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**COPPER MOUNTAIN PROPERTY OWNERS AND LESSEES ASSOCIATION  
RULES AND REGULATIONS FOR INTEGRATED EMPLOYEE HOUSING UNITS  
COPPER MOUNTAIN PUD #1**

At a meeting of the Board of Directors of the Copper Mountain Property Owners and Lessees Association (POLA), held this 24<sup>th</sup> day of July, 2021, due notice having been given, a quorum being present, and a Motion being duly made, seconded, and passed by a majority of the Board, it is hereby RESOLVED, the following Rules and Regulations are adopted, effective on the 24<sup>th</sup> day of August, 2021:

**Rules and Regulations for Integrated Employee Housing Units at Copper Mountain**

Intent: The Integrated Employee Housing Unit program was designed to create local, work-force housing for Copper Mountain PUD employees within the Resort. These deed restricted units are to be occupied by full time, year-round or seasonal employees that work within the Copper Mountain PUD and mountain areas. These restrictions are meant to benefit those that work and live at Copper Mountain. These restrictions apply to both summer and winter seasons. The units are meant to be occupied year-round and are not allowed to be used as short-term rentals at any time. These units are not to be used for weekend housing only.

**1. Definitions**

- a. "Peak Season" shall mean the period from November 1 through April 30th of each year.
- b. As used in these Rules and Regulations, "primary residence" shall mean the principal place of residence for the occupant at least nine (9) months of the year, as documented by actual occupancy and at least two of the following: place that the occupant identifies for voter registration, tax filing purposes, driver's license or other state-issued identification, or other verifiable documentation acceptable to POLA, which may include a signed lease and employment records. A person can only have one primary residence.
- c. "Copper Mountain" is the area depicted on the map attached as Exhibit A.
- d. All capitalized terms not defined within these Rules and Regulations shall have the meaning given in the Copper Mountain PUD.
- e. "Brick and Mortar" refers to a physical presence of a business in a building.

**2. Owner Qualification Criteria**

- a. Purchase of deed-restricted Integrated Employee Housing Units (listed in the attached Exhibit B) is open to the general public, but all Integrated Employee Housing Units must comply with applicable occupancy requirements.

**3. Unit Occupancy Requirements Generally**

- a. At all times, unless an exemption or other occupancy allowance under these Rules and Regulations applies, occupancy of deed-restricted employee housing units is restricted to working employees and members of employees' immediate families (e.g., spouse and minor children without regard to gender, race, sex, or ethnic makeup of said family) whose principal place of employment is at Copper Mountain and as further defined in this section. Volunteers are not considered working employees.
- b. To qualify for occupancy of an Integrated Employee Housing Unit, an employee must work for a bona fide business or service organization, such as Copper Mountain Resort, or an independent merchant that regularly conducts business at Copper Mountain and requires the employee's physical presence at Copper Mountain in the performance of the employee's duties for such employer. The business must be Brick and Mortar; a remote business does not qualify.
- c. During Peak Season, an Integrated Employee Housing Unit occupant must be employed in a job that is of full-time status and is eligible for a minimum of 30 hours per week.

Re-recorded with corrected legal description

- d. Outside of Peak Season, any person who (i) works part-time or full-time within Copper Mountain; (ii) meets the qualifications under these Rules and Regulations for an exemption; or (iii) meets special circumstance occupancy requirements may occupy an Integrated Employee Housing Unit.
- e. Notwithstanding the above, all full-time resident managers of condominium or townhome projects at Copper Mountain shall be authorized to occupy Integrated Employee Housing Units.
- f. Any occupant of an Integrated Employee Housing Unit must use the unit as their primary residence. Proof of residency may be requested by POLA staff, and final determination as to whether the occupancy meets the intent of these Rules rests with POLA in its reasonable discretion and in accordance with all other provisions of these Rules, the Copper Mountain PUD, and other controlling documents and laws.
- g. At no time during the Peak Season should the unit be vacant. If a unit is unoccupied at any time during the Peak Season, the owner must show that they are using reasonable efforts to lease the unit through verifiable advertisements or other similar means. If the unit is listed for sale, the owner shall provide POLA with a copy of the MLS listing and any other ads related to the unit.
- h. If an owner does not occupy their unit or does not qualify for occupancy, the owner must lease the unit to someone who satisfies the occupancy requirements in this section.
- i. In no event shall a non-qualifying occupant occupy an Integrated Employee Housing Unit at any time during the year unless the non-qualifying occupant is a member of the qualifying employee's family.
- j. No portion of an Integrated Employee Housing Unit may be sublet to any person who does not satisfy the requirements of these Rules and Regulations.
- k. Short-term rental (less than 30 days) of Integrated Employee Housing Units is prohibited. If an owner is found to be short-term renting an Integrated Employee Housing Unit, POLA may assess fines in the amount equal to or greater than the average nightly rate for every night the unit is rented, advertised to be rented, or otherwise out of compliance with these Rules.

#### 4. Exemptions to Peak Season Occupancy Requirements

- a. Up to a maximum of ten percent (10%) of the total number of Integrated Employee Housing Units (110 units total) may be granted an exemption at any one time, as authorized by the Copper Mountain Resort PUD.
- b. A person working a minimum of 30 hours per week on an average annual basis for a Brick and Mortar business in Summit County who uses the unit as their primary residence may qualify for an exemption to the Peak Season occupancy requirements. Exemptions to the Peak Season occupancy requirement may be granted by POLA on a first come, first served basis.
- c. Grandfathering: An occupant who received an exemption under Section 2.6.E.ii.a.ii of the PUD recorded on June 26, 2018 (Rec. No. 1176974) and/or Section 3.a.ii of the POLA Rules and Regulations document recorded on September 25, 2009 (Rec. No. 923321) and would not otherwise qualify for an exemption under the current PUD or Rule and Regulations shall be grandfathered as exempt. Any such grandfathered exemption will count towards the 10% cap on exemptions.
- d. Outside of Peak Season, no exemption is required for an employee working in Summit County and meeting the unit occupancy requirements stated in these Rules and Regulations.
- e. The request for an exemption must be filed by the owner of the Integrated Employee Housing Unit.
- f. Exemption forms must be filed annually by November 1<sup>st</sup> of each year or any time there is a change of occupancy where an exemption is needed to comply with the occupancy requirements in these Rules and Regulations.

- g. Subject to the following, exemptions shall apply on a first come, first served basis without any preference for past occupancy of a unit or past exemption. An exemption is not guaranteed. Each year all owners will be notified of the exemption request period, typically in early September. At the end of the exemption request period, owners who occupy their units and request an exemption will receive first priority, with any remaining exemption spots filled by occupants who lease their units.

#### 5. Special Circumstance Occupancy

Persons meeting the following criteria may occupy an Integrated Employee Housing Unit at any time without the need for an exemption, subject to compliance with reporting requirements:

- a. A unit owner over 67 years of age, so long as they have owned and occupied that particular unit as their primary residence for a time period of not less than ten (10) consecutive years immediately prior to turning 67; and have met the unit occupancy requirements under the PUD and these Rules and Regulations, including occupancy of a unit pursuant to an exemption, for ten (10) consecutive years prior to turning 67 and continue to occupy their unit as their primary residence. If the owner no longer occupies the unit as their primary residence, they must sell or rent the unit.
- b. Any person meeting the unit occupancy requirements under the PUD and these Rules and Regulations, including occupancy of a unit pursuant to an exemption, who becomes disabled or injured while using the unit as their primary residence provided that such person shall (i) continue residing in the unit as their primary residence; (ii) provide documentation that their disability or injury prevents them from meeting the employment-related occupancy requirements for the unit; and (iii) submit a written request to POLA on or before December 1<sup>st</sup> of each year with any supporting documentation required by POLA.
- c. Any Summit Sheriff deputy or officer.
- d. A Summit Fire or EMS employee whose assigned station is at Copper Mountain.
- e. An employee whose central business is based at Copper and spends the majority of their work hours at Copper during the Peak Season, even though some of the hours are spent outside of Copper but still within Summit County. This does not include employees working remotely for a business outside of Copper and/or Summit County.

#### 6. Rental and Re-Sale

- a. No rent control applies to the rates owners may charge.
- b. No cap applies to allowable appreciation for unit re-sales. Sales price is market driven.
- c. Owners shall notify POLA of their intention to sell their units and provide listing information as soon as available as specified in these Rules.

#### 7. Monitoring, Compliance, and Enforcement

- a. An owner of a deed-restricted Integrated Employee Housing Unit must report any change of occupancy to POLA within 14 days of the change.
- b. If a non-owner occupied Integrated Employee Housing Unit becomes out of compliance with these Rules and Regulations, the occupant renting the unit must vacate the unit within 30 days of the non-compliance unless the non-compliance is cured.
- c. If an owner-occupied Integrated Employee Housing Unit becomes out of compliance with these Rules and Regulations, the owner will have up to 30 days from the date of non-compliance to bring the unit into compliance with the occupancy requirements.

- d. Repeat violations of the occupancy requirements and violations that circumvent these Rules and Regulations may result in daily fines after notice from POLA.
- e. Fine amounts may be adjusted periodically by POLA.
- f. On or before November 15<sup>th</sup> of each year, POLA will contact each Integrated Employee Housing Unit owner by sending an Integrated Housing Employee Survey via email or mail requiring the owner to provide information including, but not limited to, the following:
  - i. Corrected contact information of owner if incorrect on the Integrated Housing Employee Survey
  - ii. Name and phone number of all occupant(s) if not the owner
  - iii. Name and phone number of all occupant's employer(s)
  - iv. Occupant's job title
  - v. Occupant's employment status, which will be verified by a POLA representative
  - vi. Average number of hours worked per week
  - vii. Other information that may be required by Summit County and/or POLA, which may include, but not be limited to, additional documentation related to primary residency, retirement, and disability.
- g. POLA may provide applicable survey results to the owner's HOA board and/or management company for verification. POLA may request each HOA board or its management company to notify POLA of any inaccuracies in the survey results to the best of their knowledge. POLA may request from time to time that the HOA certify unit configurations within the building, meaning how many bedrooms, kitchens, bathrooms, etc. This is to ensure that the unit is still in compliance with the PUD requirements and HOA master documents. Amendments to the HOA documents that change the use or configuration of an Integrated Employee Housing Unit require approval from Powder-Copper Mtn and POLA as provided in the HOA documents.
- h. Any Integrated Employee Housing Unit owner who does not respond to the survey within 45 days of the date the survey was e-mailed shall be in default of these Rules and Regulations and may be subject to enforcement action, including fines.
- i. If a default or non-compliance is not corrected within the time period specified by these Rules and Regulations or, if no express time period is stated, POLA may, after notice and an opportunity for a hearing, apply fines that may result in a lien on the unit.
- j. The fine amount is \$200 a day. POLA may also apply attorney fees and court costs to the owner's account and seek reimbursement of same.
- k. Pursuant to the Enforcement Agreement recorded at Reception No. 903917 in the Summit County, Colorado, real property records, POLA holds unconditional authority to enforce these Rules and Regulations. This may include the right to entry into a unit after notice to the unit owner and occupant(s). In the event that POLA fails to enforce any provision or restriction of these Rules and Regulations or they are not adhered to for any reason, including, but not limited to, any failure by the owner to abide by the provisions and restrictions contained herein, Summit County shall have the unconditional right to initiate and pursue enforcement actions, at law or in equity, as Summit County in its sole discretion deems necessary to prevent, correct, or require correction of the violations of the terms and purposes of these Rules and Regulations. The remedies that may be available to POLA and Summit County shall include, but not be limited to, specific performance, injunction, and recovery of reasonable attorneys' fees and costs for any such enforcement action.

## 8. Amendments

- a. POLA shall submit any future amendments to these Rules and Regulations to Summit County for review and approval. Any future amendments shall be recorded with the Summit County Clerk and Recorder's Office.

**Certification of Board of the Copper Mountain Property Owners and Lessees Association**

I, the undersigned President of the Board of the Copper Mountain Property Owners and Lessees Association, certify these Rules and Regulations were duly adopted on the 27<sup>th</sup> day of August, 2021 as set forth above.

James F. Reis  
Printed Name of President of the POLA Board

James F. Reis  
Signature of President of the POLA Board

8/27/21  
Date Signed

NOTARY PUBLIC  
State of Colorado )  
County of Summit )

JUDITH ANN ARNESON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964004922  
MY COMMISSION EXPIRES MARCH 20, 2024

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of August, 2021 by James F. Reis. Witness my hand and official seal.

My Commission expires March 20, 2024

Signature of Notary Public: Judith Ann Arneson

**Approval of Summit County**

I, the undersigned Manager of Summit County, approve of the Resolution duly adopted by POLA on the 7<sup>th</sup> day of September, 2021 as set forth above.

Scott Vargo  
Printed Name of the Summit County Manager

Scott Vargo  
Signature of the Summit County Manager

9-7-2021  
Date Signed

NOTARY PUBLIC  
State of Colorado )  
County of Summit )

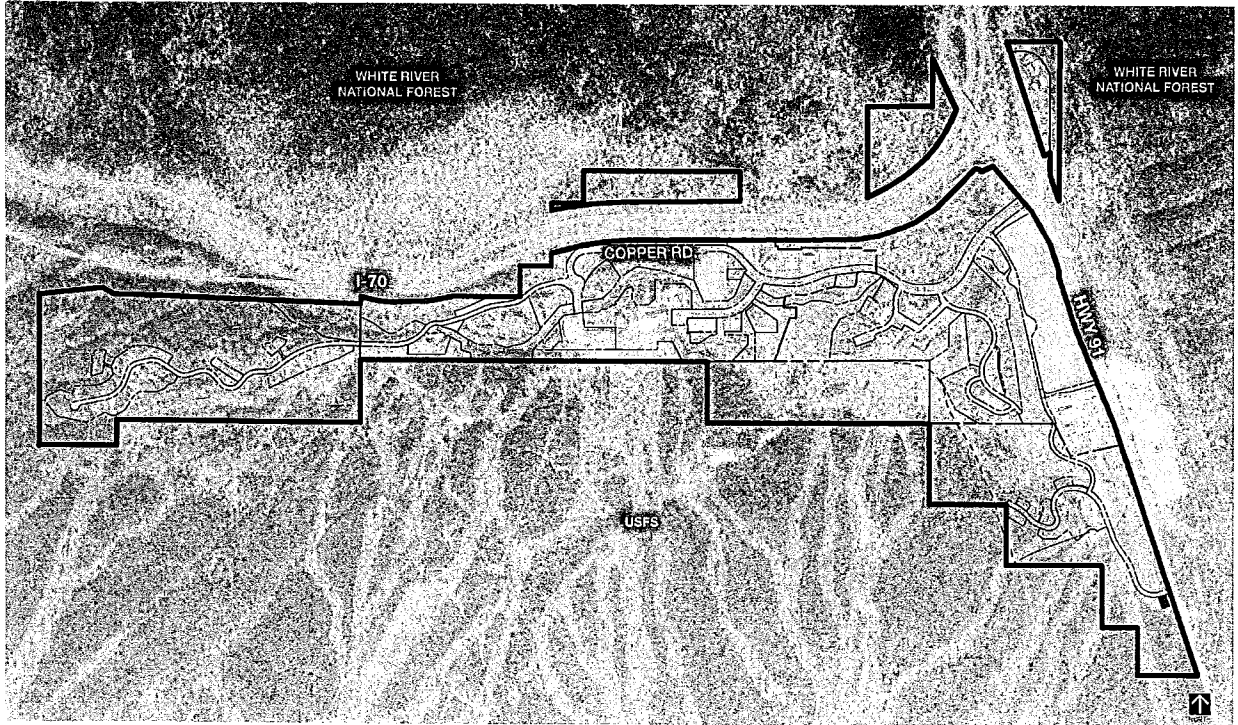
LODI DWYER  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20184033301  
My Commission Expires 6/21/2022

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 2021 by Scott Vargo. Witness my hand and official seal.

My Commission expires 8.21.2022

Signature of Notary Public: Lodi Dwyer

**EXHIBIT A**  
Map of Copper Mountain



**Copper Mountain Vicinity Map**

Copper Mountain includes all areas within property boundaries as shown on Vicinity Map.

**EXHIBIT B**  
Deed Restricted Employee Housing Units

Building	Unit Numbers
Anaconda	107, 212
Bridge End	101, 103, 109, 111
Copper Junction	E1, E2, E3
Copper Valley	B-1, B-2, 108
Elk Run	5
Foxpine Inn	102, 109, 137
Mountain Plaza	204, 206, 208
Passage Point	122, 323, 423
Snowbridge Square	109, 110, 111, 112, 209, 210, 211, 212
Snowflake	202A, 202B, 203A, 203B
Spruce Lodge	192, 193, 194, 196, 198, 199
Summit House	201, 202, 203, 207
Telemark Lodge	2208, 2209, 2210, 2513, 2514
Ten Mile	D-1, D-2
The Cache	F3-102
The Cirque	119
The Greens	216C
The Lodge at Copper	103, 104, 105, 106, 108
Timber Creek	104, 105, 106, 110, 111
Togwotee Lodge	Lot 4 (Door # 104)
Tucker Mountain Lodge	114, 115, 116, 117
Village Square	160, 162, 164, 166, 168, 170, 248, 250, 252, 254, 256, 260, 262, 264, 266, 268, 270, 350, 352, 354, 360, 362, 364, 366, 368, 370, 450, 452, 454
West Lake Lodge	101, 103, 105, 107, 109, 203, 205, 207, 209
Wheeler House	103, 105, 108