

RESOLUTION 2022 - _____

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO,
IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION,
ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR A
PERMIT OR OTHER LAND USE APPROVAL RELATED TO THE OPERATION OF
A VACATION RENTAL IN UNINCORPORATED ARCHULETA COUNTY**

WHEREAS, in recent years, the advent and increasing popularity of individuals and companies purchasing, advertising, and renting out residential properties as short-term lodging has resulted in almost 12% of all unincorporated Archuleta County's housing stock being utilized as a vacation rental; and,

WHEREAS, the conversion of residential properties to 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 without limitation, issues with increased noise at all hours, parking and traffic problems, life and safety issues related to noncompliance with the building code, and trash not being kept or disposed of properly; and,

WHEREAS, in 2020, the Colorado legislature passed HB 1093, which established a new subsection in Title 30, Article 15, Section 401 of Colorado Revised Statutes, providing counties the authority to "license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term stay, and to fix the fees, terms, and matter for issuing and revoking licenses issued therefor"; and,

WHEREAS, in order to combat the above issues and pursuant to its authority to regulate land use granted by law including, without limitation, Article 20 of Title 29 and Article 28 of Title 30, Colorado Revised Statutes, in May 2021, the Archuleta County Board of County Commissioners (the "Board") adopted rules and regulations regarding the operation of vacation rentals in Section 5.5.6 of the Archuleta County Land Use Regulations ("LUR"), including the requirement that all owners and operators of vacation rentals obtain an annual permit; and,

WHEREAS, the LUR (a) required vacation rental owners and operators to obtain an annual permit, and (b) included additional provisions regarding enforcement, appeals, and fine for violations of the LUR; and,

WHEREAS, since the adoption of the amended LUR, the number of vacation rentals in the County has continued to significantly increase, causing continued conflict within neighborhoods, and contributing to the continued loss of local workforce housing stock as housing units in traditionally local areas transition from long-term to short-term occupancy; and

WHEREAS, the County is continuing to experience a housing crisis whereby local workers are unable to find housing and are leaving the community, resulting in local businesses being understaffed and cutting hours and services due to the lack of employees; and,

WHEREAS, to address similar issues, including overcrowding and the limitations of existing infrastructure to support the influx of visitors, the Town of Pagosa Springs has imposed an additional tax on short-term vacation rentals within the Town; and,

WHEREAS, the Board of County Commissioners has serious concerns that because of the above-referenced impacts from vacation rentals, unincorporated Archuleta County will continue to experience substantial additional loss of housing stock to vacation rentals in addition to what has already occurred; and,

WHEREAS, based on information presented to the Board by the staff of the Archuleta County Planning Development Services Department, as well as the businesses and citizens of Archuleta County, it appears that the existing rules and regulations in the LUR do not adequately address the impacts the County is experiencing and expects to experience in the coming months from vacation rentals; and,

WHEREAS, the imposition of a six (6) month moratorium on the submission, acceptance, processing, and approval of new vacation rental permits and other land use approvals related to vacation rentals will allow the County staff and Board to more thoroughly investigate the relevant issues and develop any additional appropriate regulations related thereto; and,

WHEREAS, because the County does not have adequate current regulations pertaining to vacation rentals, the County will suffer irreparable harm if a moratorium on the submission, acceptance, processing and approval of new County permits and other land use approvals related to the operation of such businesses is not imposed; and,

WHEREAS, the duration of the moratorium imposed by this Resolution is reasonable in length, and is no longer than is required for the County to properly investigate, develop, and, if appropriate, adopt and implement any regulations deemed necessary with respect to vacation rentals.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO THAT:

Section 1: Upon the adoption of this Resolution, a moratorium is imposed upon the submission, acceptance, processing, and approval of any new application for a permit related to the operation of a vacation rental in unincorporated Archuleta County, including any land use approvals associated with vacation rentals. Archuleta County will continue to accept and process renewal applications for existing and already issued vacation rental permits pursuant

to the current LUR. To the extent practicable in light of limitations posed by the website and software system used to process vacation rental permits, County staff is directed to refuse to accept for filing any such applications during the moratorium period, and regardless of whether an ineligible application is inadvertently filed or accepted for filing by the website and software system, Staff shall not process or approve any such application and shall refund any fees paid.

Section 2: The moratorium imposed by this Resolution shall commence as of the date of the adoption of this Resolution and shall expire six (6) months thereafter, unless sooner repealed or thereafter extended. Applications deemed complete by County staff for vacation rental permits or associated vacation rental land use approvals submitted prior to the date of adoption of this Resolution shall be processed per existing LUR. If a new complete application has been made for a permit for a vacation rental prior to the date of adoption of this Resolution and approved during the moratorium, such applicant will be eligible to receive a vacation rental permit. Additional limited exceptions may be made per the terms of Exhibit A, attached hereto.

Section 3: Before the expiration of the moratorium imposed by this Resolution, the County staff, working with the Planning Commission and the County Attorney, shall carefully review the existing rules and regulations regarding vacation rentals and promptly and with due diligence present potential changes to said rules and regulations to the Board as may be necessary to address the concerns of the Board.

Section 4: The Board hereby finds, determines, and declares that this Resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the County of Archuleta and the inhabitants thereof.

Section 5: The Board hereby finds, determines, and declares that an emergency exists, and that this Resolution is necessary for the immediate preservation of the public health, welfare, peace or safety. The adoption of this Resolution on an emergency basis is necessary in order to prevent a person from filing an application for a new County permit to operate a vacation rental until the County has had a reasonable opportunity to determine: (a) where the existing rules and regulations are failing to address the impacts created by vacation rentals; and (b) what additional regulations, if any, should be imposed by the County upon such businesses. Failure to immediately impose the moratorium provided for in this Resolution will potentially allow a person to apply for a permit from the County before the County has the reasonable opportunity to evaluate the immediate and ongoing community impacts associated with the continual growth of vacation rentals in residential neighborhoods. Further delay would lead to additional adverse impacts on the subject neighborhoods and community as a whole. Such adverse community impacts include but are certainly not limited to the loss of long-term housing in the County, and the consequent loss of local workers, so that businesses, residents, and visitors alike would be significantly negatively impacted. In addition, the County being forced to continue to accept and process vacation rental permits or other types of land use applications could cause irreparable negative impacts to the quality of life of existing Archuleta County residents and negatively affect the cultural, environmental, and

neighborhood areas of the County. The Board further determines that the adoption of this Resolution as an emergency Resolution is in the best interests of the citizens of Archuleta County.

Section 6: Should any one or more sections or provisions of this Resolution be judicially determined to be invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining sections or provisions of this Resolution, it being the intent of the Board that such invalid or unenforceable provisions are severable.

Section 7: This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED THIS 19th DAY OF JULY, 2022.

ATTEST:

**Board of County Commissioners
Archuleta County, Colorado**

County Clerk & Recorder

Alvin Schaaf, Chair