



**CLEAR CREEK BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION #17-91**  
**AMENDING THE CLEAR CREEK COUNTY ZONING REGULATIONS**  
**SECTION 2; SECTION 3, SECTION 4, SECTION 5, SECTION 6; SECTION 7; SECTION 8;**  
**SECTION 9; SECTION 12; AND**  
**SECTION 23**

WHEREAS, C.R.S. §29-20-104 et seq. authorizes boards of county commissioners to plan for and regulate the use of land including a recommendation by the County Planning Commission and proper public notice; and

WHEREAS, C.R.S. §30-28-111 et seq. authorizes boards of county commissioners to adopt and amend zoning regulations pursuant to specified procedures for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the county; and

WHEREAS, C.R.S. §30-28-116 authorizes boards of county commissioners to amend county zoning regulations pursuant to specified procedures including review by the county planning commission and notice to the public; and

WHEREAS, this amendment modifies the *Clear Creek County Zoning Regulations* in accordance with Exhibit A and Exhibit B attached hereto for the purpose of revising the regulations relating to allowing and regulating the use of Short Term Rentals; and

WHEREAS, the Planning Commission, pursuant to public notice published October 4, 2017, held a public hearing on October 18, 2017 to consider amendments to the *Zoning Regulations* and provided a recommendation to the Board of County Commissioners; and

WHEREAS, the Clear Creek Board of County Commissioners, pursuant to public notice published November 1, 2017, held a public hearing on November 21, 2017, that was continued to December 5, 2017, and then continued to December 19, 2017, to consider this Resolution and the Planning Commission's recommendation; and

**NOW, THEREFORE BE IT RESOLVED** that the Clear Creek Board of County Commissioners hereby APPROVES this Resolution to revise the *Clear Creek County Zoning Regulations* relating to allowing and regulating the use of Short Term Rentals, as stated in the attached Exhibit "A" hereto, pursuant to the following findings of fact.

**FINDINGS OF FACT**

1. The Board of County Commissioners acknowledges that it is important to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the County.
2. It is desirable to update the *Clear Creek County Zoning Regulations* so that it remains consistent with changes in land use patterns and law.
3. These regulations are intended to revise the *Zoning Regulations* in order to allow for and regulate Short Term Rentals as defined.



4. These revisions are consistent with the following goals and objectives of the *Clear Creek County 2017 Community Master Plan* as follows:  
Economic Development Policy  
Goal A: Clear Creek County will make a commitment to foster new economic development opportunities that diversify the economy and support the fiscal and economic health of the County.  
Goal D: Recognizing the importance of tourism and recreation to the economy and to the health of the County's retail and service core, Clear creek County will make a commitment to encourage sustainable cultural and recreation-based tourism development that enables the County to attract year-round destination visitors as well as pass-through visitor traffic.
5. Written comments were received from:  
Clear Creek EMS  
Xcel Energy  
IREA  
Colorado Division of Water Resources  
Central Clear Creek Sanitation District  
Clear Creek County Tourism Bureau  
EMERGE (East Mount Evans Resources, Growth, and Environment)  
Mike Haywood, Property Owner  
Keith Briggs, Property Owner  
Bob and Linda Seavey, Property Owners  
Mike Sowder, Property Owner  
CJ Galbraith, Property Owner

**BE IT EVEN FURTHER RESOLVED**, that this is effective as of May 1, 2018.

**ADOPTED** this 19<sup>th</sup>, day of December 2017, at a regular meeting of the Clear Creek Board of County Commissioners

Timothy J. Mauck, Chairman

Randy Wheelock, Commissioner

Sean Wood, Commissioner

Attest:

Deputy Clerk and Recorder

Approved as to form:

Robert Loeffler, County Attorney



## SECTION 23. DEFINITIONS

Short Term Rental: *the nightly or weekly rental of dwellings, dwelling units, mobile homes or rooms, excluding hotels and motels, that accommodates up to eight (8) individuals at one time, for less than 30 consecutive days, including but not limited to: single family dwellings, duplexes, multi-family dwellings, townhomes, condominiums, time share or similar dwellings.*

Large Short Term Rental: *a short term rental that accommodates nine (9) or more individuals at one time.*

### ZONING DISTRICTS PERMITTED:

Section 2: All residential zoning districts

Section 3; Mobile Home

Section 4: Agricultural

Section 5: All commercial zoning districts

Section 6: Industrial

Section 7: Mining Districts: (M-1) only

Section 8: Recreational vehicle Park

Section 9: Planned Development

## SECTION 12 SPECIAL USE PERMITS

### 1208. SHORT TERM RENTAL PERMIT

#### 1208.1. SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- 1208.1.1. Completed Short Term Rental Registration Form as provided by the Planning Department.
- 1208.1.2. Registration Fee
- 1208.1.3. Evidence of legal water supply
- 1208.1.4. Evidence of the availability of connection to a sanitary sewer system or an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed.
- 1208.1.5. A scaled map clearly indicating the following:
  - a. lot size,
  - b. subject parcel boundaries,
  - c. location of residence,
  - d. location of appropriate parking spaces,
  - e. location of any outdoor garbage storage areas,
  - f. location of snow storage areas,
  - g. location of any outdoor cooking/fire facilities,
- 1208.1.6. Copy of State of Colorado Sales Tax License for the STR



## 1208.2. STANDARDS FOR SHORT TERM RENTALS

All short term rentals shall be subject to the following:

- 1208.2.1. **Operating Permit.** All short term rentals must have an operating permit. Permits are issued by the Planning Department. The permit shall be maintained and signed by the owner and if applicable, any property management company representative, agent, or designee. An operating permit for a specific short term rental shall be transferable to a different owner in accordance with procedures in this Section and as established by the Board of County Commissioners. An operating permit shall be effective on and following the date of issuance, through the remaining calendar year in which it is issued, unless surrendered or suspended or revoked for cause. No more than one (1) operating permit shall be issued and effective in any given calendar year for each short term rental.
- 1208.2.2. **Regulations Compliance.** No operating permit will be issued for a property that is not in compliance with Clear Creek County regulations applicable to the property. Non-compliance with any of those regulations also is grounds for revocation of an Operating Permit.
- 1208.2.3. **Fees.** Fees will be established by the Board of County Commissioners and published in the Planning Department Fee Schedule. Pro-ration for an operating permit issued after January 1 in any given year shall not be authorized.
- 1208.2.4. **Taxes.** Owner is responsible for maintaining a State of Colorado Sales Tax License and remitting applicable Federal, State and Local Taxes.
- 1208.2.5. **24-hour Contact Person.** Each short term rental owner shall have a contact person responsible for the short term rental and shall be available on a twenty-four (24) hour basis, seven days per week, and during periods in which the structure is being rented.

The 24-hour contact person may be the owner, a property management company representative, or other person employed, authorized, or engaged by the owner to manage, rent or supervise the short term rental. The 24-hour contact person shall maintain a residence or permanent place of business within one (1) hour driving distance to the short term rental.

The 24-hour contact person will be identified in writing before an operating permit will be issued. The person must be an individual, and be identified by company (if applicable), business telephone, cell phone, home phone, business or home (whichever is applicable), mailing address, and email address. The 24-hour contact person may be changed in writing delivered or sent to the Planning Department.



Adjacent property owners whose property boundaries are within one hundred (100) feet of the subject parcel where the STR is located shall be provided written notice of the 24-hour contact person.

- 1208.2.6. **Safety.** The short term rental shall undergo and pass an initial safety inspection as determined by the Chief Building Official prior to issuance of the operating permit.  
The short term rental shall contain at least one operable fire extinguisher and operable smoke alarms as required by the Chief Building Official. The short term rental shall contain operable carbon monoxide alarms in compliance with Title 38, Article 45 or the Colorado Revised Statutes.
- 1208.2.7. **Water/Sanitation and Occupancy.** The short term rental shall submit verification of the availability of an adequate water supply plan or State-approved well permit, and verification of connection to a sanitary sewer system or the availability of an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed.
- 1208.2.8. **Noise.** While occupying or visiting a short term rental, no person shall make, cause, or permit unreasonable noise to be emitted from the short term rental that is audible upon private premises in excess of the limits set forth in title 25, Article 12, Colorado Revised Statutes or otherwise disturbs the peace.
- 1208.2.9. **Garbage.** Clearly-defined garbage storage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage removal (including name and location) must be identified for all occupants. All outside garbage storage areas and containers shall be of a bear-proof design. Garbage containers shall not be left unattended for on-street pick-up and shall only be left outside on the day of on-street pick-up. The property shall be properly maintained and free of garbage, trash and litter.
- 1208.2.10. **Lighting.** Outdoor lighting shall conform to the Lighting standards expressed in Section 10: Development Standards (1008.4: Lighting).
- 1208.2.11. **Access and Parking.** Off-street parking shall be provided in the amount of 1 space per bedroom.  
If a short term rental is accessed by a shared driveway, written permission to access the drive must be obtained from each shared driveway property owner.  
Occupants and visitors utilizing short term rentals must park in designated off-street parking spaces. On-street parking within a County road or right-of-way or within a private road right-of-way is prohibited. Written property owner permission is required for parking on adjacent or neighboring properties. No person shall be permitted to stay overnight in any motor vehicles which are parked at a short term rental.
- 1208.2.12. **Snow Storage.** On site snow storage shall be provided.



- 1208.2.13. **Fires.** Fire places, fire pits, charcoal braziers, wood burning stoves, or other outdoor cooking or fire facilities that could throw off embers shall be allowed only in designated facilities with appropriate defensible space established around the fire facility and short term rental residence. A water supply such as bucket of water or hose hooked to a faucet or other type of fire suppression (ie: sand) shall be available at the location of the fire facility for use to put out fires. Fires shall be completely extinguished before the short term rental is vacated. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- 1208.2.14. **Firearms and Fireworks.** The discharging of firearms or fireworks on the premises of the short term rental is strictly prohibited.
- 1208.2.15. **Signs.**  
Signs for advertising shall not be permitted on short term rentals except as outlined in Section 10(1004) of the Zoning Regulations.
- 1208.2.16. Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the short term rental; and each owner of a short term rental shall be strictly liable for complying with the conditions set forth in the Section or imposed by Clear Creek County. Owner shall comply with all applicable County, State and Federal Regulations.
- 1208.2.17. **Addressing**  
Address numbers shall be posted on the exterior of the building so that it is clearly visible from the traveled road.
- 1208.2.18. **Large Short Term Rentals**  
Large short term rentals, as defined, are restricted to lots of 2 acres or greater in size.
- 1208.2.19. **Limitation of Liability.** Clear Creek County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Clear Creek County harmless for any injury or damage which may occur, or whatever types or nature, as the result of the operation of the short term rental. Owner shall maintain appropriate liability insurance for the short term rental. Owner further warrants and agrees to compensate Clear Creek County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use. Nothing contained in this Section shall allow short term rentals if otherwise prohibited by any applicable private covenants. Covenants are privately enforced according to their terms.
- 1208.2.20. **Posting of Information.** The owner shall post information inside the short term rental in a conspicuous location for its occupants including, but not limited to, the following information:
1. A copy of this Section 1208 Short Term Rental Permit



2. The name, address, and telephone number of the 24-hour contact person, management company, agent, or owner of the short term rental that can be reached on a twenty-four (24)-hour basis.
3. The maximum number of persons allowed to occupy the short term rental.
4. The maximum number of vehicles allowed to park on the short term rental property. All vehicles must park in designated off-street parking spaces. On-street parking or on neighboring properties is prohibited.
5. A map clearly indicating the subject parcel boundaries, location of residence, and location of appropriate parking spaces.
6. The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal.
7. The entire property address (including house number, street name, and city) shall be visibly posted inside the STR with instructions to call 911 in the case of an emergency.
8. Information regarding fire suppression types available onsite. If a Fire Ban is in effect, the terms of that ban must be included.
9. Information regarding fire/emergency evacuation routes out of the area.
10. The discharging of firearms or fireworks on the premises is strictly prohibited.

1208.2.21.

**Enforcement**

If granted, the Permit will be monitored for compliance by the Planning Department. Written notice of the nature of the violation shall be given to the property owner, agent, or the applicant for any relevant permit. Notice shall be given in person, by e-mail, or by certified U.S. Mail. The notice shall specify the alleged violation, and, unless a shorter time frame is allowed by this Section or through stipulations set forth in the approved Permit, shall state that the individual has a period of fifteen (15) days from the date of the notice in which to correct the alleged violations before further enforcement action shall be taken. If non-compliance with the Operating Permit regulations is not cured timely, or if there are multiple credible or validated complaints manifesting the owner's inability or unwillingness to control the use of the Short Term Rental, a hearing may be scheduled before the County Commissioners to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time by written notice given at least ten days before the hearing, from the date of th notice. Notice will be given to the permit holder or its designated contact person, by e-mail, personal delivery, posting on the property, or first class mail.

1208.2.22.

The relevant decision-making entity may deny or withhold the renewal of an annual operating permit if the property is in violation of any Clear



Creek County regulations applicable to it, multiple credible or validated complaints have been received during the most recent calendar year of operating as a Short Term rental, or until a violation related to the property, is corrected.