

## EXHIBIT B

1. Special Exception Petition. It is possible that certain regulatory actions and decisions made in applying this moratorium may, in limited unique circumstances, result in an undue difficulty if the processing and consideration of a short-term vacation rental license application is prohibited. The Board finds that establishing a special exception process which attempts to resolve such claims through staff review may promote better, more equitable procedural decisions which are consistent with mitigating the potential detrimental reliance of property owners while also meeting community goals.
2. Applicant. Any landowner, developer or person under contract to purchase a dwelling unit who desires to submit an application for a short-term vacation rental license and have such application processed because the application of this moratorium would result in an alleged undue difficulty may file a petition with the Planning Department.
3. Timing of Filing. The applicant shall file a complete petition for a special exception with the Planning Department no later than 30 calendar days following the adoption of this Resolution. The applicant shall provide all the information necessary for the review to be completed pursuant to this section.
4. Required Information. Such petition shall include the following information:
  - i. Name and address of the applicant and contractual interest or property interest in the subject property.
  - ii. Name and business address of the current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership or joint venture, name and address of all principal shareholders or partners.
  - iii. Price paid and other terms of the most recent sale of the property, the date of purchase and the name of the party from whom purchased, including the relationship, if any, between the applicant and the party from whom the property was acquired. If a sale of the subject property is pending, a copy of the purchase contract and all amendments thereto.
  - iv. Nature of the potentially protected interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest.
  - v. Evidence and documentation of any relevant improvements, investments or expenditures prior to date of application.
  - vi. Evidence of the issuance by Summit County of any development, zoning, subdivision, other land-use permit or approval of any site specific or other development plan or

specific representations by county officials indicating development approval relating to the subject property, and the date and terms thereof.

vii. Evidence of any detrimental reliance upon any permit, representation or approval, including but not limited to expenditures for professional services, purchase of materials and other associated costs, mortgage burden or loan balance, or any other financial or contractual implications to the owner or purchaser that would reasonably result from strict application of the moratorium.

viii. A narrative describing the basis for applicant's assertion that the application of this Resolution has or would act to impose a substantial difficulty on the applicant or substantially impair or eliminate the applicant's rights in the property in question. The narrative shall include a statement of why applicant believes such alleged impairment or deprivation cannot be adequately mitigated by actions other than the processing of a short-term vacation rental license during the time moratorium is in place.

ix. A signed affidavit by the applicant stating that the information and statements in the petition are true and accurate.

x. The Planning Director or his/her designee may request additional information when it is determined to be reasonably necessary to arrive at a conclusion regarding the petition.

5. Petition Review. The Planning Director or his/her designee shall review a completed petition within 10 business days after submission of such completed petition and may conduct such additional investigations or request such additional information as deemed necessary.
6. Standard for Special Exception. For purposes of this Resolution only, a special exception is the right to proceed with the submission and consideration of a short-term vacation rental license application under existing land use regulations or pursuant to an approved permit or site specific development plan where applicant can demonstrate it detrimentally changed position in good faith, justifiable reliance on a land use decision or other representation made by Summit County. The finding of qualification as a special exception hereunder shall allow the applicant the right to submission and processing of a short-term vacation rental license only; any such license application shall be subject to all applicable laws, rules, regulations and ordinances and may be denied, approved, or conditionally approved.
7. Burden of Proof, Decision. The applicant shall have the burden of proving by a preponderance of the evidence their eligibility for a special exception as provided herein.

8. Criteria for Decision. The Planning Director or his/her designee shall, on the basis of the evidence and information available and in light of all relevant circumstances, make specific findings regarding the approval or denial of such petition including the following:
  - i. Whether the applicant has complied with the requirements for presenting the information to be submitted with a special exception petition;
  - ii. Whether the applicant has a significant, protected interest in the subject property;
  - iii. Whether the applicant, in good faith, detrimentally relied on an approval, permit or representation made by Summit County
  - iv. Whether the applicant has established the existence of a difficulty that in all fairness justifies the processing of a short-term vacation rental application.
9. Appeal of Petition Decision. An applicant shall be provided notice of the decision regarding the petition within three business days of such decision. The applicant may appeal any such decision to the Board of Adjustment within seven days of the receipt of such decision as provided in Section 13200 of the Summit County Land Use and Development Code.