

Larimer County Short-term Rental Regulations
Summary of Community Open House Webinar
August 9, 2022
6:00pm – 7:30pm, on Zoom

Attendance

- County Team: Lesli Ellis (Community Development Director), Matt Lafferty (Principal Planner) and Tawn Hillenbrand (Senior Planner)
- Community Attendance – 34 members of the community

Short-term Rental Presentation

The County Planning Team provided a brief presentation on Short-term Rentals (STRs) which included background information on existing STR regulations and ideas on what is being considered with the proposed STR regulations update.

The background information contained in the presentation included:

- Larimer County Land Use definitions for Short-term Rentals, Bed & Breakfasts, and Resort Lodge/Cottage uses;
- Existing zoning districts that allow STRs both Countywide and in the Estes Valley;
- The current approval process for STRs;
- Enforcement Ordinance; and
- Why the County is evaluating the effectiveness of the existing regulations

Topics or ideas under consideration included in the presentation:

- For areas located outside of the Estes Valley, should there be a cap or limit on the number of approved STRs based upon neighborhood or zone district?
- Should the County limit the transferability of a STR approval when a property is sold to a new owner?
- Should the County modify the approval process?

The STR presentation also touched upon the regulations update process, including a process timeline, link to the project website (<https://www.larimer.gov/planning/short-term-rentals>), and a link to the Community Questionnaire on the webpage.

The Planning Team briefly touched upon the Community Questionnaire. Preliminary feedback from the questionnaire suggests that the community may support:

- continuing some level of regulations
- modifying the approval process
- creating a cap on the number of approved STRs countywide (outside of the Estes Valley)

- Allowing more than one STR on commercially zoned properties or properties zoned Accommodations (in the Estes Valley)
- Considering some limitation to the transferability of a STR approval to a new property owner

Participant Feedback and Questions

Following the brief presentation on STRs, the County team opened the webinar for participant comment and feedback, during which a number of the participants expressed appreciation for the event. Some of the participants expressed interest in continuing the current approach while others had questions and feedback about compliance, and standards, and would like to see the County make the standards more rigorous.

A summary of the specific comments received is provided below:

- There seems to be a breakdown between code compliance and sheriffs in code compliance. For instance, a few weeks ago, neighbors and sheriffs had different record of an occurrence. How does the community know if there have been infractions at a STR and it is disqualified?
- Believe Larimer County STRs are working at the right level. From a neighbor's perspective, communication with the County was good and quick – they kept us informed. Transferability should not be allowed when property is sold. Don't extend rentals past 30 days, as some talk of a request to increase to 42 days has been suggested. STRs, B&B and cottages are in the same pool of lodging types and numbers should be limited.
- In rural residential areas, STRs have been a large discussion related to fire safety, evacuations, and understanding that a lot of people are coming into the community. When received info regarding a STR proposal, some neighbors didn't receive the postcard. STRs don't just affect people in close areas, so the notification radius should be larger. STRs can have good and bad qualities. Experience with the planning department has been positive – sends emails and gets answers. Appreciates that the County is looking at more strict standards.
- An attendee who was not an owner or manager and has neighbor STRs said there has been no problem with them and think that people criticize them because they are easy. – sometimes without resident owners. They are made out to be worse than generally are, based on analysis of complaints. Are STRs a problem or perception problem? In Estes Valley they account for 40% of lodging tax. It is also erroneous that they are commercial ventures. Often someone wants to buy a house and can't do so without that supplemental income. Few owners have more than one STR. The others are self-managed. In EV, 40% of residents are over 65. There are not regulations that apply to long-term rentals when there are issues common to both.

- Attendee is concerned about miscommunication amongst those who live in the community regarding STRs. Paperwork being passed around community that may contain inaccurate information and is concerned about information being placed on social media. Vocalized concern about the high density of STRs and the large number overnight guests and daytime guests. Worried about safety and emergency egress. Concerned neighboring property is being used as a B&B when it is not a B&B, and worried about fire safety, etc. Crowd and noise control problems.
- Some original owners of a 1930s STR commented that their family has kept home over the decades and generations. Their home received a vacation home certificate which they take seriously. Upholds restrictions on open fires including grilling and smoking. There are responsible STR owners. There are mechanisms within the platforms to monitor—for instance, they have a sound machine provided by Airbnb on premises to monitor the property and ensure there are no parties on premise. They communicate with neighbors and make sure that if neighbors have a problem with their guests, that they take care of it. Having STR approval allows their family to continue to keep the home because the STR provides additional income. They intend to pass the property on to their son and family. Should the STR approval go with the home? Yes, she worked hard to adhere with the town's regs.
- Should the county implement the lodging tax? Attendee believes it might be fine. Like those who spoke previously, they went through the Town of Estes Park for approval, then it went to the county with more stringent safety requirements. Neighbors have said that they have the best renters, no complaints. Visitors and town rely on tourist income and taxes. There are subdivisions with covenants that don't allow STRs. There are options for people who don't want to be around STRs. Should we monitor large STRs more? Those seem to be the ones that cause the most problems. STRs provide retirement income and allow retirees to come to Estes. If you limit STRs – grandfather in those “good” responsible STRs. STR approval should be transferrable.
- The attendee operates a vacation home management business in Windcliff Estates – established in '70s. For the past 50 years, all property owners have enjoyed the right to rent on a short-term basis. Different than a lot of other neighborhoods, such as previous comments. In Estes Valley, some areas would also be concerned about proliferation of STRs and impacts to workforce or more affordable housing. Windcliff has never been affordable. A way to offset costs and make more palatable. They don't allow smoking or weddings in Windcliff. Management has received zero complaints. Neighborhood self regulates which is why it has worked well for Windcliff. Concerned that the STRs rules that apply to some, not all. Allow some neighborhoods to continue to conduct STRs.
- STRs provide additional income. Attendee's family has been in Estes Park for a long time; generational house. Supports the use of a property as a STR as long as it is for a short period of time vs. something more commercial such as a hotel use. A greater or

higher number of guests is a bit more untenable. Small STRs help economy of Estes. Not on board with B&B establishments in neighborhood.

- Question of STR vs. long term rental. If you rent for longer periods of time why is there not an approval process or life safety concerns?
- Can there be a greater emphasis on the character of the area or subdivision? Not all neighborhoods or communities have covenants, especially in a rural community. There should be a thorough study of infrastructure – noise, roads, wildlife. Do not support transferability. Seller may be responsible, but the buyer or new owner may not be as responsible.
- Attendee is concerned that a home that they purchased with intent to live here would be labeled commercial. STR properties should not be taxed a commercial tax rate since they are primarily used as a residence. Retirees may not be able to stay in the Estes Valley without the income from a STR. There is a difference between those property owners who primarily live or stay on the property with guests from those that are not there with guests. Attendee voiced concerned about lack of affordable housing for temporary workers in Estes and hopes that the County can come up with solutions.
- The review process should be scrutinized, and the County should carefully consider the large STRs which seem to be more troublesome – especially for quiet neighborhoods. Not all situations are the same.

Following participant feedback, the County Team addressed questions submitted by participants. Please note, a response to many of the questions addressed during the webinar are included in a FAQ document contained on the STR project website or are addressed in the webinar presentation.

Many of the topics covered in the Q&A portion of the webinar included:

- The current land use approval process for STR applications
- The current STR use regulations, including health and safety standards
- Who would be impacted by the STR regulations update
- How the regulation update may impact STR applications currently in process
- How the County regulates long term rentals vs. short-term rentals
- Changes to the approval process based on the type of STR
- Where to find more information on STRs and the regulations update
- Enforcement of the land use code STR regulations
- Taxing of properties containing a STR
- Current number of approved STRs in the County