

Agenda Item

DATE: APRIL 24, 2023 - 1:30 P.M.

TO: DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS

THROUGH: DOUGLAS J. DEBORD, COUNTY MANAGER

FROM: TERENCE T. QUINN, AICP, DIRECTOR OF COMMUNITY DEVELOPMENT *SK-for-JD*

CC: MICHAEL CAIRY, ZONING COMPLIANCE MANAGER
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES

SUBJECT: PROPOSED ORDINANCE REGULATING SHORT-TERM RENTALS – REFERRAL AND PUBLIC COMMENT FOLLOW-UP

PROJECT FILE: DR2023-001

SUMMARY

Based upon direction from the Board of County Commissioners (Board), staff sent the proposed Ordinance Regulating Short-Term Rentals on referral from January 24, 2023, to February 15, 2023, to solicit public input.

In addition, the Public Affairs team conducted a web site feedback forum for the January 25, 2023, Live Town Hall on Short-Term Rentals. The forum was open for comment through February 15, 2023.

PUBLIC INPUT

Staff sent the proposed ordinance to the County-wide contact and referral agency lists, which consist of approximately 850 total respondents. All referral agency responses are attached.

REFERRAL COMMENTS

The Douglas County Building Division (DCBD), South Metro Fire Rescue (SMFR), and West Metro Fire Protection District (WMFPD) provided comments regarding language in the ordinance requiring an inspection and determination from the local fire district that the short-term rental use of a single-family dwelling is acceptable. After discussions with the DCBD, SMFR, and WMFPD it was determined that the DCBD is the appropriate agency to conduct said inspection and make the determination. The proposed ordinance has been revised to reflect this.

The Douglas County Health Department (DCHD) suggested that the ordinance require the property owner obtain a Use Permit for any residence with an On-Site Wastewater Treatment System (OWTS), since DCHD Regulation Number 22-01, Section 4.2 requires a use permit be

obtained when a transfer of title on the property occurs, or when the use of the property is changed, for example from a private home to a STR. The proposed ordinance has been revised to reflect this suggestion.

The Douglas County Sheriff's Office (DCSO) is supportive of the proposed ordinance as long as enforcement action taken by the DCSO remains at the discretion of the DCSO. The ordinance specifies that any violation of the ordinance "may" be enforced.

The Franktown Citizens' Coalition II, Inc. provided a seven-page letter outlining its thoughts on: the pros and cons of STRs; types of communities in Douglas County and the laws governing them; and why flexibility is needed in the ordinance. It also requested that the following things be included in the ordinance:

- Only allow STRs in commercially designated areas.
- Add the following language:
"Dwellings shall not be used as short term rentals for occupancy of less than 30 days if expressly prohibited in the Rules, Regulations, Covenants, Declaration, Deed Restrictions and/or By-laws applicable to the community for which the license for the STR is requested. State law, as applicable, will govern which rule will control."
- Include an affidavit template in the Ordinance license package to be filled out by the governing board of a community, if applicable, that permits STRs in that community or does not permit STRs. If the community does not permit STRs, the license should be denied.
- Add language to the Ordinance license package that requires an analysis of the character of the community to determine if the community/area is designed for commercial use/tourism, i.e. STRs. If it is not, the license application for an STR should be denied.
- Fines could be the amount of the nightly rental charge and would increase based upon the times of the number of violations, up to and including suspension of the STR license.
- Language needs to be added to cover all the different types of organizations and the different governing language in the rules governing each of those different communities.

Further, the Deerfield Homeowners and Property Owners, Inc. commented that it supports the recommendations and suggestions by the Franktown Citizen's Coalition II, Inc.

The Happy Canyon Homeowners' Association (HOA) submitted a letter opposing short-term rentals in Douglas County. Several reasons for the opposition were detailed in the response. They also provided comments and questions on the proposed ordinance, including:

- What about annual inspections?
- Notification to HOAs should be mandatory.
- Ordinance does not mention banning fireworks or restricting the use of gas grills.
- We strongly recommend making the rental time period a minimum of 30-days and/or longer.

The proposed ordinance has been revised to allow flexibility for additional inspections and agency input when in staff's professional opinion it is necessary and also to prohibit the use of fireworks at STRs.

The Highlands Ranch Community Association (HRCA) asked what assurances HRCA has that the Board will uphold its Supplemental Declarations that prohibits "Short-Term Rental". This is of great concern to its Board of Directors and Staff. HRCA suggests, at a minimum, that Section VI. Denial of License be expanded to include language that reiterates what is noted in Section I. Scope of Ordinance and Authority, specifically noting that the Director may "deny a license" if the "dwelling is located within a Planned Development that does not allow such use."

The proposed ordinance has been revised with the addition of the following language in Section VI. Denial of License as a reason for denial: "The proposed property to be used for Short-Term Rental is located in a community or subdivision that expressly prohibits Short-Term Rentals in its covenants, controls, rules, restrictions, declarations, or by-laws."

The McArthur Ranch Recreation District commented that the ordinance is well written and well researched. It provided suggestions for provisions to be added for fines, suspension, and revocation of the license due to violations. The proposed ordinance already has provisions that address these matters. Further, it asked how the County proposes to compel people to get a license. Further, the McArthur Ranch HOA commented that it supports the comments provided by the McArthur Ranch Recreation Board. It also asked what the County will do with the additional funds from licensing STRs and if there is a plan to hire compliance officers to make sure STR properties are complying.

The Roxborough Village Metro District commented that it prefers an ordinance as it provides flexibility for residents and homeowners association.

OTHER COMMENTS

General citizen comments received during the referral period and from the web site feedback forum included opposition to, and support for, STRs in the County with an estimate of 75% against and 25% for STRs. One citizen commented that there is a need for STR regulations. Another commented they agreed with an ordinance approach. Two citizens commented that STR regulations should be included in the Douglas County Zoning Resolution, with one of them specifying that STRs should be allowed on parcels of 4.5 acres or greater, require a minimum three-night stay, and additional criteria.

The Castle Pines Golf Club, Inc. suggested that a new section be added to the ordinance that exempts dwellings owned by private recreational facilities and its members from the requirement to obtain a STR License. If the Board decides this suggestion has merit and wants such a provision added to the ordinance staff recommends it be addressed in Section I. Scope of Ordinance and Authority. The text could state: "This Ordinance shall not apply to Dwellings owned by private recreation facilities and/or its members for use by its members or their guests

there to utilize the recreation facilities and adjacent amenities. This shall not be construed in a way that permits the advertising and renting of said Dwellings to the public.”

Other comments and concerns from citizens included:

- Enforcement – DCSO has more important things to deal with; DCSO response times in remote areas can be long; and Zoning Compliance appears understaffed
- No limit on the number of STRs in a community or the County is proposed – 10% maximum suggested
- Minimum number of nights per stay at a STR should be required
- Number of days a STR can be rented per year should be limited
- More inspections should be required beyond the first licensing year – 3 year intervals suggested
- Use of fireworks at STR properties should be prohibited
- Smoking at STR properties should be prohibited

Staff has made revisions to the proposed ordinance to address some of the comments, as specifically noted above, and to provide clarity, to remove provisions already controlled by other regulations, and to specify that any term of a STR lease shall not overlap with the term of any other lease.

One additional exemption from the STR licensing requirement the Board may want to consider is a property that is rented for not more than 14 days in a calendar year (e.g.: the Augusta Rule) and not advertised as a STR on a regular basis.

NEXT STEPS

The Board may wish to consider comments from the various referral agencies, County-wide contacts and citizens. Staff is prepared to discuss public comments and the next steps with the Board and advance the proposed ordinance to public hearings if directed.

ATTACHMENTS:

Referral Comment Summary Report

Referral Comment Letters

Citizen Comments

Proposed Ordinance Regulating Short-Term Rentals (Post Referral redlines)

Referral Agency Response Report**Page 1 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	02/02/2023	No Comment	No response required
Arapahoe County Engineering Services Division	02/08/2023	No comment	No response required
Arapahoe County PWD/ Planning	01/30/2023	No Comment	No response required
Arapahoe County Water & Wastewater PID	02/03/2023	No comment	No response required
Building Services	02/13/2023	We understand that Building Division will look at these homes at the time of initial licensing to be sure all the components required for a C.O. for a home are still in place, including the elements that are listed in the Resolution (smoke detectors, carbon monoxide detectors, guardrails, etc.). We are unclear what fire inspectors will actually be inspecting for, and to what code standard for single family homes	Staff met with Korby Lintz, Chief Building Official, to discuss comments and made revisions to the proposed Ordinance to address the concerns.
Centennial Water and Sanitation District	02/13/2023	None	No response required
Chatfield Farms 1-A	02/13/2023	The Chatfield Farms 1A HOA has reviewed the proposed ordinance and zoning resolution. To provide flexibility for residents and the HOA, an ordinance would be preferred. The zoning resolution would require the metro district to amend its planned development guide to allow residents to have short term rentals. However, the ordinance may cause issues for the HOA if the rules and regulations are not adhered to. With the recent changes to rules governing HOA fees, there may not be enough incentive for owners of short term rentals to ensure their lessees are following HOA rules and regulations. It's recommended that licenses be revoked for repeated offenses with regard to HOA rules and regulations.	The Zoning Resolution amendment option is not being advanced. Staff has not proposed revisions to the ordinance related to revoking licenses because of HOA rule or regulation violations.
Chatfield State Park	01/26/2023	No Comment	No response required

Referral Agency Response Report**Page 2 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
Cherry Creek Basin Water Quality Authority	01/27/2023	No Comment	No response required
City of Centennial	02/15/2023	Summary: Centennial provided input based on its experience with STRs. <i>Please see attachments for full comments.</i>	Staff made revisions to the proposed ordinance based on some of the comments.
City of Lone Tree	02/01/2023	No Comment	No response required
Colorado Department of Transportation CDOT-Region # 1	01/27/2023	No objections	No response required
Colorado Geological Survey	01/27/2023	No Comment	No response required
CORE Electric Cooperative	01/24/2023	No Comment	No response required
Deerfield HOA	02/15/2023	Summary: The Deerfield HOA supports the recommendations and suggestions provided by the Franktown Citizens' Coalition II. <i>Please see attachments for full comments.</i>	No response required
Douglas County Health Department	02/14/2023	Summary: The Health Department suggested requiring a property owner to obtain a Use Permit for the new use at residences with On-site Wastewater Treatment System. <i>Please see attachments for full comments.</i>	Staff met with Caitlin Gappa, Asst. Director for Environmental Health to discuss comments and made edits to the proposed Ordinance to address the concerns.
Douglas County Historic Preservation	01/30/2023	No Comment	No response required
Douglas County Sheriff's Office	02/16/2023	Summary: Douglas County Sheriff's Office (DCSO) is supportive of the proposed ordinance as long as enforcement action taken by the DCSO remains at the discretion of the DCSO. <i>Please see attachments for full comments.</i>	The ordinance specifies that any violation of the ordinance "may" be enforced, leaving the decision to enforce in the DCSO's discretion.
Franktown Citizens Coalition II Inc	02/13/2023	Summary: The FCC II provided an extensive letter with comments regarding Short-Term Rentals. FCC II also requested the following changes to the ordinance: <ul style="list-style-type: none"> • Only allow STRs in commercially designated areas. This would solve a lot of problems. • Add the following language: "Dwellings shall not be used as 	<ul style="list-style-type: none"> • Residential uses are generally not allowed in the Commercial zone district. Restricting STRs to the Commercial zone district would not address the current interest in finding a way to allow them in residential areas. Hotels and motels are already allowed in the Commercial zone district.

Referral Agency Response Report**Page 3 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
		<p>short term rentals for occupancy of less than 30 days if expressly prohibited in the Rules, Regulations, Covenants, Declaration, Deed restrictions and/or By-laws applicable to the community for which the license for the STR is requested.”</p> <ul style="list-style-type: none"> • Include an affidavit template in the Ordinance to be filled out by the governing board of a community, if applicable, that permits STRs in that community or does not permit STRs. If the community does not permit STRs, the license should be denied. • Add language to the Ordinance that requires an analysis of the character of the community to determine if the community/area is designed for commercial use/tourism. If it is not, the license application for an STR should be denied. <p><i>Please see attachments for full comments.</i></p>	<ul style="list-style-type: none"> • The ordinance has been revised to include the following language in Section VI. Denial of License as a reason for denial: “The proposed property to be used for Short-Term Rental is located in a community or subdivision that expressly prohibits Short-Term Rentals in its covenants, controls, rules, restrictions, declarations, or by-laws.” • STR license applications will be referred to registered referral agencies for comments. Governing boards are invited to submit comments through that process. • The ordinance has been drafted to maintain the residential character of an STR.
Happy Canyon HOA	02/09/2023	<p>Summary: Happy Canyon Homeowners’ Association (HOA) submitted a letter on behalf of its more than 200 property owners opposing short-term rentals in Douglas County. Several reasons for the opposition were detailed in the response. They also provided comments and questions on the proposed ordinance, including:</p> <ul style="list-style-type: none"> • What about annual inspections • Notification to HOAs should be mandatory • Ordinance does not mention banning fireworks or restricting the use of gas grills • We strongly recommend making the rental time period a minimum of 30-days and/or longer <p><i>Please see attachments for full comments.</i></p>	<ul style="list-style-type: none"> • The ordinance has been revised to allow for additional inspections when in staff’s professional opinion it is necessary • The referral notification process for STRs is similar to that of land use applications for permits which the County has found to be adequate. • The ordinance has been revised to prohibit the use of fireworks at a STR. Staff is not proposing a restriction on the use of gas grills. • Restricting the rental period to 30-days or longer defeats the current interest in allowing STRs.

Referral Agency Response Report**Page 4 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
Highlands Ranch Community Association	02/09/2023	Summary: <ul style="list-style-type: none">• The Highlands Ranch Community Association (HRCA) appreciates the opportunity to review and opine on this Application. We have expressed our concerns with this Proposed Ordinance within the attached letter.• Suggests that the Denial of License section in the ordinance include language noting that the Director may “deny a license” if the “dwelling is located within a Planned Development that does not allow such use.” <i>Please see attachments for full comments.</i>	The ordinance has been revised to include the following language in Section VI. Denial of License as a reason for denial: “The proposed property to be used for Short-Term Rental is located in a community or subdivision that expressly prohibits Short-Term Rentals in its covenants, controls, rules, restrictions, declarations, or by-laws.”
Highlands Ranch Metro District	02/13/2023	None	No response required
Littleton	02/08/2023	Thank you for sending the referral request regarding Douglas County’s proposed STR Regulations to the City of Littleton. We have reviewed the proposed ordinance and have no objections. The one item that did stand out to us was that there was not a residency component to the licenses. The Littleton staff recommend considering adding a residency requirement.	Staff has not made any revisions to the ordinance to add a residency requirement.
Louviers Conservation Partnership	02/06/2023	No Comment	No response required
McArthur Ranch HOA	02/18/2023	Summary: HOA supports the comments provided by the McArthur Ranch Recreation Board. It also asked what the County will do with the additional funds from licensing STRs and if there is a plan to hire compliance officers to make sure STR properties are complying. <i>Please see attachments for full comments.</i>	The ordinance specifies how the different fees for STRs may be used. Staffing levels will be assessed over time.
Misty Pines HOA	02/11/2023	No Comment	No response required
Pinery Water and Wastewater District	02/02/2023	No comment	No response required

Referral Agency Response Report**Page 5 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
Roxborough Village Metro District	02/13/2023	The Roxborough Village Metro District has reviewed the proposed ordinance and zoning resolution. To provide flexibility for residents and homeowner associations, an ordinance would be preferred. The zoning resolution would require the metro district to amend its planned development guide to allow residents to have short term rentals. However, the ordinance may cause issues for the metro district if its rules and regulations are regularly broken. Similarly, HOAs would have issues if their rules and regulations are not adhered to. With the recent changes to rules governing HOA fees, there may not be enough incentive for owners of short term rentals to ensure their lessees are following HOA rules and regulations. It's recommended that licenses be revoked for repeated offenses with regard to both district and HOA rules and regulations.	The Zoning Resolution amendment option is not being advanced. Staff has not proposed revisions to the ordinance related to revoking licenses because of metro district or HOA rule or regulation violations.
Roxborough Water & Sanitation District	02/10/2023	No Comment	No response required
South Metro Fire Rescue	02/08/2023	South Metro Fire Rescue (SMFR) has reviewed the provided documents and has comments to be addressed prior to final consideration of the ordinance. Clarification should be provided within the ordinance of the expectations for review, inspections, and the standards applicable for such reviews and inspections to be undertaken by local fire districts. See detailed comments within the attached letter.	Staff spoke with Aaron Miller to discuss comments and made edits to the proposed Ordinance to address the concerns.
South Platte Renew	02/02/2023	South Platte Renew (SPR) has reviewed documents for DR2023-001. There are no concerns with regulating short-term rentals.	No response required
South Suburban Park & Recreation District	02/14/2023	No comment at this time	No response required

Referral Agency Response Report**Page 6 of 6****Project Name:** Ordinance Regulating Short-term Rentals**Project File #:** DR2023-001**Date Sent:** 01/24/2023**Date Due:** 02/15/2023

Agency	Date Received	Agency Response	Response Resolution
Town of Larkspur	01/26/2023	No Comment	No response required
Town of Parker Public Works	01/27/2023	No Comment	No response required
West Douglas County FD	01/26/2023	No impact to WDCFPD.	No response required
West Metro Fire Protection District	02/13/2023	Summary: West Metro Fire Protection District (WMFPD) provided comments regarding language in the ordinance requiring an inspection and determination from the local fire district that the short-term rental use of a single-family dwelling is acceptable. <i>Please see attachments for full comments.</i>	Staff spoke with Capt. Brennan to discuss comments and made edits to the proposed Ordinance to address the concerns.
Xcel Energy-Right of Way & Permits	02/06/2023	No apparent conflict	No response required



Engineering Services Division Referral Comments

February 8, 2023

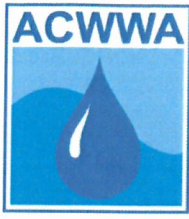
Douglas County – Planning Services Division
100 Third St
Castle Rock, CO 80104
Attn: Planning Case Manager

Re: Proposed Ordinance Regarding Short-Term Rentals
DR2023-001

Engineering Services Division of Arapahoe County Public Works and Development (Staff) thanks you for the opportunity to review the outside referral for the proposed project located in the Douglas County. The Engineering Division has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Public Works Department may submit comments as well.

Thank you,
Emily Gonzalez, PE
Arapahoe County Public Works & Development
Engineering Services Division
cc Arapahoe County Case No. O23-015



Arapahoe County Water and Wastewater Authority

13031 E Caley Avenue, Centennial, CO 80111 9364

Phone (303) 790-4830, Fax (303)790-9364

TO: Matt Jakubowski - Douglas County
mjakubow@douglas.co.us

DATE: February 1, 2023

SUBJECT: **Proposed Ordinance Regulating Short Term Rentals, Project#: DR2023-001 – ACWWA Referral Review Comment**

Dear Mr. Jakubowski,

We appreciate the opportunity to review the above-mentioned project on behalf of Arapahoe-County Water & Wastewater Authority (ACWWA) and have the following comments:

1. ACWWA has no comments regarding the proposed ordinance regulating short term rentals referenced above.

Merrick performs reviews on behalf of ACWWA, if you have any questions, please contact me.

Sincerely,

Wade B. Wheatlake, P.E.

Merrick & Company

303.353.3683 / wade.wheatlake@merrick.com

ORDINANCE NO. O-023-00X

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

AN ORDINANCE REGULATING SHORT-TERM RENTALS

WHEREAS, the Board of County Commissioners of the County of Douglas ("Board"), Colorado has authority pursuant to Section 30-15-401(1)(s) C.R.S. to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's dwelling unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued for such dwelling units; and

WHEREAS, the Board respects the rights of private property owners to use and enjoy their property, but desires to ensure that dwellings rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

WHEREAS, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF DOUGLAS as follows:**

Section I. Scope of Ordinance and Authority

This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Douglas County. A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows the use. This Ordinance shall not apply to lodging services in hotels, motels, campgrounds, or bed and breakfast establishments, or to properties with long-term leases. This Ordinance is authorized pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes ("C.R.S.).

Section II. Definitions

As used in this Ordinance, unless the context otherwise requires:

"Dwelling" means: A building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures not intended for residential use.

"Department" means: The Department of Community Development.

"Director" means: The Director of Community Development, or the Director's designee.

“Lease” means: An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has a right to retake control and use of the property.

“Lessee” means: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means: the Owner(s) or owners of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means: The owner or owners of record of a Dwelling in unincorporated Douglas County.

“Local Responsible Agent” means: A local management company or local individual residing within Douglas County who is not a tenant and who is designated by a licensee as the licensee's Local Responsible Agent, who can be contacted by telephone and is available at all times when the Short-Term Rental Property is leased, regarding any violation of the provisions of this Ordinance, and has authority to act on behalf of the Owner(s).

“Short-Term Rental” means: Use of a Dwelling for lease terms of less than thirty (30) consecutive days.

“Short-Term Rental Property” means: A Dwelling available for lease for a term of less than thirty (30) consecutive days.

Section III. Short-Term Rental License Required, Transferability

- A. It shall be unlawful for an Owner to use a Dwelling for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental units shall be submitted to the County no later than thirty (30) days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Tenants of the Short-Term Rental Property may not be issued a Short-Term Rental license.

Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements

- A. License Application.
 - 1. Applications for a Short-Term Rental Property license shall be submitted to the Director on a form provided by the Department.
 - 2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
 - 3. Incomplete applications shall not be accepted and will be returned to the applicant.

4. An application may be submitted by the Owner or by a non-Owner applicant with notarized written consent of the Owner.
 5. It is the duty of each Short-Term Rental Property Owner to ensure that all information provided in a license application is always up to date and it shall be unlawful for an Owner to fail to provide updated information to the County within ten (10) days after the date upon which the current information provided is no longer accurate.
 6. Applications shall be made on the form provided by the Department and shall provide the following on the application form or as a separate attachment:
 - a. The address of the Dwelling proposed to be used as a Short-Term Rental Property.
 - b. The full name, address, and telephone number(s) of the Owner(s) and Local Responsible Agent for the Short-Term Rental Property.
 - c. A copy of the notarized writing authorizing the Local Responsible Agent to act, in the Owner's absence, as the representative of the Owner on issues related to Dwelling, Short-Term Rental, and the Short-Term Rental Property and agreeing that the Owner(s) and Local Responsible Agent shall comply with requirements and limitations of this Ordinance.
 - d. The license application review fee and annual license fee,; such fees shall be set by an approved resolution of the Board of County Commissioners.
 - e. A copy of the Renter Information Interior Signage and Renter Written Instructions that comply with the requirements of Sections V.N. and V.O. that will be posted on and placed in the subject Dwelling respectively.
 - f. A copy of the parking plan that complies with the requirements of Section V.H.
 - g. An affidavit signed by the Owner, under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in Section V.E, and that the Renter Information Interior Signage required by Sections V.N. and V.O. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.
 - h. For the first licensing year, a copy of an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.
 - i. For the first licensing year, copies of inspection reports and a determination from the Douglas County Building Division, the Douglas County Health Department, and local fire district that such use of the Dwelling is acceptable.
 7. Such other information as the application form, as it may be amended from time to time, shall require.
 8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.
- B. License Term and Renewal**
1. A Short-Term Rental license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner, whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license.

2. An application for renewal of a Short-Term Rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.
 3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.
 4. Failure to file a renewal application and pay license application review fee(s) less than 30 days prior to expiration of the existing license will result in revocation of the license.
- C. Local Responsible Agent Required
1. As a condition of receiving a Short-Term Rental license, the Owner shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
 - a. The Owner shall notify the Director in writing of the appointment of a Local Responsible Agent(s) within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, and telephone number.
 - b. It is the Owner's responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
 - c. The Owner(s) may appoint themselves as the Local Responsible Agent.
 - d. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.
 2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
 3. Either the Local Responsible Agent or the Owner shall be available 24 hours per day, 7 days per week. Failure of the Local Responsible Agent or Owner to be available as the need arises shall result in suspension of the Short-Term Rental license.
- D. Notice Requirements
1. The Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
 2. The Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited, to the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.

Section V. Requirements and Limitations

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner is allowed to use only one residence as a Short-Term Rental Property. No more than one Short-Term Rental Property license shall be issued for a single lot.

- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed.
- C. The Owner or Local Responsible Agent is responsible for ensuring the Dwelling, Short-Term Rental, and Short-Term Rental Property meets all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-Term Rental license shall be issued for a Dwelling that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards: Each Short-Term Rental Property licensed under this Ordinance shall:
 - 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Dwelling for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use; or for which the inspection report required by Section 4.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations. If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner shall consult with the Douglas County Health Department within two (2) business days.
 - 2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
 - 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
 - 4. Have smoke detectors, carbon monoxide detectors, and fire extinguishers installed, operable, and in working condition. If the residence has a fire sprinkler system, it shall be operable and in working condition.
 - 5. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 - 6. Have electrical panels that are clearly labeled.
 - 7. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 - 8. Provide in the Short-Term Rental lease with any lessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. Occupancy. Occupancy of a Short-term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed 2 guests

per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner or Lessee of a Short-Term Rental Property to allow the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles of all occupants of the Short-Term Rental Property shall be parked only on the permitted and approved driveway of the Short-Term Rental Property. No motor vehicles shall be parked on the vegetated areas of a Short-Term Rental Property, or in the public right of way. While occupying a Short-Term Rental Property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Section V.H.2.
 2. The Owner of a Short-Term Rental Property shall provide a parking plan for the property, and it shall be unlawful for a person renting a Short-Term Rental Property to park or allow the parking of vehicles other than in locations set forth in the plan.
- I. Noise. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall amplify music outdoors or make any noise that violates any provision of Section 25-12-101, *et seq.* C.R.S.
- J. Camping and temporary structures. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.
- K. Fires and Grills. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment.
- L. ATVs. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.
- M. Shooting. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall shoot a firearm for recreational purposes.
- N. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved license in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:
1. The Short-Term Rental license number.
 2. The maximum number of people permitted for overnight occupancy.
 3. Physical address number of the Short-Term Rental Property.
 4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
 5. Contact information for the Owner and Local Responsible Agent, including a phone number for 24-hour response to emergencies.
- O. Renter Written Instructions.
1. An Owner shall maintain Written Instructions within each Short-Term Rental Property that includes and addresses the following:
 - a. A copy of this Ordinance.
 - b. Description of location of fire extinguishers and emergency egress.
 - c. The location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property.
 - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.

- e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
 - f. Snow removal instructions or information.
 - g. Policies regarding noise.
 - h. Policies regarding pets.
 - i. Applicable homeowners' association policies, if any, specific to the property or community.
 - j. Good neighbor/renter guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
 - k. Any other information deemed necessary by the County to ensure the public's health and safety.
2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Dwelling.
 3. It is the Owner's responsibility to ensure that the Renter Written Instructions described herein is maintained in a readable form at the Short-Term Rental Property.
- P. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
- Q. Taxes. The Owner or Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
- R. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner, shall also be sufficient to satisfy any required notice to the Owner under this Ordinance.
- S. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- T. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, an authorized public inspector may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the authorized public inspector shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner, the Local Responsible Agent, or occupant of the Short-Term Rental Property and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or occupant having charge, care, or control of any Short-Term Rental

Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the Short-Term Rental Property. No warrant or permission shall be required for an authorized public inspector to enter and inspect a Short-Term Rental Property in the case of an emergency involving the potential loss of property or human life.

Section VI. Denial of License

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following grounds:
 - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
 - 2. The required license application review fee(s) has not been paid.
 - 3. The application is incomplete or contains false, misleading, or fraudulent statements.
 - 4. Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section VII. Suspension or Revocation of License

- A. Suspension. The Director may suspend a Short-Term Rental license upon determining that:
 - 1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
 - 2. The Owner operated the business in violation of a building, fire, health or safety code adopted by the County, said determination being based on investigation by the Department, division, or agency charged with enforcing said code.
 - a. In the event of such a code violation, the Director shall promptly notify the Owner and/or Local Responsible Agent of the violation and shall allow the Owner or Local Responsible Agent a ten (10) day period in which to correct the violation.
 - b. If the licensee fails to correct the code violation before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the licensee of the suspension.
 - 3. The Owner failed to pay any taxes due to the County.
 - 4. The Owner failed to pay the license application review fee and or annual license fee at the time of application.
 - 5. The Owner failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the license application review fee and annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.

- B. Revocation. The Director shall revoke a Short-Term Rental Property license upon determining that:
 - 1. The Short-Term Rental Property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.

2. A Licensee gave false or misleading information in the materials submitted as part of the application process.
3. A Licensee knowingly operated the business during a period of time when the Licensee's Short-Term Rental Property license was suspended.
4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner(s)/Licensee shall not be issued a Short-Term Rental license for other property for one (1) year from the date revocation became effective.

Section VIII. Appeal; Hearing on Denial, Suspension or Revocation

- A. Appeal. An applicant or Licensee may appeal a license application denial, license renewal application denial, license suspension, or license revocation of his or her Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the decision of the Director. In the event that a Licensee requests a hearing to appeal a suspension or revocation, the subject Short-Term Rental Property may not continue to be operated as a Short-Term Rental during the hearing process.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the Licensee at the address on the license.
- C. Final Order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of a Licensee to appeal said order in a timely manner constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the Short-Term Rental Property license.
- D. Hearing Powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental license issued under this Ordinance shall be recorded by an electronic recording device. Any person requesting a transcript of such

record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.

Section IX. Fees

- A. The Short-Term Rental Property license application review fee and Short-Term Rental license fee shall be set by Resolution of the Board of County Commissioners. No Short-Term Rental license shall be issued until the applicable fee(s) has been received by the Department.
- B. Fees are non-refundable. Upon denial of any license, the license application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked or cessation of business, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any Licensee.
- C. The Short-Term Rental Property license application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.
- D. The Short-Term Rental license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the regulations in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

Section X. Violations, Penalties and Enforcement

- A. It is unlawful for any Owner, Local Responsible Agent, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. A warning may be used to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, digitally (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner(s), Local Responsible Agent, or occupant(s).
- C. When any of the following occur or is imminent, a warning may not be provided:
 - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.
 - 2. The violation is determined to be affecting the quality of life of residents or visitors within proximity of the Short-Term Rental Property.
 - 3. Time is of the essence and authorized by the Director or the Director's designee or Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.
- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director or Director's designee, and the Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, C.R.S. and upon conviction thereof, shall be punished by a fine of two hundred fifty dollars (\$250.00) for a

first violation, a fine of five hundred dollars (\$500.00) for a second violation, and a fine of one thousand dollars (\$1000.00) for the third and subsequent violations.

- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10.00) that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

Section XI. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XII. Effective Date

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in Section 30-15-405, C.R.S.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on XXX, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on XXX, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-00X was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXX, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXX, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXX. Said ordinance was published by reference to title only on XXX. Said ordinance shall become effective as of XXX.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this _____ day of _____, 2023, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-00X, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk

ORDINANCE NO. O-023-00X

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

AN ORDINANCE REGULATING SHORT-TERM RENTALS

WHEREAS, the Board of County Commissioners of the County of Douglas (“Board”), Colorado has authority pursuant to Section 30-15-401(1)(s) C.R.S. to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's dwelling unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued for such dwelling units; and

WHEREAS, the Board respects the rights of private property owners to use and enjoy their property, but desires to ensure that dwellings rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

WHEREAS, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF DOUGLAS as follows:**

Section I. Scope of Ordinance and Authority

This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Douglas County. A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows the use. This Ordinance shall not apply to lodging services in hotels, motels, campgrounds, or bed and breakfast establishments, or to properties with long-term leases. This Ordinance is authorized pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes (“C.R.S.”).

Section II. Definitions

As used in this Ordinance, unless the context otherwise requires:

“Dwelling” means: A building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures not intended for residential use.

“Department” means: The Department of Community Development.

“Director” means: The Director of Community Development, or the Director's designee.

“Lease” means: An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has a right to retake control and use of the property.

“Lessee” means: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means: the Owner(s) or owners of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means: The owner or owners of record of a Dwelling in unincorporated Douglas County.

“Local Responsible Agent” means: A local management company or local individual residing within Douglas County who is not a tenant and who is designated by a licensee as the licensee's Local Responsible Agent, who can be contacted by telephone and is available at all times when the Short-Term Rental Property is leased, regarding any violation of the provisions of this Ordinance, and has authority to act on behalf of the Owner(s).

“Short-Term Rental” means: Use of a Dwelling for lease terms of less than thirty (30) consecutive days.

“Short-Term Rental Property” means: A Dwelling available for lease for a term of less than thirty (30) consecutive days.

Section III. Short-Term Rental License Required, Transferability

- A. It shall be unlawful for an Owner to use a Dwelling for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental units shall be submitted to the County no later than thirty (30) days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Tenants of the Short-Term Rental Property may not be issued a Short-Term Rental license.

Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements

- A. License Application.
 - 1. Applications for a Short-Term Rental Property license shall be submitted to the Director on a form provided by the Department.
 - 2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
 - 3. Incomplete applications shall not be accepted and will be returned to the applicant.

4. An application may be submitted by the Owner or by a non-Owner applicant with notarized written consent of the Owner.
 5. It is the duty of each Short-Term Rental Property Owner to ensure that all information provided in a license application is always up to date and it shall be unlawful for an Owner to fail to provide updated information to the County within ten (10) days after the date upon which the current information provided is no longer accurate.
 6. Applications shall be made on the form provided by the Department and shall provide the following on the application form or as a separate attachment:
 - a. The address of the Dwelling proposed to be used as a Short-Term Rental Property.
 - b. The full name, address, and telephone number(s) of the Owner(s) and Local Responsible Agent for the Short-Term Rental Property.
 - c. A copy of the notarized writing authorizing the Local Responsible Agent to act, in the Owner's absence, as the representative of the Owner on issues related to Dwelling, Short-Term Rental, and the Short-Term Rental Property and agreeing that the Owner(s) and Local Responsible Agent shall comply with requirements and limitations of this Ordinance.
 - d. The license application review fee and annual license fee,; such fees shall be set by an approved resolution of the Board of County Commissioners.
 - e. A copy of the Renter Information Interior Signage and Renter Written Instructions that comply with the requirements of Sections V.N. and V.O. that will be posted on and placed in the subject Dwelling respectively.
 - f. A copy of the parking plan that complies with the requirements of Section V.H.
 - g. An affidavit signed by the Owner, under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in Section V.E, and that the Renter Information Interior Signage required by Sections V.N. and V.O. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.
 - h. For the first licensing year, a copy of an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.
 - i. For the first licensing year, copies of inspection reports and a determination from the Douglas County Building Division, the Douglas County Health Department, and local fire district that such use of the Dwelling is acceptable.
 7. Such other information as the application form, as it may be amended from time to time, shall require.
 8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.
- B. License Term and Renewal
1. A Short-Term Rental license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner, whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license.

2. An application for renewal of a Short-Term Rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.
 3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.
 4. Failure to file a renewal application and pay license application review fee(s) less than 30 days prior to expiration of the existing license will result in revocation of the license.
- C. Local Responsible Agent Required
1. As a condition of receiving a Short-Term Rental license, the Owner shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
 - a. The Owner shall notify the Director in writing of the appointment of a Local Responsible Agent(s) within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, and telephone number.
 - b. It is the Owner's responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
 - c. The Owner(s) may appoint themselves as the Local Responsible Agent.
 - d. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.
 2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
 3. Either the Local Responsible Agent or the Owner shall be available 24 hours per day, 7 days per week. Failure of the Local Responsible Agent or Owner to be available as the need arises shall result in suspension of the Short-Term Rental license.
- D. Notice Requirements
1. The Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
 2. The Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited, to the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.

Section V. Requirements and Limitations

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner is allowed to use only one residence as a Short-Term Rental Property. No more than one Short-Term Rental Property license shall be issued for a single lot.

- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed.
- C. The Owner or Local Responsible Agent is responsible for ensuring the Dwelling, Short-Term Rental, and Short-Term Rental Property meets all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-Term Rental license shall be issued for a Dwelling that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards: Each Short-Term Rental Property licensed under this Ordinance shall:
 - 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Dwelling for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use; or for which the inspection report required by Section 4.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations. If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner shall consult with the Douglas County Health Department within two (2) business days.
 - 2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
 - 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
 - 4. Have smoke detectors, carbon monoxide detectors, and fire extinguishers installed, operable, and in working condition. If the residence has a fire sprinkler system, it shall be operable and in working condition.
 - 5. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 - 6. Have electrical panels that are clearly labeled.
 - 7. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 - 8. Provide in the Short-Term Rental lease with any lessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. Occupancy. Occupancy of a Short-term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed 2 guests

per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner or Lessee of a Short-Term Rental Property to allow the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles of all occupants of the Short-Term Rental Property shall be parked only on the permitted and approved driveway of the Short-Term Rental Property. No motor vehicles shall be parked on the vegetated areas of a Short-Term Rental Property, or in the public right of way. While occupying a Short-Term Rental Property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Section V.H.2.
2. The Owner of a Short-Term Rental Property shall provide a parking plan for the property, and it shall be unlawful for a person renting a Short-Term Rental Property to park or allow the parking of vehicles other than in locations set forth in the plan.

I. Noise. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall amplify music outdoors or make any noise that violates any provision of Section 25-12-101, *et seq.* C.R.S.

J. Camping and temporary structures. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.

K. Fires and Grills. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment.

L. ATVs. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.

M. Shooting. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall shoot a firearm for recreational purposes.

N. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved license in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:

1. The Short-Term Rental license number.
2. The maximum number of people permitted for overnight occupancy.
3. Physical address number of the Short-Term Rental Property.
4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
5. Contact information for the Owner and Local Responsible Agent, including a phone number for 24-hour response to emergencies.

O. Renter Written Instructions.

1. An Owner shall maintain Written Instructions within each Short-Term Rental Property that includes and addresses the following:
 - a. A copy of this Ordinance.
 - b. Description of location of fire extinguishers and emergency egress.
 - c. The location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property.
 - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.

- e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
 - f. Snow removal instructions or information.
 - g. Policies regarding noise.
 - h. Policies regarding pets.
 - i. Applicable homeowners' association policies, if any, specific to the property or community.
 - j. Good neighbor/renter guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
 - k. Any other information deemed necessary by the County to ensure the public's health and safety.
- 2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Dwelling.
 - 3. It is the Owner's responsibility to ensure that the Renter Written Instructions described herein is maintained in a readable form at the Short-Term Rental Property.
- P. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
 - Q. Taxes. The Owner or Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
 - R. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner, shall also be sufficient to satisfy any required notice to the Owner under this Ordinance.
 - S. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
 - T. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, an authorized public inspector may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the authorized public inspector shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner, the Local Responsible Agent, or occupant of the Short-Term Rental Property and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or occupant having charge, care, or control of any Short-Term Rental

Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the Short-Term Rental Property. No warrant or permission shall be required for an authorized public inspector to enter and inspect a Short-Term Rental Property in the case of an emergency involving the potential loss of property or human life.

Section VI. Denial of License

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following grounds:
 - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
 - 2. The required license application review fee(s) has not been paid.
 - 3. The application is incomplete or contains false, misleading, or fraudulent statements.
 - 4. Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section VII. Suspension or Revocation of License

- A. Suspension. The Director may suspend a Short-Term Rental license upon determining that:
 - 1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
 - 2. The Owner operated the business in violation of a building, fire, health or safety code adopted by the County, said determination being based on investigation by the Department, division, or agency charged with enforcing said code.
 - a. In the event of such a code violation, the Director shall promptly notify the Owner and/or Local Responsible Agent of the violation and shall allow the Owner or Local Responsible Agent a ten (10) day period in which to correct the violation.
 - b. If the licensee fails to correct the code violation before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the licensee of the suspension.
 - 3. The Owner failed to pay any taxes due to the County.
 - 4. The Owner failed to pay the license application review fee and or annual license fee at the time of application.
 - 5. The Owner failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the license application review fee and annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.
- B. Revocation. The Director shall revoke a Short-Term Rental Property license upon determining that:
 - 1. The Short-Term Rental Property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.

2. A Licensee gave false or misleading information in the materials submitted as part of the application process.
3. A Licensee knowingly operated the business during a period of time when the Licensee's Short-Term Rental Property license was suspended.
4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner(s)/Licensee shall not be issued a Short-Term Rental license for other property for one (1) year from the date revocation became effective.

Section VIII. Appeal; Hearing on Denial, Suspension or Revocation

- A. Appeal. An applicant or Licensee may appeal a license application denial, license renewal application denial, license suspension, or license revocation of his or her Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the decision of the Director. In the event that a Licensee requests a hearing to appeal a suspension or revocation, the subject Short-Term Rental Property may not continue to be operated as a Short-Term Rental during the hearing process.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the Licensee at the address on the license.
- C. Final Order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of a Licensee to appeal said order in a timely manner constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the Short-Term Rental Property license.
- D. Hearing Powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental license issued under this Ordinance shall be recorded by an electronic recording device. Any person requesting a transcript of such

record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.

Section IX. Fees

- A. The Short-Term Rental Property license application review fee and Short-Term Rental license fee shall be set by Resolution of the Board of County Commissioners. No Short-Term Rental license shall be issued until the applicable fee(s) has been received by the Department.
- B. Fees are non-refundable. Upon denial of any license, the license application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked or cessation of business, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any Licensee.
- C. The Short-Term Rental Property license application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.
- D. The Short-Term Rental license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the regulations in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

Section X. Violations, Penalties and Enforcement

- A. It is unlawful for any Owner, Local Responsible Agent, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. A warning may be used to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, digitally (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner(s), Local Responsible Agent, or occupant(s).
- C. When any of the following occur or is imminent, a warning may not be provided:
 - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.
 - 2. The violation is determined to be affecting the quality of life of residents or visitors within proximity of the Short-Term Rental Property.
 - 3. Time is of the essence and authorized by the Director or the Director's designee or Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.
- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director or Director's designee, and the Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, C.R.S. and upon conviction thereof, shall be punished by a fine of two hundred fifty dollars (\$250.00) for a

first violation, a fine of five hundred dollars (\$500.00) for a second violation, and a fine of one thousand dollars (\$1000.00) for the third and subsequent violations.

- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10.00) that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

Section XI. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XII. Effective Date

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in Section 30-15-405, C.R.S.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on XXX, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on XXX, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-00X was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXX, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXX, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXX. Said ordinance was published by reference to title only on XXX. Said ordinance shall become effective as of XXX.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this _____ day of _____, 2023, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-00X, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk

From: Tom Bowles

Sent: Wednesday, February 15, 2023 3:36 PM

To: Michael Cairy; Steve Koster

CC: Abe Laydon; Lora Thomas; George Teal; Ginney Regan; laurenfulton6@gmail.com; Robert Lund; 'Tom Bowles'; Kathryn Bondesen; Larry Falter; Lash Russell

Subject: Douglas County Referral Response Request DR2023-001 (1/24/2023) - Response by Deerfield Homeowners and Property Owners, Inc.

Attachments: STR ORDINANCE SUGGESTIONS BY FCC II.docx; Short-Term Rental Ordinance Referral Draft.pdf; CourtesyNoticesReferralLetter DR2023-001.pdf

TO: Mr. Michael Cairy

DC Zoning Compliance Manager

TO Mr. Steve Koster

DC Assistant Director of Planning Services

RE: Deerfield Homeowners and Property Owners, Inc. (DHPO)

Response to Proposed Ordinance Regulating Short-Term Rentals

Project File DR2023-001 (dated 1/24/2023)

Dear Michael and Steve,

On behalf of the Deerfield Homeowners and Property Owners, Inc. (DHPO), representing over 500 SE Franktown Area residents and 197 property lot owners regarding this Draft Ordinance Regulating Short-Term Rental (STR's), be advised our community supports recommendations and suggestions to this proposal as outlined in the attached consolidated document by the Franktown Citizens' Coalition II, (FCC-II), dated 2/13/2023. Your original draft documents are attached for reference.

While the Deerfield Community opposes the continued trend within Douglas County to commercialize rural properties zoned for residential usage and rural preservation, this issue of existing individual property owners STR commercial use demands oversight and protection of adjacent properties such as ours.

Please review for incorporation these outlined suggestions to STR items for re-drafting of an amended Ordinance for further public review and approval. Deerfield Residents are available to meet and/or offer assistance if requested by the Douglas County Planning Services.

Respectively,

DHPO Board of Directors



From: Lauren Pulver <lpulver@douglas.co.us>

Sent: Tuesday, January 24, 2023 11:19:18 AM

Subject: Douglas County Referral Response Request DR2023-001

Date: January 24, 2023

To: Interested Parties

From: Michael Cairy, Zoning Compliance Manager
Steven E. Koster, AICP, Assistant Director of Planning Services

RE: **Proposed Ordinance Regulating Short-Term Rentals – Project File DR2023-001**

Request for Review:

Please review the following proposed ordinance regulating short-term rentals and forward any comments to me by **February 15, 2023**. The full text of this ordinance can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.us/PRO and entering the project file number DR2023-001 in the search tool.

Summary:

Throughout 2022, the Board of County Commissioners (Board) and staff met on multiple occasions to discuss the use of residences as short-term rentals (STRs). On February 23, 2022, the Board hosted a live town hall meeting regarding STRs where over 3,000 participants joined online and in person to provide comments on the matter. The Board requested Planning staff develop options to allow for the use of residences as STRs in the County. Staff prepared two options: a draft amendment to the Douglas County Zoning Resolution (DCZR) and a draft ordinance (Ordinance).

In December 2022, after discussion and review of the two options, the Board directed staff to place a draft ordinance regulating STRs on referral for comment. The Board is hosting an additional live town hall regarding the topic on January 25, 2023. Please go to: <https://www.douglas.co.us/event/live-town-hall-short-term-rentals/> for additional information.

Process:

Once comments from this referral process have been received, a work session will be scheduled with the Board to review the comments.

Final consideration of the proposed ordinance by the Board will occur at a public meeting, if the Board decides to move forward with an ordinance regulating STRs. Future meeting date(s) may be obtained by calling (303) 660-7460 or by accessing the project information at www.douglas.us/PRO.

Michael Cairy
Zoning Compliance Manager
mcairy@douglas.co.us
(303) 660-7460

Steve Koster
Assistant Director of Planning Services
skoster@douglas.co.us
(303) 660-7460

FRANKTOWN CITIZENS' COALITION II, INC.
FEBRUARY 13, 2023
SUGGESTED CHANGES TO THE PROPOSED DOUGLAS COUNTY
SHORT TERM RENTAL ORDINANCE

SUBJECT: FRANKTOWN CITIZENS' COALITION II, INC. REQUESTS THAT LANGUAGE BE INCLUDED IN THE PROPOSED DOUGLAS COUNTY SHORT TERM RENTAL (STR) ORDINANCE THAT ALLOWS COMMUNITIES AND INDIVIDUALS FLEXIBILITY SO THEY HAVE A CHOICE WHETHER OR NOT TO ALLOW SHORT TERM RENTALS.

MAIN ISSUE: WHAT LANGUAGE SHOULD BE INCLUDED IN THE COUNTY STR ORDINANCE TO GIVE INDIVIDUALS AND THE MANY DIFFERENT TYPES OF COMMUNITIES THE AUTHORITY TO CHOOSE WHETHER OR NOT TO ALLOW STRs?

I. CONS OF SHORT TERM RENTALS:

A. SAFETY CONCERNS:

- Little or no control of renters. Because of the sheer volume of people passing through your doors, there is more likelihood of theft, breakage or problem renters.
- Depending on what platform you're advertising your short term rentals on, short-term renters may not be thoroughly screened.
- Lack of knowledge of fire dangers in sensitive fire areas

B. COMMUNITY NOT DESIGNED FOR STRs:

- Neighborhoods (HOAa, POA, Corporations, etc.) may make it difficult and complicated for STRs. They want quiet, comfortable surroundings where they feel safe and know everyone and miscellaneous strangers in and out at all hours are disconcerting, at times frightening and can cause many problems.

C. LEGAL ISSUES:

- Neighborhoods might file complaints. Neighborhoods (HOAs, POA, Corporations, etc.) may have policies/rules/by-laws/covenants, etc. that prohibit STRs. Even without prohibitory rules they may sue homeowners who are Short Term Rental Owners.

- Increase in lawsuits for all parties involved: County, Homeowner, Renters and surrounding Property Owners.
- Renters may not only be from out of state, but out of country. Even with strict Ordinance enforcement laws, reaching the renters who have caused the damage may be impossible. Even with a security deposit, the damage to the house may be more than the deposit. If damage is caused by the renters to surrounding property rights, recompense may be impossible for them. Suing the owner may be the only remedy.

D. LACK OF INCOME PREDICTABILITY:

- Short-term rentals have a much higher vacancy rate than long term rentals leaving uninhabited residences vulnerable to vandalism and illegal occupation.
- Less consistency of income than a long term rental.
- Utility bills must be paid by owner even if included in the rental amount.
- Individual owner will be collecting payments, scheduling clients, and doing all the work to bring in renters. Instead of doing this once every 5 years or so, an owner will be doing it weekly.

E. MAINTENANCE ISSUES:

- Time consuming to keep them up and so many just AREN'T. Buildings go into disarray
- They can be a large expense upfront and for continuing upkeep. More maintenance cost for STRs
- They need to be cleaned frequently. Many won't be kept up or even cleaned at all.

F. VIOLATION OF COMMUNITY COVENANTS/RULES/REGULATIONS:

- Lack of knowledge of covenants so they probably won't be followed with the attendant problems: lawsuits, heated arguments which may become violent, and damages.

G. DIMINSHMENT OF NEEDED HOUSING SUPPLY

- Converting long-term rentals that could house local residents and families to short-term rentals for visitors decreases an already short supply of housing.

H. DIFFICULT TO ENFORCE:

- Because of the little amount of time renters are at an STR, enforcement of the rules, no matter how strict, is difficult for owners, governments and law enforcement.
- Impact to local law enforcement.
- Damage that may happen to the property, or surrounding properties, will, more likely than not, be done to the STR, and/or surrounding properties, before enforcement can be accomplished.
- Real life examples:
 - a. Large parties in STRs in rural residential neighborhoods resulted in:
 - i. Fireworks with potential to burn down neighborhood
 - ii. Peeping Toms in early morning hours at other properties
 - iii. Loud noises all night long (screaming, loud music, outside fights among attendees at STR parties, etc.)
 - iv. Significant traffic in area with parking all over lawns and other properties
 - v. Significant trash
 - vi. Significant violation of covenants
 - vii. Property damage to lawns of rented house and other properties

II. PROS OF SHORT TERM RENTALS

- Income for people, especially those who are in need of extra income
- Flexibility of choice to rent as much or as little as an individual owner might want. This would not apply to a community.
- For families, depending on the residence, it could give them more privacy
- Brings in more cash (again individual owner only) than a long term rental in a shorter period of time
- Influx of new tourism spending. Note: This should only be in appropriate areas and may be a problem, too (See I. B and C above).

III. GENERAL TYPES OF COMMUNITIES IN DOUGLAS COUNTY, HOW THEY ARE ORGANIZED AND WHAT LAW/STATUTE GOVERNS THEM. NOTE: These should all be covered in the new STR ordinance.

A. Mandatory HOAs. Colorado Common Interest Ownership Act (CCIOA), Co. Rev. Stat. § 38-33.3-101, et. seq.: You cannot opt out of a mandatory HOA in Colorado.

“The Act governs the formation, management, powers, and operation of all common interest communities in Colorado, regardless of when those communities were created. However, some provisions apply only to communities created after July 1, 1992.” This may include different named communities, such as Property Owners Associations, depending on the language of their organization.

B. Homeowners Associations created as Corporations. Colorado Revised Nonprofit Corporation Act, Co. Rev. Stat. § 7-121-101, et. seq.: The law governs nonprofits with regard to corporate structure and procedure. “If an association is organized as a nonprofit, it will be governed by this Act.” These are not HOAs and are not governed by the Colorado Homeowners Association statutes.

C. Colorado Condominium Ownership Act, Co. Rev. Stat. § 38-33-101, et. seq.: “The Act includes provisions governing the formation, management, powers, and operation of all common interest communities created before July 1, 1992.”

IV. DIFFERENT TYPES OF RULES THAT GOVERN THE DIFFERENT TYPES OF COMMUNITIES

Depending on the type of community organization, many different policies and rules govern them. These should all be covered in the new STR ordinance. There are:

A. Covenants that “run with the land,”

B. Declarations (CCIOA, CRS § 38-33.3-205(1)(I) requires that any restrictions on the use, occupancy, and alienation of units be contained in the recorded declaration.), If a community is an HOA in Colorado, the Colorado Supreme Court has held that HOAs can restrict Short-Term Rentals but only if their Declaration specifically allows such a restriction. There are procedures to amend Declarations either for or against STRs.

C. Statutes,

D. Policies,

E. By-laws. If the community organization is a corporation, By-laws can be amended by majority vote of the corporation’s members. The Board controls and governs the corporation. By-laws explain how the corporation’s business is conducted and/or Duly passed rules of the community,

F. Deed restrictions,

- G. Planned Development restrictions,
- H. Other. This list may not cover all governing rules depending on how the community is organized.

V. FLEXIBILITY NEEDED IN THE LANGUAGE IN THE ORDINANCE: REASONS WHY:

A. COMPLICATED ISSUES : Because STRs raise numerous, different complicated issues, an ORDINANCE with FLEXIBILITY IN ITS APPLICATION to give property owners a choice so that they have the most control over their property rights would be the most useful, versatile approach to resolve these issues.

B. POTENTIAL LEGISLATION CONFLICT: Bills have been through the Colorado Senate several times over the last few years to make STRs commercial. While the 2020 and 2021 bills were ultimately rejected, a bill to reclassify the tax status of STRs as commercial is expected to be introduced sometime in the future. If legislation passes determining that STRs are commercial, taxes will go up and residential areas will have more complicated issues. Allowing individuals and communities to determine how they want their property to be used would give them the choice in this area as well. *If the State Legislature passes a law determining that STRs are commercial, there is a strong possibility it will be in conflict with the county ordinance as proposed now, especially in the rural areas of the county.*

C. DESCRIPTION OF REASONS WHY FLEXIBILITY IS NEEDED:

Colorado Lawyer, April 2022:

“... local governments must balance the competing and conflicting desired policy outcomes of various players. Some constituents want less STR regulation to benefit STR operators and listing owners, tourism, and the resulting STR-generated tax dollars. Others want more regulation to limit STRs based on the perceived negative impact STRs have had on housing prices in general, the affordable housing market, neighborhood safety, and the character of communities that are not designed for tourists. [emphasis added] The push for increased regulation is driven in part by studies indicating the negative effects of STRs. For example, according to several studies, the conversion of leases for periods over 30 days into STRs has exacerbated the housing crisis, which may have created worker shortages as workforce housing evaporates in some communities. . . . In recent years, and especially in the last few months, state

legislators and local officials have introduced a rash of legislation, ballot initiatives, and local regulations aimed at controlling the growth of STRs and, in some cases, curbing or banning them altogether.”

D. DIFFERENT COUNTY ORDINANCES: Almost all Colorado counties have different approaches from total open permitting, to a cap on the amount of STRs allowed, to an outright ban in Rout County except in commercial districts. There’s no one size fits all.

VI. CONCLUSION: SUGGESTED LANGUAGE AND ADDITIONS FOR THE ORDINANCE:

While the Ordinance will have overarching control with licensing for an STR, to include language in the Ordinance for flexibility in the application of that license for an STR and stronger enforcement will give the citizens of Douglas County a choice and control over their property rights. Flexibility will help avoid the legal and factual complications, the pitfalls and the citizen anger (on both sides) that has been happening across the country, including Douglas County.

The FCC II respectfully requests four things to be included in the Ordinance:

A. Follow Rout County’s position and only allow STRs in commercially designated areas. This would solve a lot of problems. It will also prevent any potential future conflicts should the legislature pass a law in line with Rout County’s position.

B. Add language with a footnote:

“Dwellings shall not be used as short term rentals for occupancy of less than 30 days if expressly prohibited in the Rules, Regulations, Covenants, Declaration, Deed restrictions and/or By-laws applicable to the community for which the license for the STR is requested.”

* State law, as applicable, will govern which rules will control.

C. Include an affidavit template in the Ordinance license package to be filled out by the governing board of a community, if applicable, that permits STRs in that community or does not permit STRs. If the community does not permit STRs, the license should be denied.

D. Add language to the Ordinance license package that requires an analysis of the character of the community to determine if the community/area is designed for commercial use/tourism, i.e. STRS. If it is not, the license application for an STR should be denied.

E. Because of the significant increase in the amount that can potentially be obtained for an STR, fines as now drafted are significantly insufficient to deter violations. Fines should be sufficient to give the Homeowner incentive to vet the proposed renter in depth. Also fines should be sufficient, to guard against violations of the STR Ordinance, protect the safety of the community and protect an individual's property rights, including surrounding property rights! The fines in the proposed language should be of an amount that would cause the property owner to pause in the decision to rent based upon information obtained in the background vetting of the proposed renter. Suggestion: Fines could be the amount of the nightly rental charge and would increase based upon the times of the number of violations, up to and including suspension of the STR license.

F. Language needs to be added to cover all the different types of organizations and the different governing language in the rules governing each of those different communities.

Thank you for your consideration in this important Community matter.

Diana Love
President
Franktown Citizens' Coalition II, Inc.

ORDINANCE NO. O-023-00X

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

AN ORDINANCE REGULATING SHORT-TERM RENTALS

WHEREAS, the Board of County Commissioners of the County of Douglas (“Board”), Colorado has authority pursuant to Section 30-15-401(1)(s) C.R.S. to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's dwelling unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued for such dwelling units; and

WHEREAS, the Board respects the rights of private property owners to use and enjoy their property, but desires to ensure that dwellings rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

WHEREAS, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF DOUGLAS as follows:**

Section I. Scope of Ordinance and Authority

This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Douglas County. A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows the use. This Ordinance shall not apply to lodging services in hotels, motels, campgrounds, or bed and breakfast establishments, or to properties with long-term leases. This Ordinance is authorized pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes (“C.R.S.”).

Section II. Definitions

As used in this Ordinance, unless the context otherwise requires:

“Dwelling” means: A building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures not intended for residential use.

“Department” means: The Department of Community Development.

“Director” means: The Director of Community Development, or the Director's designee.

“Lease” means: An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has a right to retake control and use of the property.

“Lessee” means: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means: the Owner(s) or owners of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means: The owner or owners of record of a Dwelling in unincorporated Douglas County.

“Local Responsible Agent” means: A local management company or local individual residing within Douglas County who is not a tenant and who is designated by a licensee as the licensee's Local Responsible Agent, who can be contacted by telephone and is available at all times when the Short-Term Rental Property is leased, regarding any violation of the provisions of this Ordinance, and has authority to act on behalf of the Owner(s).

“Short-Term Rental” means: Use of a Dwelling for lease terms of less than thirty (30) consecutive days.

“Short-Term Rental Property” means: A Dwelling available for lease for a term of less than thirty (30) consecutive days.

Section III. Short-Term Rental License Required, Transferability

- A. It shall be unlawful for an Owner to use a Dwelling for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental units shall be submitted to the County no later than thirty (30) days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Tenants of the Short-Term Rental Property may not be issued a Short-Term Rental license.

Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements

- A. License Application.
 - 1. Applications for a Short-Term Rental Property license shall be submitted to the Director on a form provided by the Department.
 - 2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
 - 3. Incomplete applications shall not be accepted and will be returned to the applicant.

4. An application may be submitted by the Owner or by a non-Owner applicant with notarized written consent of the Owner.
 5. It is the duty of each Short-Term Rental Property Owner to ensure that all information provided in a license application is always up to date and it shall be unlawful for an Owner to fail to provide updated information to the County within ten (10) days after the date upon which the current information provided is no longer accurate.
 6. Applications shall be made on the form provided by the Department and shall provide the following on the application form or as a separate attachment:
 - a. The address of the Dwelling proposed to be used as a Short-Term Rental Property.
 - b. The full name, address, and telephone number(s) of the Owner(s) and Local Responsible Agent for the Short-Term Rental Property.
 - c. A copy of the notarized writing authorizing the Local Responsible Agent to act, in the Owner's absence, as the representative of the Owner on issues related to Dwelling, Short-Term Rental, and the Short-Term Rental Property and agreeing that the Owner(s) and Local Responsible Agent shall comply with requirements and limitations of this Ordinance.
 - d. The license application review fee and annual license fee,; such fees shall be set by an approved resolution of the Board of County Commissioners.
 - e. A copy of the Renter Information Interior Signage and Renter Written Instructions that comply with the requirements of Sections V.N. and V.O. that will be posted on and placed in the subject Dwelling respectively.
 - f. A copy of the parking plan that complies with the requirements of Section V.H.
 - g. An affidavit signed by the Owner, under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in Section V.E, and that the Renter Information Interior Signage required by Sections V.N. and V.O. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.
 - h. For the first licensing year, a copy of an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.
 - i. For the first licensing year, copies of inspection reports and a determination from the Douglas County Building Division, the Douglas County Health Department, and local fire district that such use of the Dwelling is acceptable.
 7. Such other information as the application form, as it may be amended from time to time, shall require.
 8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.
- B. License Term and Renewal
1. A Short-Term Rental license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner, whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license.

2. An application for renewal of a Short-Term Rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.
 3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.
 4. Failure to file a renewal application and pay license application review fee(s) less than 30 days prior to expiration of the existing license will result in revocation of the license.
- C. Local Responsible Agent Required
1. As a condition of receiving a Short-Term Rental license, the Owner shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
 - a. The Owner shall notify the Director in writing of the appointment of a Local Responsible Agent(s) within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, and telephone number.
 - b. It is the Owner's responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
 - c. The Owner(s) may appoint themselves as the Local Responsible Agent.
 - d. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.
 2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
 3. Either the Local Responsible Agent or the Owner shall be available 24 hours per day, 7 days per week. Failure of the Local Responsible Agent or Owner to be available as the need arises shall result in suspension of the Short-Term Rental license.
- D. Notice Requirements
1. The Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
 2. The Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited, to the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.

Section V. Requirements and Limitations

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner is allowed to use only one residence as a Short-Term Rental Property. No more than one Short-Term Rental Property license shall be issued for a single lot.

- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed.
- C. The Owner or Local Responsible Agent is responsible for ensuring the Dwelling, Short-Term Rental, and Short-Term Rental Property meets all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-Term Rental license shall be issued for a Dwelling that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards: Each Short-Term Rental Property licensed under this Ordinance shall:
 - 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Dwelling for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use; or for which the inspection report required by Section 4.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations. If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner shall consult with the Douglas County Health Department within two (2) business days.
 - 2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
 - 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
 - 4. Have smoke detectors, carbon monoxide detectors, and fire extinguishers installed, operable, and in working condition. If the residence has a fire sprinkler system, it shall be operable and in working condition.
 - 5. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 - 6. Have electrical panels that are clearly labeled.
 - 7. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 - 8. Provide in the Short-Term Rental lease with any lessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. Occupancy. Occupancy of a Short-term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed 2 guests

per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner or Lessee of a Short-Term Rental Property to allow the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles of all occupants of the Short-Term Rental Property shall be parked only on the permitted and approved driveway of the Short-Term Rental Property. No motor vehicles shall be parked on the vegetated areas of a Short-Term Rental Property, or in the public right of way. While occupying a Short-Term Rental Property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Section V.H.2.
2. The Owner of a Short-Term Rental Property shall provide a parking plan for the property, and it shall be unlawful for a person renting a Short-Term Rental Property to park or allow the parking of vehicles other than in locations set forth in the plan.

I. Noise. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall amplify music outdoors or make any noise that violates any provision of Section 25-12-101, *et seq.* C.R.S.

J. Camping and temporary structures. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.

K. Fires and Grills. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment.

L. ATVs. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.

M. Shooting. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall shoot a firearm for recreational purposes.

N. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved license in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:

1. The Short-Term Rental license number.
2. The maximum number of people permitted for overnight occupancy.
3. Physical address number of the Short-Term Rental Property.
4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
5. Contact information for the Owner and Local Responsible Agent, including a phone number for 24-hour response to emergencies.

O. Renter Written Instructions.

1. An Owner shall maintain Written Instructions within each Short-Term Rental Property that includes and addresses the following:
 - a. A copy of this Ordinance.
 - b. Description of location of fire extinguishers and emergency egress.
 - c. The location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property.
 - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.

- e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
 - f. Snow removal instructions or information.
 - g. Policies regarding noise.
 - h. Policies regarding pets.
 - i. Applicable homeowners' association policies, if any, specific to the property or community.
 - j. Good neighbor/renter guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
 - k. Any other information deemed necessary by the County to ensure the public's health and safety.
2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Dwelling.
 3. It is the Owner's responsibility to ensure that the Renter Written Instructions described herein is maintained in a readable form at the Short-Term Rental Property.
- P. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
- Q. Taxes. The Owner or Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
- R. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner, shall also be sufficient to satisfy any required notice to the Owner under this Ordinance.
- S. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- T. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, an authorized public inspector may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the authorized public inspector shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner, the Local Responsible Agent, or occupant of the Short-Term Rental Property and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or occupant having charge, care, or control of any Short-Term Rental

Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the Short-Term Rental Property. No warrant or permission shall be required for an authorized public inspector to enter and inspect a Short-Term Rental Property in the case of an emergency involving the potential loss of property or human life.

Section VI. Denial of License

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following grounds:
 - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
 - 2. The required license application review fee(s) has not been paid.
 - 3. The application is incomplete or contains false, misleading, or fraudulent statements.
 - 4. Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section VII. Suspension or Revocation of License

- A. Suspension. The Director may suspend a Short-Term Rental license upon determining that:
 - 1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
 - 2. The Owner operated the business in violation of a building, fire, health or safety code adopted by the County, said determination being based on investigation by the Department, division, or agency charged with enforcing said code.
 - a. In the event of such a code violation, the Director shall promptly notify the Owner and/or Local Responsible Agent of the violation and shall allow the Owner or Local Responsible Agent a ten (10) day period in which to correct the violation.
 - b. If the licensee fails to correct the code violation before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the licensee of the suspension.
 - 3. The Owner failed to pay any taxes due to the County.
 - 4. The Owner failed to pay the license application review fee and or annual license fee at the time of application.
 - 5. The Owner failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the license application review fee and annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.
- B. Revocation. The Director shall revoke a Short-Term Rental Property license upon determining that:
 - 1. The Short-Term Rental Property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.

2. A Licensee gave false or misleading information in the materials submitted as part of the application process.
3. A Licensee knowingly operated the business during a period of time when the Licensee's Short-Term Rental Property license was suspended.
4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner(s)/Licensee shall not be issued a Short-Term Rental license for other property for one (1) year from the date revocation became effective.

Section VIII. Appeal; Hearing on Denial, Suspension or Revocation

- A. Appeal. An applicant or Licensee may appeal a license application denial, license renewal application denial, license suspension, or license revocation of his or her Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the decision of the Director. In the event that a Licensee requests a hearing to appeal a suspension or revocation, the subject Short-Term Rental Property may not continue to be operated as a Short-Term Rental during the hearing process.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the Licensee at the address on the license.
- C. Final Order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of a Licensee to appeal said order in a timely manner constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the Short-Term Rental Property license.
- D. Hearing Powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental license issued under this Ordinance shall be recorded by an electronic recording device. Any person requesting a transcript of such

record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.

Section IX. Fees

- A. The Short-Term Rental Property license application review fee and Short-Term Rental license fee shall be set by Resolution of the Board of County Commissioners. No Short-Term Rental license shall be issued until the applicable fee(s) has been received by the Department.
- B. Fees are non-refundable. Upon denial of any license, the license application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked or cessation of business, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any Licensee.
- C. The Short-Term Rental Property license application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.
- D. The Short-Term Rental license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the regulations in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

Section X. Violations, Penalties and Enforcement

- A. It is unlawful for any Owner, Local Responsible Agent, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. A warning may be used to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, digitally (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner(s), Local Responsible Agent, or occupant(s).
- C. When any of the following occur or is imminent, a warning may not be provided:
 - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.
 - 2. The violation is determined to be affecting the quality of life of residents or visitors within proximity of the Short-Term Rental Property.
 - 3. Time is of the essence and authorized by the Director or the Director's designee or Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.
- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director or Director's designee, and the Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, C.R.S. and upon conviction thereof, shall be punished by a fine of two hundred fifty dollars (\$250.00) for a

first violation, a fine of five hundred dollars (\$500.00) for a second violation, and a fine of one thousand dollars (\$1000.00) for the third and subsequent violations.

- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10.00) that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

Section XI. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XII. Effective Date

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in Section 30-15-405, C.R.S.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on XXX, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on XXX, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
_____, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-00X was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXX, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXX, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXX. Said ordinance was published by reference to title only on XXX. Said ordinance shall become effective as of XXX.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this _____ day of _____, 2023, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-00X, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk

Date: January 24, 2023

To: Interested Parties

From: Michael Cairy, Zoning Compliance Manager
Steven E. Koster, AICP, Assistant Director of Planning Services

RE: Proposed Ordinance Regulating Short-Term Rentals – Project File DR2023-001

Request for Review:

Please review the following proposed ordinance regulating short-term rentals and forward any comments to me by **February 15, 2023**. The full text of this ordinance can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.us/PRO and entering the project file number DR2023-001 in the search tool.

Summary:

Throughout 2022, the Board of County Commissioners (Board) and staff met on multiple occasions to discuss the use of residences as short-term rentals (STRs). On February 23, 2022, the Board hosted a live town hall meeting regarding STRs where over 3,000 participants joined online and in person to provide comments on the matter. The Board requested Planning staff develop options to allow for the use of residences as STRs in the County. Staff prepared two options: a draft amendment to the Douglas County Zoning Resolution (DCZR) and a draft ordinance (Ordinance).

In December 2022, after discussion and review of the two options, the Board directed staff to place a draft ordinance regulating STRs on referral for comment. The Board is hosting an additional live town hall regarding the topic on January 25, 2023. Please go to: <https://www.douglas.co.us/event/live-town-hall-short-term-rentals/> for additional information.

Process:

Once comments from this referral process have been received, a work session will be scheduled with the Board to review the comments.

Final consideration of the proposed ordinance by the Board will occur at a public meeting, if the Board decides to move forward with an ordinance regulating STRs. Future meeting date(s) may be obtained by calling (303) 660-7460 or by accessing the project information at www.douglas.us/PRO.

Michael Cairy
Zoning Compliance Manager
mcairy@douglas.co.us
(303) 660-7460

Steve Koster
Assistant Director of Planning Services
skoster@douglas.co.us
(303) 660-7460

2/13/2023

Michael Cairy
100 Third St.
Castle Rock, CO 80104

RE: DR2023-001

Dear Mr. Cairy,

Thank you for the opportunity to review and comment on the proposed ordinance regulating short-term rentals (STRs). Douglas County Health Department (DCHD) staff have reviewed the ordinance to ensure that environmental and public health regulations are considered. After reviewing the application, DCHD has the following comments:

Public Water System

Systems serving 25 or more persons on average, a minimum of 60 days per year are subject to regulation by the Colorado Department of Public Health and Environment (CDPHE) as a non-community drinking water system. Housing units being considered as STRs may currently be on a water system already approved by CDPHE and have a Public Water Supply Identification (PWSID) with CDPHE. If this is the case, no additional action should be required, unless the system will need to be expanded. If the water system is not approved by CDPHE, or if it will need to be expanded, the applicant shall contact the CDPHE Drinking Water Section at (303) 692-3500 or <https://www.colorado.gov/pacific/cdphe/drinking-water> to determine requirements for the drinking water system.

Domestic Wells

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. Individual well owners have primary responsibility for the safety of the water drawn from their own wells, and if they have tenants living on STRs they have the responsibility for the safety of water for their tenants. STRs on wells may be considered transient, non-community water systems that are subject to CDPHE Drinking Water Regulations. These wells may be required to have chlorination to meet the requirements of these regulations, among other requirements. Well owners with questions about whether their well meets this definition can contact the [CDPHE Water Quality Control Division](#).

If the well does not meet the definition of a public water system, the property owner of an STR may want to consider having the well water analyzed for several contaminants as a baseline of the water quality. A baseline water quality analysis is valuable for future reference in the case of possible contamination. Certain parameters such as coliform bacteria and nitrate, pH and Total Dissolved Solids (TDS) are recommended to be analyzed annually as these can indicate possible breaches in the well. The Colorado Department of Public Health and Environment (CDPHE), Laboratory Services Division

can assist with water analyses. The CDPHE offers individual water tests as well as testing packages to choose from depending on your needs. The CDPHE laboratory web site is located at: <https://cdphe.colorado.gov/laboratory-services/water-testing>.

Well Permitting and Construction

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. For STRs that utilize water from a well, the Colorado Division of Water Resources is the agency that regulates well permitting. When purchasing property with an existing well, the DWR requires a Change of Ownership form to be completed and submitted to DWR prior to or at closing. More information can be found here <https://dwr.colorado.gov/>. The Water Quality Control Division (WQCD) also regulates the construction of drinking water facilities. The applicant shall contact the WQCD at 303-692-6298 or CDPHE.WQEngReview@state.co.us regarding the plan review process for the proposed wells.

Cistern

The use of a cistern for private potable water use is not regulated in the State of Colorado. Regulating the transport of potable water can be found in Colorado's Primary Drinking Water Regulations, Section 11.41. DCHD recommends that property owners with STRs verify that the source of potable water is from a Public Water System regulated by the Colorado Department of Public Health and Environment.

Reduced Groundwater Dependence – Douglas County

Douglas County is supplied with water primarily from limited groundwater sources. Providing a sustainable supply of water will entail various strategies including water conservation practices and the development of renewable supplies. DCHD commends the owner of an STR use water systems designed to reduce dependence on groundwater resources in Douglas County and that aligns with the County's Water Alternatives Program.

On-Site Wastewater Treatment System (OWTS) – New or Expanded

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. DCHD has no objection to the property where an STR is located being served by an On-Site Wastewater Treatment System (OWTS) provided that the system is permitted, inspected and operated in accordance with DCHD's current OWTS Regulation. Based on the applicant's description, a permit for the installation and final approval of the OWTS is required. In order to start the process, the applicant may contact Douglas County Health Department. More information is available at <https://www.douglas.co.us/health-department/environmental-health/>.

On-Site Wastewater Treatment System (OWTS) – Use Permit

The current draft of the ordinance states “For the first licensing year, a copy of an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.” This type of inspection is considered a Use Permit inspection. DCHD suggests that the ordinance also require that the property owner obtain a Use Permit, since Douglas County Health Department Regulation Number 22-01, Section 4.2 requires a Use Permit be obtained when a transfer of title on the property occurs, or when the use of the property is changed, for example from a private home to an STR.

To obtain a Use Permit, the OWTS will need to be inspected by a National Association of Wastewater Technicians (NAWT) Certified Use Permit Inspector. A list of Certified Inspectors is available here <http://www.nawt.org/search.html>. If it is determined by the inspector that the system has deficiencies that require repair, these repairs must be completed prior to DCHD issuing a Use Permit.

In order to obtain a Use Permit, the applicant may contact Douglas County Health Department. More information is available at <https://www.douglas.co.us/health-department/environmental-health/> under the Use Permit section.

Smoke-Free Zones

Tobacco use is a leading cause of preventable death in the United States. Smoking and tobacco use can cause many kinds of cancer, heart disease, stroke, and lung disease. Exposure to second-hand smoke also increases the risk of tobacco-related diseases. DCHD recommends that the property owner of an STR adopt a smoke-free policy for their property. For more information on smoke-free policies, please contact Douglas County Health Department at (720) 643-2400 or visit <https://www.douglas.co.us/health-department/environmental-health/>.

Please feel free to contact me at 720-643-2489 or mhughes@douglas.co.us if you have any questions about our comments.

Sincerely,

Matthew Hughes



cc: Caitlin Gappa

From: David Walcher
Sent: Thursday, February 16, 2023 10:53 AM
To: Michael Cairry
CC: Darren Weekly
Subject: FW: STR Ordinance Draft
Attachments: Short-Term Rental Ordinance Referral Draft.pdf

Michael –

Feel free to call my cell (below) anytime between 2 and 3 this afternoon.

In reading this (specifically, Page 10), it seems as though the Sheriff's Office "may" not have to issue a warning, and "may" enforce this separately, concurrently or together with the Director of Community Development, or the Director's designee. As long as the "may" is in there and it is at our discretion, I'm fine with it. There "may" be times where we, as the chief law enforcement agency of the County, would use this tool to meet our mission of public safety and protecting the peace. As long as it doesn't mandate or require us to enforce the ordinance (that would be up to the Sheriff), it's OK. Certainly, there may be circumstances where the Sheriff's Office may be requested due to a public safety issue, and we're certainly willing to assist.

On a side note, based on my experiences where I live, short-term rentals are difficult to monitor and enforcement is poor.

Dave

David C. Walcher, Undersheriff
Douglas County Sheriff's Office
4000 Justice Way, Castle Rock, CO 80109
dwalcher@dcsheriff.net
303-814-7031 (Office) 303-435-3366 (cell)



From: Michael Cairry <MCairry@douglas.co.us>
Sent: Monday, February 13, 2023 2:08 PM
To: David Walcher <dwalcher@dcsheriff.net>
Subject: STR Ordinance Draft

Undersheriff Walcher,

I've attached a copy of the draft STR ordinance that went out on referral for comment. We keep playing phone tag so I at least wanted to get a copy to you so you would have it when we are able to talk.

Thank you,

Michael Cairry | Zoning Compliance Manager
Douglas County Department of Community Development
Planning Services
Address | 100 Third St., Castle Rock, CO 80104
Direct | 303-814-4353 **Main** | 303-660-7460
Email | mcairy@douglas.co.us

FRANKTOWN CITIZENS' COALITION II, INC.
FEBRUARY 13, 2023
SUGGESTED CHANGES TO THE PROPOSED DOUGLAS COUNTY
SHORT TERM RENTAL ORDINANCE

SUBJECT: FRANKTOWN CITIZENS' COALITION II, INC. REQUESTS THAT LANGUAGE BE INCLUDED IN THE PROPOSED DOUGLAS COUNTY SHORT TERM RENTAL (STR) ORDINANCE THAT ALLOWS COMMUNITIES AND INDIVIDUALS FLEXIBILITY SO THEY HAVE A CHOICE WHETHER OR NOT TO ALLOW SHORT TERM RENTALS.

MAIN ISSUE: WHAT LANGUAGE SHOULD BE INCLUDED IN THE COUNTY STR ORDINANCE TO GIVE INDIVIDUALS AND THE MANY DIFFERENT TYPES OF COMMUNITIES THE AUTHORITY TO CHOOSE WHETHER OR NOT TO ALLOW STRs?

I. CONS OF SHORT TERM RENTALS:

A. SAFETY CONCERNS:

- Little or no control of renters. Because of the sheer volume of people passing through your doors, there is more likelihood of theft, breakage or problem renters.
- Depending on what platform you're advertising your short term rentals on, short-term renters may not be thoroughly screened.
- Lack of knowledge of fire dangers in sensitive fire areas

B. COMMUNITY NOT DESIGNED FOR STRs:

- Neighborhoods (HOAa, POA, Corporations, etc.) may make it difficult and complicated for STRs. They want quiet, comfortable surroundings where they feel safe and know everyone and miscellaneous strangers in and out at all hours are disconcerting, at times frightening and can cause many problems.

C. LEGAL ISSUES:

- Neighborhoods might file complaints. Neighborhoods (HOAs, POA, Corporations, etc.) may have policies/rules/by-laws/covenants, etc. that prohibit STRs. Even without prohibitory rules they may sue homeowners who are Short Term Rental Owners.

- Increase in lawsuits for all parties involved: County, Homeowner, Renters and surrounding Property Owners.
- Renters may not only be from out of state, but out of country. Even with strict Ordinance enforcement laws, reaching the renters who have caused the damage may be impossible. Even with a security deposit, the damage to the house may be more than the deposit. If damage is caused by the renters to surrounding property rights, recompense may be impossible for them. Suing the owner may be the only remedy.

D. LACK OF INCOME PREDICTABILITY:

- Short-term rentals have a much higher vacancy rate than long term rentals leaving uninhabited residences vulnerable to vandalism and illegal occupation.
- Less consistency of income than a long term rental.
- Utility bills must be paid by owner even if included in the rental amount.
- Individual owner will be collecting payments, scheduling clients, and doing all the work to bring in renters. Instead of doing this once every 5 years or so, an owner will be doing it weekly.

E. MAINTENANCE ISSUES:

- Time consuming to keep them up and so many just AREN'T. Buildings go into disarray
- They can be a large expense upfront and for continuing upkeep. More maintenance cost for STRs
- They need to be cleaned frequently. Many won't be kept up or even cleaned at all.

F. VIOLATION OF COMMUNITY COVENANTS/RULES/REGULATIONS:

- Lack of knowledge of covenants so they probably won't be followed with the attendant problems: lawsuits, heated arguments which may become violent, and damages.

G. DIMINSHMENT OF NEEDED HOUSING SUPPLY

- Converting long-term rentals that could house local residents and families to short-term rentals for visitors decreases an already short supply of housing.

H. DIFFICULT TO ENFORCE:

- Because of the little amount of time renters are at an STR, enforcement of the rules, no matter how strict, is difficult for owners, governments and law enforcement.
- Impact to local law enforcement.
- Damage that may happen to the property, or surrounding properties, will, more likely than not, be done to the STR, and/or surrounding properties, before enforcement can be accomplished.
- Real life examples:
 - a. Large parties in STRs in rural residential neighborhoods resulted in:
 - i. Fireworks with potential to burn down neighborhood
 - ii. Peeping Toms in early morning hours at other properties
 - iii. Loud noises all night long (screaming, loud music, outside fights among attendees at STR parties, etc.)
 - iv. Significant traffic in area with parking all over lawns and other properties
 - v. Significant trash
 - vi. Significant violation of covenants
 - vii. Property damage to lawns of rented house and other properties

II. PROS OF SHORT TERM RENTALS

- Income for people, especially those who are in need of extra income
- Flexibility of choice to rent as much or as little as an individual owner might want. This would not apply to a community.
- For families, depending on the residence, it could give them more privacy
- Brings in more cash (again individual owner only) than a long term rental in a shorter period of time
- Influx of new tourism spending. Note: This should only be in appropriate areas and may be a problem, too (See I. B and C above).

III. GENERAL TYPES OF COMMUNITIES IN DOUGLAS COUNTY, HOW THEY ARE ORGANIZED AND WHAT LAW/STATUTE GOVERNS THEM. NOTE: These should all be covered in the new STR ordinance.

A. Mandatory HOAs. Colorado Common Interest Ownership Act (CCIOA), Co. Rev. Stat. § 38-33.3-101, et. seq.: You cannot opt out of a mandatory HOA in Colorado.

“The Act governs the formation, management, powers, and operation of all common interest communities in Colorado, regardless of when those communities were created. However, some provisions apply only to communities created after July 1, 1992.” This may include different named communities, such as Property Owners Associations, depending on the language of their organization.

B. Homeowners Associations created as Corporations. Colorado Revised Nonprofit Corporation Act, Co. Rev. Stat. § 7-121-101, et. seq.: The law governs nonprofits with regard to corporate structure and procedure. “If an association is organized as a nonprofit, it will be governed by this Act.” These are not HOAs and are not governed by the Colorado Homeowners Association statutes.

C. Colorado Condominium Ownership Act, Co. Rev. Stat. § 38-33-101, et. seq.: “The Act includes provisions governing the formation, management, powers, and operation of all common interest communities created before July 1, 1992.”

IV. DIFFERENT TYPES OF RULES THAT GOVERN THE DIFFERENT TYPES OF COMMUNITIES

Depending on the type of community organization, many different policies and rules govern them. These should all be covered in the new STR ordinance. There are:

A. Covenants that “run with the land,”

B. Declarations (CCIOA, CRS § 38-33.3-205(1)(I) requires that any restrictions on the use, occupancy, and alienation of units be contained in the recorded declaration.), If a community is an HOA in Colorado, the Colorado Supreme Court has held that HOAs can restrict Short-Term Rentals but only if their Declaration specifically allows such a restriction. There are procedures to amend Declarations either for or against STRs.

C. Statutes,

D. Policies,

E. By-laws. If the community organization is a corporation, By-laws can be amended by majority vote of the corporation’s members. The Board controls and governs the corporation. By-laws explain how the corporation’s business is conducted and/or Duly passed rules of the community,

F. Deed restrictions,

- G. Planned Development restrictions,
- H. Other. This list may not cover all governing rules depending on how the community is organized.

V. FLEXIBILITY NEEDED IN THE LANGUAGE IN THE ORDINANCE: REASONS WHY:

A. COMPLICATED ISSUES : Because STRs raise numerous, different complicated issues, an ORDINANCE with FLEXIBILITY IN ITS APPLICATION to give property owners a choice so that they have the most control over their property rights would be the most useful, versatile approach to resolve these issues.

B. POTENTIAL LEGISLATION CONFLICT: Bills have been through the Colorado Senate several times over the last few years to make STRs commercial. While the 2020 and 2021 bills were ultimately rejected, a bill to reclassify the tax status of STRs as commercial is expected to be introduced sometime in the future. If legislation passes determining that STRs are commercial, taxes will go up and residential areas will have more complicated issues. Allowing individuals and communities to determine how they want their property to be used would give them the choice in this area as well. *If the State Legislature passes a law determining that STRs are commercial, there is a strong possibility it will be in conflict with the county ordinance as proposed now, especially in the rural areas of the county.*

C. DESCRIPTION OF REASONS WHY FLEXIBILITY IS NEEDED:

Colorado Lawyer, April 2022:

“... local governments must balance the competing and conflicting desired policy outcomes of various players. Some constituents want less STR regulation to benefit STR operators and listing owners, tourism, and the resulting STR-generated tax dollars. Others want more regulation to limit STRs based on the perceived negative impact STRs have had on housing prices in general, the affordable housing market, neighborhood safety, and the character of communities that are not designed for tourists. [emphasis added] The push for increased regulation is driven in part by studies indicating the negative effects of STRs. For example, according to several studies, the conversion of leases for periods over 30 days into STRs has exacerbated the housing crisis, which may have created worker shortages as workforce housing evaporates in some communities. . . . In recent years, and especially in the last few months, state

legislators and local officials have introduced a rash of legislation, ballot initiatives, and local regulations aimed at controlling the growth of STRs and, in some cases, curbing or banning them altogether.”

D. DIFFERENT COUNTY ORDINANCES: Almost all Colorado counties have different approaches from total open permitting, to a cap on the amount of STRs allowed, to an outright ban in Rout County except in commercial districts. There’s no one size fits all.

VI. CONCLUSION: SUGGESTED LANGUAGE AND ADDITIONS FOR THE ORDINANCE:

While the Ordinance will have overarching control with licensing for an STR, to include language in the Ordinance for flexibility in the application of that license for an STR and stronger enforcement will give the citizens of Douglas County a choice and control over their property rights. Flexibility will help avoid the legal and factual complications, the pitfalls and the citizen anger (on both sides) that has been happening across the country, including Douglas County.

The FCC II respectfully requests four things to be included in the Ordinance:

A. Follow Rout County’s position and only allow STRs in commercially designated areas. This would solve a lot of problems. It will also prevent any potential future conflicts should the legislature pass a law in line with Rout County’s position.

B. Add language with a footnote:

“Dwellings shall not be used as short term rentals for occupancy of less than 30 days if expressly prohibited in the Rules, Regulations, Covenants, Declaration, Deed restrictions and/or By-laws applicable to the community for which the license for the STR is requested.”

* State law, as applicable, will govern which rules will control.

C. Include an affidavit template in the Ordinance license package to be filled out by the governing board of a community, if applicable, that permits STRs in that community or does not permit STRs. If the community does not permit STRs, the license should be denied.

D. Add language to the Ordinance license package that requires an analysis of the character of the community to determine if the community/area is designed for commercial use/tourism, i.e. STRS. If it is not, the license application for an STR should be denied.

E. Because of the significant increase in the amount that can potentially be obtained for an STR, fines as now drafted are significantly insufficient to deter violations. Fines should be sufficient to give the Homeowner incentive to vet the proposed renter in depth. Also fines should be sufficient, to guard against violations of the STR Ordinance, protect the safety of the community and protect an individual's property rights, including surrounding property rights! The fines in the proposed language should be of an amount that would cause the property owner to pause in the decision to rent based upon information obtained in the background vetting of the proposed renter. Suggestion: Fines could be the amount of the nightly rental charge and would increase based upon the times of the number of violations, up to and including suspension of the STR license.

F. Language needs to be added to cover all the different types of organizations and the different governing language in the rules governing each of those different communities.

Thank you for your consideration in this important Community matter.

Diana Love
President
Franktown Citizens' Coalition II, Inc.



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108
www.happycanyon.org
happycanyonhoa@gmail.com

February 6, 2023

Lauren Pulver
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80108

Re: **Proposed Ordinance Regulating Short-Term Rentals – Project File DR2023-001**

Hello Ms. Pulver,

We are contacting you regarding the above-captioned matter on behalf of the more than 200 property owners in Happy Canyon. Happy Canyon is zoned Estate Residential; lot sizes are two acres and above. Our community is shared with our Happy Canyon Ranches neighbors, which are 35-acre lots. Everyone in Happy Canyon is on a private well and septic system. We enjoy a quiet, rural lifestyle that was established in 1963. There are dozens of other communities just like ours in Douglas County who enjoy our “country living” and don’t want to become part of the urban sprawl that continues to encroach around us.

We are seeing a disturbing pattern by Douglas County (DC) to **urbanize and commercialize unincorporated rural DC communities** by making unpopular changes to the DC Zoning Resolution (DCZR). Last fall, in spite of overwhelming resident opposition, DC moved to allow expanded business in Rural and Large Lot communities and is now considering including Estate Residential communities. And now comes DC’s Short-Term Rentals Ordinance (STRO). With such demonstrated community opposition, it raises the question of why DC is continuing to ignore the public and show favor to a small handful of individuals and/or businesses.

The Happy Canyon Homeowners’ Association (HCHOA) is opposed to STRO for the following reasons:

1. **Public Trust and Property Rights** – In our opinion, DC is undermining the public’s trust with its “pro-business” changes to the DCZR. Thousands of DC residents agreed to and have lived within the rules and planning guidelines that define our residential communities, making them desirable and safe places to live. We believe that adding more commercial business within established residential communities – rather than having them operate in commercial-zoned areas - is poor planning and a violation of our property rights.

2. **More to come** - Will the STRO continue to change, eventually allowing detached rentals and/or subdivision of lots?
3. **Residential Investment Firms** – We believe the STRO will encourage outside residential investment firms such as **Blackstone** to purchase more homes in Douglas County, resulting in a depleted inventory for the general public and inadvertently creating rental communities.
4. **Property Values** – Short-term rentals will negatively impact residential property values.
5. **Noise, Traffic, Parking, Strangers** – Short-term rentals will bring more noise, traffic, parking problems, and strangers into quiet, private communities. There will be a lot of disruption and lifestyle clashes that could range from the irritating to criminal in nature.
6. **Water** – The State of Colorado Division of Water Resources should be consulted with regard to water usage for short-term rentals before approving the STRO: ***“The current position of this office is that we will consider all short-term rentals that operate in a manner similar to a single-family dwelling to be a residential use able to be served by a well permitted for domestic or household use inside one (or more) single-family dwelling(s). If a short-term rental operates in a manner inconsistent with a single-family dwelling, or if it involves a rental unit that operates independently from the main residence, such as a basement apartment or attached or detached garage, it may be considered to constitute a commercial use after review on a case-by-case basis. In addition, this office still considers a bed and breakfast operation to constitute a commercial use and to require a commercial well permit.”***
7. **Enforcement** – DC’s zoning enforcement staff has an enormous workload and appear to be understaffed. Unresolved zoning violations continue in our community and elsewhere. We believe DC’s staff is doing the best they can, but recent changes to the DCZR are increasing their workload and further burdening communities with more violations.

DC has said that adequate enforcement will be provided, including the possibility of bringing in Douglas County Sheriff’s Office in certain situations. DCSO has its hands full with catching criminals and keeping our communities safe! We do not believe that the STRO’s rules can or will be adequately enforced.
8. **Meth/Grow/Stash Houses** – There is a very real possibility that short-term rentals could become meth, illegal grow, or even human trafficking stash houses. DC, along with Denver, Arapahoe, and Jefferson counties, was part of an 8-month long [DEA investigation](#); a 19-count indictment was filed in Douglas County in December 2022; the 19 suspects are linked to Mexico’s Sinaloa Cartel.
9. **Inspections** – The STRO states that there will be “first year inspections only;” what about annual inspections?

February 6, 2023

Page Three

10. **Notice to HOAs** – The STRO states that DC *may* send HOAs notice of an impending STR licensure – or not. Unless DC wants to create unnecessary turmoil and hard feelings between neighbors, notifying HOAs should be mandatory.
11. **Fire Risk** - The STRO does not mention banning fireworks or restricting the use of gas grills for renters.
12. **Thirty-day Minimum** – If DC proceeds with approving the STRO, as we anticipate, we strongly recommend making the rental time period a minimum of 30-days and/or longer. The 30-day minimum could help prevent some of the nuisances that typically come with overnight and weekend rentals.

We hope that DC will listen to the HCHOA's and other communities' concerns and not move forward with the STRO. Rural Douglas County is already being negatively impacted from outside overdevelopment - let's not further impact our communities from within.

Best regards,

Richard West, President
Happy Canyon Homeowners' Association

Cc: HCHOA Board Members
Douglas County Commissioners Thomas, Laydon, Teal
Terence Quinn
Steve Koster
Chris Pratt
Michael Cairry



HIGHLANDS RANCH

COMMUNITY ASSOCIATION

Enhancing property values and creating quality of life through recreation, community events and leadership

Thursday - February 09, 2023

Sent Via: Email to: mcairy@douglas.co.us; skoster@douglas.co.us; PlanningPro Web Upload

Mr. Michael Cairry, Zoning Compliance Manager

Mr. Steven Koster, Assistant Director of Planning Services

DOUGLAS COUNTY: DEPARTMENT OF COMMUNITY DEVELOPMENT, PLANNING SERVICES

100 Third Street

Castle Rock, CO 80104

**RE: PROPOSED ORDINANCE REGULATING SHORT-TERM RENTALS: DOUGCO PROJ #DR2023-001
CONCERNS WITH LANGUAGE AND ENFORCEABILITY WITHIN HIGHLANDS RANCH**

Greetings, Messrs. Cairry and Koster:

The Highlands Ranch Community Association (HRCA) appreciates the opportunity to review and opine on DR2023-001, specifically the proposed ordinance (Ordinance No. O-023-00X) regulating short-term rentals (STRs).

We appreciate that the Draft Ordinance specifically notes: "A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows the use" in §1. Scope of Ordinance and Authority. As you may know, the "Supplemental Declaration for Future Annexations of Annexed Property Within Delegate District No. 74 of Highlands Ranch Community Association (Filing No. 103)" (Recorded 03/29/1993 at Book 1116, Page 1420, Reception #9312759, hereinafter "Supplemental Declarations") specifically notes in Article IV: Use Restrictions, Section 4.2: Residential Use, Paragraph (c) that "the owner of [the residential site in the Annexed Property] may rent or lease a Dwelling Unit constructed on the Site for residential living purposes FOR A TERM OF AT LEAST THIRTY (30) DAYS...."

This restriction is reiterated in our "Residential Improvement Guidelines (RIGs), last adopted November 2, 2022", as provided for in §5.16 of the Community Declarations (Recorded 09/17/1981 at Book 421, Page 924, Reception #274107). The RIGs are intended to assist homeowners in Highlands Ranch and are readily available to all residents on our website. §2.13: Business Activity from a Residence of the RIGs specifically references and provides a verbatim copy of §4.2 of the Supplemental Declarations referenced above.

The restriction ("...term of at least thirty days....") in our Supplemental Documents and RIGs appears to be consistent with the Ordinance's definition of "Short-Term Rental" in §II. Definitions that notes "Use of a Dwelling for lease terms of less than thirty (30) consecutive days" and "Short-Term Rental Property" that notes "A Dwelling available for lease for a term of less than thirty (30) consecutive days".

We are concerned with §VIII. Appeal; Hearing on Denial, Suspension or Revocation. Although we agree that an applicant or licensee has the right to appeal a license application denial to the Board of County Commissioners, our concern is what assurances do we have that the Board of County Commissioners will uphold our Supplemental Declarations that prohibits "Short-Term Rental"? This is of great concern to our Board of Directors and Staff, as enforcement of §V. Requirements and Limitations of the Draft Ordinance will be extremely difficult for us to employ.

RECOMMENDATION: At a minimum, we suggest that §VI. Denial of License of the Proposed Ordinance be expanded to include language in ¶A, that reiterates what is noted in §1. Scope of Ordinance and Authority specifically noting that the Director may "deny a license" if the "dwelling is located within a Planned Development that does not allow such use".

Again, we appreciate the opportunity to review and opine. Feel free to call me (cell: 303.549.0053) or email me (commercialreview@hrcaonline.org) with questions or if you wish to review the information discussed above in greater detail. Thank you.

Sincerely,

HIGHLANDS RANCH COMMUNITY ASSOCIATION

Community Improvement Services

Weylan A. "Woody" Bryant, PE for the HRCA DRC

303/471-8821 (general office) | 303/549-0053 (cell)

commercialreview@hrcaonline.org (email)

Cc: Mr. Michael Bailey, HRCA via: Mike.Bailey@hrcaonline.org

HRCA BOD, via: BoardofDirectors@hrcaonline.org

Ms. Diana Sklenar, HRCA via: Diana.Sklenar@hrcaonline.org

HRCAonline.org

9568 University Blvd Highlands Ranch, CO 80126 Administration 303-791-8958 Main 303-791-2500 Fax 303-791-6705

c:\users\weylan\dropbox\public\hrca\drc cns\reviews\2023\2023-02\dougco ereferral (dr2023-001)\2023-02-09_letterofconcern_dr2023-001_hrca.docx

From: THOMAS JILL VECCHIO
Sent: Saturday, February 18, 2023 2:51 PM
To: Michael Cairy; Steve Koster
CC: km9959; dave kerr; brankaMclaughlin@gmail.com; Laurence Glesener
Subject: Fw: DR2023-001 Short Term Rental Ordinance

M. Cairy

The McArthur Ranch HOA supports the comments by Kitty and the Rec board.

what i would like to find out is what will the county do with the additional funds from licensing the STRs since i assume STRs are already occurring throughout the county

Does the county have a plan to hire compliance officers to make sure the STR properties are complying or are you going to pit resident against resident similar to the commercial "building size" use zoning over 5 acres that was just approved.

I'm confused on how the county plans on overseeing compliance...

Thanks

Thomas Vecchio
president McArthur Ranch Civic association

From: Kitty Migaki <km9959@aol.com>
Subject: DR2023-001 Short Term Rental Ordinance
Date: February 16, 2023 at 11:10:13 AM MST
To: mcairy@douglas.co.us, skoster@douglas.co.us

To: Michael Cairy Zoning Compliance Manager, Steve Koster, Assistant Director of Planning

From: McArthur Ranch Recreation District

Subject: DR2023-001 Short Term Rental Ordinance

The ordinance is well written and well researched and the The McArthur Recreation District on behalf of the community would like to thank Douglas County Planing Department and others for the effort and time put in on this document. However, we would like to add:

A provisions for suspension/revocation of the STR license due to multiple complaints by neighbors for noise, excessive capacity, violation of other sections in Section V (ATV, fires, noise, shooting guns, etc.) Maybe a 3 strikes (3 separate incident) rule for renewal or suspension. A first step could be a method of mediation, or suspension of license which we believe should be provided for in the Ordinance. Multiple neighbor/neighborhood complaints

resulting over 3 or more rental periods (whether 1 night or more) should trigger a review. The rental owners may not be Douglas County Residents, Colorado Residents or even residents of the United States, which arguably makes these entities less familiar with if not less concerned about the community, and more difficult to communicate with.

While VRBO, Vicasa and Air B&B come to mind there are many others STRs companies, some of whom have an agenda to purchase “party” houses for serial short term rental, not local retirees augmenting their income with a intention of keeping their property nice. Look at what Summit County just passed - link below. I believe Summit County limited the number of nights that could be rented annually, discouraging remote corporate owners to some degree, giving more nights to local owners and retirees, for example. And/Or a “blanket provision in the license” for commercial rental companies, and homeowners with 3 or more rentals that would result in a loss of license across all the rentals for repeated violations at one of more of the locations. This is suggested as some jurisdictions are having trouble dealing with “bad actors” because no provisions were made up front to do so.

It seems jurisdictions have trouble putting the STR “genie” back in the bottle once it’s loosed. So we might recommend that the ordinance provide wording that allows for fines for clean up, or loud noise, something to punish bad behavior, if it continues, along with the multiple license suspension suggested in paragraph above.

2. How does Douglas County propose to compel people to get a license?

Link to Summit County News Press on STR meeting from last night.

https://www.summitdaily.com/news/summit-county-commissioners-approve-package-of-short-term-rental-regulations-despite-complaints-ending-a-months-long-initiative/?utm_source=second-street&utm_medium=email&utm_campaign=local-news-flash

Thank you for keeping Douglas County a place where we all like to live,

kitty migaki
Secretary McArthur Ranch Recreation District
303-506-4793

cc
Adam Swiecki
Branka McLaughlin
Angela Smart
Joslyn Hopmayer
Jay Nakagawa
Tom Vecchio
Dave Kerr
Keith Tillman

From: Kitty Migaki
Sent: Thursday, February 16, 2023 11:10 AM
To: Michael Cairry; Steve Koster
Subject: DR2023-001 Short Term Rental Ordinance

To: Michael Cairry Zoning Compliance Manager, Steve Koster, Assistant Director of Planning

From: McArthur Ranch Recreation District

Subject: DR2023-001 Short Term Rental Ordinance

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Thank you for keeping Douglas County a place where we all like to live,

kitty migaki
Secretary McArthur Ranch Recreation District
303-506-4793

cc

Adam Swiecki
Branka McLaughlin
Angela Smart
Joslyn Hopmayer
Jay Nakagawa
Tom Vecchio
Dave Kerr
Keith Tillman

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Michael Cairry, Zoning Compliance Manager
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Proposed Ordinance Regulating Short Term Rentals
Project File #: **DR2023-001**
S Metro Review #: REFOTH23-0016

Review date: February 8, 2023

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Proposed ordinance regulating the use of residences as short-term rentals.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2018 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has comments to be addressed prior to final consideration of the ordinance. Clarification should be provided within the ordinance of the expectations for review, inspections, and the standards applicable for such reviews and inspections to be undertaken by local fire districts.

1. Section IV, A, 6, i. requires that for the first licensing year copies of inspections reports and a determination from the local fire district that such use of the dwelling is acceptable are to be provided.
 - The ordinance does not specify the authority or applicable standards a local fire department may use to determine such acceptability of use for single family dwellings constructed under the International Residential Code (IRC).
 - The current adoption of the Douglas County Fire Code under ordinance O-019-002 under subsection 102.5 Application of the fire code to residential properties constructed under the IRC does not apply to individual structures and properties within residential developments except for those specific items granted within the subsection.
 - The proposed ordinance would be expected to either amend the Fire Code adoption to grant Fire Code applicability to Short Term Rental Properties or provide specific authority within the ordinance for local fire departments to determine acceptability based on specified codes and standards.
2. Section V, E provides specified Life Safety Standards.
 - V, E, 4 indicates that short term rentals are to have smoke detectors, carbon monoxide detectors, and fire extinguishers installed, operable and in working condition.

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



- This section does not provide specific criteria as to what standard(s) smoke detectors, carbon monoxide, or fire extinguishers are required to be installed to.
 - Suggest that smoke detectors and carbon monoxide detectors shall be installed in accordance with the currently adopted IRC, International Building Code (IBC), or where granted, applicable Fire Code requirements.
 - Neither the IRC or Fire Code would have specific requirements for the size, type, quantity, and location for placement of portable fire extinguishers within R-3 single family residences. Suggest the provision of portable fire extinguishers to be based upon Annex F of NFPA 10, Standard for Portable Fire Extinguishers. A single Extinguisher of 2-A:10-B-C or Higher is recommended to be provided on each floor level and at each garage accessible to lessees. Fire extinguishers shall be conspicuously located and readily accessible along normal paths of travel to exits. Top of extinguisher shall not be higher than 5' and the bottom shall not be within 4" of the floor.
 - It is not clear how these Life Safety Standards will be evaluated and verified for initial licensing and which agency will be responsible for evaluating and approving these items initially and for ongoing maintenance. As written, it appears the intent is for the owner or owner's agent to self-inspect provide an affidavit per Section IV, A, 6, g. Suggest clarifying what agencies are responsible for compliance with various requirements of Section V, E.
3. Section V, T provides inspection requirements.
- Authorized Public Inspector is not a defined role. It is not clear if local fire district inspectors would be authorized public inspectors and if this ordinance grants authority for entry for inspections to local fire districts and their agents. Suggest revisions to define Authorized Public Inspector to clarify the responsibilities of the various agencies and their employees referenced in this ordinance.



West Metro Fire Protection District

433 S. Allison Parkway
Lakewood, CO 80226
Bus: (303) 989-4307
Fax: (303) 989-6725
www.westmetrofire.org

February 13, 2023

Michael Cairy
Douglas County Planning
100 Third Street
Castle Rock, CO 80104
mcairy@douglas.co.us
303-660-7460

RE: DR2023-001

Michael Cairy,

West Metro Fire Protection District has the following comments in regards to the Short-Term Rental Ordinance:

- What is expected in regards to the inspection from the fire department? Is it anticipated that the fire department will conduct the inspection?
 - Are we inspecting life safety items such as smoke detectors, carbon monoxide detectors, egress, ect.
- Will there be a Douglas County inspection form or would each fire district create or use their own?
- How would deficiencies be handled? Would it be up to the fire district to manage?
- Currently WMFPD issues fees for permits, would the county collect fees for this or would it be determined by the fire district?

WMFPD reserves the right to provide additional comments/requirements if there are any changes to the application or at the time plans are submitted and reviewed per applicable codes and amendments.

If you have any questions contact me at 303-989-4307 extension 558 or e-mail: jbrennan@westmetrofire.org.

Respectfully,

Captain John Brennan
*Deputy Fire Marshall
Life Safety Division
West Metro Fire Protection District*



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

February 6, 2023

Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Attn: Michael Cairy

Re: Proposed Ordinance Regulating Short-Term Rentals, Case # DR2023-001

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for **Proposed Ordinance Regulating Short-Term Rentals** and has **no apparent conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

January 23, 2023

Douglas County Board of County Commissioners
Commissioner Abe Laydon
Commissioner George Teal
Commissioner Lora Thomas

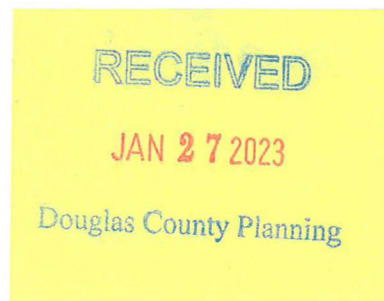
100 Third St.
Castle Rock, Colorado, 80104

RECEIVED

JAN 23 2023

DOUGLAS COUNTY
COMMISSIONERS

Copy
Rec
C.D.
Dang



Dear Commissioners Laydon, Teal and Thomas,

We are writing to you today to express our firm opinion that Douglas County should not change, in any way, its current ordinances regarding short-term rentals in the county.

We know that you share our pride in our cohesive, friendly and safe Douglas County communities and neighborhoods. We know that you also share our concern regarding the affordability of housing and the availability of housing stock for the people who want to live, work and contribute to the truly wonderful life-style we enjoy in Douglas County.

Short term rentals have been shown, over and over, in other jurisdictions to undermine the community's housing supply for individuals looking for long-term rentals in the communities that they work in. Many communities that have not carefully regulated the increasing number of short-term rentals have seen the move of available housing into short term rentals, driving up rents for individuals who actually want to live and participate in our community.

This trend in turn decreases the opportunities for families to move into our communities as renters and transition into homeowners. This is not socially or economically healthy for our communities.

Short-term rentals are also detrimental to the quality of life beloved by those of us who are Douglas County residents. Short term renters have no enduring connection to our neighborhoods or communities, and therefore have no incentive to treat their temporary neighbors with respect or to engage in relationship building. Temporary renters can be disruptive to the peace, quiet and safety of a neighborhood. Short-term rentals can become repetitive "party" venues, with loud music, late night parties and even target shooting - becoming a public nuisance, and resulting in neighborhood degradation and property damages that, over time, reduce the property values for neighboring, tax-paying, home owners.

You have only to access the the internet to find multiple instances of formerly peaceful neighborhoods that now endure extra cars parked on streets and driveways, strange pets that bark at neighborhood dogs, people coming and going at all times of the night and piles of abandoned garbage because of the conversion of homes into short-term rentals. Some very recent examples include:

- A historic neighborhood in Kansas City is being over-run by short-term rentals. As recently as January 12 of this month, the community was begging the City Council for a moratorium on short-term rental permits.
- Summit County, CO has declared a "housing crisis" as short-term rentals have eaten up available housing stock, and have placed a moratorium on short-term rental licenses in the county.
- In June, the Steamboat Springs, Colorado City Council passed a ban on any new short-term rentals in town for these same reasons.

The list of examples can actually go on and on – but we believe these few make a point. The current local ordinances for Douglas County prevent these types of short-term rental problems for citizens while still providing options for property owners who wish to provide a "bed and breakfast" type of accommodation for vacation visitors. The property owners who obtain these bed & breakfast licenses demonstrate their commitment to the community by living in the community and agreeing to meeting important specifications for their property's safety and upkeep.

We can avoid the crisis of the type being experienced by Kansas City or our fellow Colorado communities by not introducing the opportunity for short-term rentals in the first place.

Please understand, we aren't against renters. Long-term rentals add to our local economy and provide housing for local workers who want to be permanent and contributing members of our community. When housing that would otherwise be available for purchase or for long-term rentals are instead, siphoned off as short-term rentals, the potential for people to join our community and strengthen it is severely diminished.

Personally, these concerns are not hypothetical for us. For more than 30 years we have enjoyed the peace and quiet of our home in Franktown. We enjoyed an excellent relationship with our closest neighbors and their adult sons. Their home sits 65 paces from our kitchen window. For 30 years we chatted over the wire fence, traded neighborhood news, and exchanged Christmas presents. Sadly, two years ago our lovely neighbor passed away. Her sons, neither of whom reside in Douglas County, have inherited the home, and have stated their intent to convert it to a short-term rental property. We have always had a good relationship these gentlemen, but we expressed our concern to them at this news. When last we spoke to one of the sons it was clear that their intent was to continue to move toward advertising and utilizing the home solely as a short-term rental. We view this prospect with the deepest concern and believe that in order to protect our own privacy, property and the safety of our pets from short-term renters we would have to incur several thousand dollars in privacy fencing costs that we, with our previous neighborly relationship, have never had consider in the past.

We are firm believers in the rights of property owners. We acknowledge that as the owner of the property our former neighbor's sons have every right to profit from their property either by living in it themselves, selling it outright or by renting it on a long term basis, according to

applicable ordinances. We would welcome any of these outcomes and look at it as an opportunity to build a new relationship with neighbors who, like us, have made a choice to live in, and enjoy the beauty, peace and quiet of the area. We would welcome individuals who choose to have a stake in maintaining and improving our collective quality of life in Franktown. That is something that a short-term renter will never have.

What we don't believe any property owner has a right to engage in, is the diminishment of a neighborhood's quality of life and, potentially, the value of a home that we, the permanent residents of the community have worked hard for and dutifully pay taxes on.

We would like to have valued neighbors – not a continually revolving door of strangers a few short paces from our kitchen window and back deck. We would like to have a neighborhood made up of like-minded individuals who believe in creating community – not successive groups of vacationers and party-goers looking for a few days of letting their hair-down and letting loose just on the other side of our mutual fence-line.

We would like to see our communities in Douglas County continue to remain neighborly, cohesive, friendly, and safe. The current ordinances that apply to short-term rentals are appropriate for the needs of our neighborhoods and communities. Changing those ordinances to allow short-term rentals in unincorporated areas of the county is not appropriate.

Commissioners, we request respectfully, but in the strongest possibly way, that you do not make changes to the current ordinances to allow short-term rentals in unincorporated Douglas County.

Sincerely,

Merrye J. McGilvray & Debrah Schnackenberg

8508 Tanglewood Rd.

Franktown, CO 80116

merryemac@comcast.net

debrah.schnackenberg@outlook.com

303-585-1775

From: Caroline Frizell
Sent: Thursday, January 26, 2023 10:22
To: Michael Cairry; Steve Koster
Subject: FW: STR

Hello!
Do you want to include this in your files for this ordinance?

Caroline

Caroline Frizell, APR
Digital Communications Manager
Douglas County Government
100 Third Street, Castle Rock, CO 80104
Office: 303.660.7351 **Mobile:** 303.358.8194
Online Services: <https://www.douglas.co.us/online-services/>
Website: www.douglas.co.us
Connect with us:      

From: BOCC <BOCC@douglas.co.us>
Sent: Thursday, January 26, 2023 10:03 AM
To: Caroline Frizell <cfrizell@douglas.co.us>
Subject: FW: STR

Do you want to add this to Town Hall comments?

From: Mitchell Jungert <mitchjungert@gmail.com>
Sent: Thursday, January 26, 2023 8:51 AM
To: BOCC <BOCC@douglas.co.us>
Subject: STR

Douglas County,

I'm 100% for the proposed addition of Short-Term Rentals (STR's) to the Douglas County zoning regulations DCZR **2107.48**. This should be allowed like Class-2Home Occupations, Kennel's, Day Care and all the other income producing activities.

Adding a new ordinance regulating Short-Term rentals, should be second choice.

Mitch

Sent from [Mail](#) for Windows

From: Stacey Mosko
Sent: Thursday, January 26, 2023 2:37 PM
To: Lauren Pulver
Subject: New zoning proposal short term rental for rural area

Are you the person I'm to contact regarding the above mention SUBJECT LINE. WE LIVE IN DEERFIELD COMMUNITY AND ABSOLUTELY DONOT WANT TO SUPPORT This IN anyway at all. Stacey Mosko and Tom Niedergerke 396 South White Tail Drive 80116. We were not able to attend the meeting last evening. Respectfully, Stacey

Stacom Corp. Stacey Mosko.

From: Caroline Frizell
Sent: Thursday, January 26, 2023 10:52
To: Michael Cairry; Steve Koster
Subject: FW: 1/25/23 Town Hall Meeting on STR's

Another one...

Caroline

Caroline Frizell, APR
Digital Communications Manager
Douglas County Government
100 Third Street, Castle Rock, CO 80104
Office: 303.660.7351 **Mobile:** 303.358.8194
Online Services: <https://www.douglas.co.us/online-services/>
Website: www.douglas.co.us
Connect with us:      

From: BOCC <BOCC@douglas.co.us>
Sent: Thursday, January 26, 2023 10:48 AM
To: Caroline Frizell <cfrizell@douglas.co.us>
Subject: FW: 1/25/23 Town Hall Meeting on STR's

Here is another one.....should I copy Planning or will you provide to them with others?
Dru

From: M GREEN <megreene75@msn.com>
Sent: Thursday, January 26, 2023 10:31 AM
To: BOCC <BOCC@douglas.co.us>
Cc: Keith Lehmann <KL@groupmedicalmarketing.com>; jtracey863@aol.com
Subject: 1/25/23 Town Hall Meeting on STR's

Thank you for hosting this meeting in such a professional and transparent manner.

The two things I liked most were Commissioner Thomas's suggestion to follow the will of the majority that was reflected in the survey and Commissioner Teal's comment to find a balance in property owner rights. You all are very professional and dedicated public servants.

Some proponents incorrectly look at the STR draft ordinance as a extension of government. It is not. People in unincorporated, residentially zoned property bought their property with the expectation that it would be a nice quiet neighborhood – free of commercial business activity (traffic, noise, pollution, etc).

The one respondent that likened short term rentals and long term rentals couldn't be more wrong. The short term rentals are exhorbantly priced and thus the customer tries to pack as many people in a unit to lower the unit cost. It is this over-capacity that causes most STR problems (noise, parking, trash, and traffic). I have lived near short term rentals for the last 15 years and I guarantee you will have the above stated problems unless you put stringent regulations in place. Commissioner Laydon's comment about the Scottsdale VRBO who was getting \$12,000 for Super Bowl weekend demonstrates my point. How many people do you think will be in that property and splitting that cost? Answer: too many! Where will they be parking? How much noise will they generate?

Because over-capacity is the primary cause of problems, limit capacity at each rental unit based on a physical inspection and conforming with the majority of neighborhood homes. If the rental is in a residential neighborhood, limit capacity to one family (2 adults, 2 or 3 kids, and 2 vehicles). This will force the property owner to keep his prices lower and will not abuse adjoining property owners of their rights to a quiet residentially zoned neighborhood.

You also need to restrict outdoor fires. We have been fire evacuated 3 times in the last 5 years from wildfires. One was human caused and the other two were Xcel Energy caused. None should be allowed unless you have snow on the ground.

Finally, you need to have a strict enforcement and inspection policy. Homes should be safe and adequate off-street parking needs to be present.

Thank you for the opportunity to comment on this issue.

Mike & Mary Greene
6040 W. Lakeside Ct.
Littleton, Co 80125

Sent from [Mail](#) for Windows

From: Doug DeBord
Sent: Wednesday, February 8, 2023 11:51 AM
To: Steve Koster; Michael Cairry; Terence T. Quinn
Subject: FW: STRs

FYI

-----Original Message-----

From: BOCC <BOCC@douglas.co.us>
Sent: Wednesday, February 8, 2023 11:41 AM
To: Abe Laydon <alaydon@douglas.co.us>; George Teal <gteal@douglas.co.us>; Lora Thomas <lthomas@douglas.co.us>
Cc: Doug DeBord <DDebord@douglas.co.us>
Subject: FW: STRs

-----Original Message-----

From: John Kopasz <jkopasz@comcast.net>
Sent: Wednesday, February 8, 2023 9:45 AM
To: BOCC <BOCC@douglas.co.us>
Subject: STRs

Board of commissioners,
I recently watched the YouTube video about STR's. You have changed my opinion of them from no governance to needing some sort of regulations. I value your position as not trying to generate income and know that you guys will make a good decision because of your level headedness on this issue.
Best of luck,

John Kopasz
Parker area resident for 44 years,
303 204 4979

From: Mike MacAdams

Sent: Tuesday, February 14, 2023 8:14 PM

To: Michael Cairy; Steve Koster

CC: Mike MacAdams; James, Bruce A.; msanchez@shermanhoward.com

Subject: Comments on Proposed Ordinance Regulating Short-Term Rentals-Project File DR2023-001

Michael and Steve,

Our private recreational club has housing for our members and developed an exclusion we would like to see in the final ordinance related to club owned housing. Please see our suggested addition below.

In order to address concerns about the application of the pending STR Ordinance to private recreational facilities, we would suggest the pending Ordinance be modified as follows:

Add a new Section XI and renumber current Sections XI and XII to XII and XIII. The new Section XI would read:

Section XI. Exclusion for Private Recreational Facilities.

Dwellings owned by private recreational facilities, including without limitation, equestrian and golf facilities, or the members thereof, which are rented for periods of less than thirty (30) days for the use and enjoyment of the recreational facilities, including without limitation, equestrian and golf facilities, shall be exempt from the requirements to obtain a Short-Term Rental License.

Please let us know if you have any questions. We appreciate your time and consideration.

Warmest regards,

Mike "Mac" MacAdams

Castle Pines Golf Club, Inc.

Direct: 303-814-6283

From: BOCC

Sent: Friday, February 24, 2023 11:45 AM

To: Michael Cairry; Steve Koster

Subject: FW: Short Term Rentals in unincorporated Douglas County

From: Cindy Rein <cindy@sherlock-homes.co>

Sent: Thursday, February 23, 2023 7:11 PM

To: BOCC <BOCC@douglas.co.us>

Subject: Short Term Rentals in unincorporated Douglas County

Dear County Commissioners,

I would like to weigh in on the Short-Term Rental Debate. I agree with your Ordinance approach. I believe that residents in Unincorporated Douglas County should be allowed to have Short-Term Rentals. I do not believe that the property owners should be taxed as a commercial enterprise as I believe this could affect their ability to sell their property as a residence (it would affect the type of loan the buyer could get). Instead, I believe the States lodging tax would suffice.

Cindy Rein

Sherlock Homes
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From: [BOCC](#)
To: [Abe Laydon](#); [Lora Thomas](#); [George Teal](#)
Cc: [Doug DeBord](#); [Steve Koster](#); [Michael Cairy](#)
Subject: FW: Short Term Rentals
Date: Friday, March 10, 2023 8:46:31 AM

From: M Morningstar <maryann@unistar.com>
Sent: Thursday, March 9, 2023 11:46 AM
To: BOCC <BOCC@douglas.co.us>
Cc: Mike Morningstar <mmorningstar17@gmail.com>
Subject: Short Term Rentals

Hello Commissioners -

I attended the meeting on January 25 regarding Short Term Rentals. As a real estate agent in the area, I have clients who occasionally ask about short term rentals in Douglas County. In addition, my family runs several Airbnbs in Washington State.

My biggest concern about regulating STRs is overregulation.

Here is an example of overregulation right here in Douglas County. It was brought up rather casually at the meeting that Douglas County already has Bed and Breakfast licensing in place. So I called the planning department to find out more. **To my surprise I was told that very few licenses have been issued because it is so BURDENSOME. One example of the requirements for a B&B license to be issued is that a commercial sprinkler systems need to be installed in the home.** This is the type of regulation that concerns me. It puts a huge, unnecessary burden on the small business owner.

Some of the concerns brought up at the meeting by those in favor of regulation deal with acts of inconsideration like noise and trash. We already have ordinances in place to address these. All STR owners want considerate guests. With Airbnb, there is a rating system where owners can see reviews that other owners have left for guests and refuse to rent to someone who has bad reviews. No STR owner wants a guest who damages their property or is inconsiderate to the neighbors.

There is a need for STRs in Douglas County. Hotels in the area do not provide the family living environment with a kitchen and private back yard that families, retired folks and folks with special needs desire. In addition, STRs help struggling citizens to pay bills, send their kids to college, and provide supplemental income for retirees.

Unlike big cities and popular resort communities, Douglas County is not a vacation destination. It will never be overrun with STR's. Sure there are people that travel to see family and stop through, but the lack of a strong demand for vacation rentals will keep the number of STRs in check.

At this time, I don't see a compelling reason for regulating STRs. I hope you will look at the current Douglas County Bed and Breakfast regulations as an example of overregulation and repeal it before

you consider adding more regulations and burdens for your constituents and small business owners.

Regards,

Maryann Morningstar
703-729-8949

January 23, 2023, Live Town Hall Online Forum Comments

First Name	Last Name	Please provide your comments regarding Short Term Rentals in unincorporated Douglas County.	Entry Date
Mitchell	Jungert	<p>Introduction: This is Mitch & Diane and we own and live on 8 acres in unincorporated Douglas County. We have experience with Full Time & Short-Term rentals.</p> <p>Short Term Rental - Benefits</p> <ul style="list-style-type: none"> • Promote greater self-sufficiency by producing income • Bring out of state dollars from vacationers • Support local businesses • Attract visitors looking to move • Generate economic activities • Generate income and logging tax revenues to support local governments <p>Short Term Rental - Criteria</p> <ul style="list-style-type: none"> • Have at least 4.5 acres or greater <ol style="list-style-type: none"> 1. Less visible to nearby neighbors 2. More privacy • No absent owners <ol style="list-style-type: none"> 1. Check in each guest in person at the gate 2. Immediately address any issues • Have a minimum three-night stay <ol style="list-style-type: none"> 1. Stops local guests from having a party house 2. Promotes out of state visitors • Allow no trailers <ol style="list-style-type: none"> 1. Stops ATV's from showing up 2. Reduces local visitors from showing up 3. Limit to one or two cars • Safety <ol style="list-style-type: none"> 1. No open fires permitted 2. No smoking on the property 3. No drugs 4. No fire arms 5. Comply with all state and local laws <p>Past round table concerns:</p>	1/25/2023

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		<p>A year has gone by with a promise to find a solution to meet the needs for both types of land owners and their property rights. I think the criteria I have listed does just that!</p> <p>Fire danger is the responsibility of land owners and renters alike, we all should be careful, and follow the local fire department posted guidelines.</p> <p>Wildlife is a danger to everyone, whether you're playing in the back yard, camping at a nearby state park or driving down a county road.</p> <p>The only fear of Strangers I have, are the land owners to the west of my property discharging fire arms on their backyard range.</p> <p>Final comments: Our past fulltime renters have violated lease agreements by arriving with vicious pets, additional vehicles/trailers and stored toxic materials. Our short-term guests arrive with a suitcase.</p> <p>Most of our guest have been nice and considerate people and would love to have them back.</p> <p>My neighbor two houses away, is allowed to have a Class-2 Business with two commercial style out buildings for a total 5000 sf, running multiple company trucks and trailers!. It's only fair to let me run a short-term rental, to make retirement income from my property too.</p>	
Ray	Moore	<p>Hello.</p> <p>I currently have an upscale AirBnb property (min 30+ day stay) with Super Host status. I submitted an STR request to Commissioners via email in Nov 2022 and via USPS mail in Dec 2022 with no response. Previous AirBnb guests included golfers, traveling nurses, folks moving to area, horse shows. We have may restrictions and AirBnb rules that guests need to comply with and have plenty of off-road parking, Fire Alarm, ADA bathroom and met all current 2022 electrical codes.</p>	1/25/2023
Mary Ann	Caterina	My husband and I are joining this town hall meeting to gather more information.	1/25/2023
Peter	Molitor	NO on allowing short-term rentals in non-owner-occupied property in unincorporated Douglas County	1/25/2023
Bill	Jackson	No way do we don't want short term rentals in Doug Co. Didn't you see the shootings in Adams County last year at a VRBO rental!!!! I don't want to live next to a Motel 6 or a shooting gallery.	1/25/2023
Laura	Eicher	I do not want short term rentals in my Highlands Ranch neighborhood. This is supposed to be a nice single family home community.	1/25/2023

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Lynda	Jackson	How are you prepared to enforce these regulations of septic system usage, totals of people in a short term rentals? How can you enforce the regulations on parking? People are going to have big parties and won't just park on the property. What fairy tale are you living in? The illegal short term rental down our street said they didn't allow dogs and every renter had a dog. Is Dougco sheriff's office prepared for increase in staffing due to noise and party complaints? In areas of Larkspur sheriff response is slow and non existent in many situations. The man who states people should be able to do what they want to do with their own home. So where does it stop. You're allowing people to use the property to make money off their property, so allow sex shops, brothels and fentanyl making?	1/25/2023
Elise	Elswood	I live in Franktown, and I fully support STRs. Diana Love does not speak for all of us in this community. Pinewood Knolls has expired covenants and I certainly believe STRs should be allowed.	1/25/2023
Pete	Molitor	Please see the problems associated with this issue being confronted by other cities, such as Boulder,	1/25/2023
Donna	Jackson	As a resident on the South Platte river for over 50 years our concern is that the peaceful way of life we bought into so many years ago will be disrupted. Being close to the camp areas we have noticed through the recent years more crime, more noise, more accidents, more fires (uncontrolled). We currently are worried about trespassing, parking, and property boundaries being ignored. We currently have one Air BnB and one in the building stages. Which has caused damage to our road which is not maintained by the county but by ourselves causing more expense for myself and others on our drive. We have heard of terrible experiences by other neighbors that moved from their previous river property to their current after being established for many years in the area due to the chaos from a close neighbor with an Air BNB. We have many sanctioned fishing lodges in the area that have proven to be respectful of the area. We as the South Platte Valley neighborhood object to further changes in our peaceful, family, serene environment. Our County maintained road have been deteriorating through the years and not to mention pine creek road which has been experiencing more than historical usage and issues. My Grandchildren live close to Airbnb's in Denver and have experienced many issues such as break-in's, loud noise, and basic disrespect. With our location and these issues we are looking at longer than average (extended) wait times for emergency response when needed. As you see we are completely against having these properties authorized for short term rentals in our community. Thank you	1/25/2023
David	Leist	I spent time trying to get my name in the Q. Please mention how more often. Why, has not been answered in my mind. Why as a homeowner am I being limited in what I can do with what I paid for?	1/25/2023

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		<p>Why don't elderly people get a manager to take care of their properties like everybody else does? Enforcement?</p> <p>We already have many laws that are not useful. Aren't there laws already in place to control concerns?</p>	
U	Goodfellow	<p>My husband and I just listened to the live town hall regarding short term rentals in Douglas County. We heard a lot of comments regarding the rights of property owners who wish to use their property to make money as a short term rental.</p> <p>We didn't hear many comments about the rights of property owners who live in Douglas County and want to enjoy a quiet life in a clean, safe and crime free neighborhood. There are concerns such as the notification of neighbors prior to a property being allowed to be used as a short term rental. Concerns regarding a short term rental with a high rate of turnover with a large number of people staying at the property. A neighborhood could be severely impacted by a popular rental property with new tenants on a weekly basis or even a daily basis. Concerns regarding multiple groups of friends pooling funds to stay at a property for a party weekend. The statement made during the town hall that tenants would be "just a nice couple coming from the airport to stay" would not be the norm.</p> <p>We are opposed to government overreach but we did not move into an area that is an entertainment/hospitality district with constant transient tenants with absolutely no investment in the quality of life of a neighborhood or the homeowners who occupy that neighborhood.</p> <p>Thank you</p>	1/25/2023
Mindy	Adleff	<p>I was a former STR owner at my primary residence. I never had any issues with guests or complaints from neighbors. My neighborhood (West Creek) did have owner unoccupied houses rented that did cause different impact problems for the neighborhood. We were working on resolutions as a community to lessen the negative issues. Next thing we knew a neighbor that doesn't live in our specific community complained and every STR was shut down. I believe that you should be able to do some business out of your primary residence like a bed-and-breakfast as long as there is a on site or nearby property manager or it is your primary residence and you are there while you rent. I've managed several properties in Denver and I was on call 24 hours Seven days a week to deal with any problems. Neighbors had my number or they called the owner who called me to take care of the problem. Neighbors out here we're definitely packing way too many people into their houses, some people did come out here to the other places and they were loud, or they would have large fires, etc. So I believe that owners do need to be held more accountable. Policing and management of properties should not be put on Neighbor's. Also I do not think it is right to allow investors to come into neighborhoods and buy up 10 houses for example and now you don't have single-family homes to sell or rent. Woodland Park just went crazy with STR's and there already is a housing shortage so they put regulations in the place. Denver made it a rule that it needs to be your primary residence because</p>	1/25/2023

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		<p>of the same issue. I bought out here because there were other short term rentals for years, it was my dream to do a B&B in the mountains and I didn't want to worry about having to commute an hour to work a job. When we lost our B&B, I ended up having to commute an hour to Colorado Springs, and work three jobs. I recently came down with an illness and I had to quit all of them. If I still had our rental, at least I wouldn't be so stressed about income and paying hospital bills. I am very hopeful that you guys will allow STR's out here with regulations to keep rental owners and neighbors happy. My husband and I took our rental very seriously and never rented it if we weren't home. We would be devastated if someone started a forest fire or was partying all night being loud bothering our neighbors. And we complied with our Homes occupancy limit, we put fire extinguishers and carbon monoxide detectors, fire detectors in the rental and our personal space. We were always available to help our renters, tell them they were being too loud too late, or tell them they did not put a fire out appropriately because a lot of people from the East Coast or the south do not understand the dangers even though we told them when they checked in and we give them a walk-through. Plenty of times We stayed up past hours we wanted to to make sure the fire was out. We then decided to offer them a propane fire pit. It was just too stressful for us to worry about it. Once we even took a couple to the hospital because the husband got sick and was worried so we drove him to UC Health in Divide in the middle of the night. I feel bad that we have been punished when we were nothing but over responsible, very sensitive to neighbors feelings, and paid lodging taxes every year. That was another issue, I didn't understand how we paid taxes for maybe four years to the county and nobody had a problem with us doing that but at the same time it was technically illegal. Thank you for your time and thank you for considering allowing us and others to bring STR's back.</p>	
Jenny	Steele	<p>My husband and I are in favor of STR approval in DC. We are concerned with the drafted ordinance document though. Its way too complicated and adds so much red tape to something that should be an allowed use by right. Thank you for all you guys do for this community and for listening to everyone, we appreciate it!</p>	1/25/2023
Daniel	Voth	<p>I've been informed the manager for this project has been directed to proceed in staffing the proposed Ordinance in lieu of the proposed Zoning Resolution Amendment, I'll keep my comments to the Draft Ordinance:</p> <ol style="list-style-type: none"> 1. The draft Ordinance provides for NO LIMIT to the number of STR licenses that may be issued in each sub-division. I strongly object to the County placing no limits in this area. I recommend a modification to provide for a maximum percentage of STR licenses within each sub-division, and further suggest a 10% limitation. 2. As drafted, the Ordinance only provides ONE directed set of inspections of STR properties "for the first licensing year" with ANY future inspections "whenever it is necessary or desirable". This is NOT a 	1/26/2023

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		<p>sufficiently robust inspection process to ensure long-term safety & health of these properties. I strongly urge the board to amend the draft Ordinance and include additional required inspections for fire safety and by DC Health Department at no less than 3 year intervals - at the Owner's expense.</p> <p>3. As if now, the public has NO MEANS beyond contacting the Planning Division by phone or email to determine if a STR is fully licensed, and of course these question(s) will only be answered during the work-week. I urge the board to require a Flag or Note be placed on the Tax Assessor's Property information web page for each property where a STR license has been issued so "we" the neighbors can discern if a STR is being operated outside of County oversight, and make appropriate reports.</p> <p>IN CLOSING: Although the proposed Ordinance appears robust, there has apparently been NO consideration given to "real world" Enforcement in Residential Rural Douglas County. In our area (Trout Creek Ranch) we're serviced by only two resident Sheriff Deputies. Response times for non-life & limb emergencies are measured in hours and often days. This response lag will have the net effect of zero effective enforcement for any complaints which aren't emergent in nature (e.g., noise, ATV use, parking, excessive number of renters or gun use on premises, etc...). Result of this problematic enforcement / response places nearly the FULL BURDEN on neighbors' shoulders. It is for this final reason I object in the strongest terms to the County Board unilaterally pushing this Ordinance through without taking the matter to the voters, even though the board has the authority to do so. Just because you CAN, doesn't mean you SHOULD!</p> <p>V/r Dan Voth CAPT (ret), USN</p>	
Marvin	Minten	<p>I tried to get in on the meeting by phone but apparently there wasn't enough time. While I don't care what the other communities do, I am opposed to any commercialization in Grandview Estates. We already have several illegal short-term rentals, some renting to roomers, some storage lots, and several active construction and landscaping businesses. Yes, I believe in property rights, I also believe in zoning regulations. I bought here because it was zoned residential. Now there is a push to allow small businesses. I reported a couple of lots that hauled in a lot of dirt and recycled asphalt. One was for an equipment rental lot and the other was for rental space for recreational equipment. Zoning made them remove the equipment but I never saw any recycled asphalt removed. We are only allowed 25% devegetated space on the lot, why was the asphalt not removed? There appears to be dual enforcement of the codes. I know of one individual that brought in some soil to level the lot for the kid's playground. He was forced to remove it. The county made a zoning variance several years ago to allow horses. While some horse owners are very conscientious about it others are not. We have horses standing hoof deep in manure while others are out</p>	1/26/2023

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		<p>on a bare ground pasture licking the soil. Allowing businesses in will only result in the same stretching of the rules. Pretty soon we will be like Commerce city. One of the problems is many realtors stress that we don't have an HOA so the assumption is that anything goes. While we have an HOA it is only voluntary. While they do a good job on water and neighboring development etc. they are understandably reluctant to report zoning violations. Anybody that files a complaint is subject to verbal and Facebook abuse. We are supposed to talk to the people we believe to be in violation, that will only result in being told that you are trespassing and to get off the property. That is if you are lucky. I have a neighbor that has been building a house since 2017 and the exterior is still not finished. It gives him an excuse to keep a couple of large storage containers and a garage full of construction materials and tools on the lot because he has an active building permit. I don't know if it has tax implications or not. I provided the Zoning Department with a voice recording of him admitting that it was his construction yard and to get off his property but zoning dropped the complaint. With the lack of zoning enforcement, I can only wonder what this community will be like in the near future. Yes, you have property rights but they are subject to restrictions. Also, anything you do that results in decreasing the value of my property is my business. I don't expect Kentucky horse farms but I don't expect a dump either. Instead of legalizing the commercialization of Residential property why not enforce the existing regulations? It is incumbent on a buyer to check the regulations pertaining to a property to see if it suits his needs before he buys it instead of trying to change them to suit his needs later. Crime is increasing in the area and our streets are becoming drag strips, we don't need any more strangers among us. Keep residential areas residential!</p>	
Lara	Mooney	<p>As a resident of Highlands Ranch, I am 100% against any type of short-term rentals in unincorporated Douglas County. These are neighborhoods where families live, and communities need to thrive. We can't do that with a transient population and rental property owners that don't maintain their property because they don't have to live next door to it. I know this because the long-term rentals are not maintained well now.</p>	1/26/2023
Gary	Turner	<p>I have strong concerns about this concept and do not support it. The only possible positive point would be income for the property owner. That would be offset by a revolving door of short-term renters, who have no ties to the community, and no concern over the impact on neighbors. Long term renters typically seek to become part of the neighborhood, and have a greater accountability for their behavior. Short term renters aren't going to spend their vacation dollars in Douglas county - they're going use us as 'base of operations' and will travel outside the county to the typical tourist attractions. Furthermore, if you allow short term rentals, you'll encourage more corporate purchases of single-family homes solely for the purpose of profit. Please don't destabilize the wonderful community we have here in Douglas County. Thank you.</p>	1/26/2023

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Michael	Foster	NO Short term rental in residential areas! I have the right to peace. This has been a problem in other areas that tax it. Find revenue elsewhere!!	1/26/2023
Heather	Jacobs	Please do not let people have short term rentals in Douglas county. It's ruined our mountain towns and creates less opportunities for families to move here as full time residents. I have lived next to one in Arizona and we ended up moving. People coming and going, petty crime increased, people were loud and inconsiderate of full time residents. If this becomes a issue in our county we may have to move. We moved here for the beautiful open spaces and family friendly atmosphere. Many town and cities are currently trying to limit this and we should be in the same mindset. Thanks for considering my opinion.	1/26/2023
Darrell	Gettman	<p>Thank you Commissioners for hosting the 25 January 2023 Town Hall regarding Short Term Rentals (STR) in Douglas County (DC).</p> <p>I support not allowing STRs in Douglas County. Although I have enjoyed STRs in other non-DC locations, and we behaved as if we lived there, I have heard many horror stories of STR clients who abused the peace & quiet and beauty of the neighborhood they were staying in. My wife and I purchased our home 20 years ago based on the allowed usage of homes in our neighborhood at that time. We also appreciate the private corporation covenants (Deerfield Homeowners and Property Owners, Inc.) that I assumed would protect us from unfavorable changes.</p> <p>Although I understand the position of those supporting property owners' rights to do what they please with their properties, I believe that position has a selfish aspect to it. Would they take the same position if their neighbors started a pig farm after they moved in? Or, put a runway in for their private plane? Or, installed a large wind generator that created a lot of noise? Or, (insert a myriad of other items they may not like). Or, do these citizens believe in doing whatever they want to do with their properties, but their neighbors have to behave and not impact them?</p> <p>I heard Commissioner Thomas say that the last poll taken on this topic was an overwhelming disapproval of STRs. Maybe I heard her wrong, but if I heard Commission Thomas correctly then I ask that the DC Commissioners follow the voice of the DC citizens and not allow STRs in DC. If; however, the DC Commissioners are compelled to support STRs, then I request they follow the path of an ordinance(s) to protect the community and provide for a quick remedy of STR ordinance infractions.</p>	1/26/2023
Jacque	Nordstrom	I am opposed to this in my unincorporated Douglas county that I live in.	1/26/2023
Kelly	Thorpe	I do not want short term rentals allowed in Douglas County. I lived in Orlando, FL for a few years and would never consider purchasing a home in Osceola County where it is allowed. Orange County, located just north	1/26/2023

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		of Osceola County, does not allow short term rentals. If I would ever move back that is where I would look for a home. I do not want a constant stream of different renters as neighbors. I want to live in a true neighborhood where I know who my neighbors are. Thank you.	
Natalia	Roth	I am against short term rentals	1/26/2023
Carolyn	Lemonier	I am totally against all short term rentals in Douglas County. This would be a detriment to the communities in Douglas affecting home values, public safety, and quality of life. We citizens have already been disappointed in some of the community changes forced upon us by long-term rentals, and short-term rentals would be another step in the damaging of our communities for the benefit of those who do not care about the quality of our communities.	1/26/2023
LISA	KIRWAN	Absolutely not! I live in HR because it is a great family community, we have exceptional law enforcement and they keep us safe. We don't need people renting their homes to people that will have huge parties, and have NO responsibility to the community.	1/26/2023
Jeannie	Key	This may be a duplicate as I'm having trouble sending. My husband and I are both firmly against turning Castle Rock into an Air B&B community. If you look at other communities ie Pagosa, they have had to reverse or heavily tax to get people to stop. All of the things we have loved about this town are being stripped away. Also, using traveling nurses as the example is silly and is a tiny fraction of the people that will use them.	1/26/2023
Alice	Carter	<p>I live in unincorporated Douglas County. I watched the Town Hall meeting online. I did not hear anything that made a good convincing point of having short term rentals. Most people are nice people and families that look for places to stay on vacation. I look on airbnb/vrbo when going on vacation. But those places are mainly vacation places and not so much in Douglas County, but major cities. Sounds like people want to make money (whether to just make money or to live in Douglas County) and retired couples have extra houses are for short term rental. But that sounds like a different problem, than just short term rental (might have to move if you can't afford to live where you live, maybe sell the house if you don't live there, or rent it out long term). I didn't move to unincorporated Douglas County (and live little away from the town) to deal with people coming in and out frequently, parking, possible mess/trash, parties, property destroyed, etc. We like knowing who our neighbors are and hanging out with them.</p> <p>Please note, I am NOT in support of short term rentals.</p> <p>Thank you, Alice Carter</p>	1/26/2023

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Evie	Zur	<p>Thanks to all Douglas County Commissioners "hearing" heartfelt comments on Short term rentals. We don't need a boat load of new rules, regulations, laws and licensing.</p> <p>Maximum Protection of Property rights/Minimizing Neighborhood interference. (Abe) excellent. Top Priority, protecting property rights /favoring short term rentals/acknowledging Seniors depend on the extra income/No on using short term rentals as additional county income stream (George) Bravo! If a homeowner lives in the home and utilizes a portion of their home that's quite acceptable and problem free. I have been approached by Horse people who ride in shows during the summer months for a week or two to utilize my guest suite. It was wonderful for them and wonderful for me. I live near the Horse Facility. My guest suite was a long term transition point for one of your own ...Ian Hutchinson of DougCo Sheriff's Dept. No problems ever. Property Owners experiencing unpleasant next door short term rentals with multiple people staying w/o an occupying owner on premise can be the rotten apple that spoiles the whole barrel of apple. Families coming to visit relatives, for wedding, christmas grandkids, graduations, etc all pose no problem. Airbnb is quite rigid about good referrals for quality guests and hosts. I understand Airbnb has been approached to house other types but won't do so unless the hosts agree. Mayor Hancock for instance is desperate to find places to land immigrants, (illegals??? / homeless ???) and questionable people in our "sanctuary" City and State, even paying for motel and hotel stays at taxpayer expense.... why not Airbnb too? Some "charitable agency during Obama's reign put a 1 1/2 house into Raleigh Downs with bad results.</p> <p>The closer the problem is handled to where it is happening is the best approach. not depending on the county to do something. encourage the neighborhood organization to take responsibility to handle bad apple situations and not kick the problem down the road to the commissioners. Here in the Pinery where I live when I wanted to do something at my property, build a berm or hold a party. Go check with your neighbors, if it is ok with them...it is okay with us. Taking care of the problem where is is happening...best approach. Evie Zur</p>	1/27/2023
Janice	Daily	I do not support the short term rentals. Visitors have no sympathy for water conservation. They are on vacation and are generally uninformed about local problems. Vote NO!	1/27/2023
Shannon	Greer	I listened to the town hall meeting and agree that STR's are a valuable source of income - especially as property taxes are increasing (I pay almost \$10000) and home owner's insurance is increasing. I have STR's in Dillon and Hawaii and the income is very valuable to us as we are coming up on retirement. I can see how this could really help folks who are retiring or in retirement to help make ends meet.	1/27/2023
Susan	Kelly	I do not support. Potential for major disruptions to family life in neighborhoods. Vacationers (or other types of renters) coming and going at all times of the day and night - no investment in community and not screened. Property destruction. Potential for squatters. Property maintenance issues.	1/28/2023

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Melissa	Hamilton	I am firmly against short term rentals in unincorporated Douglas county - unknown people, parties, and noise.	1/29/2023
Tamara	Voshchullo	No Short term rentals. We already have problems with homes run by investment companies or absent owners.	1/29/2023
Jesse	Chuhta	Please do not change the rules after people have already purchased their houses with the understanding that their family wouldn't be subjected to transient neighborhood dynamics. Nobody wants this kind of traffic next door, it's obviously less safe because you lose accountability and reciprocity.	1/29/2023
Sarah	Hench	As a home owner in a wooded area of Franktown, the biggest concern has to do with the fire risk. It is not uncommon for people to rent homes out for weddings. It is a beautiful area. But with these very short term rentals, often a day or two, and a celebratory nature, people will set off fireworks, have campfires, and many people are not aware of the fire danger in the area. The damage caused by a wildfire from someone not invested in the area, would be monetary. The damage caused by a wildfire for those of us invested would be devastating. Especially if the fire was caused by negligence of someone in a short term rental. Those that choose not to live here and only have a rental property to make money are not invested in the area other than monetary gain.	1/30/2023
Lisa	Jacobs	<p>I am opposed to short-term rentals in Douglas County.</p> <p>Our family has lived in the Stonegate community at 10302 Rowlock Way for 16 years. In 2019, our next-door neighbors remodeled their unfinished basement and began advertising the space as a short-term rental.</p> <p>It was a very active listing on multiple sites. On Airbnb, the basement space was listed for \$75 a night with a private entrance. Our neighbors accepted as many as two different sets of tenants a week. Generally our neighbors were home when the rentals occurred, but not always. I was aware of this because the private entrance to the space faces our backyard deck, which we use frequently.</p> <p>The short-term rentals ended after I and other neighbors reported the activity to the county. We were grateful that we had recourse to end this activity through the county's current zoning regulations. Our neighbor now rents out his basement to tenants for 30 days or more.</p> <p>This is my neighbor's right, and I have no objections to long-term rentals. However, the transient nature of short-term rentals concerns me for the following reasons:</p> <ol style="list-style-type: none"> 1. With long-term rentals, credit and background checks are the norm before a tenant takes occupancy. These checks can reveal tenants on the sexual offender registry or with other criminal backgrounds to 	2/4/2023

January 23, 2023, Live Town Hall Online Forum Comments

First Name	Last Name	Please provide your comments regarding Short Term Rentals in unincorporated Douglas County.	Entry Date
		<p>homeowners and interested neighbors. There are no such safeguards in place with short-term rentals. Stonegate is home to a diverse array of residents and several neighborhood schools. As homeowners, I believe we should have information available to us to assess the safety of our surroundings for ourselves - and not have to rely on the judgements of neighbors who are soliciting tenants in a hotel-like arrangement.</p> <p>2. We no longer knew who our neighbors "should" be. The transient nature of this arrangement made it difficult to evaluate if someone was forcibly entering my neighbor's basement or if they had their permission to stay there. This affected the enjoyment and security of our home and neighborhood. With long-term rentals, we have a known contact if any concerns arise.</p> <p>3. Our family did its research before purchasing our single-family home in Parker. We have absolutely no interest in living next to a hotel - which is what a zoning resolution amendment would invite to our community.</p> <p>Thank you for the opportunity to comment on this proposed ordinance.</p> <p>Best, Lisa Jacobs</p>	
Carmen	Cordero	No Please do not allow short term Rentals. Thank you	2/10/2023
Carrie	Whipple	I have a property in unincorporated Douglas County that I would like to do short term rentals on. I didn't know about this meeting and would like to be informed on issues about this in the future.	2/8/2023

ORDINANCE NO. O-023-00X

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

AN ORDINANCE REGULATING SHORT-TERM RENTALS

WHEREAS, the Board of County Commissioners of the County of Douglas (“Board”), Colorado has authority pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes (“C.R.S.”) to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's dwelling unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued for such dwelling units; and

WHEREAS, the Board respects the rights of private property owners to use and enjoy their property, and desires to ensure that dwellings rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

WHEREAS, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado.;

NOW THEREFORE,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF DOUGLAS as follows:**

Section I. Scope of Ordinance and Authority

This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Douglas County. A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows ~~the-such~~ use. This Ordinance shall not apply to lodging services in hotels, motels, or campgrounds; ~~or to~~ bed and breakfast establishments; or to properties with long-term leases. This Ordinance is authorized pursuant to Section 30-15-401(1)(s) Colorado Revised Statutes (“C.R.S.”).

Section II. Definitions

As used in this Ordinance, unless the context otherwise requires:

“Advertise” means: Any act, method, or means of drawing attention to a Short-Term Rental Property for purposes of promoting the same for Lease or occupancy.

“Dwelling” means: A building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures. ~~-not intended for residential use-~~

“Department” means: The Department of Community Development.

“Director” means: The Director of Community Development, or the Director's designee.

“Lease” means: An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the end of which term the owner has a right to retake control and use of the property.

“Lessee” means: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means: the Owner(s) ~~or owners~~ of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means: The owner or owners of record of a Dwelling in unincorporated Douglas County.

“Local Responsible Agent” means: ~~An local management company or local individual residing within Douglas County~~ who is not a tenant-lessee of the Short-Term Rental Property and who is designated by a licensee as the licensee's Local Responsible Agent, ~~who can be contacted by telephone and is available at all times when the Short-Term Rental Property is leased, regarding any violation of the provisions of this Ordinance, and has authority to act on behalf of the Owner(s).~~

“Short-Term Rental” means: Use of a Dwelling for lease terms of less than thirty (30) consecutive days.

“Short-Term Rental Property” means: A Dwelling available for lease for a term of less than thirty (30) consecutive days.

Section III. Short-Term Rental License Required, Transferability

- A. It shall be unlawful for an Owner to use a Dwelling for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental ~~Properties units~~ shall be submitted to the County no later than ~~ninety (90) thirty (30)~~ days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Tenants of the Short-Term Rental Property may not be issued a Short-Term Rental license.

Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements

A. License Application.

1. Applications for a Short-Term Rental Property license shall be submitted to the ~~Department Director~~ on a form provided by the Department.

2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
3. Incomplete applications shall not be accepted and ~~may will~~ be returned to the applicant.
4. An application may be submitted by the Owner(s) or by a non-Owner applicant with notarized written consent of the Owner(s).
5. It is the duty of each Short-Term Rental Property Owner(s) to ensure that all information provided in a license application is always up to date and it shall be unlawful for an Owner(s) to fail to provide updated information to the County within ten (10) days after the date upon which the current information provided is no longer accurate.
6. ~~The following shall be submitted to the Department, unless waived by the Director: Applications shall be made on the form provided by the Department and shall provide the following on the application form or as a separate attachment:~~
 - ~~a. The address of the Dwelling proposed to be used as a Short Term Rental Property.~~
 - ~~b. The full name, address, and telephone number(s) of the Owner(s) and Local Responsible Agent for the Short Term Rental Property.~~
 - ~~a. A completed license application on the form provided by the Department.~~
 - ~~e.b.~~ A ~~copy of the written,~~ notarized declaration ~~writing authorizing that~~ the Local Responsible Agent is entitled to act, in the Owner(s)'s absence, as the representative of the Owner(s) on issues related to the Dwelling, the Short-Term Rental, and the Short-Term Rental Property and agreeing that the Owner(s) and Local Responsible Agent shall comply with requirements and limitations of this Ordinance.
 - ~~d.c.~~ The license application review fee, ~~and annual license fee; such fees shall be set by an approved resolution of the Board of County Commissioners.~~
 - ~~d.~~ A copy of the Renter Information Interior Signage ~~and Renter Written Instructions~~ that compliesy with the requirements of Sections V.M.N. and V.O. that will be posted on ~~and placed in~~ the subject Dwelling ~~respectively~~.
 - ~~e.~~ A copy of the Renter Written Instructions that comply with the requirements of Section V.N. that will be placed in the subject Dwelling.
 - ~~f.~~ A ~~copy of the~~ parking plan that complies with the requirements of Section V.H.
 - ~~g.~~ An affidavit signed by the Owner(s), under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in Section V.E, and that the Renter Information Interior Signage required by Sections V.N. and V.O. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.
 - ~~h.~~ For the first licensing year, a copy of ~~an~~ the Use Permit issued by the Douglas County Health Department for the On-Site Wastewater Treatment System specifying a change in use to a Short-Term Rental, as applicable. inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.
 - ~~i.~~ For the first licensing year, copies of inspection reports and ~~a~~ determinations from the Douglas County Building Division, and the Douglas County Health Department, ~~and local fire district~~ that such use of the Dwelling is acceptable. In

subsequent licensing years, the Department may request confirmation from either or both entities that the Dwelling remains acceptable for use as a Short-Term Rental Property.

7. Such other information as the application form, as it may be amended from time to time, shall require.
8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.

B. License Term and Renewal

1. A Short-Term Rental Property license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner(s), whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license.
2. ~~An application for renewal of a Short-Term Rental license shall be submitted at least thirty (30) days prior to expiration of the existing license. The Department shall review a complete application for a new license or renewal of a Short-Term Rental Property license within sixty (60) days of its receipt.~~
3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.
4. ~~Failure to file a renewal application and pay license application review fee(s) less than 30 days prior to expiration of the existing license will result in revocation of the license.~~

C. Local Responsible Agent Required

1. As a condition of receiving a Short-Term Rental Property license, the Owner(s) shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
 - a. The Owner(s) shall notify the Director in writing of the appointment of a Local Responsible Agent(s) within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, email address, and telephone number.
 - b. It is the Owner(s)'s responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
 - c. The Owner(s) may appoint themselves as the Local Responsible Agent.
 - d. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.
2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner(s) is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
3. Either the Local Responsible Agent or the Owner(s) shall be available 24 hours per day, 7 days per week by telephone. Failure of the Local Responsible Agent or Owner(s) to be available as the need arises shall be cause for result in-suspension of the Short-Term Rental license.
- 3.4. During the term of a Short-Term Rental Lease, either the Local Responsible Agent or the Owner(s) shall be able to be physically onsite of the Short-Term Rental Property within two (2) hours at the request of the County. Failure of the Local Responsible Agent or Owner(s) to be available as the need arises shall be cause for suspension of the Short-Term Rental license.

D. Notice Requirements

1. ~~For the first licensing year, the~~ Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. ~~In Nonurban Areas, s~~ Staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
2. ~~For the first licensing year, the~~ Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited to, the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.
3. In subsequent licensing years, the Department may seek input from referral agencies, as it deems necessary.

Section V. Requirements and Limitations

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a detached single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner(s) is allowed to use only one residence as a Short-Term Rental Property. ~~No more than one Short-Term Rental Property license shall be issued for a single lot.~~
- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed.
- C. The Owner(s) or Local Responsible Agent is responsible for ensuring the Dwelling, Short-Term Rental, and Short-Term Rental Property meets all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations of this Ordinance.
- D. No Short-Term Rental Property license shall be issued for a Dwelling that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards: Each Short-Term Rental Property licensed under this Ordinance shall:
 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Dwelling for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use, ~~or for which the inspection report required by Section 4.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations.~~ If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner(s) shall consult with the Douglas County Health Department within two (2) business days.
 2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of

- resisting any and all forces and loads to which they may be normally subjected, and are in sound condition and in good repair.
4. Have operable smoke detectors, and carbon monoxide detectors, ~~and as required by the current County Residential Building Code.~~
 5. ~~fire extinguishers installed, operable, and in working condition.~~ Have at least one (1) portable fire extinguisher rated 2-A:10-B:C or two (2) portable fire extinguishers rated 1-A:10-B:C or higher. Portable fire extinguishers shall be installed and maintained in conspicuous, accessible locations. Recommended location is near an exit and within 30 feet of the kitchen. Extinguishers shall be on hangers or brackets supplied by the manufacturer or placed on shelves. Top of the extinguisher shall not be more than 5 feet above the floor and not less than 4 inches above the floor. Portable fire extinguishers shall be maintained in a fully charged and operable condition. Extinguishers shall be inspected, serviced, or replaced in accordance with the manufacturer's instructions.
 - 4.6. If the residence has a fire sprinkler system, it shall be operable and in working condition.
 - 5.7. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 8. Have electrical panels ~~that are~~ with each circuit clearly labeled.
 - 6.9. Pools, spas, and hot tubs at a Short-Term Rental Property shall meet the current County Residential Building Code.
 - 7.10. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
 - 8.11. Provide in the Short-Term Rental Hlease with any Hessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; use of fireworks; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by ~~those occupying occupants of~~ the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. Occupancy. Occupancy of a Short-term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed two (2) guests per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner(s) or Lessee(s) of a Short-Term Rental Property to allow the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.
- H. Parking:
1. The motor vehicles and trailers of all occupants of the Short-Term Rental Property shall be able to be accommodated parked only on the permitted and approved driveway of the Short-Term Rental Property. No motor vehicles or trailers shall be parked on the vegetated areas of a Short-Term Rental Property, ~~or in the public right of way~~. While

- occupying a Short-Term Rental Property, no person shall park in violation of this Ordinance or in violation of the parking plan the Owner(s) must submit in accordance with Section V.H.2.
2. The Owner(s) of a Short-Term Rental Property shall provide a parking plan for the property that clearly delineates the area(s), and it shall be unlawful for a person renting a Short-Term Rental Property to park or allow for the parking of vehicles and trailers other than in locations set forth in the plan.
- ~~I.~~ ~~Noise.~~ While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall amplify music outdoors or make any noise that violates any provision of Section 25-12-101, et seq. C.R.S.
- ~~J.~~ I. Camping and temporary structures. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.
- ~~K.~~ J. Fires, and Grills, and Fireworks. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, ~~or~~ any other ember-producing equipment or fireworks.
- ~~L.~~ K. ATVs. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.
- ~~M.~~ L. Shooting. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall shoot a firearm for recreational purposes.
- ~~N.~~ M. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved license in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:
1. The Short-Term Rental license number.
 2. The maximum number of people permitted for overnight occupancy.
 3. Physical address number and street of the Short-Term Rental Property.
 4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
 5. Contact information for the Owner(s) and Local Responsible Agent, including a phone number for 24-hour response to emergencies.
- ~~O.~~ N. Renter Written Instructions.
1. An Owner shall maintain Written Instructions within each Short-Term Rental Property that includes and addresses the following:
 - a. A copy of this Ordinance.
 - b. Description of location of fire extinguishers and emergency egress.
 - c. The location, by description or depiction, for vehicle and trailer parking and maximum number of parked vehicles and trailers permitted for the property.
 - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.
 - e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
 - f. Snow removal instructions or information.
 - g. Policies regarding noise.
 - h. Policies regarding pets.
 - i. Applicable homeowners' association policies, if any, specific to the property or community.

- j. Good neighbor and lessee ~~/renter~~ guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
 - k. Any other information deemed necessary by the County to ensure the public's health and safety.
2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Dwelling.
 3. It is the Owner(s)'s responsibility to ensure that the Renter Written Instructions described herein are ~~is~~ maintained in a readable form at the Short-Term Rental Property.
- P.O. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
- Q.P. Taxes. The Owner(s) or Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
- R.Q. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner(s) on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner(s), shall also be sufficient to satisfy any required notice to the Owner(s) under this Ordinance.
- S.R. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner(s) of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- S. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, ~~an authorized public inspector~~ the Director or Director's designee, Douglas County Sheriff, or both may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner(s) or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the ~~authorized public inspector~~ Director or Director's designee, Douglas County Sheriff, or both shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner(s), the Local Responsible Agent, or occupant of the Short-Term Rental Property and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the Director or Director's designee, Douglas County Sheriff, or both ~~authorized public inspector~~ shall have recourse to every remedy provided by law to secure entry. When ~~an authorized public inspector~~ the Director or Director's designee, Douglas County Sheriff, or both has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or occupant having charge, care, or control of any Short-Term Rental Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by ~~the authorized public inspector~~ the Director or Director's

designee, Douglas County Sheriff, or both for the purpose of inspection of the Short-Term Rental Property. ~~No warrant or permission shall be required for an authorized public inspector to enter and inspect a Short-Term Rental Property in the case of an emergency involving the potential loss of property or human life.~~

- T. Reservations. Any term of a Short-Term Rental Lease shall not overlap with the term of any other Lease.

Section VI. Denial of License

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following ~~grounds~~:
1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
 - ~~1.2.~~ The proposed property to be used for Short-Term Rental is located in a community or subdivision that expressly prohibits Short-Term Rentals in its covenants, controls, rules, restrictions, declarations, or by-laws.
 - ~~2.3.~~ The required license application review fee ~~(s)~~ and/or annual license fee has not been paid.
 - ~~3.4.~~ The application is incomplete or contains false, misleading, or fraudulent statements.
 - ~~4.5.~~ Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

Section VII. Suspension or Revocation of License

- A. Suspension. The Director may suspend a Short-Term Rental license based on any of the following: upon determining that:
1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
 2. The Owner ~~(s)~~ operated the Short-term Rental Property business in violation of a building, fire, health, or safety code adopted by the County, said determination being based on investigation by the department, division, or agency charged with enforcing said code.
 - a. In the event of such a code violation, the Director shall promptly notify the Owner ~~(s)~~ and/or Local Responsible Agent of the violation and shall allow the Owner ~~(s)~~ or Local Responsible Agent a ten (10) day period in which to correct the violation.
 - b. If the licensee fails to correct the code violation before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the licensee of the suspension.
 3. The Owner ~~(s)~~ failed to pay any taxes due to the County.
 4. The Owner ~~(s)~~ failed to timely pay the license application review fee and or annual license fee, ~~at the time of application.~~
 5. The Owner ~~(s)~~ failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the license application review fee and or annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing

suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.

B. Revocation. The Director shall revoke a Short-Term Rental Property license upon determining that:

1. The Short-Term Rental Property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.
2. A Licensee gave false or misleading information in the materials submitted as part of the application process.
3. A Licensee knowingly operated the business during a period of time when the Licensee's Short-Term Rental Property license was suspended.
4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner(s)/Licensee shall not be issued a Short-Term Rental license for other property for one (1) year from the date revocation became effective.

Section VIII. Appeal; Hearing on Denial, Suspension, or Revocation

- A. Appeal. An applicant or Licensee may appeal a license application denial, license renewal application denial, license suspension, or ~~license~~ revocation of his or her Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the decision of the Director. In the event that a Licensee ~~requests a hearing to~~ appeals a suspension or revocation, the subject Short-Term Rental Property may not continue to be operated as a Short-Term Rental during the hearing process.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the applicant or Licensee at the address on the license application.
- C. Final Order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of an applicant or Licensee to appeal said order in a timely manner, pursuant to said Rule 106, constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the Short-Term Rental Property license.
- D. Hearing Powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary

to the determination of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.

- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental license issued under this Ordinance shall be recorded by an electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.

Section IX. Fees

- A. The Short-Term Rental Property license application review fee and Short-Term Rental license fee shall be set by Resolution of the Board of County Commissioners. No Short-Term Rental license shall be issued until the applicable fee(s) has been received by the Department.

A.B. If an application is approved, the Short-Term Rental license fee is required to be paid prior to issuance of the Short-Term Rental license.

- B.C. Fees are non-refundable. Upon denial of any license, the license application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked or cessation of business, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any Licensee.

- C.D. The Short-Term Rental Property license application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.

- D.E. The Short-Term Rental license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the regulations in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

Section X. Violations, Penalties and Enforcement

- A. It is unlawful for any Owner, Local Responsible Agent, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. A warning may be used to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, electronically ~~digitally~~ (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner(s), Local Responsible Agent, or occupant(s).
- C. When any of the following occur or is imminent, a warning may not be provided:
 - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.
 - 2. The violation is determined to be affecting the quality of life of residents or visitors within proximity of the Short-Term Rental Property.
 - 3. Time is of the essence and authorized by the Director or the Director's designee or Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion

thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.

- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director or Director's designee, and the Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, C.R.S. and upon conviction thereof, shall be punished by a fine of TWO HUNDRED FIFTY dollars (\$250.00) for a first violation, a fine of FIVE HUNDRED dollars (\$500.00) for a second violation, and a fine of ONE THOUSAND dollars (\$1000.00) for the third and subsequent violations.
- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of TEN dollars (\$10.00) that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

Section XI. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XII. Effective Date

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in Section 30-15-405, C.R.S.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on XXXX, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

By: _____
_____, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on XXXX, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
 , Chair

ATTEST:

Deputy Clerk

DRAFT

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-023-00X was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXXX, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXXX, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXXX. Said ordinance was published by reference to title only on XXXX. Said ordinance shall become effective as of XXXX.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this _____ day of _____, 2023, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-023-00X, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk