

GUNNISON COUNTY PLANNING COMMISSION

PRELIMINARY AGENDA: February 5, 2026

221 N. Wisconsin, Suite D Gunnison CO, 81230

In person or on Zoom

Disclaimer: agenda discussion item times are approximate. Public hearings may start on or after the posted notice time. Work sessions may start earlier or later than the posted time.

8:45 a.m.

- Call to order; determine quorum.
- Seating of new members
- Discussion regarding the appointment of the Chair and Vice Chair
- Approval of Minutes from the January 8, 2026, Planning Commission meeting
- Unscheduled Citizens: A brief period in which the public is invited to make general comments or has questions of the Commission or Staff about items which are not scheduled on the day's agenda.
- Miscellaneous/Staff Reminders/Announcements

9:00 a.m.

Work Session: County Attorney Training

10:00 a.m.

Work Session: LUC-26-00005 | Short Term Rental License LUR Amendments | Legislative

Review of draft amendments to the Land Use Resolution for new Short-Term Rental (STR) License regulations.

Adjourn

Packet Materials are available online by visiting <https://gunnisoncounty.org/197/Planning-Commission> and selecting "View Most Recent Meeting Packet"

Use this link to join the Webinar on Zoom: <https://gunnisoncounty-org.zoom.us/j/86337231015>

Phone one-tap:

+17193594580,,86337231015# US

+14086380968,,86337231015# US (San Jose)

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed up to 24 hours before the meeting date. If you are interested in a specific agenda item, you may want to call the Planning Department (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations may contact the Planning Department before the meeting.

**GUNNISON COUNTY PLANNING COMMISSION
ORGANIZATION and PROCEDURAL *GUIDELINES***

GUNNISON COUNTY, COLORADO



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Amended February 16, 1996
Amended March 20, 1998
Amended June 4, 2002
Amended May 5, 2009

GUNNISON COUNTY, COLORADO PLANNING COMMISSION
ORGANIZATION AND PROCEDURAL GUIDELINES

SECTION 1: PURPOSE

These *Guidelines* are advisory only, and are not intended to impose, nor shall they carry the weight or authority of, statute, regulation or resolution. In no circumstance do these Guidelines control the Gunnison County Land Use Resolution or any other County regulation.

When there is a conflict between language in these Guidelines and the Gunnison County Land Use Resolution, the Gunnison County Land Use Resolution shall prevail.

SECTION 2: ORGANIZATION

- A. ORGANIZATION AUTHORITY.** This organization is the Planning Commission of the County of Gunnison, Colorado, which is governed by and has those duties and responsibilities authorized by the applicable provisions of Colorado Revised Statutes 1973 30-28-103 and 104 *et. seq.*, as amended, and pursuant to the *Gunnison County Land Use Resolution*, Section 1-115: *Establishment of Gunnison County Planning Commission*.
- B. ORGANIZATION TITLE.** This organization is referred to herein as "the Commission."
- C. BOARD REFERENCE.** The Gunnison Board of County Commissioners is referred to herein as "the Board."
- D. COMMISSION REFERENCE.** The Gunnison County Planning Commission is referred to herein as the "Commission."

SECTION 3: MEMBERSHIP AND RESPONSIBILITIES

- A. MEMBERSHIP.** The Commission is comprised of five regular and two alternate members, who are residents of Gunnison County, and are appointed by the Board.
- B. RESIDENCY.** Each regular and alternate member shall be a resident and shall have been a resident of Gunnison County for at least two years immediately before the appointment.
- C. LENGTH OF TERMS.** Regular commission members are appointed to staggered three-year terms by the Board. Alternate members are appointed for one-year terms, or for terms as otherwise determined by the Board.
- D. APPOINTMENT TO FILL VACANCY.** A vacancy created by the resignation or termination of a member's term is filled by appointment by the Board for the length of time remaining in the vacated term.
- E. ALTERNATE MEMBERS.** Alternate members are expected to attend all regularly scheduled meetings, and, with the exception of not having regular voting privileges, fully participate in the business of the Commission.
- F. COMMISSION MEMBER'S RESPONSIBILITIES.** A Planning Commission member is responsible to do the following:
 - 1. REVIEW MATERIAL BEFORE MEETINGS.** Review all material received before meetings.
 - 2. BECOME FAMILIAR WITH APPLICABLE REGULATIONS.** Familiarize him/herself with the Gunnison County Land Use Resolution, and other regulations that the Commission may be expected to administer from time to time.
 - 3. ATTEND COMMISSION MEETINGS INCLUDING SITE VISITS.** Attend all Planning Commission meetings, including site visits and work sessions. If a Commission member is unable to attend a meeting,

they shall notify the Commission Chairperson or Planning Director if possible, at least one week before the scheduled meeting.

4. **ENCOURAGE DETAILED DISCUSSION IN INITIAL REVIEW DISCUSSIONS.** Endeavor to raise questions and concerns about a proposal as soon in the process as they become apparent.
 5. **EVALUATE PERMIT APPLICATION FOR COMPLIANCE WITH REGULATIONS.** Evaluate each proposed Land Use Change Permit application for its compliance with the Gunnison County Land Use Resolution, and other applicable regulations, by reviewing the documentation submitted and included in the application's file in the Planning Office.
 6. **REVIEW DRAFT ACTION DOCUMENTS PREPARED BY DEPARTMENT STAFF.** Review the draft Recommendation or Decision prepared by the Planning Department staff for a specific Land Use Change Permit application, so as to reasonably ensure that all elements of a proposed land use change have been explained, that compliance of the Land Use Change Permit application with the Gunnison County Land Use Resolution, and other applicable regulations has been sufficiently evaluated, that Findings have been included that reflect conclusions reached by the Commission based on its evaluation of submitted documents, public testimony and any observations onsite, and that conditions of the proposed action are based on evidence included in the record, and backed by the Findings.
 7. **SERVE AS PROJECT COORDINATOR.** Serve as a Project Coordinator as appointed by the Commission Chairperson.
 8. **HELP NEW COMMISSION MEMBERS.** Assist new Commission appointees as needed.
 9. **ATTEND OTHER COUNTY MEETINGS.** Insofar as possible, attend other County meetings of interest to the Planning Commission.
 10. **REFER PUBLIC TO THE STAFF.** Refer inquiries from the public on planning matters to the Planning Department staff.
 11. **PERFORM IN A QUASI-JUDICIAL MANNER.** Conduct him/herself in actions, words and manner, in public and in private, as befitting and as required of a quasi-judicial role, relating to matters before the Commission.
 12. **ATTEND PROFESSIONAL CONFERENCES TO ENHANCE UNDERSTANDING OF PLANNING FIELD.** Is expected by the Board to participate in and attend educational and professional conferences, workshops and field trips as may be offered by professional organizations related to the planning field.
 13. **BE ACTIVELY INVOLVED IN COMMISSION RECOMMENDATION TO BOARD IN DEVELOPING LAND USE POLICIES.** Is actively involved as a Commission member in making recommendations to the Board concerning broader land use issues and concerns, establishing Special Areas, and amending the Gunnison County Land Use Resolution.
- G. PROJECT COORDINATOR.** The Chairperson may appoint a Project Coordinator to each Land Use Change Permit application. The Chairperson may also appoint Project Coordinators to direct other, issue-oriented projects. The term "Project Coordinator" may include more than one individual, so that a project is assigned Co-ordinators. The Chairperson may serve as Co-ordinator as necessary, to provide guidance and support. A Project Coordinator's responsibilities include these:
1. **EVALUATE APPLICATION FOR COMPLIANCE WITH REGULATIONS.** To evaluate each Land Use Change Permit application for which he/she is the Project Coordinator for its compliance with the Gunnison County Land Use Resolution and/or any other applicable regulations.
 2. **OVERSEE AND PROVIDE INFORMATION TO OTHER COMMISSION MEMBERS.** To provide comments and project analysis to the other Commission members at scheduled meetings. The staff will provide timely notice to a Project Coordinator when the proposed Land Use Change Permit application review he/she is overseeing is to be a scheduled agenda item.
 3. **IDENTIFY COMMISSION CONCERNS FOR PROPONENT.** To determine the sense of the Commission relative to potentially sensitive or controversial issues for guidance in consulting with the proponent (s).
 4. **WORK WITH STAFF.** To work with the Planning Department staff, County Attorney and/or other staff, to find answers to questions raised about the proposed land use change.

- a. **CONSULT WITH PROPONENT.** To consult with the proponent as required. Other Commission members and/or staff may also be included as deemed appropriate by the Project Coordinator. The Project Coordinator shall report to the Planning Commission, at the next regular meeting of the Commission and on the record, if such consultations occur, and shall report the date, time, place, participants and subject matter of each such consultation. Such consultations, if reported as required, shall not be considered to be in violation of Section VIII, *Ex Parte Communications*, of these *Guidelines*.
 - b. **REVIEW STAFF RECOMMENDATIONS.** To review draft staff recommendations before a meeting on which such recommendations are scheduled.
 - c. **TO BE PRESENT WHEN LAND USE CHANGE PERMIT RECOMMENDATIONS ARE SCHEDULED ON THE TO BOARD AGENDA.** To be present when a Planning Commission Recommendation to the Board of County Commissioners a Land Use Change Permit application is being considered in a public hearing, or for action by the Board, as appropriate. The Project Coordinator may request that other Commission members also be present to assist in answering questions the Board may have about the Commission's recommendation.
- H. **COMPENSATION.** Commission members receive a nominal fee for each regular or special meeting as determined periodically by the Board, and are compensated for necessary traveling and subsistence expenses related to occasional out-of-county workshops and meetings.
 - I. **ABSENCES.** The Planning Commission will notify the Board if a Commission member has missed four consecutive regular Commission meetings. The Board will schedule a meeting with the Commission member, and may remove the member from the Commission.
 - J. **RESIGNATION.** Any member may resign from the Commission by giving written notice to the Commission Chairperson and/or the Board.
 - K. **REMOVAL OF COMMISSION MEMBER FOR NON-PERFORMANCE OR MISCONDUCT.** The Board of Commissioners shall fill vacancies and may remove a member for non-performance of duty or misconduct, as it deems appropriate in the exercise of its discretion.
 - L. **ROLE OF ALTERNATE DURING TEMPORARY VACANCY.** In the event that any member is temporarily unable to act owing to absence, illness, conflict of interest, or any other cause, such position shall be filled during the temporary disability by an alternate member by order of the chairperson of the Commission.

SECTION 4: OFFICERS AND DUTIES

- A. **OFFICERS OF COMMISSION.** Officers of the Commission are a Chairperson and Vice-Chairperson, and any others as the Commission deems may be needed.
- B. **ANNUAL ELECTION.** Officers are elected annually by members at the Commission's first meeting in February, or as soon as practicable after the Board has made its annual appointments to the Commission, whichever occurs later.
- C. **TERMS OF OFFICE.** Each office holder holds office for one calendar year after his/her election, and may succeed him/herself.
- D. **ROLES OF CHAIRPERSON AND VICE-CHAIRPERSON.** The Chairperson presides at all meetings of the Commission, and is the chief executive officer of the Commission, performing duties that may reasonably be associated with that position. The Vice-Chairperson serves in the absence or incapacity of the Chairperson, including in any event in which a conflict of interest prevents participation and vote by the Chairperson; and completes all such duties as are defined herein which are normally performed by the Chairperson. In the event both the Chairperson and Vice Chairperson may have a conflict of interest, or are absent or incapacitated, the remaining members shall elect a Chairperson who shall preside over the business of the applicable meeting.
 - 1. **QUALIFICATION OF ACTING CHAIR REGARDING AGENDA ITEMS REQUIRING ACTION.** When an item is scheduled on the agenda for action and neither the Chairperson or Vice Chairperson is present, or is without a conflict of interest, the Commission shall choose its Acting Chair only from those members who were present when the public hearing for any such item was conducted.

SECTION 5: MEETINGS

- A. ANNUAL SCHEDULE OF MEETINGS.** A schedule of regular meeting dates for the upcoming year will be prepared by the Planning Department staff for review and approval by the Commission at its first December meeting.
- B. OPEN MEETINGS AND EXECUTIVE SESSIONS.** All Commission meetings shall be preceded by notice as required by Colorado State statute, and held regularly and at specific times and open to the public at all times. No executive session shall be conducted except in strict compliance with state statute. No executive session shall be convened or conducted until the Commission has first convened in an open session for which notice has been posted, a majority of the members have voted to go into executive session, and that action entered into the minutes, the Chairperson has cited the purpose for an executive session, and has stated to the public that the meeting will reconvene after the executive session.
- C. SPECIAL MEETINGS.** Special meetings may be conducted at any time when called by the Chairperson or at the written request of three or more Commission members. All members must be notified at least 48 hours in advance of a special meeting. Special meetings shall be noticed at least 24 hours in advance of the meeting, in compliance with Colorado statutory requirements and as otherwise required by the Gunnison County Land Use Resolution. Only items on the posted agenda shall be considered at a special meeting. Special meetings may be called in order to expedite action on a Land Use Change Permit application or any other subject that requires review and recommendation or other considerations or action by the Commission.
- D. WORK SESSIONS.** Work/study sessions may be conducted as needed by the Commission, or as required by the Gunnison County Land Use Resolution. No official action takes place at these sessions.
- E. MEETING LOCATIONS.** Regular meetings of the Commission are conducted in the Planning Commission meeting room of the Blackstock Government Center in Gunnison, or at any other place agreed upon by the members or that the Planning Department staff determines to be a site which can reasonably and most conveniently accommodate the public. The Commission will, as necessary and as it determines it can best serve the interests of the public, conduct its meetings in municipalities or other locations in the County when there are Land Use Change Permit, Special Area designation, or other applications proposed on lands located in or adjacent to those areas.
- F. QUORUM.** A quorum of the Commission consists of three members. No action shall be taken by the Commission without three members voting affirmatively.
- G. ORDER OF BUSINESS.** The order of business for each regular meeting of the Commission may include the following, so far as is applicable, and not necessarily in the order listed:
1. **DETERMINATION OF QUORUM.** Call to order and determination of quorum.
 2. **UNSCHEDULED CITIZENS.** Meeting with unscheduled citizens about items that are not agenda items for that meeting.
 3. **MINUTES APPROVAL.** Correction and approval of minutes of previous meeting(s).
 4. **CONSIDERATION OF PERMIT APPLICATIONS.** Individually scheduled Land Use Change Permit application work sessions, public hearings or actions. A public hearing may be continued to a time and date certain for a specific Land Use Change Permit application.
 5. **CONSIDERATION OF GENERAL PLANNING ISSUES.** Work sessions on planning items that are
 6. **TRAINING.** Educational and training sessions by staff, and/or representatives of other local, state and federal agencies, video and audio conferences, videotape presentations.
 7. **STAFF AND COMMISSION REPORTS.** Reports by staff/Commission members.
 8. **DEBRIEFING OF DAY'S MEETING.** Discussion about processes and other general planning issues raised during the day's meeting. No action is to be taken during this debriefing, and items on which action is to be taken will be scheduled as agenda items at upcoming Commission meetings. No discussion of specific Land Use Change Permit applications shall occur during this time.
 9. **ADJOURN.** Adjournment.
- H. MAINTAINING DECORUM IN MEETINGS.** Commission members, led by the Chair, will maintain decorum and

a businesslike atmosphere in meetings. Generally, clapping, shouting, disrespectful language and/or other outbursts are inappropriate. As necessary, the Chair shall establish what types of language and comments will not be considered acceptable. The Chair is responsible for enforcing the rules with both the public and Commission members and may interrupt a speaker, and remind the speaker of the rules. If the speaker refuses to cooperate and persists in inappropriate behavior, the Chair may call a recess.

- I. **RECORD OF COMMISSION PROCEEDINGS.** The Commission shall keep a record of its proceedings, which shall be available to the public at the Planning Department during regular business hours.
- J. **PROCEDURE WHEN ALTERNATE MEMBER IS PROJECT COORDINATOR.** In the event that an alternate member is the Project Coordinator for a Land Use Change Permit application or a special project scheduled on the agenda for action, the Chairperson will direct a regular member to step down so that the Project Coordinator may vote on that item. Once the vote has been taken, the regular member resumes his seated status.
- K. **DISTRIBUTION OF MEETING INFORMATION TO COMMISSION MEMBERS.** The Planning Department staff shall make its best effort to deliver, to each Commission member copies of applications, reports, draft recommendations and/or other materials related to agenda items at least five business days prior to a regular meeting; members may also elect to pick up materials at the Planning Department, or to receive the materials by fax or electronic mail.
- L. **SUBSTANTIVE MATERIAL SUBMITTAL.** The Commission shall not consider new substantive material that is submitted after 12 Noon on Thursday of the week before the scheduled meeting unless the Commission has otherwise specifically, and by majority vote, waived this requirement, or such submittal is otherwise allowed by the Gunnison County Land Use Resolution.

SECTION 6: CONFLICTS OF INTEREST

- A. **CRITERIA FOR CONFLICT.** In addition to any requirement of Colorado law, a member of the Commission is considered in a position of conflict of interest if any of the following situations is in evidence relative to the specific Land Use Change Permit application or special project scheduled for discussion:
 - 1. **COMMISSION MEMBER CONNECTED TO SUBJECT PROPERTY.** The member is:
 - a. **AN IDENTIFIED BUYER.** An identified buyer of the subject property.
 - b. **THE SELLER.** The seller of the subject property
 - c. **THE REALTOR.** The broker or Realtor for the property
 - d. **THE APPLICANT.** The applicant, or applicant's employee, spouse, parent, child, sibling or a member of the applicant's household
 - e. **ADJACENT LAND OWNER.** The owner, lessor or lessee, adjacent to the subject property; or,
 - 2. **COMMISSION MEMBER WILL BE FINANCIALLY AFFECTED.** The member stands to be beneficially or detrimentally affected in a financial way by action taken on the property.
 - 3. **REMOVAL FROM MEETING WHEN IN CONFLICT.** Any member who considers him/herself to be in a position of conflict of interest as defined above must declare such conflict, surrender the privilege of voting, and remove him/herself from the meeting.
 - 4. **DETERMINATION BY COUNTY ATTORNEY OF CONFLICT.** Questions of conflict of interest which fall outside the above-cited categories or about which the Planning Commission, or the individual member in question wish to have County counsel, shall be referred to the County Attorney for evaluation; no action shall be taken on the subject item until the County Attorney has issued a written opinion.

SECTION 7: RECUSAL OF MEMBERS

- A. **MEMBERS MAY RECUSE THEMSELVES.** An individual may recuse him/herself for an inability to make an impartial decision because of conflicts of interest, an ex parte communication or otherwise.
- B. **RECUSED MEMBER SHALL NOT PARTICIPATE ON PENDING MATTER.** When a Commission member is recused, voluntarily or otherwise, from participation regarding a pending matter, that Commission member shall not thereafter discuss the matter with other Commission members or participate as a Commission member in

such matter, and shall leave the area of the meeting when such matter is being discussed.

- C. ACTIONS ON PENDING MATTERS WHEN QUORUM UNAVAILABLE DUE TO RECUSALS.** If, because of recusal of one or more Commission members on a pending matter, a quorum is not available to take action on the pending matter for two consecutive scheduled meetings of the Commission, such matter shall be referred to the Board of County Commissioners for Board review and decision in lieu of any required Commission action, even if the Planning Commission is cited as the decision-making body by the Gunnison County Land Use Resolution for that type of matter.

SECTION 8: EX PARTE COMMUNICATIONS

- A. COMMISSION MEMBERS SHALL MEET EX PARTE STANDARD.** To ensure that the decision-making process is fair and impartial, Commission members, members of the Board, Land Use Change Permit applicants and interested public involved in proceedings before the Commission are held to certain standards regarding "ex parte" communication about applications under review. Ex parte communication is defined as "oral or written, off-the-record communication made to or by Commissioner members without notice to all parties involved, that discusses the merits, or could affect the outcome of a decision or recommendation to be made by the Commission."
- B. INFORMAL COMMUNICATION ABOUT APPLICATIONS PROHIBITED.** Generally, this ex parte rule prohibits Commissioners from engaging in informal communications with members of the Board, Land Use Change Permit applicants and interested public involved in proceedings before the Commission) that could influence a decision or recommendation document concerning any current or potential Land Use Change Permit application. Parties may not, for example, present information to Commissioners about the facts or merits of an application, except during a regularly scheduled meeting of the Commission, and Commission members should not initiate those conversations. Conversations outside of meetings or public hearings should be limited to policy, rather than facts about a current or potential application; i.e. a Commission member should not speculate about what a decision or recommendation might be, or what his/her position might be about any such application.
- C. EX PARTE COMMUNICATION SHALL BE REPORTED AS PART OF RECORD.** If an ex parte communication is attempted by telephone, in person, by fax, email or other means outside of a regularly scheduled meeting, the Commissioner involved shall first attempt to stop the party from the prohibited behavior, then absent themselves from the attempted communication. The Commissioner is encouraged to document the communication and notify the Planning Department by telephone or in written form (including by fax and/or email). The Planning Department staff will then enter a statement into the public file. The involved Commissioner will, at the next meeting of the Commission, report the communication to the other members of the Commission, and it shall be so noted as part of the record of the meeting.

SECTION 9: OCCASIONAL PROCEDURES

- A. RECOMMENDATIONS TO AMEND REGULATIONS.** The Commission periodically may recommend amendments to the *Gunnison County Land Use Resolution*, the *Gunnison County Special Development Project Regulations* and any other County document for which it is a recommending or decision-making body, as it may deem advisable; develop sector and/or other land use plans specific to areas within the unincorporated portion of the County; and make recommendations relative to attendant sewage disposal, building and plumbing codes, all of which are subject to approval by the Board in order to take effect.
- B. MEETINGS WITH OTHER ENTITIES.** The Commission periodically may host or jointly conduct meetings with other planning commissions or councils representing other municipal or County entities, and with the Board for the purposes of reviewing planning procedures and documents, initiating or conducting cooperative planning efforts, and to build and maintain cooperative working relationships.

SECTION 10: AMENDMENTS

An amendment to these *Guidelines* and Procedures may be initiated by the Board, by the Planning Commission or by the Planning Department; such amendment is subject to a recommendation of approval by the Planning Commission and a decision of approval by both the Planning Commission and the Board, in separate actions. The potential amendment action shall be noticed as a regular agenda item, and no public hearing is required before action by either the Commission or the Board.

Approved as amended this 5th day of May, 2009.

/s/ Paula Swenson, Chairperson

/s/ Hap Channell, Commissioner

(Absent: Jim Starr, Commissioner)

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, January 8, 2026**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Board of County Commissioners Boardroom at 220 N. Virginia, Gunnison, Co. and on Zoom **Present:**

Chairperson – Roland Mason Vice-Chairperson – Eric Phillips Commissioner – Julie Baca Commissioner – Brett Adkins Commissioner – Karen Stock Alt. Commissioner – Sean Patrick BOCC - Jonathan Houck BOCC - Liz Smith BOCC - Laura Puckett Daniels	Director of Community and Economic Development – Cathie Pagano Director of Planning – Hillary Seminick County Attorney – Matt Hoyt Planner I – Caroline Danielson Planning Technician – Aidan McComas Others present as listed in text
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Absent:

Recused:

Zoom: Baca

With a quorum present Chairperson Mason opened the January 8, 2025 regular meeting of the Planning Commission at 8:46 am.

Mason seated Patrick as a Voting Member.

Moved by Phillips, seconded by Adkins to approve Planning Commission meeting minutes, dated December 18, 2025. The motion passed unanimously in support.

Staff announcements/ miscellaneous:

Pagano: noted the next scheduled meeting is on January 22nd, reminded the Planning Commission that the Public hearing scheduled for January 22nd was cancelled.

Joint Public Hearing: LUC-22-00028 | Starview Subdivision | Major Impact

The applicant proposed subdivision of a 96-acre parcel into 107 residential lots (83 single-family residence lots and 24 deed restricted units); and a building for the Crested Butte South Metropolitan District. The subject parcel is located at the southeast corner of the intersection of Highway 135 and Cement Creek Rd.

Confirmation of Adequate Public Notice

Pagano: confirmed adequate public notice.

Staff Comments

Pagano: clarified the standards of a moratorium on Major Impact project, under Colorado State Statute, the County is only permitted to hold a moratorium for six months. Noted Starview was applied for in 2022, stated the County cannot pause an application to adopt new rules. Stated the County is obligated to review an application when it is submitted under regulations in place at the time of submission. Noted the release of the RFP for the Corridor Plan.

Hoyt: clarified that a moratorium cannot be placed on an active application, unless amendments to the Land Use Resolution are being considered. Stated the Corridor Plan wasn't pending at the time of Starview submitting an application.

Hoyt: clarified the differences in actions a Home Rule County versus a regular county can take in relation to a moratorium. Stated Gunnison County is subject to the statutes and constitution of the State of Colorado.

Pagano: noted the Corridor Plan will likely be kicked of in the Spring with many opportunities for public input.

Planning Commission Questions

Mason: asked to view the Draft Recommendation Document created by staff.

Mason: addressed public written comments, noted few were in support of the current application. Noted the submission of a petition of disapproval for the application with approximately 313 signatures.

Puckett Daniels: noted the Board of County Commissioners is diligent in reading and considering all public comments.

Pagano: clarified standards for approval to be considered by the Commission. Started with "Compatibility with Community Character", Section 7-102: B.

Mason: addressed Section 7-102: B being central to most received public comments. Noted the blending of the proposed development with neighboring development, asked if this meet the standard of Community Compatibility.

Pagano: asked Commissioners to consider affordable housing as an offset to the overall development.

Mason: noted asking for the proposed wildlife corridor to meet the request found in the CPW comments. Noted the applicant stated the conditions for relocating the southern access to the proposed development.

Mason: asked for both Planning Commission and Board of County Commissioner input.

Puckett Daniels: expressed deep concern for wildlife migration being disrupted by this proposed development and is current design. Noted wildlife migration fluctuates in movement patterns, movement density, etc. Expressed concern over the tiered level of housing, despite the potential for removal of the upper three lots in the proposal. Asked for the cumulative impacts to be

considered fully in relation to the proposed development. Cited Purposes found in the Land Use Resolution.

Adkins: asked Puckett Daniels where the corridor is mapped, if it is centrally located across the proposed development.

Puckett Daniels: noted CPW stated the southern portion of the proposed development as an important place for elk permeability.

Smith: asked whether a denser proposal in the middle of the parcel would address some wildlife crossing concerns and reduce the cost of construction and therefore the cost of housing in the proposed development. Noted the project is not for the Commissioners to design. Stated a more compact design could address many concerns over density and magnitude.

Pagano: asked Planning Commissioner to make their determination of the application that was submitted.

Hoyt: noted new information not previously included in the public hearing should not be considered.

Applicant: noted the information Puckett Daniels has introduced was not included in the public hearing materials.

Puckett Daniels: stated her reference to maps created by CPW and which have been presented by Pagano.

Adkins: noted elk migration more or less happens on the opposite side of the East River from the proposed development.

Baca: confirmed the CPW mapping tool was shared prior to this meeting.

Applicant: noted having never seen elk migrating in the location being referred to by the Commission. Stated deer do migrate across the parcel for proposed development.

Mason: clarified the information introduce about elk migration has been withdraw.

Pagano: noted the Wildlife Planning Tool has been used previously as well as the Housing Needs Assessment.

Mason: noted the neighboring Land Trust parcel as a potential migration corridor. Noted agreement with the previous comment by Puckett Daniels concerning the removal of lots for migration corridors. Asked the Planning Commission if moving the southern access point will make enough space for the migration corridor.

Phillips: noted the proposed development is not clustered enough to reduce potential impact on wildlife.

Adkins: noted the migration through the site appears to be limited, therefore the relocation of the southern access will allow for the migration of wildlife.

Patrick: stated the CPW migration map appears to show a small pinch point for migration across the parcel proposed for development.

Smith: noted CPW concerns go beyond elk herd migration and address more wildlife.

Pagano: explained the inclusion of "Cluster or cluster development" in the Draft Recommendation Document.

Phillips: noted the deed restricted area is clustered, but the remainder of the proposal does not feel clustered. Noted more clustering could happen to offset the magnitude of the development.

Puckett Daniels: noted the Purposes found in the Land Use Resolution. Expanded on the Clustering Purpose. Noted (minutes 9:45). Section 1-103. Stated sprawling development across a large parcel does not reflex standards found in the Land Use Resolution.

Mason: noted deed restricting houses is only a step to meeting the overall housing needs of Gunnison County. Stated deed restriction does provide an entry into home ownership. Stated the missing middle among the housing needs is not single family residences. Noted the price differential, based on current prices, will be out of reach for many individuals in the community.

Phillips: stated the proposal is missing the missing middle among the housing needs. Asked why diverse housing options weren't included in the proposal.

Mason: noted Crested Butte South, a neighboring development, contains multi-family units.

Patrick: stated the current application does not meet the goal of adding affordability to the housing market in the Valley.

Houck: noted housing costs in the Valley are impacted by availability, the inventory is not enough to meet current needs. Stated the current application with clustered deed restricted housing meets standards, but other aspects of the proposed development don't. Noted concern over the utilization of this parcel and it not offsetting the development.

Pagano: noted Section 10-102: Locational Standards. One standard being adjacent to existing population centers.

Patrick: noted the importance of the view corridor and concern over how the proposed development might disrupt it.

Phillips: noted the parcel itself is suitable for development, but noted the current application has not demonstrated having no adverse impacts on the adjacent community.

Adkins: agreed with Patrick, asked whether the proposed development will disrupt the view corridor from Hwy 135.

Patrick: stated the development will likely disrupt the view corridor.

Mason: noted any development close to Hwy 135 will have an adverse impact on the view corridor. Noted the current application placed open space on the southern end of the parcel to allow for less disruption to the view corridor. Noted the disruption to the viewshed was mitigated as much as possible given the current design.

Adkins: asked if clustered development will further disrupt the viewshed.

Phillips: noted there are tradeoffs, including providing for the community and the preservation of the landscape.

Mason: noted CPW asked for future development to be concentrated close the existing roads.

Pagano: asked Commission to decide whether the application meet the standard of having no net adverse impact.

Pagano: noted Section 10-103: Residential Density. Noted lot size and lot density shall be substantially similar to neighboring parcels unless other standards are met. Asked Commissioners to address whether the standard is met, or if the exception standards have been met.

Mason: noted is the decision of the Planning Commission to decide the neighborhood of a proposed development.

Patrick: noted the proximity to CB South, stated could be a neighborhood of CB South.

Adkins: agreed with Patrick.

Phillips: noted the density of the proposed development is like CB South, but the sprawl of the proposed development is not.

Mason: stated being comfortable with including the proposed development as a neighborhood with CB South.

Phillips: noted Cement Creek Road acts as a major road when considering the definition of neighborhood in the Land Use Resolution.

Pagano: presented the Starview parcel in relation to nearby developments such as CB South and Allen Homesites. Asked if large and small parcels are including the neighborhood, requested input from the Planning Commission. Cited Section 10-103 when considering meeting standards.

Phillips: noted lot sizes are dissimilar. Stated overall lot densities are similar, however lot sizes are dissimilar.

Patrick: agreed the boundaries of Cement Creek, East River, and Hwy 135 separate the proposed development from neighboring developments.

Mason: reiterated the definition of neighborhood found in the Land Use Resolution. Asked Planning Commission to fully consider the standards for defining a neighborhood in terms of residential density.

Puckett Daniels: noted the difference in coming to define a neighborhood including by the provided definition, through lived experiences, through actions, etc.

Mason: asked whether the Allen Homesites are part of CB South when looking at distance, current boundaries of road and natural features, etc. Determined Allen Homesites to be adjacent to CB South but not a neighborhood of CB South. Applied that to Starview.

Phillips: agreed with Mason.

Patrick: agreed with Mason, the Starview development is not part of the CB South neighborhood.

Adkins: agreed with Mason.

Phillips: noted lot density is similar, but lot sizes are not when comparing them to CB South. Stated the standard was not met.

Mason: stated the surrounding area has larger lot sizes.

Pagano: covered conditions to be considered.

Mason and Phillips: stated the application does not meet the Clustering standards.

Smith: noted the development is uniquely located in relation to Hwy 135, Cement Creek Road, and the East River. Stated clustering, in relation to other concerns, is important and hasn't been met with the current application.

Mason: clarified clustering has not been met to satisfy the standards of Section 10-103: C.

Pagano: stated the application is required to meet all applicable standards found within the Land Use Resolution.

Puckett Daniels: noted there were previously addressed standards that the Planning Commission had not determined if they were met.

Phillips: stated the proposed development does not meet the standard of Section 7-102: B. Compatibility with Community Character.

Mason: agreed with Phillips' statement, noted there is no net positive impact when considering Compatibility with Community Character.

Puckett Daniels: clarified the definition of population center.

Mason: stated the net adverse impact have not been mitigated.

Phillips: agreed with Mason, noted the applicant has tried to mitigate the net adverse impacts however the net adverse impacts remain.

Patrick agreed

Adkins: agreed

Baca: agreed

Pagano: clarified the application does not meet many standards of the Land Use Resolution. Addressed the possible directions the Planning Commission could go in terms of voting.

Mason: asked for input from Attorney Hoyt.

Hoyt: stated the Draft Recommendation Document is at the discretion of the Planning Commission.

Applicant: asked for time to review the Draft Recommendation Document of Denial to allow for response.

Hoyt: clarified the decision is at the discretion of the Planning Commission.

Mason: asked for a motion for a Draft Recommendation Document for Denial.

Hoyt: clarified the public hearing can be closed, however the Planning Commission cannot receive input from the applicant or the public. Noted a continued Public Hearing allows the Planning Commission to receive input from the applicant and public.

Mason: stated no further input from the applicant is needed.

Moved by Baca, seconded by Phillips to close the public hearing. The motion passed unanimously in support.

Patrick: asked to see the Draft Recommendation Document of Denial today.

Hoyt: clarified the process when viewing a Draft Recommendation Document.

Mason: reminded the room the Public Hearing has been closed and there will be no input from the public or the applicant.

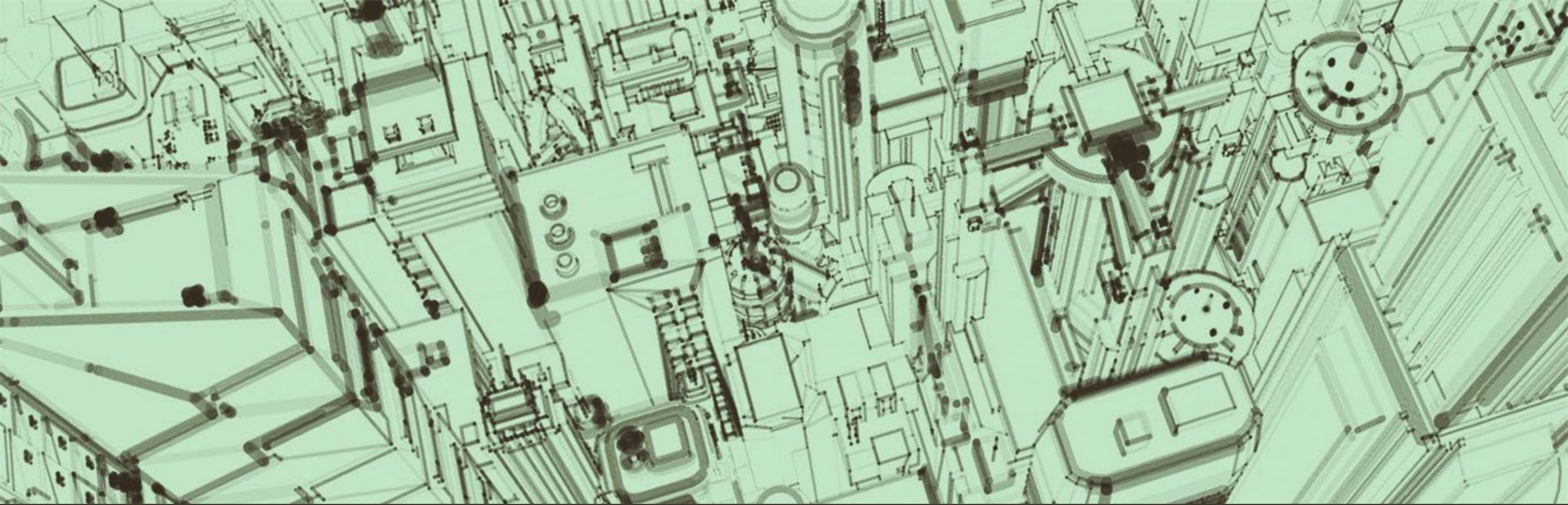
Pagano: presented the Draft Recommendation Document of Denial, explained the various standards not met by the applicant as determined by the Planning Commission. Noted references to a Preliminary Plan were not included in the Draft Document. Addressed Planning Commission findings including insufficient workforce housing, trail construction and public access, recreation field construction and bathrooms, wildlife and open space, Highway 135 roundabout, view sheds from neighboring properties and highway, adequate snow storage, maintenance of irrigation ditches, traffic impacts, the impact of the proposed southern access on wildlife, and overall design and layout of the development.

Phillips: noted the Draft Recommendation Document for Denial was appropriate.

Moved by Patrick, seconded by Baca to approve the Recommendation Document for Denial. The motion passed unanimously in support.

Moved by Mason, seconded by Adkins to adjourn the meeting. The motion passed unanimously in support.

Meeting Adjourned at 11:48 am



GUNNISON COUNTY PLANNING COMMISSION

February 5 2026 Training – CO Sunshine Law, Ex Parte Communications and Conflicts of Interest



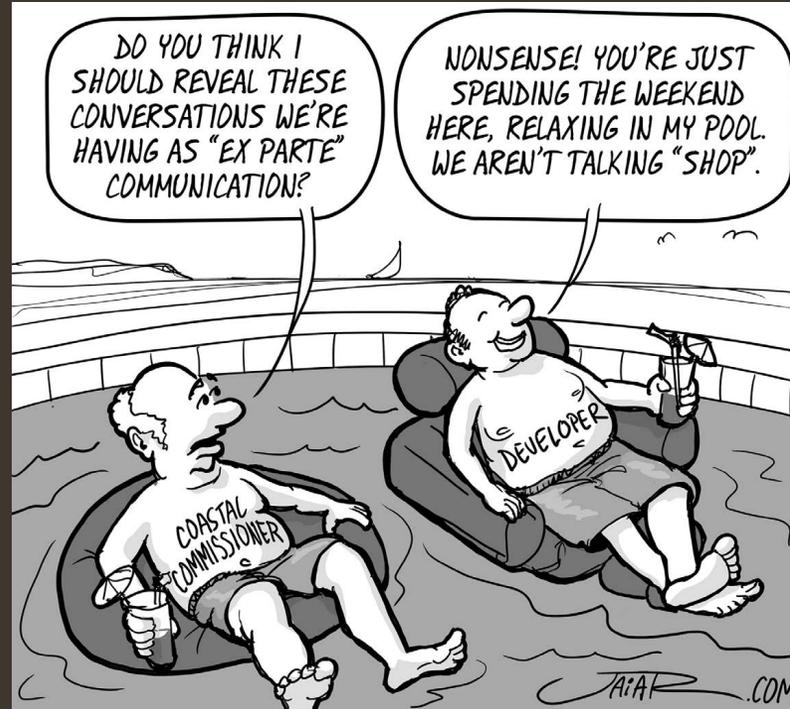
TOPICS

- Colorado Sunshine Law – the Open Meetings Law



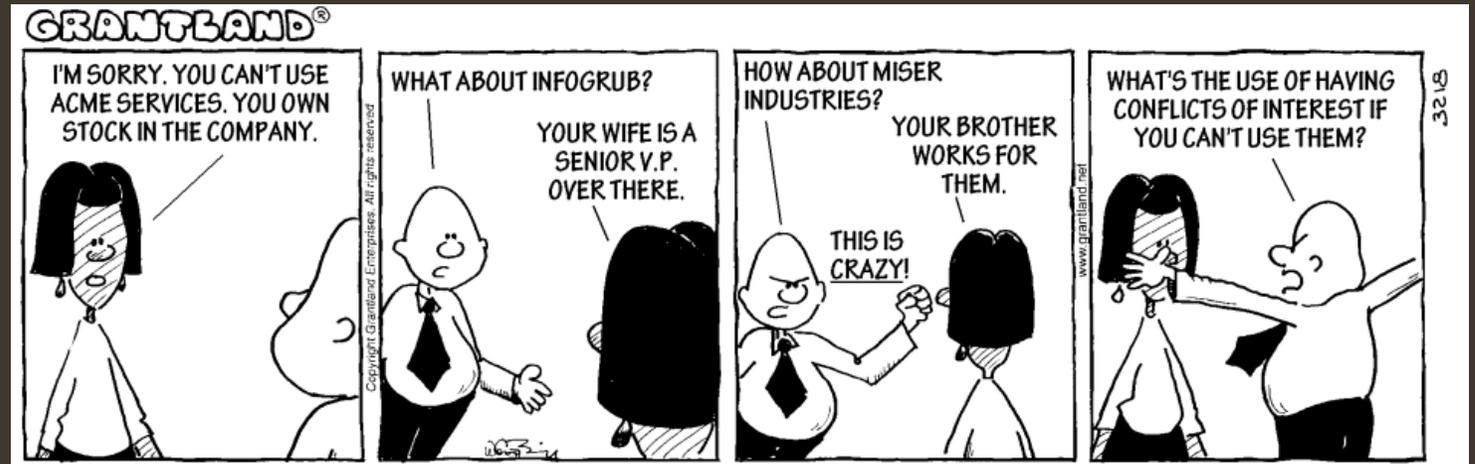
TOPICS

- Ex Parte Communications



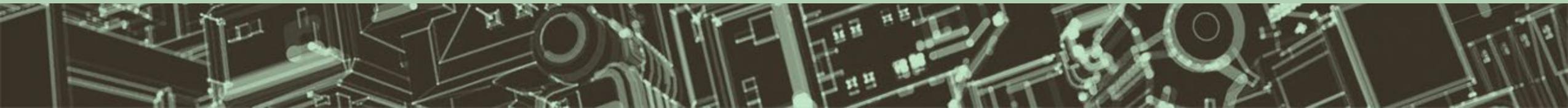
TOPICS

- Conflicts of Interest





Colorado Sunshine Law – Open Meetings Law (OML)



Colorado Sunshine Law – Open Meetings Law (OML)

- C.R.S. §§ 24-6-401 – 24-6-402
- Law originated in citizen initiative known as the “Colorado Sunshine Act of 1972”

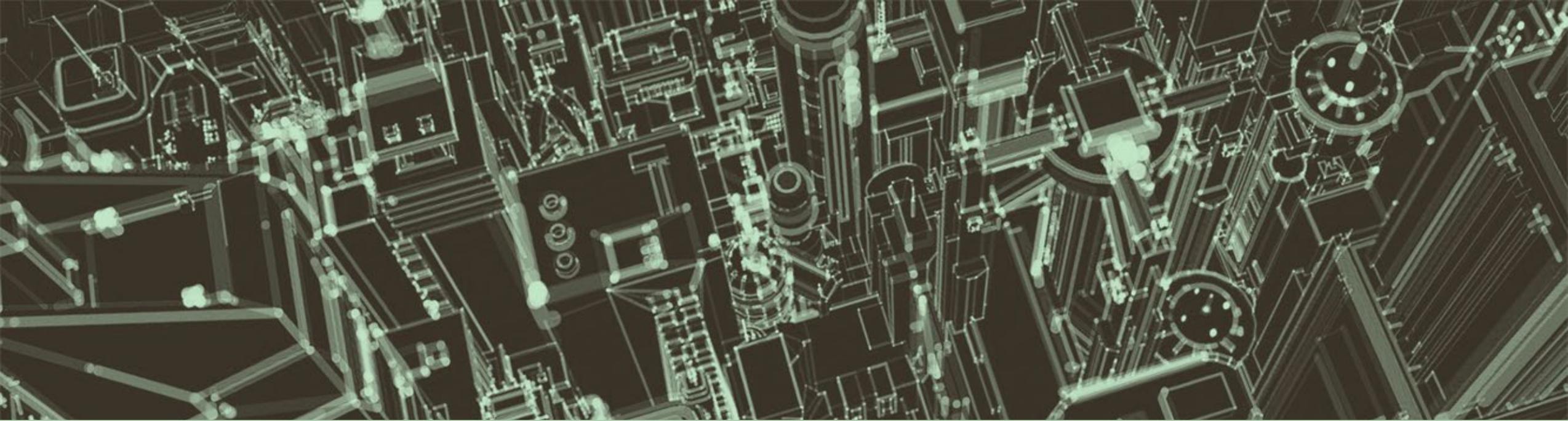
PURPOSE: *It is declared to be a matter of statewide concern and the policy of this state **that the formation of public policy is public business and may not be conducted in secret.***¹

Colorado Sunshine Law – Open Meetings Law (OML)

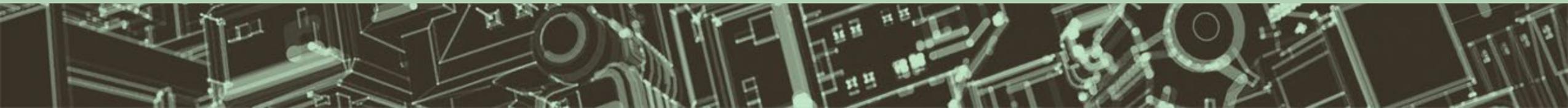
- Generally requires that all meetings of a quorum or three or more members (whichever is fewer) of any local public body, where public business is discussed or formal action taken, must be open to the public.
 - Meeting is broadly defined as gathering in person, by telephone, electronically or by other means of communication.
 - Meeting can only be held after full and timely notice to the public.
 - The Planning Commission is a local public body.

Colorado Sunshine Law – Open Meetings Law (OML)

Local Body	Any board, commission, or other advisory decision-making body of a political subdivision of the state; or entity delegated governmental decision-making function
Subject to OML	If three or more members of the body (or two if two is a quorum) conduct business
Timely Notice	Notice must be publicly posted at least 24 hours prior to the meeting
Minutes	Must be taken and promptly recorded as well as open to public inspection
Executive Session	Must announce topic for discussion and cite to specific subpart of C.R.S. 24-6-402(4) Vote of 2/3 of quorum present required to enter executive session No formal action or adoption can take place in executive session Discussion electronically recorded UNLESS a privileged attorney-client communication
Attorney Client Privilege	Waived only by majority vote of the Commission, never by a single member All communication between CAO and Commission must remain confidential unless privilege waived



Ex Parte Communications



Ex Parte Communications

- Broadly defined as any written or verbal communication initiated outside of a regularly noticed public hearing between an official with decision-making authority and one or more of the parties, but not all of the parties, concerning a matter currently being considered or about to be considered by that official.
 - Seeks to influence or present information relating to the matter that the official will be deciding.
- Applicable in quasi-judicial actions involving a “determination of rights, duties, or obligations of specific individuals on the basis of the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.”²
 - Planning Commission determination on a Land Use Resolution (LUR) application is a quasi-judicial action – it bears many similarities to adjudicatory role performed by courts.

² *Cherry Hills Resort Development Company v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).

Ex Parte Communications

- Improper because all applicants requesting a decision by a local body acting within the scope of its powers are entitled to DUE PROCESS
 - 5th Amendment of the US Constitution – no person shall be deprived of “life, liberty or property without due process of law.”
 - 14th Amendment of the US Constitution – “nor shall any state deprive any person of life, liberty or property without due process of law.”
 - Colorado Constitution, Article II, Section 25 – “no person shall be deprived of life, liberty or property without due process of law.”
- Property rights are at question in land use applications so all three provisions above are applicable

Ex Parte Communications

PROCEDURAL DUE PROCESS

Minimum standards of fairness in process regarding land use regulations and actions

- (1) Right to notice and to be heard
- (2) Planning Commission obligation to adhere to statutory time requirements
- (3) Regulations can't be uncertain or vague

SUBSTANTIVE DUE PROCESS

Advancement of legitimate government interests – related to public health, safety and welfare

- (1) Valid purpose for the regulation
 - (2) Means adopted to achieve the purpose must be substantially related to it
 - (3) Impact on individual property owner cannot arbitrarily or capriciously deprive them of legitimate use of property
-

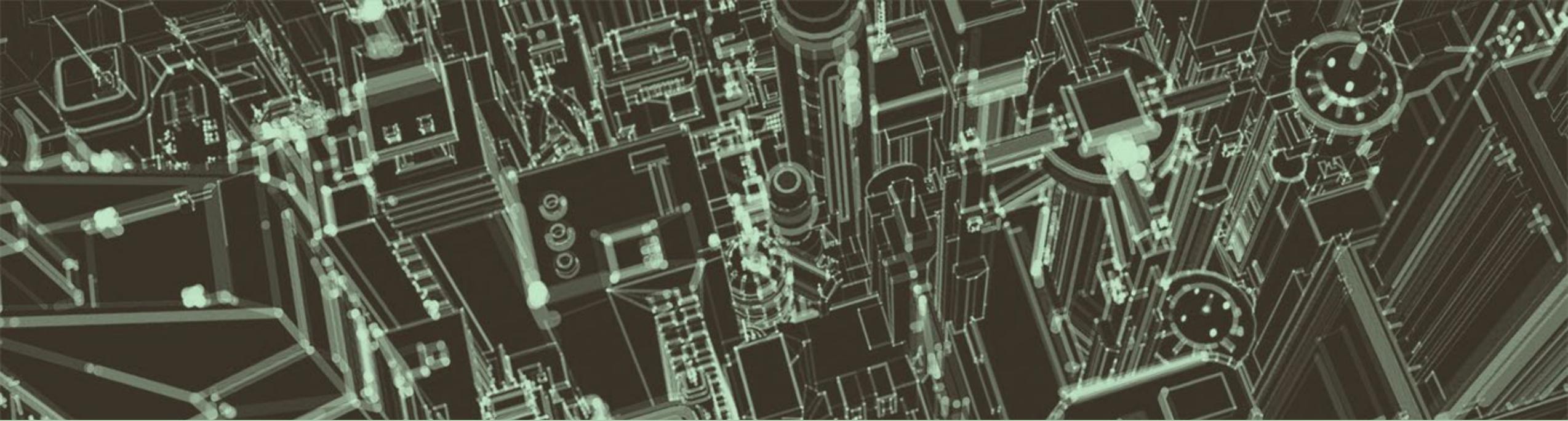
Ex Parte Communications

- Planning Commission is a quasi-judicial decision-making body and any ex parte communications related to applications pending or coming before you are improper because:
 - (1) Applications where property rights are determined require due process or that the matter be heard by an impartial body;
 - (2) Quasi-judicial decisions like you make must be supported by facts and based upon evidence in the record which is only matters presented at the hearing, nothing outside of it;
 - (3) If parties are allowed to cross-examine the other side, they cannot cross-examine or question ex parte communications they were not a party to;
 - (4) If your decision is challenged, any ex parte communications could be grounds for reversing the decision.

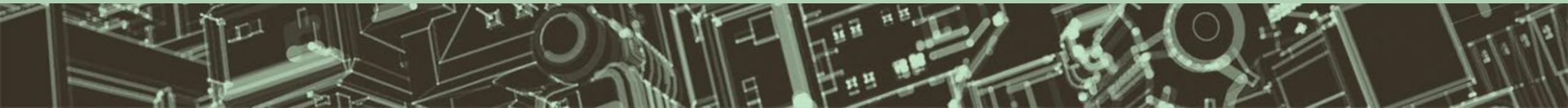
Ex Parte Communications

Tips for Avoiding ex parte contacts (in-person, verbal, phone etc.)

- Stop the person and advise them you are sitting as a judge/adjudicator in the matter and cannot hear things outside of the hearing.
- Encourage participation in the public hearing by testimony or written submission.
- General policy discussions are unlikely to disqualify a commissioner, endanger due process or deprive applicant of a fair decision but discussions about facts of a particular matter or a commissioner's decision on a specific question might demonstrate bias.
- Disclose at the hearing and on the record about the contact, your response and whether you can make an impartial decision despite the contact.
- Consider if you should abstain from voting on the matter, does it affect your impartiality, create an appearance of impropriety or create a conflict?



Conflicts of Interest



Conflicts of Interest

It is not a conflict of interest to have an opinion, a conflict arises when you act on that opinion and personally benefit from it rather than putting the general public interest first.

Colorado Code of Ethics §§ 24-18-101 – 24-18-113

C.R.S. 24-18-101	Citizens in public office may face conflicts between their public duty and private interests
C.R.S. 24-18-102(6)	Local government officials are elected or appointed officials of a local government
C.R.S. 24-18-103(1)	Holding public office or employment is a public trust, created by the public's confidence in the integrity of officials or employees performing duties for the benefit of the people of the state
C.R.S. 24-18-108.5(2)	A member of a local board, commission, council or committee shall not take official action that may have a direct economic benefit on a business or undertaking that the member has a direct or substantial financial interest in

Conflicts of Interest

- If a planning commissioner has a direct financial interest in a decision being made or an issue being resolved a certain way = CONFLICT OF INTEREST
- Steps to take if a CONFLICT OF INTEREST arises
 - (1) DISCLOSE the conflict
 - (2) ABSTAIN from voting
 - (3) DO NOT PARTICIPATE either by lobbying your fellow planning commissioners or speaking for/against as a public citizen

Conflicts of Interest*

IMPARTIALITY

Two council members help with petition opposing issuance of a permit for a massage parlor license

- Member A actively involved, wrote opinion piece in newspaper urging public to oppose
- Member B limited involvement with organizing the petition

- Member A's conduct is a conflict of interest and should disqualify self
- Member B's conduct does not amount to a conflict of interest and can participate and vote on the permit

FINANCIAL OR PROPERTY INTEREST

- Member of church on planning board that received an application for rezoning church land so it could be sold
- Member of planning board owned land abutting proposed subdivision application
- Councilman owned land on edge of reclassified property as cemetery/golf course

- Church member's indirect personal interest enough to disqualify
- Member must disqualify and can't vote
- Councilman's interest too remote and speculative and no need to disqualify

BUSINESS ASSOCIATIONS

- Applicant is personal accountant for zoning board member
- Member of zoning board owned land which was sold to applicant requesting variance from another body
- Planning board member also architect that could benefit from urban renewal project
- Applicant and planning commissioner both members at same golf club but no personal relationship

- Zoning board member must disqualify self
- Shouldn't participate even with no direct role
- Must disqualify as personal interest/gain
- No direct or indirect interest so no need to disqualify

APPEARANCE OF FAIRNESS

- Councilman votes against and then later for upzoning application, and 48 hours after upzoned acts as lawyer for developer
- Zoning board member testify against variance at planning commission, variance needed before zoning board can give subdivision approval

- Timing between vote and working as lawyer gave appearance of impropriety and was improper
- Zoning board member must disqualify even though no pecuniary gain

PERSONAL INTEREST OR ANIMOSITY

Not every interest will disqualify, instead the commission member must have an interest in the matter or a particularly personal relationship with a party

In order to disqualify, personal interest must lead to favoring or hostility towards one party or bias must imperil open-mindedness and fairness, evaluated by specific facts and on a case-by-case basis

* Case cites for examples found at, *Memo RE: Conflicts of Interest*, April 16, 2021.

To: Gunnison County Planning Commission
From: Hillary Seminick, Planning Director | Crystal Lambert, Building and Environmental Health Official
Date: January 28, 2026
Meeting Date: February 5, 2026
Re: Work Session | Short Term Rental License Draft Regulations

I. Strategic Plan Goal and Authority

The Gunnison County Board of County Commissioners (BOCC) Strategic Business Plan, revised June 18, 2024, included the following goal to develop a licensing program for short term rentals: “D. DELIVER HIGH QUALITY SERVICES: 2. By December 31, 2025, Gunnison County will implement licensing procedures for short-term rentals”.

Pursuant to Section 1-113: *Amending this Land Use Resolution (LUR)*, the BOCC may initiate an amendment to the LUR. The Planning Commission shall review the amendments and provide a recommendation to the BOCC, who may approve the proposed amendments by resolution. The proposed amendments shall be reviewed for compliance with LUR Section 1-113: C. *Review Standards*.

C. REVIEW STANDARDS. The decision to amend the text of this Resolution is at the legislative discretion of the BOCC and is not controlled by any one factor. The BOCC shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:

1. *CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY.*

Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;

Staff response: the proposed STR license regulations are consistent with the BOCC Strategic Business Plan, revised June 18, 2024, goal to develop a licensing program for short term rentals: “D. DELIVER HIGH QUALITY SERVICES: 2. By December 31, 2025, Gunnison County will implement licensing procedures for short-term rentals”

2. *CHANGED CONDITIONS. Changed conditions, including the economy of Gunnison County;*

Staff response: While STRs are not a new use, the LUR does not currently have a definition for STRs nor any mechanism for tracking these uses within unincorporated Gunnison County. The proposed STR license regulations respond to how owners use their properties within a rural resort gateway county.

3. *EFFECT ON THE NATURAL ENVIRONMENT. Effect of the proposed amendment on the natural environment;*

Staff response: the draft regulations include recommendations for verification that the STR complies with applicable regulations, including the LUR, the Gunnison County On-Site Wastewater Treatment System Regulations, and the adopted building code in use at the time of building construction. This can

4. COMMUNITY NEEDS. Community needs;

Staff response: the proposed STR license regulations require an applicant establish an Owner's Agent who shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Regulation. This will create accountability for STR owners and their guests.

5. DEVELOPMENT PATTERN. Development pattern;

Staff response: the proposed STR license regulations are not anticipated to impact development patterns within unincorporated Gunnison County.

6. CHANGES IN APPLICABLE LAW. Changes in applicable law;

Staff response: Gunnison County has the authority to license and regulate short term rentals pursuant to Colorado Regulatory Statute (CRS) Sec. 30-15-401(s)(I), created by [Colorado House Bill 20-1093](#) which went into effect March 23, 2020.

7. PUBLIC HEALTH, SAFETY AND WELFARE. Public health, safety and welfare;

Staff response: The applicant shall be required to verify that the STR unit meets all applicable regulations of the LUR, OWTS, and Building Code(s), which satisfies LUR Section 1-103:A.1. *Promote Health, Safety, General Welfare, and the Environment, et. seq.*

8. COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

Staff response: There are not any applicable Intergovernmental Agreements for the proposed regulations.

Staff has provided draft Short Term Rental (STR) License regulations to provide the Planning Commission opportunity to review and comment on how the proposal meets the applicable standards of the LUR. Staff recommends adoption in early spring of 2026, with a BOCC public hearing tentatively scheduled on April 7, 2026. Staff recommends requiring compliance with the regulations in advance of the 2026 summer tourism season, or July 1, 2026. This will allow about three months for Staff to communicate with the public of this new licensing requirement, application review, and compliance with the new regulation.

II. Short-Term Rental (STR) License Regulation Summary

The draft regulations are summarized below. The regulations are simple and intended to create a licensing program as specified by BOCC Strategic Business Plan Goal D.2. There is no proposed limitation on the number of STR licenses issued within unincorporated Gunnison County. The regulations do not propose to restrict the location of an STR; however, the applicant should confirm if STRs are restricted by any applicable private covenants.

A. Definitions

The following new definitions are proposed.

1. Short-Term Rental ("STR"): is defined as the rental or exchange of a residential dwelling unit for a term of less than thirty (30) days. Short Term Rental shall not include rentals of individual rooms or spaces within a residential dwelling unit. Short Term Rental shall not include Recreational Vehicles, tents, or other temporary structures.

2. Short Term Rental License (“STR License”): means a license that is required to be obtained from Gunnison County prior to operating a “Short Term Rental.”
3. Owner’s Agent: is the agent designated by the owner of property who rents or advertises a lodging unit for a short-term rental.

B. License Application

The application requirements are simple and include the following materials. Staff does not have a sample application for consideration at this time.

1. Applicant and property owner contact information
2. Designation of an Owner’s Agent, this can be a property manager or owner of the STR
3. Proof of ownership
4. Property location and parcel information
5. Maximum advertised occupancy which is limited by septic capacity
6. A valid Colorado Account Number from the Colorado Department of Revenue number will be required on all advertisements
7. Written verification of compliance with land use, building, and wastewater regulations; no inspections will be required
8. The Owner’s Agent must be available 24/7 and respond to complaints within one hour
9. Failure to respond constitutes a violation of the regulations

The BOCC has requested the following information be included as reference on the application form:

1. Wildfire: provide links to the [West Region Wildfire Council](#) and other applicable resources to help property owners understand and mitigate wildfire risk.
2. OWTS: provide a link to information on how to determine if an OWTS is compliant with current regulations.

C. License Duration and Fees

Licenses are valid for three years from issuance. Fees will be adopted through the Community Development fee schedule and may be amended by the BOCC. Staff recommends matching the current \$150 fee required for a residential contractor license, which is also renewed every three years, to cover administrative costs of processing and tracking applications, including but not limited to: tracking, issuance, and verification of information provided in the application using County files, including but not limited to: checking for any active code violations, verify number of permitted legal bedrooms, check capacity of septic.

D. Renewal Process

Applications and fees must be submitted at least 60 days prior to license expiration to allow adequate time for review. Failure to renew within the required period results in automatic expiration. Renewal applications are required to meet the same standards as initial applications.

III. Request of the Planning Commission

Determine if the draft regulations meet the standards of LUR Section 1-113: C. *Review Standards* and provide staff with a recommendation to the BOCC. A written recommendation document is not required for a work session, so one has not been provided.

IV. Exhibits

A. Draft regulation

DEFINITIONS (to be included in Article 2)

1. OWNER'S AGENT is the agent designated by the owner of property who rents or advertises a lodging unit for a short-term rental.
2. SHORT TERM RENTAL ("STR"): is defined as the rental or exchange of a residential dwelling unit for a term of less than thirty (30) days. Short Term Rental shall not include rentals of individual rooms or spaces within a residential dwelling unit. Short Term Rental shall not include Recreational Vehicles, tents, or other temporary structures.
3. SHORT TERM RENTAL LICENSE ("STR LICENSE"): means a license that is required to be obtained from Gunnison County prior to operating a "Short Term Rental ."

draft

ARTICLE 9: SPECIAL USES

DIVISION 9-500: MISCELLANEOUS USES AND ACTIVITIES

SECTION 9-510: SHORT TERM RENTALS

- A. PURPOSE. This Section provides for the regulation and permitting of Short Term Rental Licenses to:
1. Establish comprehensive licensing regulations to safeguard public health, safety and welfare by regulating and controlling the use, occupancy, and maintenance of short-term vacation rental properties within the unincorporated areas of Gunnison County; and
 2. To license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term rental, and to fix the fees, terms, and manner for issuing and revoking licenses issued therefor.
- B. PERMIT REQUIRED. Operation or advertisement of a Short Term Rental ("STR") shall require a Short Term Rental License ("STR License"), which may be obtained from the Community Development Department. The Short Term Rental License is not considered a Land Use Change Permit nor does the approval of a Short Term Rental License establish a vested right.
- C. APPLICABILITY.
1. STRs as defined in the Land Use Resolution effective January 1, 2026 shall be permitted pursuant to the standards of this section.
 2. Nothing in these regulations shall be construed to exempt or limit an STR or the property on which it is located or situated from any other Federal, state or local law, rule or regulation, including but not limited to the remaining provisions of this Land Use Resolution, the Gunnison County Road & Bridge Standards, the Gunnison County Onsite Wastewater Treatment Standards, and the Gunnison County Building Code(s).
 3. Should any conflict exist between these regulations and any other law or rule either implemented, enforced or administered by Gunnison County, the stricter provisions of such law or rule shall control.
- D. DURATION OF PERMIT. A permit shall expire three years from the date of issuance, unless revoked pursuant to these regulations.
- E. FEES. The fee for a Short Term Rental License shall be set forth in a schedule of fees charged for permits issued by the Community Development Department, and as adopted and amended from time to time by the BOCC.
- F. APPLICATION. The applicant shall complete and submit an application, which, at a minimum, shall include the following:
3. APPLICANT. The application will provide applicant contact information including: name, address, telephone, and email address of the applicant. An application for an STR license shall be submitted by the owner of the property or their Owner's Agent, or any other person who has a recognized interest in the land for which the permit is requested.

- a. OWNER'S AGENT. An agent of the owner, such as a property manager, with notarized consent from the property owner dual may submit an application for an STR license.
 - b. LICENSEE. The license will be issued in the property owner's name, and the property owner is ultimately responsible for compliance with the STR Regulations.
4. OWNER'S AGENT REQUIRED. Each owner of an STR property shall designate a person or company to serve as the owner's agent ("Owner's Agent"). The application will provide Owner's Agent contact information including: name, address, telephone, and email address of the applicant. An owner of a STR Property may designate themselves as the Owner's Agent.
 - a. OWNER'S AGENT RESPONSIBILITIES. The Owner's Agent shall have access and authority to assume management of the unit and take remedial measures. The Owner's Agent shall be available 24 hours per day, 7 days per week to respond to complaints, issues of concern, and violations related to this Regulation. The Owner's Agent must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of an Owner's Agent to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of these Regulations.
 - b. CONTACT INFORMATION. The owner shall keep the Owner's Agent information updated with the Community Development Department.
5. PROPERTY OWNER. Name, address, telephone, and email address for the property owner. If the property is held in a trust or by way of other legal instrument, adequate documentation demonstrating ownership or registered agent shall be provided.
6. PROPERTY LOCATION. The parcel number and property address, including unit number where applicable.
7. OCCUPANCY. Provide the maximum advertised occupancy of the STR. Maximum occupancy is capped by septic system design.
8. RECORDED DEED. A recorded deed demonstrating ownership of the subject property.
9. TAX IDENTIFICATION. The applicant shall provide a valid Colorado Account Number from the Colorado Department of Revenue.
10. COMPLIANCE. The applicant shall be required to verify the following on the application.
 - a. TAX IDENTIFICATION. A valid Colorado Account Number from the Colorado Department of Revenue shall be posted on all STR advertisements.
 - b. POSTING OF STR LICENSE NUMBER. The applicant shall verify that the approved STR License number is posted on all STR advertisements
 - c. VERIFICATION OF TAXES PAID. The applicant shall verify applicable taxes, including but not limited to Local Marketing District (LMD) taxes, which are paid in full and current.
 - d. COMPLIANCE WITH APPLICABLE REGULATIONS. The applicant shall verify the property complies with applicable provisions of the Gunnison County Land Use Resolution, the Gunnison County On-Site Wastewater Treatment System

Regulations, and the adopted building code in use at the time of building construction.

G. RENEWAL.

11. RENEW BY. Renewal applications and associated fees shall be submitted no later than 60 days prior to expiration of permit to allow adequate review.

12. DEFAULT EXPIRATION. A short-term vacation rental license which is not submitted for renewal during the established renewal period shall be considered expired.

13. APPLICATION.

a. An application for renewal shall be submitted pursuant to Section 9-501:D Applicationj.

H. VIOLATION, ENFORCEMENT, AND REVOCATION: Violation, enforcement, and revocation shall be subject to the requirements of Article 16: Enforcementj.

I. APPEAL. Final decisions rendered by the Community Development Director may be appealed to the Board of Adjustment. The appeal shall be submitted and considered pursuant to the requirements of Section 8- 103: Appeals.

draft



SHORT TERM RENTAL LICENSING

Planning Commission Work Session February 5, 2026

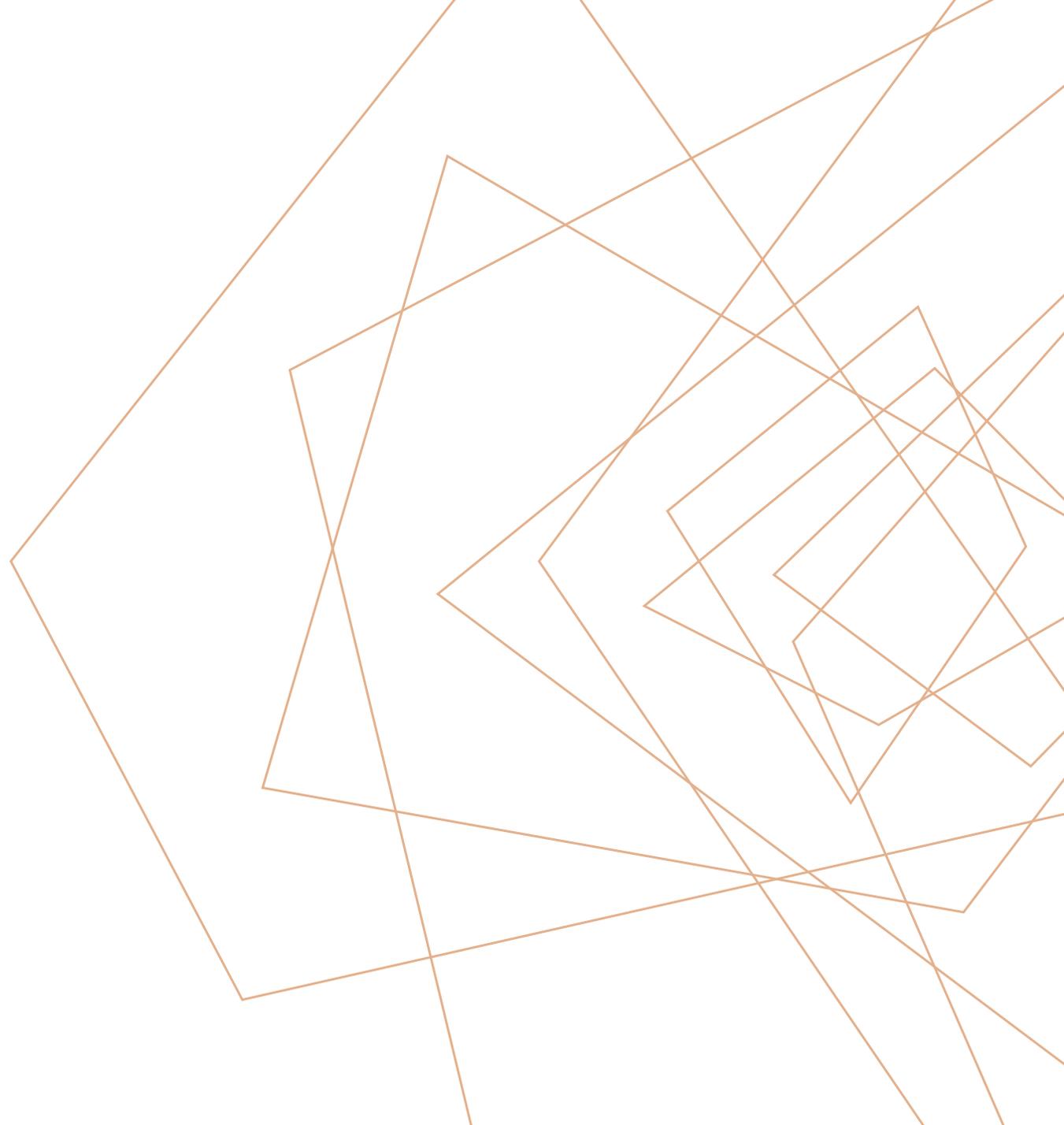
WHY?

BOCC Strategic Plan Goal:

D. DELIVER HIGH QUALITY SERVICES:
2. By December 31, 2025, Gunnison County will implement ***licensing*** procedures for short-term rentals”.

The logo for Gunnison County is a dark olive green pentagon with a white border. The text "GUNNISON COUNTY" is written in white, uppercase letters inside the pentagon.

**GUNNISON
COUNTY**



BOCC WORK SESSION
JANUARY 13, 2026

Received direction from the BOCC that the STR license regulations align with the strategic plan goal

PLANNING
COMMISSION
WORK SESSION
FEBRUARY 5, 2026

Review draft language and provide recommendation to the BOCC

BOCC PUBLIC
HEARING
APRIL 7, 2026

BOCC shall consider the PC recommendation, how the proposed amendment meets applicable LUR standards, and how they meet the goals of the strategic plan

ADOPTION +
EFFECTIVE DATE
JULY 1, 2026

Staff will roll out information campaign post-adoption with a recommended effective date of July 1, 2026

REVIEW PROCESS

The logo for Gunnison County, featuring a dark green, irregular shape with a light green outline, containing the text "GUNNISON COUNTY" in white, uppercase letters.

**GUNNISON
COUNTY**

LUR STANDARDS

C. REVIEW STANDARDS. The decision to amend the text of this Resolution is at the legislative discretion of the BOCC and is not controlled by any one factor. The BOCC shall consider the following in determining whether to adopt a proposed amendment, adopt a proposed amendment with modifications, table it for further study or deny it:

- 1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN ADOPTED BY GUNNISON COUNTY. Consistency of the proposed amendment with any applicable comprehensive plan adopted by Gunnison County;*
- 2. CHANGED CONDITIONS. Changed conditions, including the economy of Gunnison County;*
- 3. EFFECT ON THE NATURAL ENVIRONMENT. Effect of the proposed amendment on the natural environment;*
- 4. COMMUNITY NEEDS. Community needs;*
- 5. DEVELOPMENT PATTERN. Development pattern;*
- 6. CHANGES IN APPLICABLE LAW. Changes in applicable law;*
- 7. PUBLIC HEALTH, SAFETY AND WELFARE. Public health, safety and welfare;*
- 8. COMPLIANCE WITH ANY APPLICABLE INTERGOVERNMENTAL AGREEMENTS ADOPTED BY GUNNISON COUNTY. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.*





PURPOSE

PROTECT PUBLIC HEALTH,
SAFETY AND WELFARE

ENSURE STRS MEET BASIC
BUILDING, SAFETY, AND
OCCUPANCY STANDARDS

CREATE ACCOUNTABILITY FOR
STR OWNERS AND
OPERATORS

DATA: WHERE AND HOW
MANY?





STR | FAQ

WHAT IS AN STR?

Rental or exchange of a residential dwelling unit for a term of less than thirty (30) days. Short Term Rental shall not include rentals of individual rooms or spaces within a residential dwelling unit. Short Term Rental shall not include Recreational Vehicles, tents, or other temporary structures.

HOW MANY STR LICENSES ARE ALLOWED?

There is no limitation on the number of STR licenses that can be issued

WHERE ARE STRs ALLOWED?

STR licenses would be permitted throughout unincorporated Gunnison County

Property owners would still need to comply with private HOA covenants

WHO CAN APPLY?

Owners or owner's agent such as a property manager

WHAT IS AN OWNER'S AGENT?

Primary point of contact for the STR, responsible for handling complaints, addressing violations/issues, and is available 27/4

WHAT IS REQUIRED TO OBTAIN A LICENSE?

Contact information

Property location

Maximum advertised occupancy

Tax identification number

Written verification of compliance with applicable County regulations: building code, LUR, OWTS



The logo for Gunnison County is a dark green, irregular shape with a torn-paper edge effect. It is centered on the left side of the slide, surrounded by several overlapping, thin, light brown geometric lines that form a complex, abstract pattern. The text "GUNNISON COUNTY" is written in white, bold, uppercase letters inside the green shape.

GUNNISON COUNTY

DURATION + FEES

THREE YEARS

Licenses are valid three years from issuance, matches contractor licensing program

\$150 RECOMMENDED FEE

Staff recommends matching the current \$150 fee required for a contractor license to cover administrative costs, including:

- Tracking, issuance, and verification of information provided in the application using County files, including but not limited to: checking for any active code violations, verify number of permitted legal bedrooms, check capacity of septic.

RENEWAL

Application and fees must be provided 60 days prior to expiration to allow adequate time for review.

COMPLIANCE TIMELINE

EFFECTIVE DATE:

Goal: All STRs licensed before the 2026 summer tourism season, or July 1st.

PROVIDE ADEQUATE TIME FOR:

Outreach, application processing, owner compliance

The logo for Gunnison County is a dark green, irregular shape with a light green outline, resembling a map of the county. It is positioned in the bottom right corner of the slide.

**GUNNISON
COUNTY**



**GUNNISON
COUNTY**

QUESTIONS?