Summary of Public Review Draft #2 of Revisions and Amended Enforcement Ordinance – Public Feedback

The Public Review Draft #2 of Revisions and Amended Enforcement Ordinance was posted online to the Short-term Rental Regulations update project webpage (<u>https://www.larimer.gov/planning/short-term-rentals-regulation-updates</u>) on January 13, 2023. The draft document was available to the public for review and feedback from January 13, 2023, to January 30, 2023. The following provides a summary of the ideas or thoughts expressed in over 78 public feedback emails received during the review period and 87 participant responses to the draft regulations questionnaire. Feedback was received from across the County.

Additional feedback on Public Review Draft #2 of suggested revisions and Amended Enforcement Ordinance was gathered from the public at two separate public open houses (one in-person, one webinar) that took place at the end of January. Following those open houses, the project team summarized the feedback and posted that information to the project webpage.

All public comments received to date will be evaluated and considered along with comments received from stakeholders, advisory committees, and boards and commissions, and will help County staff and officials determine what changes or revisions need to be made prior to developing the final public hearing drafts. Additionally, staff will also consider the data collected through research and analysis, such as best practices exhibited by other jurisdictions both within Larimer County and outside. Ultimately, a decision on the final draft of STR regulations will be made by the Board of County Commissioners.

Торіс	Public Comment
DEFINITIONS (STR,	
HOSTED STR, AND BED	
AND BREAKFAST INN)	
	SUMMARY: Participants that provided feedback on the definitions and lodging types generally support the proposed changes to
	the definitions and lodging types.
	 Participants support the proposed changes to the definitions and lodging types.
	- 'Large' STRs may be acceptable in certain places or under certain circumstances, such as large lots.
	- Expressed appreciation that 'Large' STRs have been removed from the proposed regulations.
	 Limiting STRs to 10 occupants per home is unreasonable. The 'Large' (more than 10 guests) STR definition should not be removed.
	- Believes that the maximum total occupancy for STRs should be reduced to less than 10 guests.
	- The definition for Hosted STR should be better defined.
	 Participant believes that the definitions and lodging types are too restrictive.

Торіс	Public Comment
	- 'Large' STRs should be allowed in accommodation zoning districts and should be treated like other hotel/motel properties.
	- Participant is concerned that "full-time resident or owner living on-site", for Hosted STRs, may create a loophole.
ZONING AND WHERE	
STRS ARE ALLOWED	
Larimer County	
Unincorporated Areas	
Outside the Estes Valley	
	<u>SUMMARY</u> : Participants that provided feedback on zoning and where STRs are allowed in Larimer County Unincorporated Areas
	outside the Estes Valley generally support the proposed zoning and where STRs are allowed.
	 Participant supports the proposed zoning and where STRs are allowed.
	 Participant believes that STRs do not belong is residential neighborhoods.
	 STRs should be allowed in any location. Guests and visitors should be given options.
	- STRs should not be allowed in any zoning district.
	- Believes that a Host STR with 1-10 guests should be treated the same as a Hosted STR with 11-16 guests or STR (not
	hosted). They have the same potential negative impact to a neighborhood. Rather than different review processes,
	institute density regulations for rural areas.
	 Participant finds the zoning confusing.
	- Zoning requirements are restrictive.
	- The location of a STR is not nearly as important as limits on how many one owner can have.
Larimer County	
Unincorporated Areas in	
the Estes Valley	
	SUMMARY : Participants providing feedback on zoning and where STRs are allowed in Larimer County Unincorporated Areas in
	the Estes Valley generally appear split on the topic, some support the proposed zoning and where STRs are allowed while others
	believe STRs should not be located in residential areas.
	- Participant supports the proposed zoning and where STRs are allowed in the Estes Valley.
	- Participant believes that STRs do not belong is residential neighborhoods in the Estes Valley.
	- STRs should be limited to accommodation zoning districts.
	- Participant believes that STRs should be allowed everywhere.
	- STRs should not be allowed in any zoning district.
	- Having different regulations for homes in Larimer County (both in Estes Valley and outside) vs. the Town of Estes Park
	allows disproportionate advantages for STRs in Town limits.
	- Participant suggested that STRs should be allowed without restriction if they are located in an unincorporated area outside
	Town limits.
	- The zoning should not be any more restrictive than the Town of Estes Park.
	- Suggest 'Large' (more than 10 guests) STRs be allowed in the EV RE zoning district.

Торіс	Public Comment
REVIEW PROCEDURES	
	SUMMARY: Participants that provided feedback on the review procedures generally support the proposed changes. Some
	participants expressed that they find the review procedure processes to be too complicated.
	- Participants support the review procedures.
	- The review procedures are too complicated.
	- Participants support requiring a public hearing for STR applications.
	- Expressed the belief that the review processes are extremely confusing and cumbersome to STR owners.
	- The review procedures need to be better explained to the neighbors. Additionally, neighbors should be given more time to
	provide comments (responding to the neighbor postcard) and the neighbors should be given the same amount of time as
	the STR owner to present their information during a public hearing. The system seems to favor the STR owners.
	- The participant believes that the review process is subjective, undefined, with no oversight.
	- Believes that neighbor comments are given too much consideration during the process.
	- Participant believes that neighbors should be given a larger role in the approval process.
	- The procedures are very effective in limiting or eliminating STRs.
	 Participant does not support requiring a public hearing for STR applications.
STR USE SPECIFIC	
STANDARDS FOR ALL	
STRs	
Minimum Separation	
	SUMMARY: Participants that provided feedback on the minimum separation requirement generally support the proposed
	requirements and would request that the distance be increased to more than 500-feet.
	- The minimum separation should be increased. (i.e.: 600ft-2000ft)
	 Participants support the 500-foot separation between approved STRs.
	 Participants do not support the 500-foot separation between approved STRs.
	- The proposed 500-foot separation seems adequate for urban properties but should be increased for rural properties.
	 Minimum separation requirements should apply to both STRs and Hosted STRs.
	 Questions how the County will enforce the minimum separation requirement.
	- Without a minimum separation the density of STRs in a neighborhood is likely to be high which in turn puts many
	neighborhoods at risk of becoming a lodging area more than a neighborhood.
	- The minimum separation standard is not logical. STRs should be grouped together. Separating them just exposes all
	 The minimum separation standard is not logical. STRs should be grouped together. Separating them just exposes all permanent residents to the STR making everyone unhappy.
	permanent residents to the STR making everyone unhappy.
	 permanent residents to the STR making everyone unhappy. Believes that allowances should be made for duplexes and/or small condo units.

Торіс	Public Comment
Property Manager	
Location	
	SUMMARY : Participants that provided feedback on the property manager location requirement generally appear split on the
	topic. While some believe the manager distance should remain at 1 hour others support the reduction from 1 hour to 30
	minutes.
	- Participants believe the property manager distance should remain at 1 hour.
	 Participants support the reduction of property manager distance from 1 hour to 30 minutes.
	 Reducing the property manager distance does not take into consideration weather conditions.
	 Believes that the property manager should be required to live in the general area of the STR.
	- The distance that a manager is from the STR property seems less important than the effectiveness of a managerial
	response to any issue. Believes a better solution would be to establish consequences for unsatisfactory responses to actual violations.
	- Suggested that the property manager distance be reduced to 15 minutes in rural areas.
	 Property managers should be required to be on site for all STRs.
STR Entrance and Exit Signage	
	SUMMARY : A significant number of participants providing feedback on the STR entrance and exit signage requirement believe the requirement is not logical and could increase crime and burglary.
	 Posting signage outside the front door of the STR could increase crime and burglary.
	 Participants believe the signage requirement is not logical.
	- The signage requirement requires information beyond that which would even be helpful to a guest and is potentially
	counterproductive to the intended goals of the STR regulations.
	 Commercial hotels, which are often larger and have a more complex floorplan, do not even require posting this amount of information in all the locations required by this draft.
	- The required signage information would be more helpful for guests if it were located in the operations manual.
Total Occupancy	
	SUMMARY: Input from participants commenting on the total occupancy standard, suggested some mixed opinions on
	calculating total occupancy. Some expressed that calculating occupancy should be limited to 2-guests per bedroom while others
	more consideration should be given to additional sleeping areas.
	- Maximum occupancy should remain at 2-guests per bedroom and should not include one additional sleeping area for 2
	additional guests.
	 Calculating the number of guests should be like the Town of Estes Park – 2 guests per bedroom plus 2 (5 bedrooms would equal 12 guests).
	 Expressed concern that the "one additional sleeping area" is too strict. More than one additional sleeping should be allowed.
	 The County should consider rooms that accommodate bunkbeds.

Торіс	Public Comment
Transferability	
	SUMMARY: Input from participants commenting on the transferability requirements, suggested some mixed opinions on the
	topic. While some believe that the transferability regulations are unjust others expressed the proposed revisions are fair.
	- The transferability regulations are unjust and should be reconsidered.
	 Participant believes the proposed transferability regulations are fair.
	 Participants believe that no STR license should be transferable, including existing licenses.
	 Transferability requirements negatively impact peoples' investments.
	- Participant is shocked and dismayed to see that current STRs are both excluded from the new regulations and are able to
	transfer their license. Current STRs should be given a grace period but should not be able to operate under the current
	regulations indefinitely once the new regulations are active.
Floodplain Overlay	SUMMARY: Participants that provided feedback on the floodplain overlay district standards generally do not support the
District	proposed requirements.
	- Participant stated that when guests reserve a STR they are required to sign a rental agreement which would state that they
	have read all the rules and regulations of the STR. This would include information about access. If the property owner
	provides an accurate description of the property, the access should be clearly described. Therefore, floodplain
	requirements are overkill.
	- Floodplain should not be a factor when approving STRs. Many long-term or permanent residents many not even know how
	to evacuate during a flood.
	 The floodplain standards should be coordinated with the FEMA requirements.
Local Roadway and	
Access Standards	
	SUMMARY : Of the few participants providing feedback on the local roadway and access standards, participants appear split on
	the topic. Some believe the requirements remain unreasonable while others support the proposed requirements.
	- The extensive roadway and driveway requirements of the proposed regulations are inappropriate in a mountain
	community with many private roads and roadways that cannot be expected to meet requirements applicable to a town
	outside the mountains.
	- Participant supports the local roadway standards; however, they are concerned that the proposed regulations regarding
	existing STRs and transferability will still result in many STRs remaining in locations not meeting the proposed standards.
Park/Open Space	
Notification	
	SUMMARY : Of the few participants providing feedback on the park/open space notification standards, participants appear split
	on the topic. Some believe the requirements are vague and undeveloped while others support the proposed requirements.
	- The park/open space standard is vague and seemingly sets no upper bound on what might be required for such mitigation.
	In Estes Valley, virtually all properties are likely within 1000ft of a park or open space, and other properties that are much
	closer to the park or open space have a much greater potential impact on the park/open space than the STR.
	 Participant supports park/open space requirements.

Торіс	Public Comment
Life-Safety Inspections	
and License Renewal	
	SUMMARY : Of the few participants providing feedback on the life-safety inspections and license renewal, participants appear
	split on the topic of re-inspections.
	- Re-inspections should not be required once an STR is approved.
	- Rather than requiring a re-inspection every four years, the County should just require self-certification by the owners.
	 If a re-inspection is required every four years, the participant requests a reasonable cap on the cost of the re-inspection, such as \$100 or less.
	- License renewal should be required annually.
Parking Requirements	
	SUMMARY : A significant number of participants providing feedback on the parking requirements suggested that the County
	provide clarification that parking is not allowed in the right-of-way.
	- A statement should be added to the regulations clarifying that parking is not allowed in the right-of-way.
	- The required parking should be based on the maximum number of guests. Many STRs cannot accommodate all guest cars
	in their driveway.
	 Guest parking should be managed by the property manager.
Approved and Reliable Water Source	
	SUMMARY : Of the few participants providing feedback on the approved and reliable water source requirement, participants appear split on the topic. Some believe the requirement is not logical while others support the standard.
	- Participant requests that the requirement for "an approved and reliable water source available for firefighting" be
	removed. This language is flawed and is left up to interpretation which could lead to subjective disagreements.
	- The requirement for reliable water sources for firefighting is absolutely essential for health and safety.
Wildfire Safety	
•	SUMMARY: Participants providing feedback on wildfire safety requested regulations that restrict STRs in extreme and severe
	wildfire hazard areas. Additionally, participants suggested that the County create a standard addressing cigarette butt disposal
	in wildfire hazard areas.
	- Suggest that a standard be created to address cigarette smoking.
	- Property managers should be required to inform guests whenever fire restrictions are in place or wildfire hazards are high.
	- Expressed disappointment that the County has not considered eliminating STRs in high and severe wildfire hazard areas.
	- Modify STR regulations to prohibit STR license in neighborhoods where 60% or more of the homes are classified by the
	associated fire district as Extreme Hazard or Severe Hazard.
Reliable Cellular or VoIP Service	SUMMARY : Generally, participants support the requirement for VoIP or landline phone service when cell service is non-existent.
	- The VoIP or landline should only be required in areas where cell service is non-existent. It is likely that if the STR does not
	have cell service it would not have VoIP service either.

Торіс	Public Comment
USE SPECIFIC	
STANDARDS FOR THE	
ESTES VALLEY	
Caps/Density	
	SUMMARY: Overall, it appears that those participants providing feedback on the density of STRs generally support the
	continuation of the existing STR cap that limits the allowed number of STRs in residential zoning districts in the Estes Valley. A
	number of participants believe that more needs to be done to address density issues but are not specific in how this should be
	addressed, while others believe the existing cap should be reduced to address density issues.
	 Participants believes that more needs to be done to address density issues.
	 Expressed belief that the existing cap should be reduced.
	- Participants believe that the cap should remain the same, neither reduced or increased.
	- Believes that the existing cap should be reduced by 10% if the minimum separation of 500-feet is supported. If the
	minimum separation is lowered (less than 500-feet), the cap should be reduced by 20%.
	- As more and more homes are converted to STRs it has become clear that controlling density is the key to saving our quiet,
	rural neighborhoods.
	- Believes that Estes needs more STRs not fewer.
	- There should be careful consideration given to the way the Estes Valley waiting list is handled. The waiting list is too long
	and some of those people may be operating without a license. Recommend limiting the waitlist to a one or two year supply
	of applicants and dropping anyone that is currently operating without a license as this is a violation.
	 The waiting list is too long and discourages those to follow the rules.
ENFORCEMENT	
ORDINANCE	
	SUMMARY : Overall, a significant portion of those participants that provided comments on the enforcement ordinance believe
	that the County should improve enforcement of existing STR regulations rather than creating more regulations. Some
	participants appear to support the 30-minute response time for property managers and some generally support the amended
	ordinance while others believe relying on property managers to report complaints is not a good idea.
	- Participant believes that more regulations are not necessary, rather the County should focus on better enforcement.
	 Participants support the 30-minute property manager response time.
	 Participants support the amended ordinance.
	- Relying on the property managers to report complaints to the County is not a good idea. Participants concerned property
	managers will not be honest.
	 Participant believes this is government overreach.
	 More effort should be made to shut down and penalize illegal STRs.
	- Participant supports the 3-strikes policy.
	- Belief that the 3-strike policy should be reconsidered.
	 Enforcement of the ordinance should be equal across the County.

Торіс	Public Comment
	- The STR property owner should always be contacted if there is a violation, not just the property manager.
	- Implementation and enforcement put neighbors in a terrible position. Property managers do not want to deal with
	violations because it means the risk of making the renters unhappy and getting a bad review. Therefore, it becomes the
	neighbors' job to "police".
	- Neighbors should not assume the responsibility of informing the STR owners of violations. Neighbors should not have to
	"police".
	- If homeowners and STRs will be able to co-exist, it must be clearer how a complaint must be made and substantiated.
	Owners need clear direction on who they need to contact to officially lodge a complaint and how to follow it through to
	make sure it is substantiated to the County's satisfaction.
	- Participant supports public disclosure on each STRs performance.
	- The revised ordinance and additional regulations add more burden to the town and police.
	- The rules are poorly conceived and do not reflect an actual need .
	- Participant is not in favor of the addition of the requirement for a property manager to share a history of complaints with
	the County. The property manager has the ability to take care of issues directly and also understands the neighborhood
	dynamic. Once a citation has been made, on-going oversight is not warranted and is intrusive. If there is an ongoing
	problem that isn't addressed, cite the guests.
	- Licenses should be revoked upon one complaint.
	- Enforcement of STR rules and regulations starts with the owner/manager of the rental but requires the continued
	surveillance of the neighbors in the residential areas. STR owners/managers do not seem to realize that they are
	dependent upon the neighbors to provide direct feedback regarding issues to them as opposed to reporting the issue to
	the County. When a STR owner berates one of the neighbors for expressing their opinions on STRs in this process, the
	participant is not inclined to collaborate with that owner in the reporting process. STR owners/managers do not seem to
	appreciate the importance of the neighbors and their good will.
	 Suggested that the County contract with a service to implement enforcement.
	- Participant does not like that the burden is still on the neighbors to report complains with substantial proof.
	- STRs can be managed responsibly and locally through best practices such as stringent guest-vetting processes including
	background checks, social media activity tracking, mandatory quiet hours, occupancy limits, and stiff fines or immediate
	cancellation for violations. All monitored 24x7.
	- The County should have a team to provide 24/7 enforcement.
	- Garbage disposal should be addressed in the ordinance.
HOAs/Windcliff	
	SUMMARY : Majority of the participants that provided comments on HOAs that support or encourage STRs in their communities,
	believe that those HOAs should not be subject to the County's STR regulations. Most of the comments received referred to the
	Windcliff Estates community.
	- Participants urge the County to exclude Windcliff, and perhaps any other similar isolated and non-problematic subdivisions,
	from any new regulations that the County may find are needed in other situations.

Торіс	Public Comment
	- Windcliff property owners want to retain their right to rent their homes as STRs as it has always been.
	- Windlcliff Estates should be an area that allows STRs.
	- All Windcliff Estates STRs should be allowed to transfer STR licenses in perpetuity.
	- Allowing communities HOA covenants that support or encourage STRs, like Windcliff, to allow STRs is fiscally responsible.
	 Expressed belief that if an exemption is not granted to Windcliff, property owners would experience irreparable financial harm.
	- It appears that the planning committee is trying to come up with a one-size-fits-all solution with no flexibility or regard for best practices.
	 Rezoning to accommodations would not be appropriate for Windlciff Estates as it permits the operation of motels, hotels, lodges, and resorts. Windcliff is residential with a mixture of multifamily (duplex) and single-family detached residences. Windcliff actually doesn't conveniently fit into any of the County's zoning designations.
General Feedback	
	SUMMARY: The general comments received range in topic from concerns of impacts to the economy, to decreasing number of
	long-term rentals, to requests for more public input. It appears that about half of the participants do not support the changes to
	the STR regulations while about half of participants are in support of the changes. Others believe the process should be slowed
	down.
	- Participants support the proposed changes.
	 Participants do not support the proposed changes.
	 The STR regulations update should be slowed down.
	 Believes that the regulations will drive STRs underground.
	 The proposed regulations will hurt the local economy.
	- The proposed regulations limit owner rights.
	 The proposed regulations are government overreach.
	 Proposed changes appear to ignore the negative economic impact that decreasing the number of beds will have on the community.
	 Participants stated belief that the regulations are far too strict.
	- A "Use It or Lose It" provision should be added to the regulations.
	- There is a correlation between increasing STR numbers and the decreasing number of long-term rental options.
	- Participant believes that the STR regulations are a complete waste of time and money.
	- Believes that there are far too many regulations.
	 Request that the County work the licensed STR community to develop better regulations.
	 Believes that many of the numbers referenced throughout the regulations are guesstimates and there will be many
	unexpected consequences from many of the regulations.
	- "Grandfathering" some permits and not others doesn't seem fair.
	 Local residents should not be required to make life-style and financial sacrifices so someone can buy a second home with
	the intent of paying for it, at least partly, by using it as a STR.

Торіс	Public Comment
	- STR raise permanent residents' concerns for life-safety.
	- Standards should be varied by location.
	- Requested that a statement be added to the regulations clarifying that the new STR regulations do not apply to existing,
	approved STRs. Note non-conforming status.
	- The County is not listening to residents.
	- Suggest adding definition for "non-conforming" to the Section 13.6.1.C
	- Participant believes there are too many allowances for STRs.
	- Participant stated that STRs are not commercial entities.
	- Participant believes that the regulations should not be changed but rather time should be invested in training decision
	makers on the current regulations.
	- STRs and residents can co-exist when rules are followed, and respect given on both sides.
	- The County Commissioners are creating a problem where none exists.
	 Participant believes that the County should seek more public input.
	- The County should consider the economic impacts of the proposed regulations.
	- Instead of regulating, encourage people to speak directly with their neighbors and community members on their STRs. It
	would be more beneficial to have a seminar that educates owners and property managers on the intricacies of having a STR
	in the County to help mitigate fire, water shortages, and other issues neighbors have.