

Memo

To: Clear Creek Count Planning Commission

From: Fred Rollenhagen

cc: Adam Springer, PC Secretary

Date: May 19, 2021

Re: Short Term Rental Policy

Last month, the Planning Commission held its first working session to discuss potential revisions to the regulations that govern short term rentals. During that working session, the PC discussed the ultimate goal(s) of these revisions, strategies for achieving that goal and how that would relate to potential revisions to STR regulations. The goal of the County is focused on maintaining housing stock for residents. The Board is concerned about a proliferation of real estate buyers buying up residences for the sole purpose of renting them out as STRs.

The Board has asked staff and the Planning Commission to consider revisions to the STR regulations that would work towards that goal of maintaining current resident housing stock. The primary suggestion that came from the BOCC working session was for the Planning Commission to consider a primary resident-only policy where only primary residents would be allowed to apply for STR permits which is similar to current Idaho Springs policy.

During the last working session, however, the Planning Commission was more inclined to include more incentives that would prioritize primary residents' ability to obtain a STR permit rather than restrictions that would preclude non-primary residents. Among the items that the Planning Commission had identified:

1. Place a limit on the total number of STRs being operated by non-primary resident owners while not placing a limit on number of STRs being operated by primary resident owners
2. Incentivize primary resident owner/operators such as; reduced fees or reduced process for a permit, not requiring a permit at all, etc.

3. Find ways to incentivize building additional housing that would effectively replace the housing that STRs removed from the housing stock, such as encouraging the construction of ADUs for residential use (this probably goes beyond the scope of this effort, but probably a worthwhile discussion).

With these suggestions, Staff has prepared some draft revisions that would help with these ideas for Planning Commission discussion. Staff also has also proposed some other technical revisions that will help make the administration and review of Permit applications more streamlined and easier to understand.

A map, depicting the distribution of STRs among the three Commissioner's precincts is also attached. The following statistics have been prepared for reference:

Total housing units in unincorporated CCC:	3434
Total known STRs in unincorporated CCC:	128
% of total housing units:	3.7%

County Commissioner District #1 (Idaho Springs/Floyd Hill)

Total housing units:	875
Total STRs:	32 (<i>Floyd Hill contains 11 STRs</i>)
%:	3.6%

County Commissioner District #2 Upper Bear Creek/Blue Valley/Brook Forest)

Total housing units:	1493
Total STRs:	30 (<i>Brook Forest contains 11 STRs</i>)
%:	2%

County Commissioner District #3 (Georgetown/Silver Plume/Empire/St. Mary's/Loveland)

Total housing units:	1066
Total STRs:	66 (<i>St. Mary's area contains 32 STRs</i>)
%:	6.1%

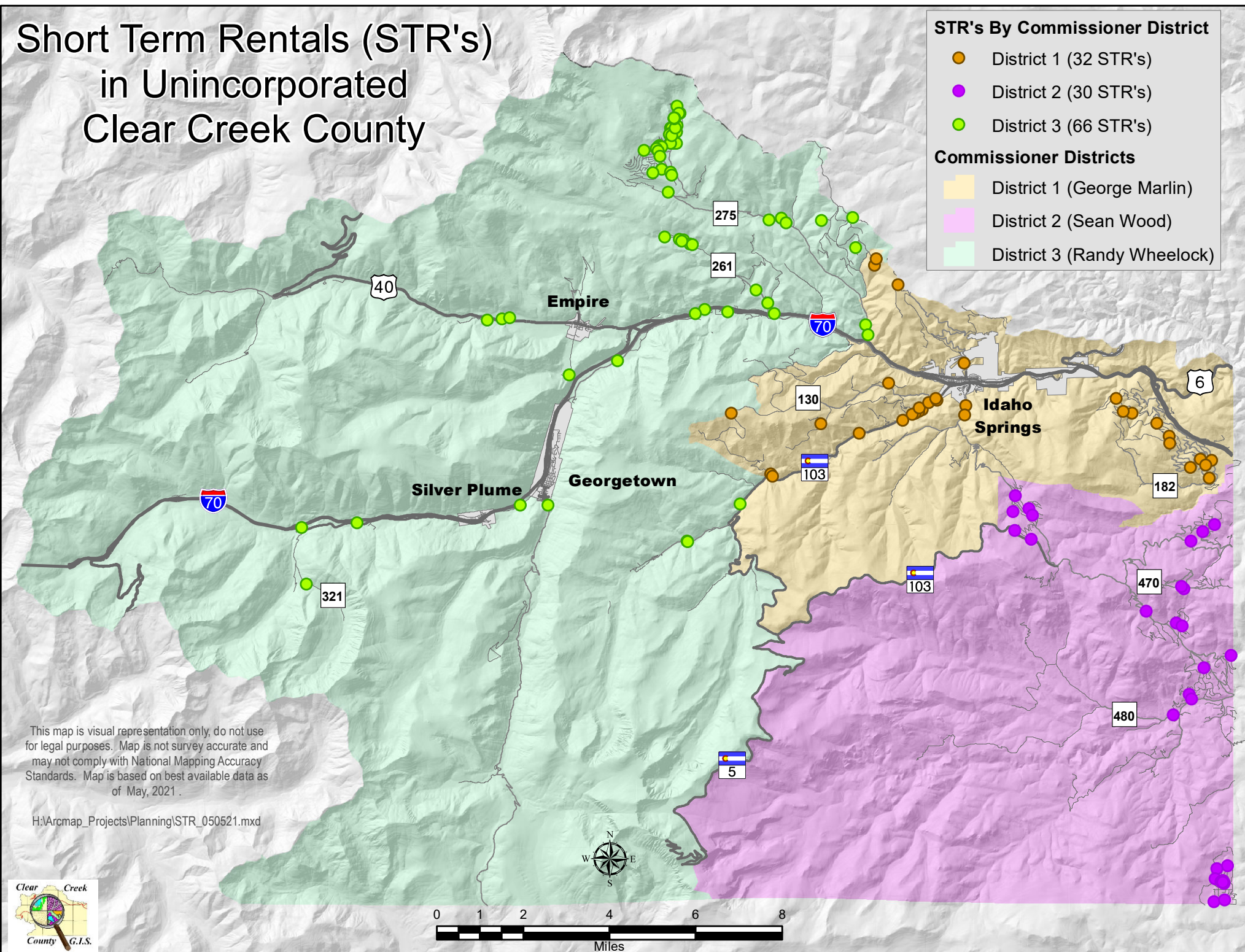
Short Term Rentals (STR's) in Unincorporated Clear Creek County

STR's By Commissioner District

- District 1 (32 STR's)
- District 2 (30 STR's)
- District 3 (66 STR's)

Commissioner Districts

- District 1 (George Marlin)
- District 2 (Sean Wood)
- District 3 (Randy Wheelock)



This map is visual representation only, do not use for legal purposes. Map is not survey accurate and may not comply with National Mapping Accuracy Standards. Map is based on best available data as of May, 2021.

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1207. SHORT TERM RENTAL PERMIT

1207.1. SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- 1207.1.1. Completed Short Term Rental Registration Form as provided by the Planning Department.
- 1207.1.2. Registration Fee
- 1207.1.3. Evidence of legal water supply
- 1207.1.4. Evidence of the availability of connection to a sanitary sewer system or an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed.
- 1207.1.5. A scaled map **or narrative** clearly indicating **and explaining** the following:
 - a. lot size,
 - b. subject parcel boundaries,
 - c. location of residence,
 - d. location of appropriate parking spaces,
 - e. location of any outdoor garbage storage areas,
 - f. location of snow storage areas,
 - g. location of any outdoor cooking/fire facilities,
- 1207.1.6. Copy of State of Colorado Sales Tax License for the STR
- 1207.1.7. **Landowner Authorization if the applicant is someone other than the registered owner of the property**

1207.2. STANDARDS FOR SHORT TERM RENTALS

All short term rentals shall be subject to the following:

No more than 4% of the total number of residences located within each voting precinct, in any given year, in unincorporated Clear Creek County shall be issued permits for short term rentals.

Primary resident-hosted rentals are exempt from this restriction.

- 1207.2.1. **Operating Permit.** All short term rentals must have an operating permit. Permits are issued by the Planning Department. The permit shall be maintained and signed by the owner and if applicable, any property management company representative, agent, or designee.
An operating permit for a specific short term rental shall be transferable to a different owner ~~in accordance with procedures in this Section and as established by the Board of County Commissioners.~~ **once a Completed Short Term Rental Registration Form and Registration transfer fee is received. The new owner must comply with the notification and posting requirements as stated in these regulations.**
An operating permit shall be effective on and following the date of issuance, through the remaining calendar year in which it is issued, unless surrendered or suspended or revoked for cause. No more than one (1) operating permit shall be issued and effective in any given calendar year for each short term rental.
Operating permits for primary resident-hosted rentals shall be effective on and following the date of issuance, through the remaining calendar year and the entire subsequent following year not to exceed a period of two (2) years.

- 1207.2.2. **Regulations Compliance.** No operating permit will be issued for a property that is not in compliance with Clear Creek County regulations applicable to the property. Non-compliance with any of those regulations also is grounds for revocation of an Operating Permit.
- 1207.2.3. **Fees.** Fees will be established by the Board of County Commissioners and published in the Planning Department Fee Schedule. Pro-ration for an operating permit issued after January 1 in any given year shall not be authorized.
- 1207.2.4. **Taxes.** Owner is responsible for maintaining a State of Colorado Sales Tax License and remitting applicable Federal, State and Local Taxes.
- 1207.2.5. **24-hour Contact Person.** Each short term rental owner shall have a contact person responsible for the short term rental and shall be available on a twenty-four (24) hour basis, seven days per week, and during periods in which the structure is being rented.
- The 24-hour contact person may be the owner, a property management company representative, or other person employed, authorized, or engaged by the owner to manage, rent or supervise the short term rental. The 24-hour contact person shall maintain a residence or permanent place of business within one (1) hour driving distance to the short term rental.
- The 24-hour contact person will be identified in writing before an operating permit will be issued. The person must be an individual, and be identified by company (if applicable), business telephone, cell phone, home phone, business or home (whichever is applicable), mailing address, and email address. The 24-hour contact person may be changed in writing delivered or sent to the Planning Department.
- Adjacent property owners whose property boundaries are within one hundred (100) feet of the subject parcel where the STR is located shall be provided written notice of the 24-hour contact person.
- 1207.2.6. **Safety.** The short term rental shall undergo and pass an initial safety inspection **or provide other evidence of adequate safety** as determined by the Chief Building Official prior to issuance of the operating permit.
- The short term rental shall contain at least one operable fire extinguisher and operable smoke alarms as required by the Chief Building Official. The short term rental shall contain operable carbon monoxide alarms in compliance with Title 38, Article 45 or the Colorado Revised Statutes.
- 1207.2.7. **Water/Sanitation and Occupancy.** The short term rental shall submit verification of the availability of an adequate water supply plan or State-approved well permit, and verification of connection to a sanitary sewer system or the availability of an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed. **Such OWTS permit may be supplied by the Environmental Health Department as determined by the Environmental Health Director.**
- 1207.2.8. **Noise.** While occupying or visiting a short term rental, no person shall make, cause, or permit unreasonable noise to be emitted from the short term rental that is audible upon private premises in excess of the limits set forth in title 25, Article 12, Colorado Revised Statutes or otherwise disturbs the peace.
- 1207.2.9. **Garbage.** Clearly-defined garbage storage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage removal (including name and location) must be identified for all occupants. All outside garbage storage areas and containers

shall be of a bear-proof design that is made of a heavy-duty steel enclosure with a locking lid or opening. Otherwise, all other garbage containers shall not be left unattended for on-street pick-up and shall only be left outside on the day of on-street pick-up. The property shall be properly maintained and free of garbage, trash and litter.

1207.2.10. **Lighting.** Outdoor lighting shall conform to the Lighting standards expressed in Section 10: Development Standards (1008.4: Lighting).

1207.2.11. **Access and Parking.** Off-street parking shall be provided in the amount of 1 space per bedroom.

If a short term rental is accessed by a shared driveway, written permission to access the drive must be obtained from each shared driveway property owner. Occupants and visitors utilizing short term rentals must park in designated off-street parking spaces. On-street parking within a County road or right-of-way or within a private road right-of-way is prohibited. Written property owner permission is required for parking on adjacent or neighboring properties. No person shall be permitted to stay overnight in any motor vehicles, camping vehicles, or recreational vehicles (RVs) which are parked at a short term rental.

1207.2.12. **Snow Storage.** On site snow storage shall be provided.

1207.2.13. **Fires.** Fire places, fire pits, charcoal braziers, wood burning stoves, or other outdoor cooking or fire facilities that could throw off embers shall be allowed only in designated facilities with appropriate defensible space established around the fire facility and short term rental residence. A water supply such as bucket of water or hose hooked to a faucet or other type of fire suppression (ie: sand) shall be available at the location of the fire facility for use to put out fires. Fires shall be completely extinguished before the short term rental is vacated. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

1207.2.14. **Firearms and Fireworks.** The discharging of firearms or fireworks on the premises of the short term rental is strictly prohibited.

1207.2.15. **Signs.**

Signs for advertising shall not be permitted on short term rentals except as outlined in Section 10(1004) of the Zoning Regulations.

1207.2.16. Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the short term rental; and each owner of a short term rental shall be strictly liable for complying with the conditions set forth in the Section or imposed by Clear Creek County. Owner shall comply with all applicable County, State and Federal Regulations.

1207.2.17. **Addressing**

Address numbers shall be posted on the exterior of the building so that it is clearly visible from the traveled road.

1207.2.18. **Large Short Term Rentals**

Large short term rentals, as defined, are restricted to lots of 2 acres or greater in size.

1207.2.19. **Limitation of Liability.** Clear Creek County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Clear Creek County harmless for any injury or damage which may occur, or whatever types or nature, as the result of the operation of the short term rental. Owner shall maintain appropriate liability insurance for the short term rental. Owner further warrants and agrees to compensate Clear Creek County for any expense incurred

in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use. Nothing contained in this Section shall allow short term rentals if otherwise prohibited by any applicable private covenants. Covenants are privately enforced according to their terms.

1207.2.20.

Posting of Information. The owner shall post information inside the short term rental in a conspicuous location for its occupants including, but not limited to, the following information:

1. A copy of this Section 1208 Short Term Rental Permit
2. The name, address, and telephone number of the 24-hour contact person, management company, agent, or owner of the short term rental that can be reached on a twenty-four (24)-hour basis.
3. The maximum number of persons allowed to occupy the short term rental.
4. The maximum number of vehicles allowed to park on the short term rental property. All vehicles must park in designated off-street parking spaces. On-street parking or on neighboring properties is prohibited.
5. A map clearly indicating the subject parcel boundaries, location of residence, and location of appropriate parking spaces.
6. The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal.
7. The entire property address (including house number, street name, and city) shall be visibly posted inside the STR with instructions to call 911 in the case of an emergency.
8. Information regarding fire suppression types available onsite. If a Fire Ban is in effect, the terms of that ban must be included.
9. Information regarding fire/emergency evacuation routes out of the area.
10. The discharging of firearms or fireworks on the premises is strictly prohibited.

1207.2.21.

Enforcement

If granted, the Permit will be monitored for compliance by the Planning Department. Written notice of the nature of the violation shall be given to the property owner, agent, or the applicant for any relevant permit. Notice shall be given in person, by e-mail, or by certified U.S. Mail. The notice shall specify the alleged violation, and, unless a shorter time frame is allowed by this Section or through stipulations set forth in the approved Permit, shall state that the individual has a period of fifteen (15) days from the date of the notice in which to correct the alleged violations before further enforcement action shall be taken. If non-compliance with the Operating Permit regulations is not cured timely, or if there are multiple credible or validated complaints manifesting the owner's inability or unwillingness to control the use of the Short Term Rental, a hearing may be scheduled before the County Commissioners to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time by written notice given at least ten days before the hearing, from the date of the notice. Notice will be given to the permit holder or its designated contact person, by e-mail, personal delivery, posting on the property, or first class mail.

1207.2.22.

The relevant decision-making entity may deny or withhold the renewal of an annual operating permit if the property is in violation of any Clear_Creek County

regulations applicable to it, multiple credible or validated complaints have been received during the most recent calendar year of operating as a Short Term rental, or until a violation related to the property, is corrected.