Grand County shall require that all operators using the internet site or other platform include an active Permit number in any listing for Short Term Rental on the site or platform.
6. All operators who offer dwelling units, or portions thereof, for Short Term Rental use in unincorporated Grand County shall post their active Permit number for the Short Term Rental on every listing, advertising or offering of the dwelling unit, or portion thereof, for use as a Short Term Rental.
7. Application for a Short Term Rental Permit must include the name, address, telephone number and email address of all property owners, the legal description and the location by street address. If the application is being made by a Property Manager, it shall also include the name, address, telephone number and email address of the Property Manager.

The application must also include or demonstrate each of the following items:

a. **Local 24-hour Contact**

Each short term rental shall have a primary and secondary person responsible to manage the Short Term Rental during any period it is occupied. The 24-hour contact persons may be the property owner or property manager and they must reside in Grand County and be able to respond within one (1) hour or less. If any local contact information changes the property owner OR property manager shall

notify the Grand County Department of Community Development of the new contact information in writing within five (5) business days of the change in local contacts.

b. **Occupancy**

The maximum occupancy of any Short Term Rental in Grand County is sixteen (16). If the property uses an Onsite Wastewater Treatment System (OWTS) for sanitation purposes, the occupancy is further limited to the design volume of the system, PLUS two (2) occupants. No property may be advertised or rented for use by more persons than the maximum occupancy advertised.

c. **Access and Parking**

Adequate driveway access and parking shall be provided in compliance with Section 14.3 and shown on a site plan.

- (1) Off-street parking spaces are required to be clearly designated.
- (2) No off-street parking in non-designated spaces is allowed.
- (3) No on-street parking for Short Term Rental use is permitted within a County Road right-of-way, a private road right-of-way or access easements.
- (4) If a driveway or parking is shared, written permission must be provided from each shared driveway or parking property owner.

d. **Garbage**

The Short Term Rental shall have a plan for garbage storage and disposal. The plan shall clearly define garbage storage areas with an adequate number of containers, and the method and frequency for regular garbage pick-up. Any garbage containers stored outside shall be of a bear-proof design. Garbage containers that are placed for street pick-up shall not be left out for more than a 24-hour period.

e. **Safety**

The property owner shall equip the dwelling with operable smoke alarms, fire extinguishers and carbon monoxide alarms. An operable carbon monoxide alarm shall be installed within fifteen (15) feet of the entrance of each room used for sleeping purposes. The smoke alarms shall be installed pursuant to the current International Building Code adopted by Grand County Community Development.

f. **Physical Address**

The physical address shall be posted on the Property, clearly visible and legible from the street. The property address posting must be kept clear of snow and obstructions at all times. No other identification signs are permitted.

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Nothing contained in this Section 14.7 shall allow short term rentals if otherwise prohibited by any applicable covenants. Covenants are enforced according to their terms.

13. **Administrative Enforcement**

- a. As a condition of obtaining a Short Term Rental Permit, the Property Owner OR Property Manager agree, as a contractual matter, that the County may suspend a Short Term Rental Permit and/or may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.
- b. The Director of Community Development, upon approval of the County Manager, may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.
  - (1) 1<sup>st</sup> Violation – Warning
  - (2) 2<sup>nd</sup> Violation – \$500
  - (3) 3<sup>rd</sup> Violation – \$1000
  - (4) 4<sup>th</sup> Violation – Upon the fourth violation, the Short Term Rental Permit may be revoked or suspended for a period of one (1) year.
- c. A Property Owner OR Property Manager may appeal the decision of the Director of Community Development to levy an administrative penalty by filing with the County Manager a notice of appeal. If a notice of appeal is filed, the matter shall be referred to the Board of County Commissioners for hearing not later than the second regular meeting of the Board of County Commissioners following the filing of the appeal. The Notice of Appeal shall contain the following information:
  - (1) Name of Property Owner
  - (2) Name of Registration Holder
  - (3) Property Address and Legal Description
  - (4) Date of Violation
  - (5) Copy of notice of violation
  - (6) Brief statement of grounds of appeal
  - (7) Any documentation Property Owner or Registration Holder wants considered.
  - (8) Name, address, email address and telephone number for contacting appellant.
- d. Upon receipt of a Notice of Appeal, the County Manager will set the appeal for hearing, and will advise the appellant of the time, date and location of the hearing. In addition, the County Manager shall advise the appellant of any matter in the Notice of Appeal that does not appear complete. Appellant shall respond within three business days. Failure to respond may be a grounds for dismissal of the appeal by the Board of County Commissioners.

At the day and time set for hearing, the Board of County Commissioners shall hear the Director and the appellant and review any documents or other evidence by either party. The Director bears the burden of proof and must demonstrate the violation by a preponderance of evidence. Each party may

examine witnesses and may cross examine witnesses produced by the other party. The Board of County Commissioners may uphold, reverse, or modify any determination and administrative penalty or suspension imposed by the Director.

14. **Suspension or Revocation of Permit**

The County may revoke a Short Term Rental Permit at any time for failure to comply with the provisions of this Zoning Regulation concerning short term rentals, the Short Term Rental Permit and/or confirmed violation(s) of any federal, state, or local law ordinance or regulation.

- a. Any such decision for suspension or revocation of a Registration shall be made by the Board of County Commissioners at a public hearing. A written notice shall be provided to the Permit Holder at least 10-days prior to the scheduled hearing and include a description of the violation and the time, date and place of the hearing.
  - (1) A decision to suspend or revoke a Permit must be supported by facts showing that violations of the terms, conditions and requirements or of law, endanger the public health, safety or welfare, including peaceful use of property by others, or the Property Owner or Property Manager has failed to resolve repeated violation after notice of violation, and requires immediate revocation or suspension of the Short Term Rental Registration.
  - (2) The Board of County Commissioners at the public hearing, may take other action, in its sole discretion as they deem appropriate.
- b. If the Board of County Commissioners suspends or revokes the Short Term Rental Permit, it shall be for a period of one (1) year.

15. These regulations or any amendment thereto shall be administered and may be enforced as provided in the Grand County Zoning Regulations, Section XVIII and Section XIX, which are hereby incorporated herein. The penalties for violations enforced under the Zoning Regulations are as set forth in Section 19.2.