

**TOWN OF CRESTED BUTTE, COLORADO, SPECIAL TOWN
COUNCIL MEETING**

Wednesday, February 15, 2017 at 6:00PM

PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO WILL HOLD A SPECIAL MEETING ON WEDNESDAY, FEBRUARY 15, 2017 BEGINNING AT 6:00PM IN THE TOWN COUNCIL CHAMBERS LOCATED IN THE CRESTED BUTTE TOWN HALL, 507 MAROON AVENUE, CRESTED BUTTE, COLORADO.

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. SPECIAL MEETING

A. Discussion and Possible Action Regarding Limiting Vacation Rentals.

IV. ADJOURNMENT

Posted on February 7, 2017 and published in the Crested Butte News on February 10, 2017.



*Critical to our
success is an
engaged community
and knowledgeable
and experienced
staff.*

Town Council Values

- *Preserve our high
quality of Life*
- *Resource
Efficiency/
Environmental
Stewardship*
- *Support a
sustainable and
healthy business
climate*
- *Maintain a “real”
community*
- *Fiscally
Responsible*
- *Historic Core*



Staff Report Special Meeting February 15, 2017

To: Town Council
Thru: Dara MacDonald
From: Bob Gillie, Building and Zoning Director
Subject: Discussion on limiting vacation rentals
Date: February 10, 2017

Summary:

“Striking the regulatory balance- allowing locals to use their properties to maintain a foothold in some of the most expensive corners of Colorado while preserving a sense of community in those pricey hamlets and still hosting the vacationers who keep tourist-dependent communities afloat – is elusive. No council or committee- from Denver to Steamboat Springs to Telluride to Estes Park to Vail to Crested Butte to Aspen to Georgetown- has found the sweet spot. Every rule seems to irk some group of residents. But that hasn’t stopped cities and towns from trying.” *Jason Blevins, Denver Post, November 27, 2016*

As the above quote implies, if the Council is searching for a solution to Vacation Rentals that everyone will be okay with and will not be challenged legally the goal is perhaps not achievable. The debate over what limitations to place, if any, on the use of residential properties has polarized the community over the last six months. It has pitted those who want unlimited financial potential for their residential real estate against those who are afraid that the unfettered commercialization of the residential areas of Crested Butte will destroy the community of Crested Butte and gut the Town of full time residents.

The following are some examples or arguments on both sides of the issue:

Why impose limits? Negative impacts of increasing numbers of vacation rentals

- Concerns about residential neighborhood integrity
 - Loss of sense of community for residents
 - Loss of Crested Butte cultural identity due to reduction in owner/renter long-term occupancy
- Unfair business competition with lodging establishments
 - Commercial lodging faces higher property taxes and more stringent life safety codes
- Contributing factor in loss of long-term rentals in town
 - Impedes ability to attract and retain workforce
- Increased demand for services from increased visitor numbers
- Contributing factor to increased housing cost

Opportunities vacation rentals may provide

- Potential income source for residents
 - Profits used to improve properties
 - Profits used supplement ability to remain in residences
 - Income reinvested in local economy
- Potential income source to facilitate investment in 2nd homes or investment properties
- Growth of bed base for visitors
 - Increase the ability for some new or recurring visitors to stay in the town
 - Increase in retail/restaurant business due to increased bed base
 - Increased sales taxes for the community
- Increase in local jobs in property management and related activities
- Reduction in the growing number of ‘dark houses’
- Possible funding source for affordable housing through voter-approved tax

Concerns addressed through licensing and staff implementation

- Nuisance complaints i.e. parking, trash, noise
- Housing safety
- Collection of sales taxes

Goals and Objective for regulations – There has been much discussion regarding what the Town is trying to accomplish. What the goal(s) are may inform what type of regulations should be imposed. (The numbers reference the chart on regulatory options chart.)

1. To allow locals to access the VR market to supplement income
 - #3, 6
2. Limit the number or use of VRs to preserve community character
 - #1 and to a lesser degree 2, 3, and 4
3. Have VRs contribute money to affordable housing to offset the increase in housing costs and lack of availability to which VRs are a contributing factor
 - Set a tax question on the November ballot to generate revenue for A. H.
 - Determine what employment generation is attributed to VRs to establish a nexus
 - Allocate a portion of VR sales tax generation to A.H.
4. Generate additional sales tax and economic activity
 - #6

Previous Council Action:

Not counting the formation of the STR committee the Council has discussed the Vacation Rental issue on ten different agendas.

8/2/16 – Moratorium 1st reading

8/15/16 – Moratorium dies for lack of second

9/20/16 – Presentation of recommendations by STR committee

10/17/16 – Discussion of STR limitations, introduction of Version 1 of Ordinance #12

11.14.16 – Special meeting, Version 2 of Ord 12, 1st reading continued

12/05/16 - Version 3 of Ord. 12, 1st reading continued

12/19/16 – Version 4 of Ord. 12, 180 day limitation. Set for public hearing on 1/3/2017

1/03/17 – Version 5 of Ord. 12, 120 day limitation. Public hearing continued

1/17/17 – Version 6 of Ord. 12 (Belkin/Green), public hearing continued

2/06/17 – Version 7 of Ord. 12, Ordinance 12 passed with licensing but no zoning regulations

Council direction from 02/06/17

Staff was directed by the Council to produce a chart or document illustrating the pros and cons of the various limitation mechanisms that are available to the Town or which have been utilized in other municipalities. The subject chart is attached. Council set this special meeting to continue the discussion about possible further limitation of vacation rentals in Crested Butte.

Decision points

1. Is there additional information that staff can provide to help inform this process?
2. Does the Council wish to move forward with changes to the current zoning section 16-14-90?
3. If so, which tool, or combination of tools would the Council like to staff to pursue?

Encl: Vacation Rental Restrictions chart
Housing Occupancy Chart
Analysis of Different Limitation Options
CBMC 16-14-90
Petito ordinance
CML Knowledge Now - Short-term Rentals: Municipal Best Practices in Colorado
CML Short-term Rental Property Ordinance Matrix

Vacation Rental Restrictions (Combinations of these are common)

Restriction Type	Description	Used by other Colorado Jurisdictions	Pros/Cons
1. Number (#) of Units	Limit # of VR's either by absolute # or % of units	Durango Georgetown CB Committee recommendation	+ Has desired effect of limiting the impacts in a defined geographic area + Can be tailored to address unique character of specific neighborhoods - Difficult to reduce #'s if they exceed limit already - Probably favors those who already have BOLT license and limits opportunities for future owners
2. Location (zoning)	Limit VR's to a geographical area where more appropriate and less impactful to adjacent uses	Durango, Telluride, Boulder, Park City, Ketchum, CB Committee recommendation	+ Fits with classic zoning police powers + Uses impacts to inform zoning + Can be tailored to address unique character of specific neighborhoods - Without other limitation could exceed comfortable penetration in an area - Current zoning already allows the use in most areas of town
3. Ownership	Limit use availability to a particular group	Denver, Boulder CB Committee recommendation	+ Could tailor regulations to curtail use of more commercially oriented ownership patterns - Might be subject to challenge on basis of discrimination - Difficult to reduce # of units with existing licenses to ownership patterns not identified
4. Time	Limit the amount of time a use can be utilized	Telluride CB Committee recommendation	+ Universally consistent to all users - May concentrate use in more favored weeks/months - More difficult to monitor
5. Maintain existing zoning parameters	Unlimited short term rentals in 7 zone districts and limited rentals in B-1 zone	Crested Butte	+ No changes required - Somewhat arbitrary as Zone districts were designated prior to shared economy and Verzuh annexation - Creates situation where 58 units currently hold BOLT licenses outside of these zones
6. Free market/Self selection	Allows owners to decide whether to implement use. Factors which may affect this decision are fees, taxes, regulatory requirements	Everywhere	+ Not controversial - May not be effective in controlling negative impacts of use particularly in high demand tourist locations

Durango (1, 2, 5) – Limits VR use to specific zones, limits VR's to one per block and a hard cap total number in two zones, requires local contact, inspections, neighborhood notification, \$750.00 fee

Telluride (2, 4, 5) – Limits VR use to specific zones, limits use to 29 days no more than three times in any calendar year, requires local contact, dissemination of community rule set, affidavit attesting to previous years VR use duration and frequency

Boulder (2, 3, 5) – Limits VR use to owner’s principal residence, must be a person not a trust or company, self-certify safety checklist, pay application fee (\$130), business license (\$25) and voter approved 7.5% tax

Denver (3, 5) – Limits VR use to primary residence in residential and mixed use zones

Crested Butte STR Committee Recommendation (1, 2, 3, 4, 5) – Limited% of free market in three different zoning areas. Limited VR to a maximum of 60 days per year. A three tiered fee structure that charges more for unlimited use. Implemented regulatory regime for inspections, licensing

Crested Butte, Ordinance 12, 2016 (2, 4, 5) – Identifies zones where appropriate, may limit # of nights can rent, implemented regulatory regime

Analysis of Different Limitation Options

The total number of free market units in the Town is 923

1. Maintain the existing 16-4-90 zoning and do nothing

Free market units in the existing (green) zones – 646

Current number of conforming (un-limited) BOLT licensed units in the green zones – 206

Current number of non-conforming BOLT licensed units (white zones) - 58

Total number of vacation rental licenses possible under current zoning (after eventual reduction in non-conforming over time) = 646

2. Petito ordinance- Doesn't address licenses in the T, B1 or M zones

Number of free market units in the 30% cap zones - 333

Number of existing BOLT licenses in the 30% cap zone – 133

Current % of BOLT licenses in 30% cap zones – 40%

Number of free market units in the 25% cap zones – 457

Number of existing BOLT licenses in the 25% cap zones – 116

Current % of BOLT licenses in the 25% cap zones – 25.38%

Total number of vacation rental licenses possible under Petito proposal (after eventual reduction in 30% zone over time) = 214

3. Ordinance #12, as of 2/6/17

Total number of free market units in the allowed zone list – 820

- "R1," "R1A," "R1B," "R1C," "R1D," "R1E," "R2," "R2C," "R3C," "R4," "B3," "B4," and "M" Districts

If add T zone (Blocks 37/ 55) – 876

If add T and B1 zones – 898

Number of existing BOLT licenses in the allowed zones – 252

Number of existing BOLT licenses in the allowed zones if add T (37/55) – 261

Number of existing BOLT licenses in the allowed zones if add T (37/55) and B1 – 264

Number of existing BOLT licenses that are unlimited -213

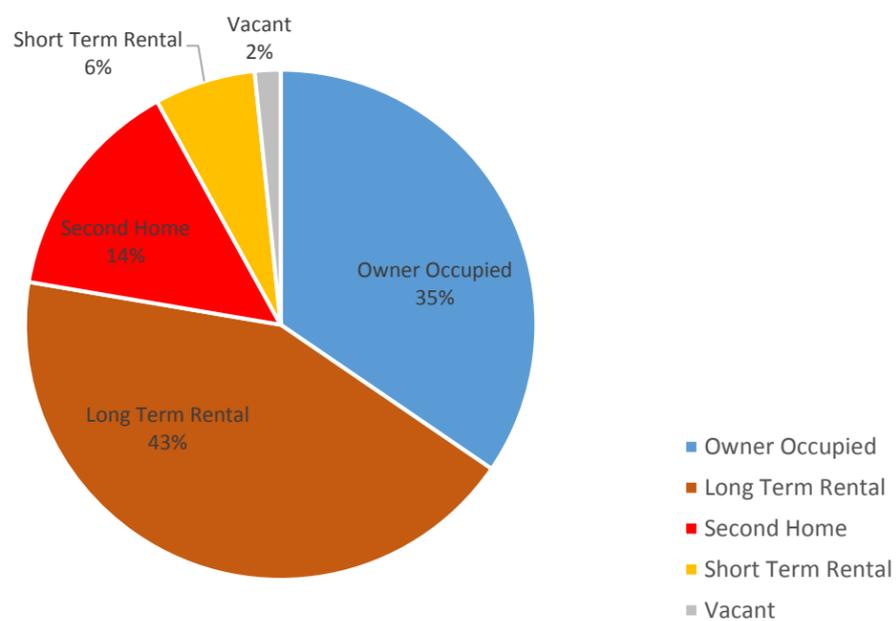
Number of existing BOLT licenses with limitations – 39

Number of existing BOLT licenses with limitations if add T (37/55) – 48

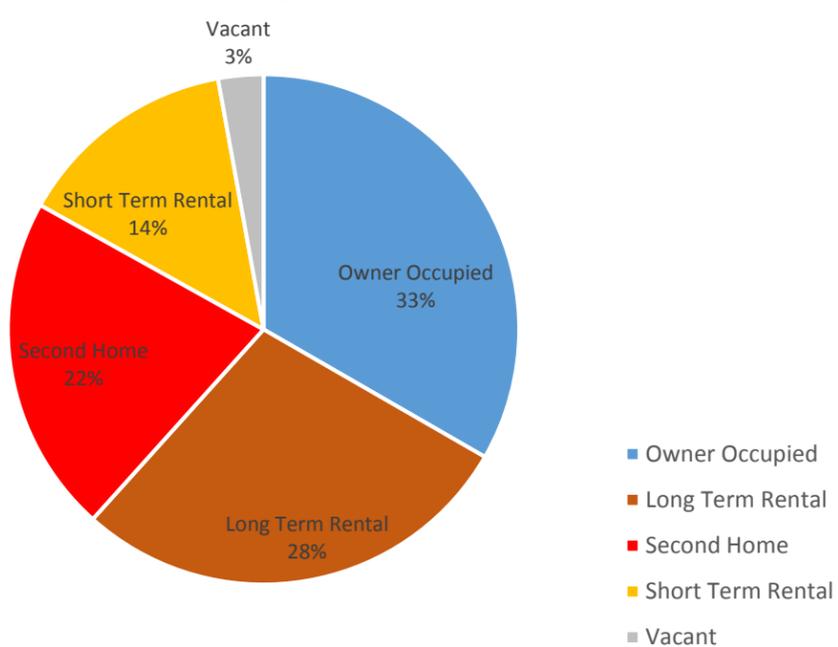
Number of existing BOLT licenses with limitations if add T (37/55) and B1 – 51

Total number of vacation rental licenses possible under Ordinance #12 including T (37/55) and B1 subject to limitation of number of nights (assuming the unlimited units come into compliance over time) = 898

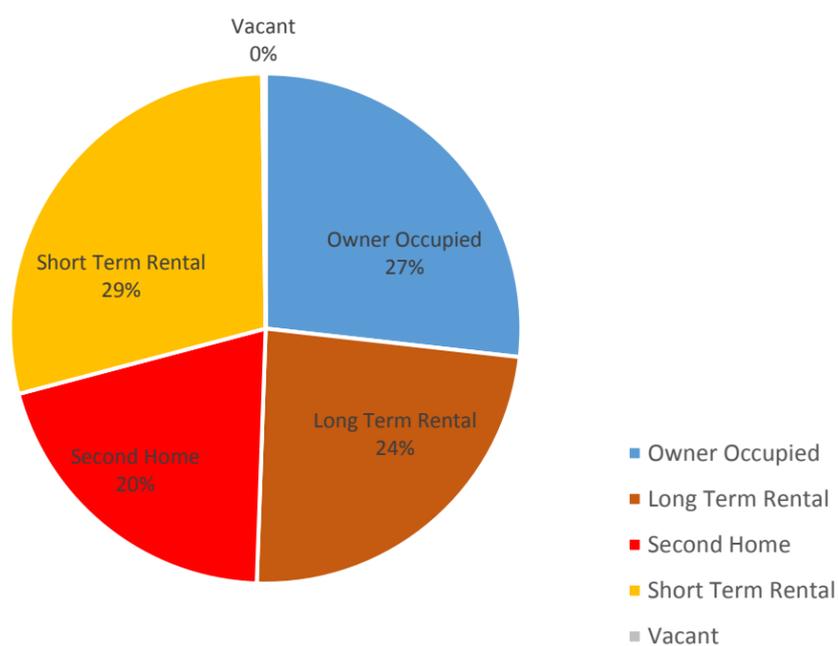
Free Market Housing Occupancy 1997



Free Market Housing Occupancy 2012



Free Market Housing Occupancy 2016



Sec. 16-14-90. - Limitation on leasing.

- (a) There shall be imposed a limitation on the short-term rentals of property as herein provided.
- (b) In the "B1" District, no property shall be rented for a period shorter than one (1) month more than twice in any calendar year.
- (c) In the "R1," "R1A," "R1C," "R2," "R2C," "R3C," and "B3" Districts, unlimited short-term rentals shall be allowed, provided that the owner obtains a revocable license for such use from the Town. Such revocable license shall be granted upon a showing of:
 - (1) Adequate parking;
 - (2) Receipt of required business licenses, including the business occupation license tax;
 - (3) Identification of a management contact person or entity within the County;
 - (4) Adequate rubbish storage and removal; and
 - (5) Adequate instruction to tenants regarding solid fuel-burning devices and parking restrictions.
- (d) The terms and conditions of this Section shall not apply to Timesharing, Condo Hotels and Hotels or Lodges, as the same shall not be considered short-term rentals.

(Prior code 15-2-19; Ord. 11 §3, 1990; Ord. 3 §31, 1994; Ord. 5 §2, 1995; Ord. 8 §6, 2008; Ord. 4 §1, 2009)

Short-Term Rental Property Ordinance Matrix

Credits: Colorado Association of Ski Towns, City of Fort Collins

City	Primary Residence	Non-Primary Residence	Tax Required	License Required	Neighbor Notification	Concentration Limit	Zoning Limitations	Fees	Occupancy Requirement	Other
Blue River	yes	yes	yes	yes, non-transferrable	no	not yet	no	\$200 first time; \$75 annually	none	In process of changing much of this.
Boulder	yes	no	yes	yes, non-transferrable	no	no	yes, determine occupancy limits	\$130 first time; \$105 for 4 year license	determined by zone	
Breckenridge	yes	yes	yes	yes, non-transferrable	no	no	none- unless deed restricted workforce housing, then prohibited	\$75 - \$175 annually	none	Single-Family Home - Special Conditions of License/BOLT License -Location Card posting requirement
Denver	yes	no	yes	yes, non-transferrable	no	no	no	\$25 annually		
Durango	yes	yes	no, no mention	yes, non-transferrable	yes, 300 foot radius	yes, by zone including total number and by block face	yes, only allowed in certain zones	\$750 first time	Site visit and inspection, property posted, parking requirements	
Estes Park	no	yes	yes	yes for in town with fee, operating permit for county with no fee	no	no	no	\$200 base fee plus \$50 per bedroom	2 per bedroom, plus 2 up to 8 total	The Town and County have a task force to examine the 8 limitation on larger homes and other regulations such as neighbor notification and limitation on number of vacation homes within the valley, etc.
Estes Park - outside Town, inside Estes Valley	Same as Town	Same	Same	no; however, an operating permit is required per the land use code (Estes Valley Development Code)	Same	Same	yes, in all residential zones, A-1 Accommodations/Low Intensity and CD - Downtown Commercial	none	Same	
Frisco	yes		yes	yes	no	none	none	\$75 business license	none	None, we are working on a new ordinance to address notification, occupancy, and several other issues.
Georgetown	yes	yes	sales/lodging	yes, non-transferrable	yes	7% per town ward	no	\$500 first time; \$250 renewal	no	Local owner representative
Silverthorne	yes	yes	yes, business license	yes, business license	no	no	no	Business License fee is \$75	none	We really only require a business license. We have somebody that tracks Airbnb, VRBO, and Homeaway for rentals that have not obtained a business license. Other than that, we don't have other limits or restrictions for short term rentals at this time.
Snowmass Village	Yes	Yes	Yes	yes, non-transferrable	No	No	No	No	Yes, under the building code	Not permitted in employee housing units, without prior approval.
Telluride	yes	yes	yes	yes	no	no	yes, restrictions in residential zone	\$165 base fee plus \$22 per bedroom	none	Restrictions in Residential Zone : no more than 3 rentals per year, w aggregate not to exceed 29 days; implemented in 2011; will revisit in 2017

Counties

Eagle County	No county-wide restriction; short-term rentals not allowed in price-capped deed-restricted units	No county wide restriction	If assessors's office is aware a unit is a rental, it is taxed as such	No, counties can not initiate business licenses	No county wide restriction	No county wide restriction	No county wide restriction	none	Eagle County Land use codes state no more than one person per every 300 square feet; this limit is not enforced	No county wide restriction
Summit County	yes	yes	All short term property rentals (less than 30 days) are subject to the sales tax and mass transit tax. A sales tax license is not needed from the county. This is obtained from the State because the State of Colorado Department of Revenue collects all county and mass transit taxes.	A sales tax license is required through the State of Colorado. There are no business licenses in unincorporated Summit County	no	no	Not permitted in Deed Restricted Units	no	Per code, one person per 300 square feet	Not at this time

Out-of-state municipalities

Park City, UT	yes	yes	COMDEV does not have any enforcement.	yes, non-transferrable	yes, in cases of duplexes or if shared common areas/hallways exist between or within a building	Yes, 75 sq. ft per bedroom, at least 50sq ft of floor space per occupant (if more than 1)	yes, only allowed in certain zones or with CUP's in certain zones	\$149.00 Admin Fee, \$28.74 per bedroom fee, \$17.00 Yearly renewal	Yes, 75 sq. ft per bedroom, at least 50sq ft of floor space per occupant (if more than 1)	Site visit and safety inspection
Ketchum, ID	yes	yes	yes	yes, business license	no	no	yes (CC, T & STO zones only)	no	Max 30 days/guest	no

ORDINANCE NO. 12
SERIES 2016
AN ORDINANCE OF THE CRESTED BUTTE TOWN
COUNCIL AMENDING CHAPTER 6 OF THE CRESTED
BUTTE MUNICIPAL CODE TO INCLUDE NEW
REGULATIONS IN ARTICLE 6 THEREOF FOR THE
LICENSING OF VACATION RENTALS AND DEFINING
VACATION RENTALS IN CHAPTER 16

WHEREAS, the Town of Crested Butte, Colorado ("Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado;

WHEREAS, on September 26, 2016, the Chairperson of the Crested Butte Short-Term Rental Committee (the "Committee") presented to the Town Council during a Special Meeting a Town Staff Report regarding the Committee's findings and recommendations respecting the impacts of vacation rentals and the regulation of the same in Crested Butte;

WHEREAS, during such Special Meeting, after presenting the Committee's findings as detailed in the Town Staff Report, the Committee and Town Staff made 14 recommendations regarding the Town's regulation of vacation rentals;

WHEREAS, the Committee's recommendations addressed neighborhood impacts, community impacts and processes regarding the regulation of vacation rentals;

WHEREAS, the Committee's recommendations also addressed the adoption and implementation a vacation rental licensing program directed toward ensuring the health, safety and welfare of the residents and visitors of Crested Butte through the licensing of vacation rentals;

WHEREAS, the Committee's recommendations contemplated that a collateral benefit of implementing a vacation rental licensing program would be the collection of vacation rental use data to determine the impact of vacation rentals on neighborhoods;

WHEREAS, the Town Council, after hearing the presentation by the Committee, and receiving informal public comment from the community at the September 26 Special Meeting, held public meetings on October 17, November 14, December 5, 2016, December 29 and January 2, 2017 to discuss the vacation rental licensing program, at which such meetings the Town Council heard and received public comment and discussed the same;

WHEREAS, following receipt of public comment, and the Town Council's discussion of the same, the Town Council finds by this ordinance that adopting a vacation rental licensing program, including placing a limitation **on the number of residential units in which vacation rentals are allowed in certain zone districts**, will ensure the health, safety and welfare of the residents and visitors of Crested Butte through the permitting of vacation rentals as contemplated in this ordinance is in the best interest of Crested Butte's neighborhoods; and

WHEREAS, for the foregoing reasons, the Town Council hereby finds that the amendments to the Town of Crested Butte Municipal Code ("Code") set forth herein below are in the best interest of Crested Butte, its residents and visitors alike.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Adding a New Article 6 to Chapter 6 of the Code. A new Article 6 is added to Chapter 6 of the Code and shall read as follows:

"Vacation Rental Licenses

Sec. 6-6-10. Purpose.

The purpose of this Article shall be to require the licensing of vacation rentals. Such licensing shall provide the Town with necessary information relating to the operation of vacation rentals in order to protect the health, safety and welfare of the residents and visitors of Crested Butte.

Sec. 6-6-20. Effective Date.

This Article shall be effective commencing on January 1, 2018, and shall govern all applications submitted to the licensing official for the licensing of vacation rentals. Prior to such date, the owner of an existing vacation rental must make application for a vacation rental license as described herein. Any property operated as a vacation rental after such date without a vacation rental license shall be in violation of this Article.

Sec. 6-6-30. Definitions.

Licensing official means the Town building official or such other officers as designated by the Town Manager.

Primary residence means a residence which is the usual place of return for housing as documented to the satisfaction of the licensing official. A Person can only have one primary residence.

Sec. 6-6-40. Vacation Rentals Allowed.

(a) Vacation rentals are allowed only as prescribed in Section 16-14-90. For vacation rentals of individual sleeping units, the owner of the property, or **such owner's** duly authorized representative must be present on the subject premises during use as a vacation rental.

(b) The use of any property as a vacation rental shall not frustrate any limitation on the use of the property pursuant to a deed restriction, covenant or other Town restriction or requirement regarding occupancy.

Sec. 6-6-50. License Required; Compliance.

(a) It shall be unlawful and a violation of this Article for any person to use any property as a vacation rental without first having obtained a vacation rental license from the licensing official. All vacation rentals shall strictly comply with the requirements of the Code.

(b) The owner of any property found to be operating a vacation rental without a license after January 1,

2018 shall be ordered to cease such activity on the property. Any property that is being operated in violation of these regulations shall be ineligible for a vacation rental license for a period of two years from the discovery of the violation.

Sec. 6-6-60. Application.

(a) Application, whether initial or for any renewal, for a vacation rental license shall be made on a form provided by the Town. At the least, the application shall include the vested title property owner's name and address, address of the vacation rental, maximum occupancy of lease or rental guests, owner representative and contact information, parking plan for guests, acknowledgement of payment of all taxes and the required application fee.

(b) The vested title property owner shall be the licensee for the vacation rental. Application fees shall be set by annual resolutions of the Town Council.

(c) The property for which the license is sought must be the applicant's primary residence.

(d) Vacation rental licenses shall have a term of two years. Subject to the requirements of this Article, a license may be renewed annually, extending the term for one additional year from the expiration of the current license.

Sec. 6-6-70. Issuance; Renewal.

(a) Except for a violation of Section 6-6-50, Applicant may appeal the licensing official's decision to issue, issue with conditions, renew, renew with conditions, suspend, revoke or deny a vacation rental license. Such appeal shall be filed with the Town Clerk in writing within 15 days of the licensing official's decision being appealed and shall be heard by the Town Manager within 30 days of receipt of applicant's appeal. The appeal shall be noticed at the Town's posting places. The Town Manager shall render a decision on the issues appealed within 15 days of the hearing of the appeal. The decision of the licensing official (if not appealed), or of the Town Manager (if appealed), shall be the final decision of the Town for purposes of judicial review.

(b) The licensing official shall deny any application, whether initial or for any renewal, where the application and supporting documentation do not establish the vacation rental's conformity with the requirements of Code. The licensing official may also deny any application that contains false, misleading or incomplete information, or for good cause shown.

(c) At least 14 days prior to issuing or renewing a vacation rental license, the Town shall, in a format provided by the Town, notify all owners of real property within 100 feet of the property that is the subject of the vacation rental license of their opportunity to make comment on the neighborhood impacts of the use of the property as a vacation rental.

Sec. 6-6-80. Suspension; Revocation.

A vacation rental license may be suspended or revoked by the licensing official for failure to comply with this Article. The applicant of such vacation rental license may appeal the licensing official's decision to suspend or revoke the vacation rental license. Such appeal shall follow the process outline in Section 6-6-70 hereof. The suspension or revocation of the vacation rental license shall not be deemed a prerequisite

to the institution of enforcement proceedings, the imposition of fines and the Town's pursuit of any remedies as described elsewhere in the Code. The proper and timely filing of an appeal with the Town Manager shall temporarily stay the suspension or revocation of the vacation rental license pending the outcome of the appeal before the Town Manager unless the licensing official verifies in writing to the Town Manager that a stay will pose an immediate threat to the safety of persons or property or defeat the purpose of the suspension or revocation in the first instance, in which event a stay shall not enter.

Sec. 6-6-90. No Transfer.

A vacation rental license attaches only to the property for which it is issued and is nontransferable upon sale or other transfer of ownership of the property. Upon such transfer of ownership, the new owner of the property shall apply for a vacation rental license if it wishes to continue the use of the property as a vacation rental.

Sec. 6-6-100. Lodging and Sales Tax.

The owner of a vacation rental shall cause lodging tax and sales tax to be collected and remitted to the Town as required under the Code.

Sec. 6-6-110. Business Occupation License.

The owner of a vacation rental property must possess a current Town business license. The business license must be renewed annually where the owner desires to use the property as a vacation rental. A vacation rental license may be denied or revoked if the owner of the vacation rental property does not have a current business license.

Sec. 6-6-120. Bi-Annual Inspection.

All vacation rental properties are subject to inspection every other year, or for cause. Vacation rental licenses may be limited, suspended, revoked or not renewed by the licensing official if all conditions and requirements of the vacation rental license and the Code are not satisfied.

Sec. 6-6-130. Administration.

(a) The licensing official shall prescribe forms and make reasonable rules and requirements in accordance with the Code for, without limitation, application requirements, the inspection of all vacation rental properties, the verification of the capacity and safety of such vacation rental properties and administration and enforcement of the requirements of this Article and the Code.

(b) Applicants must pay their license fee at the time of application, whether initial or for any renewal.

Sec. 6-6-140. Licensee Duties.

It shall be the duty of the fee title owner of the vacation rental to ensure the following:

- (1) Obtain a renewal of the vacation rental license annually, if the property remains a vacation rental.
- (2) Cause the vacation rental to comply with the Code continuously and without interruption.
- (3) Promptly notify the licensing official upon any change of local contact.

Sec. 6-6-150. Local Contact.

All vacation rental licenses shall include a local responsible contact person capable of physically responding to issues that may arise at the vacation rental property within one hour of the initial attempt to contact the vacation rental property owner. The local contact must have physical access to the vacation rental property and shall be authorized to make decisions regarding the vacation rental property on behalf of the owner.

Sec. 6-6-160. License Number Display.

Every vacation rental license shall be issued a unique number. The vacation rental license number shall be displayed in all advertisements for the vacation rental property. Advertisements for the vacation rental property shall include any act, regardless of medium, of drawing the public's attention to the vacation rental property in order to promote the availability of the vacation rental property.

Sec. 6-6-170. Parking Required.

All vacation rental properties must keep and maintain all off street parking approved in conjunction with any Town land use approval for the vacation rental property and made available for year-round use by vacation rental tenants.

Sec. 6-6-180. Maximum Occupancy.

The maximum occupancy of any vacation rental property is 10 people. Occupancy may be adjusted following physical inspection of the vacation rental property. The basis for the occupancy determination shall be an allowance of two occupants per legitimate bedroom plus two additional occupants. Any increase above 10 people in a vacation rental property shall include an on-site parking space for each four additional occupants (or part thereof) in addition to any parking required by this Article. Such parking requirements shall be in addition to any other parking requirements that must be satisfied under the Code.

Sec. 6-6-190. Renter Requirements.

Each vacation rental property shall prominently display on site and available to all renters the rules and regulations of the Town that apply to the occupancy of the vacation rental property. Such information shall include information pertinent to the neighborhood where the vacation rental property is located including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash disposal, storage and collection schedule, relevant water restrictions and any other information as required by the licensing official.

Sec. 6-6-200. Violation.

- (a) Violations of this Article shall be enforced pursuant to Chapter 1, Article 4 of the Code.
- (b) A violation of Section 16-14-90 of the Code shall also be punishable by denial of a license for a vacation rental for the property that has offended such limitation for a period of two years from Town's discovery of the unlawful lease or rental.

(c) All amounts due and owing the Town in connection with any violation of this Article shall constitute a first priority lien on the vacation rental property and may be collected by any means including by way of those matters addressed in Section 4-8-10 of the Code."

Section 2. Amending Section 16-1-20. The following new defined terms are added to the Section and shall read as follows:

"Vacation rental means: (i) the rental or lease of a property for a period of less than 29 consecutive nights; or (ii) the rental or lease of a sleeping unit within a property, for a period of less than 29 consecutive nights, where the owner or agent is present during the occupancy. Vacation rental use is not a residential use."

Section 3. Replacing Section 16-14-90. Section 16-14-90 is hereby deleted in its entirety and replaced with the following new Section that shall read as follows:

"Sec. 16-14-90. Limitation on Vacation Rentals.

(a) Intent. The use of property as a vacation rental has impacts on neighborhoods not unlike that of bed and breakfasts, hotel or lodges and motels. The impacts of vacation rentals on neighboring uses can be significant when the vacation rental property is occupied by multiple tenants in consecutive tenancies throughout the year. For this reason, limitations on vacation rentals, particularly as they affect other uses of property, are necessary for the protection of the health, safety and welfare Crested Butte.

(b) Limitations. There shall be imposed limitations on vacation rentals as follows:

(1) Vacation rentals are not allowed in bed and breakfasts, condo hotels, hotel or lodges, motels or short-term residential accommodations uses as defined in the Code.

(2) Vacation rentals are permitted in the "R1," "R1A," "R1B," "R1C," "R1D," "R1E," "R2," "R2C," "R3C," "R4," "B3," "B4," "M" and "T" (Block 55 and 37 only) Districts.

(3) Vacation rentals are not permitted in the "R2A," "T" (except Block 55 and 37), "B1" (except as described in subsection (5) of this Section), "B2," "C," "AO" and "P" Districts.

(4) Density. The maximum density for vacation rentals shall be as follows:

(a) A maximum of 30% of non-deed restricted residences are allowed in zones R1C, R2C, R3C, B3, and B4.

(b) A maximum of 25% of non-deed restricted residences are allowed in zones R1, R2, R1A, R1B, R1D, R1E, and R4.

(5) A property that has a valid business license held by the fee title owner of the property for the purpose of use as a vacation rental as of March 1, 2017 is subject to paragraph (4) above.

(6) No more than two sleeping units may be rented at any time when rented as a portion of a vacation rental with the owner or duly authorized representative present."

From: [R Mason](#)
To: [Lynelle Stanford](#)
Subject: Fwd: No to Proposed STR Ordinance
Date: Tuesday, February 07, 2017 9:56:13 AM
Importance: High

Lynelle
Please add this to the public record
Thanks
Roland

Sent via the Samsung Galaxy S@6 active, an AT&T 4G LTE smartphone

----- Original message -----

From: Nick & Debby Faes <nadfaes@comcast.net>
Date: 2/6/17 2:03 PM (GMT-07:00)
To: R Mason <RMason@crestedbutte-co.gov>
Subject: No to Proposed STR Ordinance

Roland –

I am writing to you regarding the proposed STR ordinance. Especially over the past week or so, I have begun to believe it to be better to do nothing than to implement what has most recently been discussed. Please instead consider enforcing current zoning. For those STR business licenses issued erroneously by the Town in STR-prohibited zones, please insure they go away in a reasonable period and do not transfer with any sale. Do not let these “problem” STR business licenses become the reason to disrupt our long-standing and successful zoning.

Thank you for your consideration.

Nick Faes
PO Box 514
408 Sopris Avenue
Crested Butte, CO 81224-0514
303-250-7612
nadfaes@comcast.net

From: [Paul Merck](#)
To: [Lynelle Stanford](#)
Subject: Fwd: Vacation Rental
Date: Monday, February 13, 2017 10:26:59 AM

Paul Merck
970-209-0079
Town Council
Crested Butte, CO

Begin forwarded message:

From: Paul Merck <pmerck@crestedbutte-co.gov>
Date: February 13, 2017 at 10:25:53 AM MST
To: Frank Coffey <frankmcoffey@gmail.com>
Subject: Re: Vacation Rental

Frank, Thanks for writing and submitting your concerns for public record. This information is helpful.

There is a special meeting at town hall Wednesday at 6pm. Please attend and be part of the solution.

Paul Merck
970-209-0079
Town Council
Crested Butte, CO

On Feb 12, 2017, at 2:36 PM, Frank Coffey <frankmcoffey@gmail.com> wrote:

Dear Mr. Mayor and Town Council Members

My name is Frank Coffey and I live full-time at 114 1/2 Elk Avenue, on Coal Creek just behind Niky's Mini Doughnuts. The parking lot at 1st and Elk borders my house to the west.. I moved to Crested Butte in the fall 1975, 41 years ago. I built my one bedroom home in in 1982 when I was one of two building permits issued that year. I began working as a ski patroller at CBMR in 1980 and currently work as the Snow Safety Director. In that position I direct the avalanche mitigation program and am responsible for explosive use, purchase and storage on Crested Butte Mountain. During my tenure at CBMR I have done my best to keep you, your families, and our guests safe from avalanche danger.

Here is my situation: I have made a living here playing by the rules, at times renting my house out long-term when I have had long-term

work contracts in Alaska and Chile. I recently applied for a short-term rental permit and was denied.

I am asking for a review of this decision because the whole situation is unfair. The Atchley house on Elk to the east of my home, the Hegler house upstream from me on 1st street, and the house on 1st and Elk across the street to the west either have or will have short term rental permits.

I don't plan to make my home a hotel or BNB. I don't plan or want to become a major player in the short term market. I live here, and as time goes on, I want to make sure that I can continue to live here. I am a good example of why you all should consider exempting full-time residents from these new regulations, and allow people like me to keep contributing to the community.

I ask for your help. I ask for fair treatment. And I ask you to consider changing both the Town's current practices and the new ordinance you are considering.

Thank you for your time. Thank you for your service.

Sincerely

Frank Coffey

--

Frank Coffey

Snow Safety Director Crested Butte Mountain Resort

Director of Snow Safety and Helicopter Skiing Ski Portillo

Phone(USA): [970 366 2476](tel:9703662476)

Phone(Chile): [800 829 5325](tel:8008295325)