

Minutes
Clear Creek County Planning Commission
Meeting of May 19, 2021

▪ **Call to Order**

The meeting of the Clear Creek County Planning Commission (PC) was called to order by Vice Chair Russell Clark at 6:30 pm via Zoom teleconferencing platform.

▪ **Roll Call**

Members Present: Vice Chairman Russell Clark, Dave Christensen, Julie Whisenand, and Dave Andrews

Members Absent: Chairman John Muscatell

Staff Present: Fred Rollenhagen, Planning and Building Services Manager, and Adam Springer, Senior Planner.

▪ **Pledge of Allegiance**

▪ **Unscheduled Appearances**

There were no unscheduled appearances.

▪ **Approval of Agenda**

The agenda was approved as written.

▪ **Approval of Minutes for April 21, 2021**

Commissioner Christensen made a motion to approve the Minutes as written. Commissioner Whisenand provided a second. Motion passed unanimously.

▪ **Continuation of Work Session on short-term rental regulations**
presenter: Fred Rollenhagen

Vice Chairman Clark introduced the next item on the agenda; the continuation of a working session regarding short term rental regulations. Staff Member Fred Rollenhagen presented his Report to the Commission; which provided proposed draft changes to the current short-term rental regulations and more information as requested during the last working session.

Planning Commission Questions and Feedback

What does the housing stock in Clear Creek County consist of (apartments, condos, single family residences)? Staff said that most of the housing stock consists of single family housing.

Has the County done an analysis of what percentage of short-term rentals were purchased recently and specifically for short term rental purposes? Staff stated that we have not done this type of research yet.

If we are looking at incentives for primary rentals, then one incentive could be that these primary rentals be placed at the front of the line if there are permit caps.

Are there ways to figure out how many STR's are owner occupied? This may be challenging because ownership may typically be under an LLC. Staff said that currently we only have 6 owner-occupied permitted short term rentals in unincorporated Clear Creek County.

If an owner of a permitted short-term rental is on a septic system then the occupancy limit is based on the system, is this being reviewed as if they are utilizing the rental full time? Staff confirmed that this is correct.

Do we have any data on how many complaints we get from STR's, and if so have you seen any patterns in the County for complaints or non-compliance? Staff said that there is about a 3 to 4 percent complaint rate.

How do the STR complaints compare with the long-term residence complaints. Staff stated that most long-term complaints are junk related, while most short-term rental complaints are noise, trash, or trespassing related.

The Commission would like more information to understand if we have a problem or a perception of a problem. Could we create a survey to the STR owners asking certain questions, such as; how long they have owned the residence, maybe purpose for having an STR, etc....?

It appears that the regulations that we currently have in place is working pretty well and that we should make sure that we are not changing something that does not need to be fixed.

We need a definition for primary residence or owner occupied if we amend the current regulation to differentiate between this type of STR. The definition should be very clear and defensible.

Are we seeing an increase in short term rentals since the regulations have been adopted? Staff stated that we have not really seen an increase at this time.

A member of the Commission commented that they don't think we have confirmed a problem with the current regulation, and it does not appear that limiting to primary residency is a solution at this time.

How much capital does short term rental owners have to put in to get this business up and running? Staff can probably give numbers for County costs, however could not give feedback on owner costs (some public participants gave examples below in the public comment section).

Does the County require any efficiency improvements (energy saving products) to obtain a permit, if not this may be an opportunity lost? Staff stated that no we don't at this time.

It would be helpful to understand if there are studies or information existing for other communities regarding when, or at what percentage rate of total housing stock, do STR's become a problem for that community; and what are these specific problems or issues.

Do STR renters spend more money in the community?

The Commission expressed concern regarding enforcement when STR renters or owners are not abiding by rules. Staff gave information on how we enforce violators.

Some Commissioners provided their experience living next to STR's.

How important is broadband for STR's? Some members of the public spoke up to this in the comments below. It appears that broadband is very important to STR's.

Public Comment

Marti Richardson

Marti has a short-term rental in Evergreen and has put over \$1000 into making it a short-term rental. There are currently not enough places to stay in Evergreen and they feel like that they are providing a positive service to the community.

Jette

Clarified that they have an STR that is owner occupied, and that there currently is not enough data to understand if the owner occupied STR's are providing impacts to the community.

Bart Bockman

Has an STR up at St Mary's and put a few thousand into it and feels that they provide a necessary service to the community, and they get positive comments all the time. St. Mary's does not have a lot of lodging opportunities in the area. Additionally, Clear Creek County Tourism Bureau markets St Mary's to the public, therefore, proper amenities should be supported in this area.

William Wonderlichii

Has an STR around Chicago Creek area and feels that it is a very valuable commodity. Feels that the STR adds value to the County and Idaho Springs. People want a place to rent that gets them away from the Denver area. He is a primary owner and loves what he does.

Zach

Stated that he recently purchased a house and is renting it as an STR. Feels that STR's are an asset and his family gets to enjoy the house too when they are in town. Offered a perspective in home ownership in the future. STR's in some ways can help cover the cost of owning a home. Their STR is in the St Mary's area. They hire people in the area for maintenance and spend money directly in the community. Does not see the relevancy in capping STR's.

Linda Seavy

Moved to a convent-controlled community for protection. They have a different perspective with STR's. They have had to call the Sheriff numerous times for noise and trespassing, and other things. They are concerned about wildfire danger. They witnessed people throwing cigarettes in the yard.

Tom Myers

Has 2 STR's up at St Mary's and has plans for 3 STR's. He has built a number of homes in St. Mary's and some of them have been utilized for STR's. Mr. Myers does not think we need a cap on STR's, and does not contribute STR's to a lack of housing stock. There is still a decent amount of land for development, the County should be thinking about encouraging more development. Mr. Myers likes how the County is currently permitting STR's

Mr. Murphy

Has an STR in Dumont that was never really lived in before they purchased it. They feel like they are not taking any housing away from the community. Mr. Murphy has security cameras and noise awareness monitoring for his property. They have so much pride in what they do. They employ maintenance in the area as well. Additionally, they feel that broadband is so important; they don't currently have broadband on the property and they lose bookings because of this.

Thando

Has a short-term rental in Brook Forest and feels like that the current regulations in place for STR's is very fair.

Nate Ellis

Stated that he and his family live out of state, and his STR in the County allows them the opportunity to visit Colorado more and maybe someday live there. They have a local property manager and employ one of their neighbors for cleaning. They cleaned up the property to rent it out.

Gabriel Ferrer

Would ask the County to be very careful when and if they choose to create a definition for primary residency. The main reason that they rent their home out as an STR is to cover expenses. Mr. Ferrer has an STR in the St Mary's area.

Zoom Chatroom Comments

The following comments were copied from the zoom chatroom that were made during the meeting. None of the comments have been edited.

Thando 06:39 PM

I can see 6 panelists now

gabrielferrer 06:40 PM

I can see all panelists

lindaseavey 06:40 PM

Do they have their view in full screen? That is how I am seeing everyone

williamawunderlichii 06:40 PM

i can see as well

Anonymous Attendee 06:44 PM

There was no proposed regulations ... changes...in meeting notice. Where can this be obtained ?

williamawunderlichii 06:44 PM

yes

Anonymous Attendee 06:50 PM

The forum will not allow a person to register ... could you please look in to this so can acces.. contribute

Marti Richardson 06:54 PM

Is there a desirable percentage of homes at STR? 2-3% seems low to me.

jette 06:56 PM

Is there knowledge of percent owner occupied short term... so understand the difference between a home that has short term renters in home where owner occupy versus short term rentals where not occupied by owner... as this would impact what is available for longterm versus not..if owner occupied there could never be long term rental versus those not occupied by owner at all

Blair Richardson 06:57 PM

Why are we concerned with something that affects less than four percent of the total housing units? This is not even inclusive of the incorporated communities. What is the objective of this - further restrictions of our rights and devaluation of our property values?

gabriel Ferrer 07:00 PM

You need to define "primary resident"

How can you be a primary resident and short term rent your home? Where do you live while you are renting?

Marti Richardson 07:00 PM

There are quite a few wedding venues in the Evergreen area. There aren't enough hotels in the region to accommodate the families. Those families bring dollars to the region and benefit the entire area, not just the short-term rental owner.

gabriel Ferrer 07:03 PM

You need to define "primary resident"

If I am a "primary resident" and short term rent my house for the whole year am I a "primary resident"?

Bart Bockman 07:03 PM

Would commercial property (IE commercial cabin rentals on commercially zoned land) be exempt from these regulations

gabriel Ferrer 07:04 PM

I have owned my home at St Mary's for 19 years. Am I a "primary resident"?

Thando 07:04 PM

Why in general are there concerns and permits for Short Term Rentals and not for Long Term rentals? Shouldn't long term rentals be safe, have proper septic and parking etc?

de 07:05 PM

where did the 4% cap limit come from and why was this number chosen

Glenn Harper 07:06 PM

What is considered affordable housing in Clear Creek County?

de 07:06 PM

If there is a cap placed, how do you choose who receives the permits and is this "fair" to all owners of property.

de 07:06 PM

2. If there is a cap placed, how do you choose who receives the permits and is this "fair" to all owners of property.

de 07:09 PM

If we haven't looked at the impact of STR on the current living situation of CCC and done the proper studies yet, aren't we jumping the gun on putting limits on the amount of STR permits that are issued?

Blair Richardson 07:09 PM

My wife is leading the effort to help the entire area with fire mitigation grants as this meeting takes place. Now we feel as if we are being targeted.

williamawunderlichii 07:09 PM

2nd home owner's fall under the 4% max.

williamawunderlichii 07:11 PM

Blair, I'm wondering the same. I've put in a lot as well

lindaseavey 07:11 PM

How can I know if the short term rental next door to me is even registered?

williamawunderlichii 07:12 PM

Thank you!

Bart Bockman 07:16 PM

*If you regulate the ONLY economic driver that exists at St Mary's do you have any thoughts on any other economic replacements???**The tourism board highly markets visitors to the St Mary's Glacier area... Outside STRs there is no lodging... if regulated will the county and tourism board quit marketing for St Mary's Glacier visitors???*
(I HOPE SO!)

williamawunderlichii 07:17 PM

Grandfathered

Anonymous Attendee 07:19 PM

It would seem any building should just align with current code... 'loss opportunity'... a two tier system would seem prejudicial

williamawunderlichii 07:21 PM

AIRBNB is very concerned about nieghbors!

Blair Richardson 07:22 PM

The county already has extensive regulations that are well beyond other communities. Permitting is not simple. We take pride in our property and spend as much time there as possible. However,

we also enjoy the freedom of renting it to visitors from around the world who come to the area for weddings, reunions, and other celebrations. We have never received a complaint and have support from our neighbors.

gabriel Ferrer 07:24 PM

If new investors are coming to St Mary's to make money they are nuts. Besides the fixed expenses for having a house in St Mary's, which are huge, maintenance, snow removal and few rentals in the winter season you are lucky if you break even. I only short term rent so that I can afford to have a place for family gatherings.

Thando 07:30 PM

My STR is my "primary residence" as I do not own any other properties anywhere, and have an owner occupied mortgage. I stay there from time to time. I should be classified as an owner occupier. Non owner occupied should be 2nd homes or investment properties or LLC's

Blair Richardson 07:45 PM

Broadband is hugely important to many but not all guests. We loses rentals because of this concern.

gabriel Ferrer 07:45 PM

Broadband is a deal breaker. I just hope that we could get higher Internet speeds.

William Wunderlich 07:48 PM

Please have her contact AIRBNB and VRBO. I understand her to her concerns!

Zach 07:48 PM

Re Linda: As an STR owner I really appreciate the perspective and would be appalled by such behavior.

Anonymous Attendee 07:48 PM

I clicked a different link on forum and was able to register ...but not the top register item

Blair Richardson 07:49 PM

I respect this person's concerns. However, there are existing regulations and laws that address each concern expressed.

Jette 07:50 PM

It sounds like the covenant HOA really let the Floyd Hill individuals down... how horrific ... neighbors should not be experiencing this negative environment

Zach 07:56 PM

Can we get more information on these noise regulator devices? I am interested in supporting this idea.

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gabrieferrer 08:02 PM

I like to address the board. Are you getting my questions? Gabriel Ferrer

Zach 08:11 PM

Beware Russ, asking some of that could potentially breach certain laws regarding discriminatory action. I am not calling anyone anything! I just want to sincerely warn before something like that survey got sent without considering some of the questions about demographics.

gabrieferrer 08:16 PM

VRBO collects county and lodging tax automatically.

williamawunderlichii 08:16 PM

AIRBNB can come down on people like that.

gabrieferrer 08:18 PM

Short term rentals are no different that long term rentals or single family home owner neighbors. There are mostly good ones and a few "bad eggs".

Thando 08:19 PM

They would have the SAME EXACT recourse you would have against a loud owner occupyer

williamawunderlichii 08:19 PM

The police! Sound ordinance..

Blair Richardson 08:23 PM

Anyone who is allowing someone to use ATVs as part of a rental is simply negligent. This is an unfortunate situation but not the norm.

RM 08:25 PM

This is Cyrus Murphy, I spoke earlier and neglected to mention we do live Jefferson County and use the home as our family reunion/getaway. The only way we could affor the home was to STR it. Dave's experiences sound terrible and nothing we've experienced. Vetting guests is the first step.

Bart Bockman 08:28 PM

Is there any reason all the Q&A questions were answered with the exception of my questions???

Zach 08:34 PM

I appreciate that comment David

gabrieferrer 08:37 PM

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St Mary's elevation, 10,500 feet is too high for many people. Altitude sensitivity mostly occurs above 8,000 feet and that limits the number of people that will return to rent. If you are looking to invest in short term rentals St Mary's is not the place to be.

*gabrielferrer 08:38 PM
Thank you*

*williamawunderlichii 08:44 PM
thanks Adam! and panal..*

Conclusion

Staff concluded the discussion by stating that they will try and get some more information together as discussed above and then bring this back as a continued working session in the coming months.

▪ **Committee Updates**

-Planning and Building Services Manager Fred Rollenhagen announced that we have hired a new County Manager.

▪ **Adjournment**

Commissioner Christensen made a motion to adjourn the meeting at 8:40 pm. Commissioner Andrews provided a second. Motion passed unanimously.

Respectfully submitted,

Adam Springer, Secretary

Date

Approved by the Planning Commission on July 21, 2021

Russ Clark, Vice Chairman

Date