



AGENDA ITEM REQUEST FORM Communication to Board of County Commissioners

To: Chair Sandy Hollingsworth, Commissioner Web Sill, and Commissioner Linda Isenhardt

From: Sarah Baciak
Name

Paralegal, Gilpin County Attorney's Office
Title

Today's Date: 5/11/2022

BoCC Meeting Date: 5/17/2022

Does this item require a PUBLIC HEARING? No.

Item: Resolution Number 22-15 – Resolution Extending Temporary Suspension on the Submission, Acceptance, Processing, and Approval of Any Applications for a County of Gilpin Permit Related to the Operation of a Short Term Rent Business to August 7, 2022 to Adequately Consider the Adoption of Amendments to Existing County Regulations Concerning the Location, Number, and Mitigation or Impacts of Such Businesses and the Possible Adoption of limitations of the Location, Number, and Mitigation of Such Businesses within Unincorporated Areas of Gilpin County.

Request or Issue: Approval of Resolution.

Recommended Action / Next Step: Approval of Resolution.

Financial Impact(s): Have you spoken to the Finance Director about this expense/revenue? No, N/A.

Finance/HR Staff: Reviewed by Finance? No Reviewed by Human Resources? No

Is this item currently budgeted: No financial impact.

Grant Apps: N/A

Associated Agencies: N/A

Background Information: Previously, Gilpin County Board of County Commissioners signed Resolution 22-05 imposing the temporary suspension of the submission, acceptance, processing, and approval of a short-term rental business until 6/5/2022. It has come to light that more time is needed to adequately consider the impacts of short-term rentals in unincorporated Gilpin County.

Amount of agenda time needed: 15 minutes.

Is this item time sensitive: Yes.

Contact for Follow Up: Brad Benning, County Attorney.

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

RESOLUTION EXTENDING TEMPORARY SUSPENSION ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A COUNTY OF GILPIN PERMIT RELATED TO THE OPERATION OF A SHORT TERM RENTAL BUSINESS TO AUGUST 7, 2022 TO ADEQUATELY CONSIDER THE ADOPTION OF AMENDMENTS TO EXISTING COUNTY REGULATIONS CONCERNING THE LOCATION, NUMBER, AND MITIGATION OF IMPACTS OF SUCH BUSINESSES AND THE POSSIBLE ADOPTION OF LIMITATIONS ON THE LOCATION, NUMBER, AND MITIGATION OF SUCH BUSINESSES WITHIN UNINCORPORATED AREAS OF GILPIN COUNTY

WHEREAS, the County of Gilpin ("County") is as statutory county organized and existing under Colorado Constitution Art. XIV, Sec. 1 as an administrative arm of the State to serve as the legislative, policy-making, and administrative body governing unincorporated areas of Gilpin County; and

WHEREAS, the Gilpin County Board of County Commissioners ("Board") previously approved Resolution No. 22-05, which suspended until June 5, 2022, the short-term rental business ("STR") permitting process, suspending the submission, acceptance, processing, and approval of any applications for County permits and licenses concerning the operation of short-term rentals. The Board did so to allow the County time to consider and address impacts short-term rentals have on Gilpin County.

WHEREAS, County staff has determined that additional time is needed beyond June 5, 2022, to allow County staff additional time to investigate, study, and consider the benefits, burdens, issues, and impacts short-term rentals create in Gilpin County and then, if warranted, move forward with the formal public hearing process by the Gilpin County Planning Commission and the Board to formally review, consider, determine, and then develop and implement regulations designed to limit the concentration and/or number of short-term rental businesses within Gilpin County or such other actions determined to be necessary. An extension of the suspension for these purposes to August 7, 2022 is reasonable; and

WHEREAS, Gilpin County is empowered to temporarily suspend County Zoning Regulations or Building Codes per C.R.S. §30-28-121 and as otherwise may be allowed under Colorado law; and

WHEREAS, additionally Colorado law referred to as the pending resolution doctrine is a legal doctrine under Colorado law that allows a local government to apply regulations that have yet to be officially enacted, but that are legally pending on the date of a permit application; and

WHEREAS, the pending ordinance doctrine permits a county to amend its ordinances and regulations without the threat of landowners or applicants racing to beat the clock by filing an application and thus obtaining vested rights under existing ordinances or regulations; and

WHEREAS, the County finds that under C.R.S. §30-28-121 and the pending ordinance doctrine, the County is authorized to apply this pending temporary suspension Resolution to short-term rental permit applications that have not been deemed fully complete as of March 6, 2022; and

WHEREAS, the Gilpin Board of County Commissioners hereby finds, determines, and declares that this Resolution is necessary and proper to provide for safety, welfare, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the County of Gilpin and the inhabitants thereof.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN, AS FOLLOWS:

Section 1. Findings. The above recitals are incorporated herein by reference and adopted as findings of the Gilpin Board of County Commissioners.

Section 2. Imposition of Temporary Suspension. Subject to the provisions of Section 3 below, a temporary suspension is hereby imposed on the submission, acceptance, processing, and approval of any application for a County permit to operate a short-term rental business within the unincorporated areas of Gilpin County pursuant to applicable County, state, and local laws. Subject to the provisions of Section 3 below, the Gilpin County Community Development Department and County staff are directed to refuse to accept for filing, and not to process or review any application for a short-term rental business permit within the unincorporated areas of the County during the temporary suspension period.

Section 3. Effective Date Extended Suspension. The temporary suspension imposed by this Resolution No. 22-15 shall extend to August 7, 2022, unless sooner repealed.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the temporary suspension imposed by this Resolution, County staff, working with the County Attorney, shall investigate, review, and analyze potential new County regulations for short-term rental businesses including possible limits on the concentration and/or number of short-term businesses within unincorporated Gilpin County. Such investigation, review, and analysis shall be completed promptly and with due diligence, and submitted to the Board of County Commissioners for consideration. The Board of County Commissioners declares that it will give due and timely consideration to the adoption of any proposed regulations.

Section 5. Existing Short-Term Rental Businesses. The provisions of this Resolution shall not affect the validity of any lawfully existing short-term rental business operating pursuant to state law and Gilpin County Zoning Regulations Section 3.10.

Section 6. Authority. The Gilpin County Board of County Commissioners hereby finds, determines, and declares that it has the power to adopt this Resolution pursuant to C.R.S. §30-28-121 and other Colorado law.

Section 7. Severability. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, the intention being that the various sections and provisions are severable.

Section 8. Repeal. Any and all resolutions, ordinances, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such resolution, ordinance, or code or part thereof shall not revive any other section or part of any resolution, ordinance, or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any resolution or ordinance hereby repealed prior to the effective date of this Resolution.

Section 9. Effective Date. The suspension on the STR permitting process commenced on March 7, 2022 as set forth in Resolution No. 22-05 and shall be extended to August 7, 2022.

ADOPTED in writing this _____ day of May, 2022 by a vote of _____ to _____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Deputy Clerk to the Board

Sandy Hollingsworth, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

The foregoing Resolution was acknowledged before me this _____ day of May, 2022 by Sandy Hollingsworth, Chair, and Sharon Cate, Deputy Clerk to the Board, County of Gilpin.

My commission expires: _____

Witness my hand and official seal.

Notary Public