

Frequently Asked Questions (FAQs) about the Short-term Rental (STR) Regulations project in Larimer County

Note: These FAQs will be updated periodically to add new questions and answers to aid the community in understanding various aspects of the project.

These were last updated on: **11/22/22**

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Project Process

What is the next step in this STR project, and when will the public have the next opportunity to give input?

The County has prepared an initial public discussion draft for Short-term Rental possible regulation changes, available at <https://www.larimer.gov/planning/short-term-rentals>. The draft document will be available to the public for review and comment until December 14, 2022. Community members can email their comments to the project team at LUC2020@larimer.org. Additionally, input on the draft will be gathered from boards and commissions and advisory committees through the month of November. By early 2023, staff will prepare a revised draft of possible regulation changes based on input received. Potential additional public workshops or meetings may take place prior to scheduling public hearings for adoption of the revised regulations in early 2023.

Which body approves proposed STR regulations once all revisions have been completed?

The public hearing draft of the revisions will be scheduled for a public hearing first before the Planning Commission and then the Board of County Commissioners. The Planning Commission provides a recommendation. The Board of County Commissioners makes the final decision about Land Use Code changes.

How did the County develop suggested revisions in the initial public draft?

Many of the suggested revisions have been developed through stakeholder and community engagement and through conversations with other County Departments (i.e., Engineering) and the Larimer County Planning Commission and Board of County Commissioners. Additionally, the County researched and reviewed other existing STR regulations applicable to other jurisdictions, both local cities and towns as well as others within the state. Some topics of discussion or suggested revisions made early in the process may not make their way into later drafts following conversations with stakeholders, the community, and/or boards and commissions.

Part of County Where Proposed Regulations Apply

As part of this project, is the County updating standards for the Estes Valley, all of Larimer County unincorporated areas, or both?

This project applies to the Estes Valley unincorporated area (not the Town of Estes) and other unincorporated areas of Larimer County.

Do the County regulations apply to the cities, such as Estes Park, Fort Collins, and Loveland?

No. Land Use regulations in Larimer County are applicable to just unincorporated areas, not the towns and cities. The County is coordinating with each of the towns and cities to learn about their regulations and align outcomes where there is interest in doing so.

Where can Zoning District maps be found online?

Zoning Districts maps specific to STRs can be found on the project STR Regulations update webpage, under *Informational Documents and Maps*. Alternatively, you may find zoning maps online on Planning Department's website: <https://www.larimer.gov/planning/zoning>.

Regulations and Whether they Apply to Existing Approved or In Progress STRs

Will STR applications currently under review at the County continue or be put on pause?

Current applications will continue, and current standards apply until new standards are adopted.

Will previously approved STRs be affected by revisions to the regulations?

New STR standards would not apply to previously approved STRs. New standards would apply to new applications.

Are single-family residences not used as a STR required to meet proposed road and driveway requirements?

All *new* development is required to meet current Larimer County Land Use Code and Building Code requirements which may include but are not limited to road and emergency access standards, fire safety standards, and floodplain standards.

Enforcement and "Ordinance for Implementation and Enforcement"

Does the County enforce against illegal STR units? How does that work?

Yes. Once Code Compliance confirms that the property is being illegally utilized as a STR, the property owner is sent a Cease & Desist letter. If the property owner does not contact the County within the time allowed, a file is generated and transferred to the County Attorney's office for legal action.

What is the “three-strike” enforcement concept for STRs?

Per the December 2021 adopted Larimer County “Ordinance for Implementation and Enforcement of Short-Term Rental Regulations,” complaints concerning short-term rentals should first be directed to the Property Manager. The Property Manager should respond to the complaint, including visiting the site if necessary. Failure of a Property Manager to respond and attempt to resolve a complaint within an hour of notification will be considered a violation of the Ordinance. If the issue is not resolved or the Property Manager does not respond, the party making the complaint should either call the Hotline at 970-480-0865 or file a written complaint at <https://www.larimer.gov/codecompliance/report>

What are other tools the County uses for enforcement?

The County may investigate any complaint received to determine if it is a substantiated complaint that represents a documented violation of the provisions of the Ordinance. Suspension or revocation may be considered if there have been three verified complaints.

Does the County intend to amend or revise the existing short-term rental code enforcement ordinance?

The County is currently working on amending the “Ordinance for Implementation and Enforcement of Short-Term Rental Regulations.” Materials will be available for community review early 2023, prior to the adoption of new STR regulations.

How will the County enforce some of the new regulations should they be adopted?

One of the many components being considered by the County Planning and Code Compliance Divisions through this update process is enforceability. As part of the continuing conversation, the County is analyzing and developing enforcement strategies and tools to strengthen enforcement efforts for both existing and proposed regulations. The initial public discussion draft of suggested revisions will continue to be revised as the County receives feedback from the community, stakeholders, and boards and commissions.

Estes Valley Specific Questions

Is the County coordinating with the Town of Estes Park?

The County has reviewed the Town of Estes Park Municipal and Development Code regulations for short-term rentals along with other local town and city STR regulations to see if there are common approaches that make sense for both about standards, the review approach, fees, and other subjects and has and will coordinate with Town staff.

Do the County’s proposed regulations apply to properties in the Town?

No, they apply only in the unincorporated area of the Estes Valley.

Will the County be lifting the cap of 266 STRs in the unincorporated Estes Valley residentially zoned districts?

As of the current draft, the County is not proposing to change the cap in the Estes Valley. Although, the County has heard some interest in possibly adjusting the cap so that it applies more locally within neighborhoods – in other words, limiting density of short-term rentals in certain residential areas. This is a topic that continues to be discussed. The County is analyzing density maps and data and is seeking additional feedback on the topic.

Will the County be applying an STR cap elsewhere in the unincorporated areas of the County?

At this point in drafting that is not proposed. This is a topic that continues to be discussed through the project. The County is analyzing density maps and data to determine if limits on STRs would be appropriate or desired in other parts of the County outside the Estes Valley.

Size and Type of STRs

Do the number of guests play a role in defining the type of STR?

The Larimer County Land Use Code currently defines a *Small* STR as 10 or fewer guests while a *Large* STR is defined as more than 10 guests. Guest occupancy is based upon 2-guests per bedroom. The number of guests is based on bedroom multiplied by two (2). Each residence is also allowed one (1) additional sleeping area, such as a living room, loft, or similar.

How did the County determine a Small STR is 10 or fewer guests while a Large STR is 10 or more guests?

The Small and Large designations were determined in 2019 and were defined to align with Building Code regulations.

When developing or revising the Tables of Allowed Principal Uses, how does the County determine which review and approval process is appropriate for each specific type of short-term rental (i.e., small, large, full, or limited)?

The county determines a review and approval process by considering the unique characteristics of the use, the intensity of the proposed use, and the potential impacts of the use on adjacent uses and/or properties. More impactful uses tend to require a more rigorous review process with public hearings.

Procedures that Apply to STRs

Are all STR applications currently required to have a public hearing? Will new STR applications require a public hearing?

Current regulations require Administrative Special Review for all short-term rental applications. Typically, a decision on an Administrative Special Review application is made by the Planning Director and does not require a public hearing; however, the Director can schedule a public hearing before the Board of County Commissioners (BCC) under certain circumstances, such as when there is neighbor opposition to the request. In those instances, the BCC would be the decision-making body. Although many STR applications may go before a County advisory committee prior to a decision, such as the Estes Valley Planning Advisory Committee (EVPAC) or the Red Feather Lakes Planning Advisory Committee (RFLPAC), advisory committees provide a recommendation to the Director and are not decision-making bodies.

Modifications to the required approval process, based on STR type, are being considered. Suggested modifications are reflected in the draft document and may change in the next draft(s).

What is required to complete the existing re-registration process for an approved STR every two years? Will the process change with the new regulations?

Currently, the re-registration process every two years requires that the owner confirm that the property management information is up-to-date, and no changes have been made to the property that may

impact the approved use. The re-registration process does not require a new approval process or inspection.

Modifications to the re-registration process are being considered and those changes are noted in the draft document.

Taxes and STRs

How does this project relate to the lodging tax in the Estes Local Marketing District?

Community development staff are working with the Sales Tax Division to get better information about the portion of lodging taxes from STRs.

Will the County be charging fees or taxes on STRs to help pay for workforce housing?

Options are being discussed but are not proposed.

What about commercial versus residential property tax on STRs?

Changing the way property taxes are charged for STRs is a topic that has been discussed several times at the state legislature and would affect how Assessor's Offices levy property taxes. The subject is not part of this current project.

Other

If a Homeowner Association (HOA) does not allow STRs, what role does the County have in enforcing those regulations?

The County does not enforce HOA regulations or covenants. It is the responsibility of the HOA to enforce or uphold those covenants. However, if a property is subject to covenants that limit or restrict the use of the property, such as not allowing a STR use, the County would expect the property owner to abide by the covenants.

Does the County currently require an approval process for long-term rentals (31 days or more)?

No.

Note: Questions about a specific property, such as a property's zoning district, or general questions about the approval process or application process, such as submittal requirements for an operations manual, site plan requirements, life safety requirements, or current application fees can be addressed by the Planner On Call at 970-498-7679 or poc@larimer.org.