

Posted May 25, 2023

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN TO THE PUBLIC OF THE FOLLOWING MATTERS OF INTEREST REGARDING THE PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS:

Unless otherwise notified all regular and special meetings will be held in the BOCC Meeting Room first floor Administration/Sheriff's Building 530 East Main Street, Aspen, CO 81611

All regular meeting items begin at 12:00 p.m., or as soon thereafter as the conduct of business allows. Check agenda at: <https://pitkincounty.com/1001/Events-Agendas> or call 920-5200 for meeting times for special meetings.

Copies of the full text of any resolution(s) and ordinance(s) referred to are available during regular business hours 8:00 – 5:00 in the Clerk to the Board of County Commissioners office, 530 East Main Street, Aspen Colorado at:

<https://pitkincounty.com/1001/Events-Agenda>

NOTICE OF FINAL ADOPTIONS BY THE BOARD OF COUNTY COMMISSIONERS AFTER A DULY NOTICED PUBLIC HEARING ON MAY 24, 2023:

Ordinance No. 014-2023 of the Board of County Commissioners of Pitkin County, Colorado, Approving and Accepting the Deed of Conservation Easement for 2211 East Sopris Creek Road

Resolution No. 028-2023 of the Board of County Commissioners of Pitkin County, Colorado Approving an Individual Grant Agreement with Rocky Mountain Health Plans in the Amount of \$250,000

Resolution No. 029-2023 of the Board of County Commissioners of Pitkin County Colorado, Approving an Individual Grant Agreement with Rocky Mountain Health Plans in the Amount of \$10,000

Resolution No. 030-2023 of the Board of County Commissioners of Pitkin County, Colorado, Approving an Individual Grant Agreement with the Aspen Skiing Company for the Caring for Community Fund Grant

Resolution No. 031-2023 of the Board of County Commissioners of Pitkin County, Colorado, Approving an Individual Grant Agreement with the Colorado Department of Human Services (CDHS) for the Homeless Initiatives Grant

Resolution No. 032-2023 of the Board of County Commissioners ("BOCC") of Pitkin County, Colorado, Approving Contract Amendment No. 1 with the State of Colorado

Department of Human Services, Behavioral Health Administration for Funding for the Pitkin Area Co-Responder Teams ("PACT") Program

Resolution No. 033-2023 of the Board of County Commissioners of Pitkin County, Colorado, Authorizing an Intergovernmental Agreement with the City of Aspen Accepting a Financial Contribution to the Acquisition of the Moore Ranch Conservation Easements, Covenant, and Fee Interest Parcel

Ordinance No. 015-2023 of the Board of County Commissioners of Pitkin County, Colorado Accepting a Winter Trail Easement from the Aspen Skiing Company

Ordinance No. 016-2023 of the Board of County Commissioners of Pitkin County, Colorado Accepting Dedication of a Portion of Richmond Hill Road from the Aspen Skiing Company

NOTICE OF APPLICATIONS TO BE CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS ON WEDNESDAY, JUNE 14, 2023:

An application submitted by the Buddy Program for a Special Events Liquor Permit for an event to be held on July 7, 2023 at 1650 McLain Flats Road, Aspen, Colorado 81611.

Pursuant to the liquor laws of Colorado, Louis Swiss Bakery, LLC has requested the licensing officials of Pitkin County to grant a Beer Wine Liquor License for property located at 400 Aspen Airport Business Center, Aspen, Colorado 81611

The public hearing on this application will be held in the Administration/Sheriff's Building, First Floor Conference Room, located at 530 East Main Street, Aspen, Colorado on June 14, 2023 beginning at 12:00 p.m.

Petitions or remonstrances may be filed at 530 E Main St, Suite 302 Aspen CO 81611 Attention: Jeanette Jones or emailed to jeanette.jones@pitkincounty.com

NOTICE OF PUBLIC HEARINGS BEFORE THE BOARD OF COUNTY COMMISSIONERS ON WEDNESDAY, JUNE 14, 2023:

Resolution of the Board of County Commissioners of Pitkin County, Colorado, Approving the Acceptance of an Electric Vehicle Grant Awarded from the State of Colorado

Resolution of the Board of County Commissioners of Pitkin County, Colorado, on behalf of the Pitkin County Sheriff's Department, Approving a Contract with the Colorado Department of Human Services, Office of Behavioral Health, Providing Funding for Jail Based Behavioral Services

Ordinance of the Board of County Commissioners of Pitkin County, Colorado,
Approving and Accepting the Deed of Conservation Easement for Lot 6, Aspen River
Valley Ranch

Ordinance of the Board of County Commissioners of Pitkin County, Colorado,
Approving and Accepting Lot 6, Aspen River Valley Ranch Roaring Fork Recreation and
Access Easement

Ordinance of the Board of County Commissioners of Pitkin County, Colorado,
Approving and Accepting Lot 6, Aspen, River Valley Ranch Trail Easement

Ordinance of the Board of County Commissioners of Pitkin County, Colorado,
Amending Title 6, Section 6.50 (Short Term Rental Code) of the Pitkin County Code to
Exclude Short Term Rentals in the Rural and Remote Zone District

RECITALS

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, Colorado, a Home Rule County, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred by law.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. In 2020, the Colorado Legislature adopted an amendment to the County General Police Powers Statute and delegated to counties the ability to license and regulate lodge units rented for short-term stays.
4. Authority to enact these regulations is specifically found in House Bill 20-1093, codified at C.R.S. § 30-15-401 (1)(s), which delegates to the counties of the State of Colorado the ability to license and regulate residential Dwelling Units used as Lodging Units for Short Term Stays.
5. To implement this delegation of authority these regulations are adopted in order to fully establish a system of registration, licensing, tax collection, and regulation of Short Term Rental activity for the health, safety and welfare of the citizens and property owners of Pitkin County.
6. The potential occurrence of short term rentals in the Rural and Remote Zone District is of particular concern to the BOCC. This concern is grounded in three different aspects of rental operations in this zone district. First, there is a general absence or limited availability of emergency services or at least not the potential delivery of emergency services that most individual would expect to find. Second, there is no real ability to guarantee that renters and guests to these properties will appreciate the nature of these remote areas and will unnecessarily be placed at risk as a result of unpreparedness for a back country excursion. Third, the spread of this type of commercial activity and its

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

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

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

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

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

8. The County possess incomplete information as to the extent and location of short term rental activity in the County. The information that is available indicates previous and continuous short term rental activity in the Rural and Remote Zone District.

9. The BOCC finds that it is in the best interests of the public health, safety and welfare of Pitkin County citizens, visitors and property owners to prohibit the receipt and processing of applications for short term rental licenses concerning properties located in the Rural/Remote Zone District.

10. The BOCC finds that adoption of this Ordinance is necessary for the preservation of the public health, safety and welfare of the citizens of Pitkin County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that it hereby Amends The Pitkin County Short Term Rental Code establishing a Prohibition of Short Term Rentals in the Rural and Remote Zone District, in a form substantially similar to that attached and authorizes the Chair or the Chair’s designee to sign the Ordinance upon the satisfaction of the County Attorney as to form, and to execute any other associated documents necessary to complete this matter.

Pitkin County Code – Title 6: Health and Safety

6.50 Short Term Rental Code

6.50.053 License Application Evaluation Criteria

All applications for licenses will be evaluated against the following criteria and obligations as well as all other provisions of this Code:

1. Compliance with all County Codes, including but not limited to building, zoning, environmental and energy codes. All licensed properties must also comply with the pertinent local Fire District's Code and Regulations.
2. Current registration for sales tax collection.
3. Presence of working smoke and carbon monoxide detectors and fire extinguishers.
4. Sufficient potable water and functioning septic or wastewater collection system.
5. Appropriate limitation of number of renters or guests for the size of the residence and the number of bedrooms and bathrooms. The number of renters and guests must not exceed two per bedroom or such lower number as appropriate for the condition of the property.
6. Appropriate limitation in the number of nights available for rental.
7. Availability of the owner or manager of the property during times the property is rented to address any issues relating to the residence or complaints concerning the residence. Statement of the Applicant affirming how much time during the year they will be on the property.
8. Satisfactory measures taken to address any safety concerns with the residence.
9. Adequate parking plan for renters and guests.
10. The degree the rental operation may negatively impact or is detrimental to the character of the community and neighborhood of the property.
11. Licenses are not available for employee, affordable or other managed or covenant restricted housing.
12. License applications for properties in the Rural and Remote Zone District SHALL NOT BE ACCEPTED, PROCESSED OR GRANTED.~~will be determined by the Board after the Licensing Authority has recommended that the property has adequate emergency services available, adequate provisions can be made for the safety of the renters and guests considering the remote quality of the property, and that the rental activity and the activities associated with servicing the property will not be injurious to other properties or owners, public and private, or to the~~

~~qualities inherent to areas in the Rural and Remote Zone District in the area of the rental property.~~

~~Decisions made by the Licensing Authority in regard to Rural and Remote applications may be appealed to the Board by either the applicant or any member of County staff within 5 days of determination.~~

13. No more than one short term rental license shall issue for any single property or parcel.

14. Licenses shall only issue for properties that have been previously used for short term rental during the period between May 11, 2017 and May 11, 2022.

Published in the Aspen Daily News on June 1, 2023
Julia Ely, Clerk to the Board of County Commissioners