

## Bailey Community Meeting – October 21, 2024: STR Ordinance

### Eligibility –

- Minimum distance requirements:
  - 1/3 mile, 1/2 mile; radius of x STRs within y mile radius
  - Different by neighborhood/zones/overlays.
  - Suggested that STRs not be allowed on private roads that are shared by multiple homeowners
- Size of property:
  - 2 acres+, 1 acre
  - JeffCO imposed a 1 acre minimum and found it pushed STRs out into more rural areas where residents had wanted space from exactly that and are now in the process of walking that back.
  - Some felt that an acreage minimum would “obliterate” many licensed and compliant STRs and eliminate STRs in denser population areas like Fairplay and Bailey.
- Proximity to neighbors:
  - Most felt this would be encapsulated by any distance or property size requirements.
  - Nearly all STR owners supported the idea of a noise monitoring device requirement. It was suggested that the county call the manufacturers and negotiate for a discount on the devices, which would then be purchased by the STRs owners. (Suggestion also came up in Alma
    - One group suggested a discount on the license for having a device
- Incidence of complaints:
  - 3 strikes and you lose your license - a severity level(major/ minor). If you have an outdoor fire that starts a grass fire. Prompting local fire protection to respond and fight. As in Indian Mtn(100 acre fire). That should be considered a “major” violation, and would be strike 1,2,3 and the license is re-evoked just on that issue. Minor violations, maybe noise, parking, trash, etc. could have the strike count.
  - Many felt this needs to be very strict
  - All felt that complaints need to be weeded out for legitimacy
  - Depending on severity of offense (eg. Fire), it was suggested that an STR owner’s next of kin/heirs of property also not be able to obtain a license
  - Unanimously supported by all groups and especially STR owners was adopting the Tahoe requirement that all STR owners contact information be made public and held online, with the requirement that all complaints (not directly impacting public health, safety, or welfare) must first be made to the owner, not the county, giving them a chance to address the issue within a certain amount of time before escalating to the county.

- Brought up from Jefferson meeting – incentivize compliance by not requiring the full paperwork and documentation for STR license renewal after a certain period of time with no complaints (most owners want 1 year of compliance, neighbors want 2-3. Owners willing to pay renewal fee yearly regardless, it's the cumbersome process they wish to avoid.)
- Incentivize reporting of property sale & subsequent license cancellation to county.
- Can realtors be fined for promoting an unlicensed property (100% of them per non-transferability) as an STR in their listings?
- Percentage of housing stock owned by locals:
  - This was not deemed relevant by owners; non-owners find this compelling but are not sure what the right percentage is.
- Percentage of housing stock with existing STR license:
  - Immediate pushback on this from owners and intended owners about pending applications being denied or kicked back after cap is implemented.
  - Non-owners reiterated that this doesn't help with the problem of unlicensed STRs and is therefore not really relevant.
  - Suggestion was made to limit licenses to one per owner/entity and require proof (in the case of an LLC) that they are one and the same person.
    - Another group suggested 2 or 3 licenses per person/entity
- Other:
  - Attendees requested the county send out a follow-up survey after new ordinance is drafted, asking for specific and targeted feedback on these areas of discussion (as opposed to general thoughts and feelings about STRs in the community).
  - Attendees requested that the draft ordinance be posted on the county's STR web page.
  - Tiered licensing fees and requirements:
    - Standard license = x days rented per year and minimum y lot size
      - Fewer days = lower fee
      - Larger lot = lower fee
      - Exceptions can be made based on other factors
    - Seasonal license - period based on months.
      - For owners who do not rent out their place in the winter, for example.
    - Fee scale based on occupancy or bedroom count
      - Some owners felt occupancy was more valid (example given of a 5 bedroom house with a 6-person septic limit)
  - Some attendees (owners and non) were unaware that there is an existing lodging tax and most assumed that AirBnB and VRBO remit those taxes to the appropriate entities.
  - A county-wide approach to eligibility was questioned, given the major differences between each community.
  - STR owners must have and maintain STR insurance

- Suggested an independent yearly safety inspection (as opposed to county inspector)
- Require contracts for contingency plans (emergencies, snow removal, trash, etc.)
- Require responsible agent
- Some attendees feel that the market dynamics of supply and demand are self-regulating, and therefore STR license caps are not needed.
- Require background checks and minimum star ratings for renewal (4
- Application with an affidavit along with proof of safety items (such as photos of smoke and CO detectors)
- Should neighbors be allowed to vote on an STR license issuance?
- Tax as a business not residential Management Questions:
- Who is the responsible party?
  - 100% agreement that the owner is responsible.
  - Responsible agent requirement – 24/7 availability, response within 1 hour considered fair and reasonable
  - Most are against requiring a license for responsible agents as a deterrent from getting the network of help they might need.
- Other:
  - “Multiplicative effect” – owners claim each STR can support 5 local jobs, need lists of available support and local help.
  - “How can you ask for management licenses when you can’t license STR apps in time?”
  - “Why can’t you close down unlicensed STRs
  - “Planning and zoning needs to be better managed”
  - “Instructions need to be clear and requirements...provided.”
  - “How can we ensure public safety, eg. Storms?”
  - Have the option for seasonal licensing
  - “Real estate agents MUST inform buyers of laws, ordinances, and rules”
  - “Owners must be informed of any/all infractions”
  - Increase enforcement department
  - Create “good neighbor” rules for renters including things like no fires, no hunting, AWD requirements, septic rules, etc.
  - Tax as a business.

#### Zoning Mechanisms:

- Commercial/mixed concerns: No
- Agricultural 35+ acres: Yes
- Limitations or caps to overall number of STRs?
  - Yes, based on a percentage (no specific number given)
  - Limit # of STRs in certain areas
  - No out-of-state owners permitted to have license.
- Other:

- County can help develop good guest policies
- Consider having different regulations and expectations for different zip codes within the county
- Ensure owners commit to being good neighbors
- Licensing requirements should not be prohibitive; non-compliance should be enforced.
- “Why can’t other businesses ‘open a shop’ in a residential area?”
- “Owners have incentive to have compliant guests to avoid extra costs septic/well and damage.”
- “Licensing fees should be tied to # of bedrooms”
- “Simplify permit process to beef up compliance”
- “Support dark skies policies”
- “Zoning changes would force more STRs to go underground”
- “Zoning that regulates impacts (performance) rather than number of licenses.”
- “Fees/permits need to address the non-compliant problem STRs”
- “STR platforms must display license when required by county, no license = no go”
- “Limit the # of STRs any individual can own; make individuals apply for the permit (see Arvada/Westminster)”

#### Owner vs. Non-Owner Occupied

- Other (notes on chart not unified or tied to printed questions):
  - Permanent residence:
    - “100% use, but with periods of departure?”
    - “Vacation home = owner uses for 3 weeks – 3/4 months per year”
    - “Renting to pay mortgage, bills, maintenance, septic, water, electricity, snow plowing, HVAC, etc., etc.”
  - “Zoning – starter – control – no biz in residential – no STR in residential”
  - “ADU – not rented as STR – good bc owner in main house, not both rented as STRs”
  - “Limitation for acreage – setbacks – or spacing”
  - “Breck – all acreage 1 acre all STRs”
  - “Follows rules all ok – all zoning access”
  - “Owner vs non owner – all ok if follow rules – 1.05 acre – 2 acres”
  - “Safety issue – non owner – no info in emergency – owner better”
  - “Add evacuation route to posted information”
  - “Local management – yes”
  - “Inspections important – safety + fire + drugs – canine training sniff drugs”
  - “Non-owners no connection to community – not care”; “owner relationship w/ community”
  - “Management companies: owner managers better – 2 hour access max – license managers?”
  - “Prefer – owner-occupied renting – snowbirds”
  - “Legal residence – registered to vote – owner occupied”

- “Not 100% owner occupied – flex w/ investment companies”
- “Manage properties for a living – all ok – not all renters great”
- “All good – rules should apply – for all no restriction”
- “No limit acres – lot size or spacing – hurt workers”
- “Follow rules – residential should not matter – take chance w/ neighbor”
- “Acreage spacing – limit using setbacks – keep separated”
- “Each neighborhood has a % of STR allowed – based on # of houses”
- “Harris Park – 800 houses - %of?”
- “No license – not part of % - licensed owners first – license MUST”
- “Owner-occupied – need responsible management – better management”
- “Responsible party – expect from responsible expectations for response to issue”
- “Unlicensed – bad behavior + no management – poor fit – 1 mile private road w/ easement – take care of road for commercial enterprise – need good fit for STR”
- “Owners – appreciate some owners live in Denver 1 weekend every other month – share w/ people – Fairplay”
- “Self-manage – cleaners & manage – notice – cameras in front”
- “Management company – professional management – need no license managers – no permit needed”
- “Backlogged for permit – fixed up house”
- “Non owners % neighborhood keep neighborhood’s culture”
- “Acreage or spacing = no”
- “# of violations = lose license”
- “ADUs – do not like density; on property – owner main house manager = ADU good”
- “Limit # STRs can be owned”
- “All STR owners as business”
- “3<sup>rd</sup> category – investor – 2<sup>nd</sup> home owner – visit once in awhile – corporation – non owner – then run as STR”
- “Valley of the sun – owner – 3mos/year”
- “Corporate interest – large corp – cap of owners can own – limit Big Corp Biz”
- “Neighborhoods – do not get to pick neighbor – all crap shoot”
- “Community – STR’s self-regulated”
- “Primary residence – issues – on spot vs not – unenforceable”
- “Set rules to operate & enforce”
- “40 acres – apart – private road – use”
- “Fee EMS response – trespass - 3 violations same noise charged fee”
- “ADUs all ok – all ok to rent”
- “2 hours distance – 3<sup>rd</sup> vacation home – 1 week – months”
- “Own cabin rent out to help pay mortgage”
- “Corporate ownership – 3 STRs or less – Warm Springs 32 STR – 2 no license”
- “Long term rentals – lease – not good”
- “Vacasa – evolve management – management cheap not good”
- “LLC – how know are 1-3 owners”

- “Survey – illegal activity, what is the # + licensed or no? – on graph”
- “Not getting tax \$ - want STR – tax \$”

#### Future Growth of STRs:

- Reduce, Maintain, or Increase?
  - Allow the market to regulate supply
  - Keep at present level
  - Freeze or slow down issuance of new STR licenses until the county gets a handle on it.
  - Maintain existing levels by putting a cap
  - Density consideration
  - Reduce STRs for outside investors
- Other:
  - Make sure topography is considered as a radius should not apply if a home is on top of a mountain and has no neighbors.
  - Do not allow STRs on private roads shared by other homeowners (mentioned 3 times in notes on this topic)
  - Problems with parties, noise, trespassing
  - Tax STRs as businesses (mentioned 3 times in this topic)
  - “STRs negatively impact police/fire/ambulance, first responders, noise levels, higher crime rate, and they are illegal in residential areas. Stop all STRs in residential areas.”
  - “STR occupants should be required to purchase insurance”
  - “Require STR management companies be licensed like a contractor”
  - Should be governed by an independent board
  - Park County needs more manpower to regulate/enforce STRs
  - Make renewals every 2 years for compliant properties with no complaints or issues
    - 1<sup>st</sup> year renewal – good owner – 2 years – next 3?
  - Stiff fine for unlicensed STRs
  - Walk through every year for safety
  - Insurance
  - County puts new regs on website – owners/managers need to check site for updates before renewal
  - Create STR “zones” where the location is close to emergency services so “local economy be active”
  - Manage # in each area as to not change the complexion of the neighborhood.
  - Rules and regs need to stay ahead of professional STR management companies
  - “Looking at the county as specific areas not as a whole; natural supply and demand currently happening in Bailey – current licensed owners have to work extra hard for bookings and the mediocre bad reviewed ones are being sold off.”
  - Let attrition happen by enforcing license requirements & regulations

- Tax dollars need to come to county
- Noise aware (mandatory monitoring)
  
- Neighborhood conforming –
  - Sign off by 3 neighbors
    - “Don’t have 3-4 neighbors”
    - “Only 1 control our rights?!”
    - “How do you define neighbors? Proximity?”
- Approval for 3 years w/ signed document stating owner will notify county of property sale.