

**EXHIBIT A**

**Draft 4/20/2018**

**Proposed Amendments to the Archuleta County Land Use Regulations for Vacation Rentals Based on Ouray County, Colorado, standards:**

Additions in RED UNDERLINE, deletions in ~~strikeout~~; commentary in italics

**TABLE 3: USES BY ZONING DISTRICT**

R – Use by Right  
C – Conditional Use

USE	AF	AR	AE	RR	R	MH	C	I
<b>RESIDENTIAL</b>								
Dwelling, Multi-family					C		C	C
Dwelling, Single-family Attached				C	R		C	C
Dwelling, Single-family Detached		R	R	R	R		C	C
Manufactured Home		R	R	R	R	R	C	C
<u>Vacation Rentals of a Single-family Dwelling</u>		<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>C</u>	<u>C</u>
<u>Vacation Rentals, Multi-family</u>					<u>C</u>		<u>C</u>	<u>C</u>

**5.5 ACCOMMODATIONS AND LODGING STANDARDS**

**5.5.1 Lodging Establishment**

(Reserved for future use.)

**5.5.2 Lodging Units**

(Reserved for future use.)

**5.5.3 Bed and Breakfast**

(Reserved for future use.)

**5.5.4 Dude Ranch or Wilderness Lodging**

**5.5.5 (Reserved for RV Park revised standards)**

### **5.5.6 Vacation Rentals**

Vacation Rental is a Residential Use of a dwelling unit—either an entire dwelling, or individual rooms—on a short-term rental basis, less than 30 days at a time. Meals are not provided, although guests may have full access to kitchen facilities. It is unlawful to rent or offer to rent any Dwelling Unit as a Vacation Rental unless and until a Land Use Permit has been approved.

#### **5.5.6.1 Location.**

Vacation Rentals are a permitted use in each Zoning District in which a Dwelling Unit or Manufactured Home is a Use by Right, and a Conditional Use where they are a Conditional Use, as shown in Table 3. This includes the PUD Zone, unless the Development Plan specifies otherwise.

#### **5.5.6.2 Application.**

Upon change of use of property to a Vacation Rental, the property owner shall apply for a Land Use Permit, which shall be renewed annually. **Any property in use as a Vacation Rental upon initial adoption of these requirements, whether conforming or non-conforming as provided in Section 1.3, shall apply as a new Vacation Rental no later than December 31, 2018.**

- (1) Local Owner/Representative. The owner of a Vacation Rental shall either be present within a distance allowing response within one hour or less (generally fifty (50) miles of the property), or shall employ a Manager or Representative within fifty (50) miles of the property who shall be on call to manage the Vacation Rental whenever occupied at any hour of the day.
  - a. Contact phone numbers will be shared with the Sheriff's Office for resolution of nuisance complaints, and will be made available to the public upon request.
  - b. The Land Use Permit shall be updated within 10 days of any change of ownership or management.
- (2) Site Sketch. A simplified site plan shall be provided showing the property dimensions, buildings (with number of bedrooms), parking areas, and legal access.
- (3) Wastewater. A valid Onsite Wastewater Treatment System (OWTS) permit from San Juan Basin Public Health shall be provided, unless sewer service is provided by a centralized system or sewer district (Section 5.3.7).
- (4) Lodging and Sales Tax. Proof of registration for lodging and sales taxes, as required by Archuleta County and the State of Colorado, shall be provided with a Land Use Permit application. Documentation of rentals and compliance with tax remittances shall be provided with annual renewal of the Land Use Permit.
- (5) Owners Association Notification. In the event a proposed Vacation Rental is part of a PUD or Homeowners/Property Owners Association, the Applicant shall notify the Owners Association prior to application.
- (6) The initial Vacation Rental application shall be valid for the calendar year. Annual renewals shall be reviewed as a Minor Amendment of the initial Land Use Permit.
  - a. The Building Official will complete a building and fire safety inspection prior to approval of the initial Vacation Rental application, and in subsequent years if any complaints have been received.

- b. Where rental property has not been in compliance with the Land Use Regulations (including the Performance Standards in Sec. 5.5.6.3) or County ordinances, then the Director shall refer the application for renewal to the Planning Commission for review at a Public Meeting.
- c. Failure of the Local Owner/Representative to respond to contact three (3) times or more in a year will result in non-renewal of a Vacation Rental permit.

### **5.5.6.3 Performance Standards.**

Vacation Rentals shall be in keeping with Residential character of typical Dwelling Units and compatible with the neighborhood, community character and surrounding land use.

- (1) Density.** The number of dwellings used as a Vacation Rental shall be limited to the number of dwellings otherwise permitted for permanent residence. For example, if two Single Family Dwellings are allowed, that property may have one building used as a Single-Family Dwelling and one used as a Vacation Rental, or two buildings used as Vacation Rentals.
  - a. Any dwellings offered as Vacation Rentals, in whole or in part, shall be in conformance with all applicable building codes.
- (2) Occupancy.** The number of short-term rental guests shall be limited by the number of bedrooms (as defined by the adopted building code) and capacity of a valid Onsite Wastewater Treatment System (OWTS). These limits do not otherwise apply to personal (not Short-term Rental) use by the property owner.
  - a. There shall be no more than **2 overnight guests per bedroom**, plus up to two other guests per dwelling.
  - b. There shall be at least one improved on-site parking space per bedroom.
  - c. Temporary Events shall require a Temporary Use Permit (Sec 3.2.4).
- (3) Advertisements.** All ads for Vacation Rentals in all media shall include the Land Use Permit number as identification.
- (4) Rental Notice.** Prior to arrival, the property owner or representative shall inform Vacation Rental guests of all relevant County regulations and ordinances, and Owners Association restrictions.
  - a. A list of emergency services contacts, property manager contacts, and the physical address of the property, shall be prominently displayed inside the dwelling, with a disclaimer that emergency services may not be readily available in rural areas.
  - b. Notice shall be given that no parking is permitted on County roads.
  - c. Notice shall be given that Archuleta County has a Noise Ordinance applicable to residential areas which prohibits a noise disturbance of such volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
  - d. It is required that an exterior sign (no larger than two square feet) identifying the Owner/Representative's name and contact information, with maximum occupancy and parking limits, be posted at the dwelling entrance.

(5) Refuse Disposal. The property owner or Representative shall manage storage, collection and disposal of refuse. All refuse shall be stored in fly-tight, water-tight, rodent-proof, bear resistant containers, or be removed upon guest departure.

## **5.6 SUPPLEMENTARY USE STANDARDS**

*Renumber subsequent sections except Sec 5.5.4. (Reserve Sec 5.6.4 for future use.)*

**11.2.1 Definitions.** The following specific words and terms are defined as follows:

**Accommodations:** A room, group of rooms, building or structure for overnight occupancy.

**Bed and Breakfast:** An establishment operated in a private residential dwelling residence or portion thereof, which provides temporary accommodations to overnight guests for a fee, including meals and typical accessory uses such as special events, and which is occupied by the operator of such establishment.

**~~Boarding and Rooming Houses:~~** ~~A dwelling or part thereof, other than a hotel or motel where lodging with or without meals are provided, for compensation for three or more persons.~~

**Lodging Establishment:** A facility ~~building~~ intended and used for occupancy as a temporary accommodations ~~abode~~ for individuals who are lodged with or without meals, in which there are five (5) or more Lodging Units ~~guest rooms~~, including typical accessory uses such as meeting rooms and special events.

**Lodging Unit:** A temporary accommodation, other than a Vacation Rental, ~~single, individual lodging unit~~ which is subject to Colorado state sales tax under CRS 39-26-704. Lodging units may be detached or attached ~~lodging units. May include~~, including but not be limited to cabins, yurts, Park model RVs, and other types of units for short-term commercial lodging ~~only~~. Does not include units used for permanent residency as exempted by State law (39-26-704(3)). ~~One or two attached or detached single family dwellings on a single, legal lot of record as exempted under Section 2.1.2.5 used as short or long term rentals are not required to obtain a Use by Right permit.~~ Lodging units, regardless of type must meet the applicable building code(s) in effect at the time of permitting.

**Vacation Rental:** Residential use of a dwelling unit, or any portion thereof (including a Manufactured Home) as a short-term rental accommodation for no more than thirty (30) days, subject to Colorado state sales tax under CRS 39-26-704, where no meals are served or provided to renters.

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