



**Garden
Spot of
Colorado**

**MEETING OF THE TOWN BOARD
Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, July 23, 2023, 6:30 p.m.**

This is an IN-PERSON meeting at the location and time noted above.

You may also join virtually using Zoom: Phone: 1-346-248-7799 or 301-715-8592

Web: www.zoom.us/join

Use this Meeting ID: 210 035 9423

The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.

1. Meeting Called To Order - Mayor William Karspeck
2. Pledge Of Allegiance - Mayor William Karspeck
3. Roll Call - Mayor William Karspeck
4. Citizen Participation
5. Scheduled Items And Estimated Time For Discussion

5.I. Consent Agenda

Introduction by: Christian Samora

Documents:

[MEMO RE CONSENT AGENDA.PDF](#)

[A. JULY 23, 2024 TOWN BOARD MEETING AGENDA.PDF](#)

[B. JULY 9, 2024 TOWN BOARD MEETING MINUTES.PDF](#)

[C. JULY 2024 BOARD REPORT.PDF](#)

5.II. Green Lawn Cemetery Improvement Update

Introduction by: Keith Knoll / Christian Samora

Documents:

[MEMO RE GREEN LAWN CEMETERY DESIGN UPDATE.PDF](#)

[GREEN LAWN CEMETERY DESIGN.PDF](#)

5.III. Short Term Rental Regulations - Introduction

Introduction by: Tawn Hillenbrand

Documents:

MEMO RE SHORT TERM RENTAL REGULATION INTRODUCTION.PDF
PLANNING COMMISSION HEARING JUNE 27 2024 DRAFT MINUTES.PDF
ORDINANCE 1342 REGARDING SHORT TERM RENTAL CODE.PDF
APPENDIX A- PUBLIC HEARING DRAFT OF STR REGULATIONS_REDLINE
FORMAT.PDF
APPENDIX B-PUBLIC HEARING DRAFT OF STR REGULATIONS_CLEAN
FORMAT.PDF
RESOLUTION 2024-09 AMENDING THE FEE SCHEDULE.PDF
PUBLIC NOTICE.PDF
SUMMARY OF SHORT TERM RENTAL QUESTIONNAIRE.PDF
PUBLIC COMMENTS UPDATED.PDF

6. Elected Official Reports

1. Town Board - Tim Hardy, May Albrecht, Sean Murphy, Karl Ayers, Chris Kurtz, and Brett Wing
2. Mayor - William Karspeck
3. Staff - Town Administrator, Attorney

7. Executive Session

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. And the following details are provided: Potential Property Acquisition

8. Adjourn

The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



BOARD OF TRUSTEES INFORMATION

ADMINISTRATION DEPARTMENT

Meeting Date:	July 23, 2024
Agenda Title/Subject:	Consent Agenda
Type of Item:	Regular Item
Purpose:	The Consent Agenda contains routine items that can be approved with a single action by the Board.
Presented by:	Christian Samora

ATTACHMENTS:

- a) July 23, 2024, Meeting Agenda
- b) July 9, 2024, Meeting Minutes
- c) July 2024 Board Report

BACKGROUND:

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. The mayor will ask if any Board Member wishes to remove an item for separate discussion. Items removed from the consent agenda should be considered immediately following adoption of the amended Consent Agenda.

UPDATE/NEXT STEPS:

Any updates or next steps for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

FISCAL IMPACT AND FUND SOURCE:

Any fiscal information for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

COMMUNITY TOUCHSTONES:

Any Community Touchstones for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

RECOMMENDED ACTION(S):

“Move to combine and approve the items on the Consent Agenda.”

Followed by a second and a vote.



MEETING OF THE TOWN BOARD

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807 Mountain Avenue
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Web: www.zoom.us/join

Use this Meeting ID: 210 035 9423

Please note that you will need to call into the meeting if you wish to speak and do not have a microphone on your computer. If you are using a mobile device, it is highly recommended that you download the Zoom app.

The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor William Karspeck
- IV. CITIZEN PARTICIPATION**
- V. SCHEDULED ITEMS and ESTIMATED TIMES FOR DISCUSSION**
 - 1. Consent Agenda** (Christian Samora) (5 Min)
Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.
 - a) July 23, 2024, Meeting Agenda
 - b) July 9, 2024, Meeting Minutes
 - c) July 2024 Board Report
 - 2. Green Lawn Cemetery Improvement Update** (Keith Knoll/Christian Samora) (10 Min)
 - 3. Short Term Rental Regulations – Introduction** (Tawn Hillenbrand) (60 Min)
- VI. ELECTED OFFICIAL REPORTS** (10 Min)
 1. Town Board – Tim Hardy, May Albrecht, Sean Murphy, Karl Ayers, Chris Kurtz, and Brett Wing
 2. Mayor – William Karspeck
 3. Staff – Town Administrator, Attorney
- VII. EXECUTIVE SESSION**

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators. And the following details are provided: Potential Property Acquisition
- VIII. ADJOURN**

Town Clerk or Deputy Town Clerk

William Karspeck, Mayor

July 23, 2024, Meeting Agenda

The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



MEETING MINUTES OF THE TOWN BOARD

**Town Board Room
807 Mountain Avenue
Town of Berthoud, Colorado
Tuesday, July 9, 2024, 6:30 p.m.**

7/9/2024 - Minutes

1. Meeting Called To Order - Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:30 pm.

2. Pledge Of Allegiance - Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

3. Roll Call - Mayor William Karspeck

The following Board members were present:

May Albrecht, Trustee
Chris Kurtz, Trustee
Brett Wing, Trustee
Karl Ayers, Trustee
Will Karspeck, Mayor

The following Board members were absent:

Tim Hardy, Trustee
Sean Murphy, Mayor Pro-Tem

The following staff members were present:

Erin Smith, Town Attorney
Chris Kirk, Town Administrator
Christian Samora, Town Clerk
Lexi Weissman, Deputy Town Clerk
Sergeant Justin Williamson, Larimer County Sheriff
Cindy Leach, Director of Finance
Walt Elish, Economic Development Director
Ken Matthews, Director of Water Utilities

4. Citizen Participation

Brian Laak and Kelly Macaulay spoke regarding sidewalk repairs in Town.

Jon Evans spoke regarding short term rental policy.

Cory Steindel spoke regarding open space.

5. Scheduled Items And Estimated Time For Discussion

5.I. Consent Agenda

Items:

- a) July 9, 2024 Meeting Agenda
- b) June 25, 2024 Meeting Minutes
- c) May 2024 Financial Information

Trustee Wing requested item c) May 2024 Financial Information be removed from the Consent Agenda.

Trustee Kurtz moved to combine and approve the items on the Consent Agenda less item C. Trustee Wing seconded the motion. In a 5-0 roll call, THE MOTION CARRIED.

Administrator Kirk provided additional information about the May 2024 Financial Information.

Trustee Ayers moved to approve item c) May 2024 Financial Information. Trustee Wing seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

5.II. 2023 Annual Audit Presentation

Director of Finance, Cindy Leach, provided an introduction for the 2023 Annual Audit Presentation.

Jim Hinkle with Hinkle & Company gave a presentation.

Mayor Karspeck opened the item up to public comment.
No one spoke during public comment.

Trustee Wing moved to accept the 2023 Audited Financial Statements as presented. Trustee Ayers seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

5.III. Oil And Gas Regulations - Public Hearing

Attorney Mike Foote gave a presentation on Oil and Gas Regulations.

Mayor Karspeck opened the Public Hearing.
Patrick Bassett, Dawn Matera Bassett, Leslie Tassi, Kelly Macaulay, Cory Steindel, Ron Hirsch, Ed Behan, Terry Shirley, and Joanne Hirsch spoke regarding the Oil and Gas Regulations.
Mayor Karspeck closed the Public Hearing.

Trustee Kurtz moved to approve Ordinance 1336, an ordinance of the Town of Berthoud, Colorado, amending the Town of Berthoud's Oil and Gas Regulations, Municipal Code Chapter 30 Section 11, with the following amendment:

In paragraph 30-11-103(d), it will read as follows: within zoning districts where oil and gas operations are allowed, oil and gas locations must be located 2,000 feet from wetlands, public water supply wells and the center line of water sources including rivers, streams, and reservoirs. The remainder of the paragraph should remain unchanged.

Trustee Wing seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

Trustee Kurtz moved to continue the meeting past 9:30 pm. Trustee Ayers seconded the motion. By unanimous decision, THE MOTION CARRIED.

Mayor Karspeck called for a 5-minute break.

5.IV. Rail Station Economic Analysis

Economic Development Director, Walt Elish, provided an introduction for the Rail Station Economic Analysis.

5.V. Cook Easement Agreement

Director of Water Utilities, Ken Matthews, gave an introduction on the Cook Easement Agreement.

Trustee Wing moved to approve acquisition of the Cook Easements and authorize the issuance of funds for the easement agreements. And to approve the use of similar forms of agreement with similar cost criteria for future easement acquisitions, with the sign-off authority being given to the Town Administrator, Chris Kirk. Trustee Kurtz seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

5.VI. Appointment To PORT Committee

Mayor Karspeck and Trustee Ayers provided information on the PORT Committee interviews.

Trustee Ayers moved to appoint Kari Wiesen to the PORT Committee for a term of 2 years to expire September 2026. Trustee Albrecht seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.

6. Elected Official Reports

Trustee Ayers:

Ayers reported on the most recent PORT Committee meeting and discussions regarding the Jaskowski Project. Ayers mentioned the recent 3rd of July fireworks event.

Trustee Wing:

Wing inquired about the Town's role in regulating short term rentals.

Trustee Kurtz:

Kurtz reported on an upcoming movie titled 'Finding the Zone' filmed and premiering in Berthoud.

Trustee Albrecht:

Albrecht reported on the recent 3rd of July event and the Board's tour of Town Park. Albrecht discussed the recent cross-connection issue and the cost of building permits in Town.

Mayor Karspeck:

Karspeck discussed permit costs, the 3rd of July event, and the Town Park project. Karspeck inquired about notices for prohibited fishing locations.

Administrator Kirk:

Kirk reported on the cross-connection event and the 3rd of July of event.

Sergeant Williamson:

Williamson reported on firework enforcement.

7. Adjourn

The meeting was adjourned at 10:58 pm.

Berthoud Board Update

July 2024



FORESTRY / OPEN SPACE

Submitted By Paul Furnas, Town Forester

The primary objectives for the Forestry and Open Space departments for the month of June were mainly summer maintenance tasks. After finishing spring projects, the Forestry department shifted its attention to irrigation repairs and fixes at the Waggener Rec Center, managing weeds, and keeping new trees watered around town. Forestry staff got around to grinding multiple stumps from previous tree removals around town. In preparation for the fall tree planting season, dead trees have started being removed at the Waggener Rec Center parking lot to free up time when planting season comes around again. Open Space staff helped prep and host the Berthoud Bike Park Grand Opening event early in June. Otherwise, Open Space staff is keeping a steady pace on summer maintenance tasks at town open spaces such as mowing, weeding, and other small improvement projects.



After finishing the two weeks of annual maintenance at the bike park, it was time to hold the belated Bike Park Grand Opening. The event had a great turnout, with many locals attending as well as people from out of town. Open Space staff worked the event to make sure everything went smoothly during the 6-hour event.

Demolition begins at community garden at Pioneer Park





Our living trees were watered, and pruned, dead trees removed, and their trunks ground down. Forestry staff took part in two days of arborist climbing training from an Academy Trained instructor



Colorado native weeds are still growing vigorously despite any significant rain. Open Space staff has kept up on keeping our Open Spaces as weed free as possible.



Open Space staff noticed an abundance of Poison Hemlock growing at the eastern most section of Neilson Trail. The plants were just finishing flowering and about to go to seed when Open Space staff went through and pulled all of the large plants by hand. Chopping or mowing the plants would disperse their toxic sap so each plant was carefully removed and taken to our waste site and disposed of.



RECREATION

Submitted By Amanda Gustafson, Director of Recreation | Cultural Services

Operations, Memberships & Marketing

This month, the operations team worked on the following areas: completed multiple facility maintenance tasks, finalized new group fitness and personal training tiers and pay ranges, hired three new front desk staff and marketing worked on fall brochure submission.

Operations sold 60 new memberships for the month of June and checked in over 12,390 people.

Sports & Programs

June has been a busy month as the sports team has coordinated three weeks of camps (2 weeks of sports camp and 1 week of summer camp) while also ensuring that the CARA Track, Tennis, Youth Baseball seasons got going. This involves multiple days a week commitment from each member of the sports team and not only during the week but often on Fridays and Saturdays for meets and matches.

This summer we have 500 participants involved in our programs learning to be healthy and active while having fun.



Fitness & Active Adults



With school out for the Summer, we have been able to add a few youth classes back into the fitness schedule. We have added a Youth Power Hour class every Monday and ran a Speed, Agility and Quickness camp one week in June and we will add one more week in July.



ACTIVE ADULTS (50+)



This was the first season our Active Adult Pickleball League was outside. It was an awesome opportunity to play right outside the rec center at the Waggener Farm courts. With easy access to bathrooms and the Rec Center, this league has been a hit.

Aquatics

June lived up to the hype as the beginning of summer took full grasp of aquatics. The aquatics team saw packed pools almost immediately as school went out for the summer. All swim programs started the beginning of the month filling the areas of the pool that were not already filled. Monday -Thursday AM lessons started once again proving to be very popular. These classes combined with maxed out fitness classes filled the activity pool starting at 9am for entire day. The lap pool and lap swim continue to grow with at times seven or eight lap swimmers at one time.

Two of our head guards Amelia Hughes and Hannah Abajian hosted a short version of our Jr lifeguard program to about 30 kids from the recreation day camp. This introduced the kids to basic lifeguard saves and water safety awareness.



Recreation collaborated with the Berthoud Library, by reading and talking about swim safety during its weekly story time. Our Aquatics Coordinator, Cheyenne read "Clifford takes a swim" and showed the contents of her emergency bag. Kids and adults asked questions about being a lifeguard and water safety, and what swimming lessons the recreation center offers.



STREETS DEPARTMENT

Submitted By Brandon Keegan, Streets Supervisor

June has been a very busy month for the Streets Department. Crews began patching CR10E, Water Avenue, and Peak View neighborhood.

Additionally, concrete sidewalk repairs were completed on 8th Street, 10th Street, Mountain Avenue, and Bunyan Avenue. ADA ramps were also installed at the Fickel Farm patio homes.



Setting out cones for Berthoud Day, Patch work, Grading and Dust Suppression on CR7



Concrete repairs, Weed trimming, Installation of Pedestrian Signs, and Channel cleaning at Robert's Lake



COMMUNITY DEVELOPMENT

Submitted By Anne Johnson, Planning Director

Building Division data for June 2024:



New Residential
11 in June, 2024



New Commercial
1 in June, 2024



Number of "Other"
45 in June, 2024



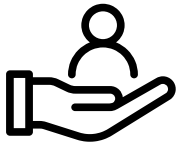
Total Valuation
\$ 7,492,805.43



Engineering

Construction Site Inspections: 49
Town Projects Inspected: 90
Response to Citizen Questions: 5
MS4 Inspections: 1
ROW Inspections: 7
Other: Meetings / Inspections: 29

Planning



Public Assistance

Walk-ins : 10
Emails : 2,113
Phone calls : 72
Site Visits : 4



Pre-Application meetings : 3
Public Hearings/Applications presented : 9
Codes/Comp Plan Action Items in-process: 5
Applications in Process: 21



PARKS / CEMETERY

Submitted By Sami Kouns, Parks Supervisor

Parks/Cemetery

June was a very busy month for both the Parks Department and the Cemetery staff. In addition to routine maintenance in terms of mowing, field preparations, and irrigation repairs, both departments had numerous bigger projects that influenced the normal day to day schedule. The community garden demolition and the trash can installation were high on the priority list as they had been mentioned by the public as things they would like to see done. With staff out and holidays landing in the middle of the week, every week of June was priority based and many people had to learn new and differing aspects of the job to help keep the departments on top of things while also taking on more responsibilities. It was truly a team effort to accomplish everything that was completed in the month of June.



Cemetery – Sodding, Watering, and Mowing
The Green Lawn Cemetery experienced a transition from dry, short grass to a green lush carpet with irrigation turned on and running every day. This allowed graves to be sodded and required the grass to be mowed on a consistent basis to retain the aesthetic of the area.





Now that irrigation is on in all the parks, the grass is growing like crazy. This means mowing and string trimming are required at every park every week to keep the parks functional and looking beautiful. Irrigation, green grass, and mowing, go hand in hand. There were numerous breaks found at different parks and different types of repairs made from nozzles to head replacements and line repairs to valve repairs.



WATER / WASTEWATER

Submitted By Marie Mitchell, Administrative Tech / Water

Berthoud Water Utilities and Billing discovered that its public water system experienced a backflow event of untreated water at a residential connection in the Gateway Park Subdivision from June 8 to June 14, 2024. Though this event is no longer occurring, by way of direction from the Colorado Department of Public Health and Environment (CDPHE) and consultation from Ramey Environmental Consulting, public notices were immediately distributed to our water customers to inform them of the situation.

The connection that resulted in the backflow event has been removed and the Town has verified there are no other illegal connections of this nature in the Gateway Park neighborhood. Additionally, water quality samples were collected by the Water Utilities staff and REC on June 25, 2024 and were absent of any bacteria meaning your water is safe to consume. No further actions from the CDPHE have been directed but may be pending.



Water Utilities received two Technical Assistance Grants.

- The first grant came from the Colorado Department of Public Health and Environment (CDPHE) to assist Water Districts in their Lead Serviced Line Inventory. Engineering firms, WSP and Sunrise Engineering, are working under contract with the Colorado Department of Public Health and Environment (CDPHE) to help small water systems like the Town of Berthoud to conduct lead service line inventories and then develop replacement plans in compliance with the EPA's Lead and Copper Rule Revisions. Part of the assistance included the development of a GIS map that tracks Lead and Assumed Lead locations to monitor and update Berthoud's inventory. This assistance is in progress with Phase 1 of identifying customer or utility service lines almost complete, and Phase 2 to begin early Fall.

Lead Pipe Locate - GIS Map

- The second technical grant assistance came from the Colorado Water Conservation Board's Colorado Water Loss Initiative program. Managing the efficiency of water and financial resources has never been more important for water utilities than it is today. The purpose of this grant is to train small water districts to implement monthly and annual water audit validation required by the State of Colorado Water Plan and to apply for grant funding related to water efficiency planning and methods. Assistance included training by Cavanaugh Solutions in water auditing and loss assessment, data validation, key performance indicators, cost impacts, and mitigative measures for controlling apparent and real Losses and in using the industry standard American Water Works Association Water Audit Software. The software was provided to grantees as part of grant program and initiative.

June Happenings at Berthoud Treatment Plants

Wastewater Treatment Plant

REC ESD completed the liner replacement of the WWTP Grit System.

MTECH Mechanical completed preventative maintenance and repairs of HVAC units throughout WWTP

There was a mechanical failure of the sanitary sewer force main discharging from Campion Lift Station that resulted in an Sanitary Sewer Overflow. Immediate emergency excavation and repairs were completed by Gopher Excavation

Water Treatment Plant

REC Operations completed the replace of Powder Activated Carbon Pump #2

REC Operations completed preventative maintenance of David Bouy by removing and cleaning all the sensors.

Water Utilities and REC keeping its Facilities Cleaner

Berthoud Water Utilities, by way of Ramey Environmental Consultants (REC), treats roughly ~ 2 million gallons of water a day.

One way to set up a municipal water utility that Berthoud uses is to treat water at the intake and then run it through open basins for conditioning and ultimately filtration. After intake, the utility pulls minerals out, adjusts the pH, and treats the water with chemicals. After the water is treated, it is directed into Berthouds four basins, where the water is gently churned to blend in the chemicals, and where particulates are induced to settle. The water flows continuously through the basins and at the far end of every basin is a baffle wall and a series of small weirs that together represent the last stage of filtration before the water is distributed to our customers.

"There's a routine with keeping this type of setup and processes clean", according to Michael Murphy, "and it is REC's job to manage with the biofilm". Biofilms tend to grow on basin walls, then peel off in sheets that gum up the filters. Some of the biofilm settles to the basin bottom with other matter and the sediments have to be removed every month or so -- so cleaning them is a necessary, perpetual chore. These clean-ups entail shutting down basins, diverting REC and utility staff, and diminishing the amount of water available for customers. The result, and goal, is to keep Berthoud's facilities cleaner longer. Below are the some Before Clean-up and After Clean-up images from the West Basin cleanup that took place in June.

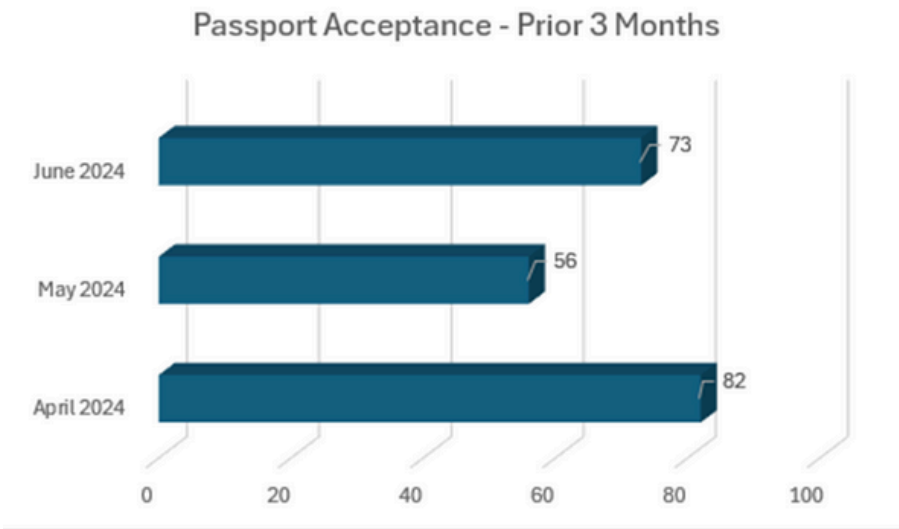


ADMINISTRATION

Submitted By Christian Samora, Town Clerk

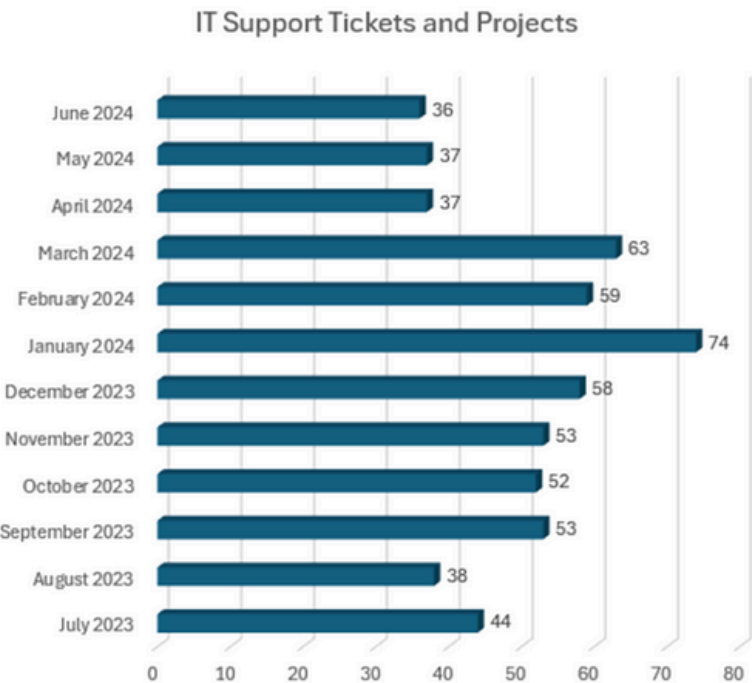
Passport Acceptance

Passport acceptance application volumes remain strong in 2024. Appointments are generally available within the same week as scheduling. Staff often receives feedback that the Berthoud Acceptance Facility is the most responsive to appointment inquiries and always has staff available to assist with questions. Additional passport information can be found at www.berthoud.org/passports.



Information Technology

IT support for the Town was transitioned from an outside firm to an internal employee, Bryan Fister, in the first half of 2023. This employee works in the Clerk’s Office to support all Town Staff and Elected officials. This transition has allowed for one person to support and coordinate all IT projects with assistance being only a call or email away.



Welcome WELCOME



Savana Dumler - Water & Wastewater Engineer

I am a CSU graduate with a degree in Environmental Engineering. I am a born and raised Coloradoan but have moved around a lot as a military wife. I have 8 years of design and utility Engineer experience working for RESPEC and ACWWA. I am also a mom of two beautiful children, Elena (5), and Aidric (2). I am grateful to be a part of the Town of Berthoud team.

Richard Calhoun - Forestry Tech

He is a Colorado native originally from Pueblo. He studied Forest and Rangeland Stewardship with a concentration in Forest Stewardship at CSU. He comes to Berthoud from Highlands Ranch's Forestry Department and is a very skilled Forestry tech. He served 4 years in the Navy where he served as a SONAR tech on submarines before enrolling in college.



WORTH NOTING



If you're following the apple tree grafting project, here is the latest update:

As is often the case, sadly, all of our grafts failed. While we are disappointed, we have regrouped and will now try to root some cuttings.

Luckily, one of our Tree Advisory Committee members is CSU's professor for plant propagation. She will join us in our quest to save the genetics of these trees by attempting to propagate some cuttings with her supplies.

It is our next and final chance to preserve some genetics from the existing cuttings unless the tree survives the winter. Then, we can try to graft it again next spring.



BOARD OF TRUSTEES INFORMATION



ADMINISTRATION DEPARTMENT

Meeting Date:	July 23, 2024
Agenda Title/Subject:	Green Lawn Cemetery Expansion Design Update
Type of Item:	Presentation
Purpose:	Update the Board with Conceptual Design
Presented by:	Christian Samora – Town Clerk Keith Knoll – Public Works Operations Manager

ATTACHMENTS:

- Green Lawn Cemetery Expansion Conceptual Design

BACKGROUND:

West of the Green Lawn Cemetery is an undeveloped 4-acre field that serves as a future expansion area for the cemetery. Town staff worked with WENK Associates to develop a conceptual design that would blend the two properties together. The design includes new Upright marker and Flat marker sections, a memorial garden and columbarium wall, an improved columbaria area and a designated entrance for an entrance sign.

The focus of the conceptual design is to not only expand the cemetery to the west, but to also enhance the existing cemetery. The concept design includes the following key additions and enhancements to the cemetery:

- Expansion to the west. The proposed expansion would add an estimated 1,405 burial plots. The additional plots would be inclusive of areas that permit upright burial markers, flat markers, and additional columbarium niches.
- Veteran memorial garden. The concept includes a memorial garden to recognize the six branches of the United States Armed Forces. The memorial garden would provide a dedicated gathering space for ceremonies held at the Green Lawn Cemetery. ADA complaint parking and restrooms would be located adjacent to the memorial garden.
- Improved columbarium memorials in the existing portion of the cemetery. Improvements include additional columbarium, trees, benches and additional plantings.
- Removal of existing buildings at the County Line Road (east) entrance. The east entrance would become the main entrance with monument signage and landscape features. The monument sign and landscaping would be positioned roughly in place of the existing restroom and maintenance buildings.

- Construction of new fencing along Hwy 56 frontage. The existing cemetery sign will be incorporated into the design of the cemetery.
- The design includes a dedicated maintenance yard in the NW corner of the cemetery. Relocation of all maintenance facilities will improve security and enhance the beauty of the existing cemetery.
- Buffering is provided along the western property line to accommodate a utility easement and to be considerate of the residential lot to the west. The fencing type on the western property boundary would be selected with input from the neighboring property owner.

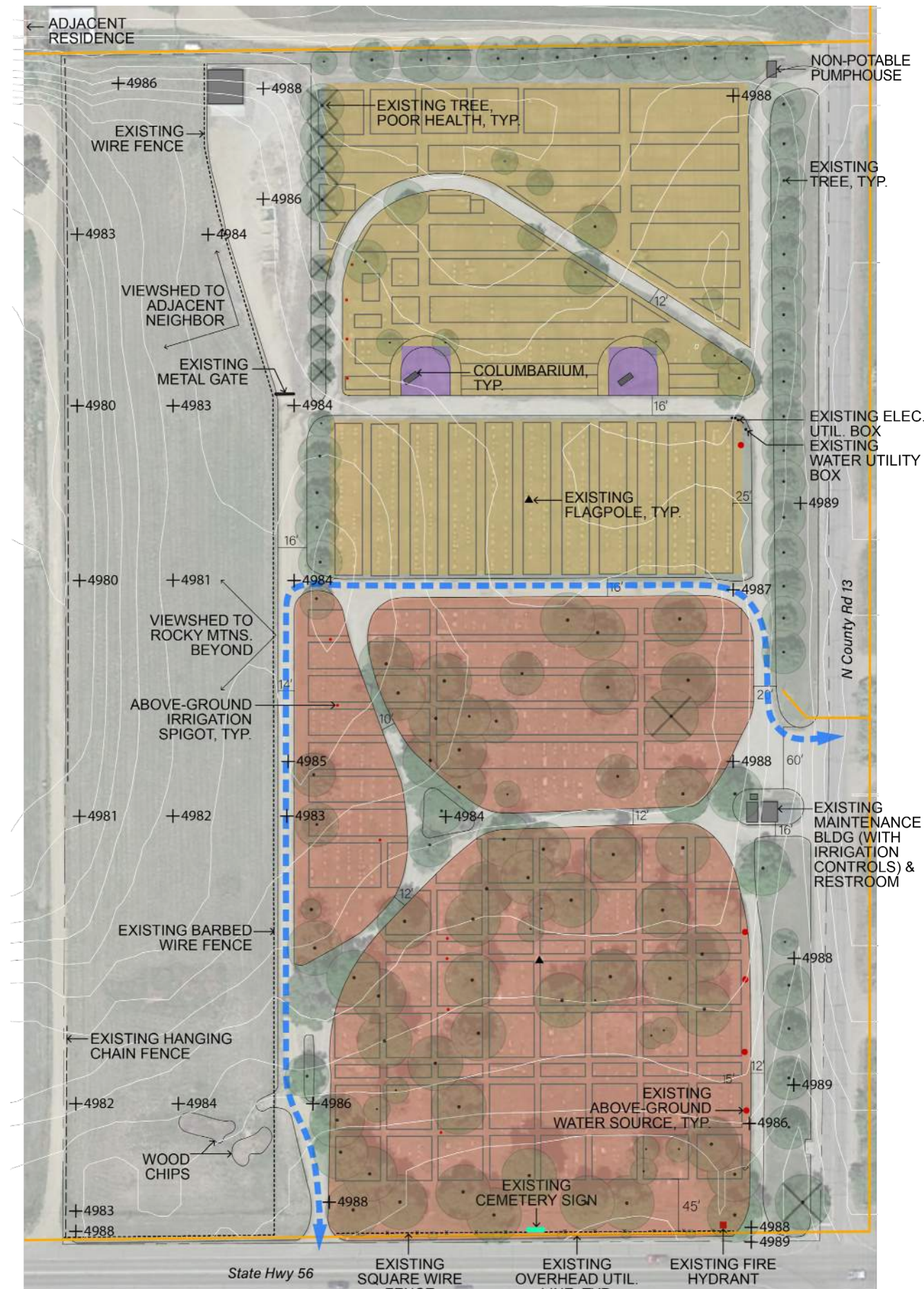
The presentation of this design concept is to provide an update to the Board of Trustees, as well as to receive any feedback that the Board may have regarding the design.

COMMUNITY TOUCHSTONES:

The Green Lawn Cemetery has been a part of Berthoud's history and **Community Identity** since 1884. The historic section, mature trees, and mountain views create a beautiful resting place along Colorado's Front Range.

RECOMMENDED ACTION(S):

This is an informational update and presentation. The Board may provide feedback regarding the conceptual design.



LEGEND

EXISTING CEMETERY SIGN



UNDEVELOPED CEMETERY AREA



EXISTING CEMETERY AREA



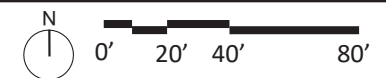
EXISTING MAINTENANCE BLDG & RESTROOM



Green Lawn Cemetery - Existing Conditions/Site Analysis

June 18, 2024

*Topography sourced from publicly available GIS Data.
No survey completed for this project.

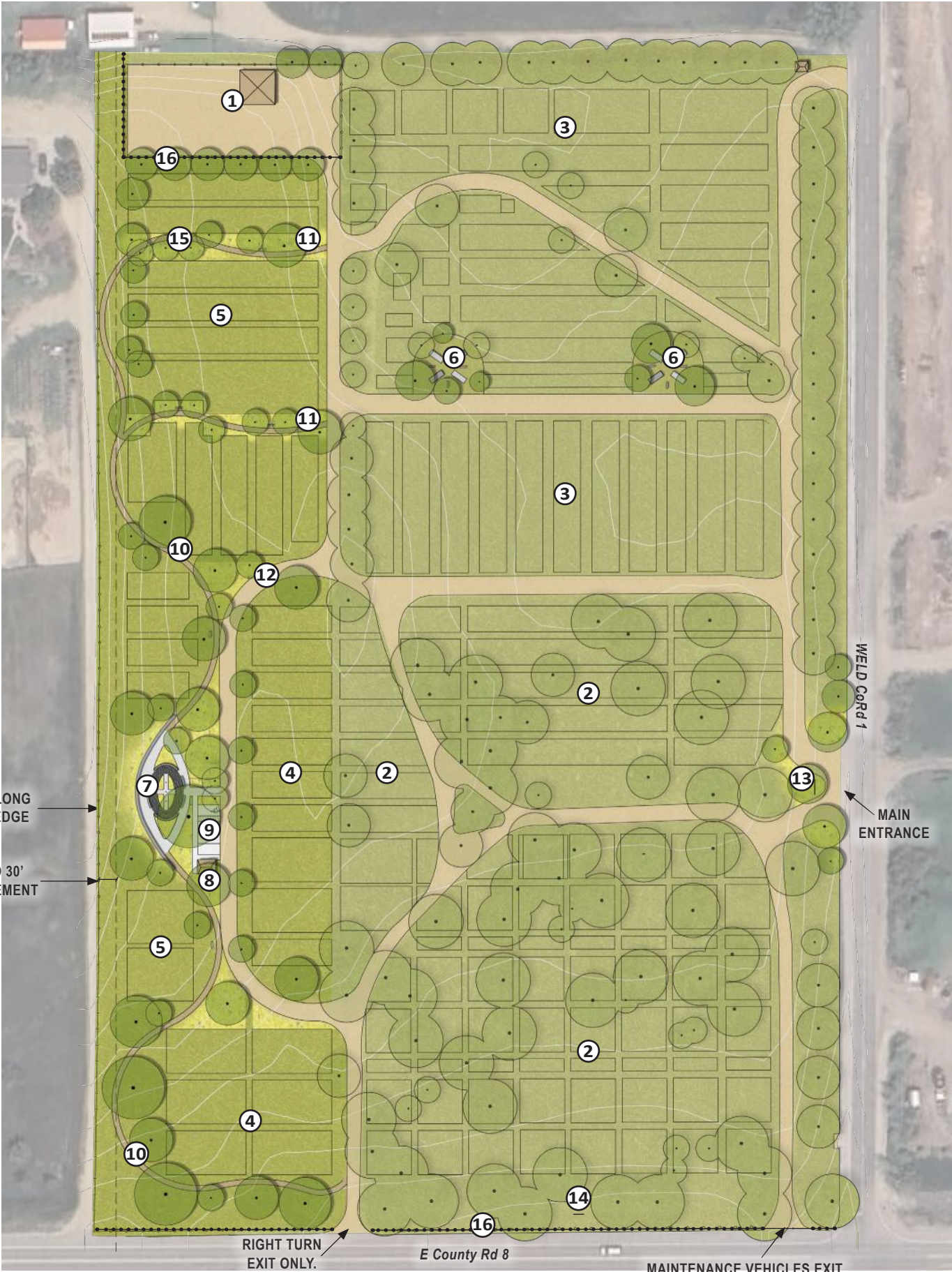


LEGEND

- 1 190' x 82' GATED MAINTENANCE AREA
 - Existing shed to remain
- 2 EXISTING RAISED STONE PLOTS
- 3 EXISTING IN-GROUND STONE PLOTS
- 4 PROPOSED RAISED STONE PLOTS
- 5 PROPOSED IN-GROUND STONE PLOTS
- 6 IMPROVED COLUMBARIUM
- 7 COLUMBARIUM WALL / VETERANS MEMORIAL
- 8 2 STALL RESTROOM
- 9 4 PARKING SPOTS
 - 2 ADA Accessible Spots
- 10 5' CRUSHER FINES WALKING PATH
- 11 REFLECTION WALK
 - Pollinator Planting
 - Spaces to pause and reflect
- 12 15' WIDE GRAVEL ROAD
- 13 PROPOSED ENTRY SIGN
 - 7' Weathered steel signage to match Berthoud Signs
- 14 EXISTING CEMETERY SIGN TO REMAIN
- 15 BENCH SEATING
 - 6' Backed Benches
- 16 PROPOSED DECORATIVE FENCING
 - 6' fencing around maintenance
 - 4' fencing along the road

FENCING ALONG WESTERN EDGE

PROPOSED 30' UTILITY EASEMENT



PROPOSED BURIAL PLOT COUNTS
1,405 FULL PLOTS

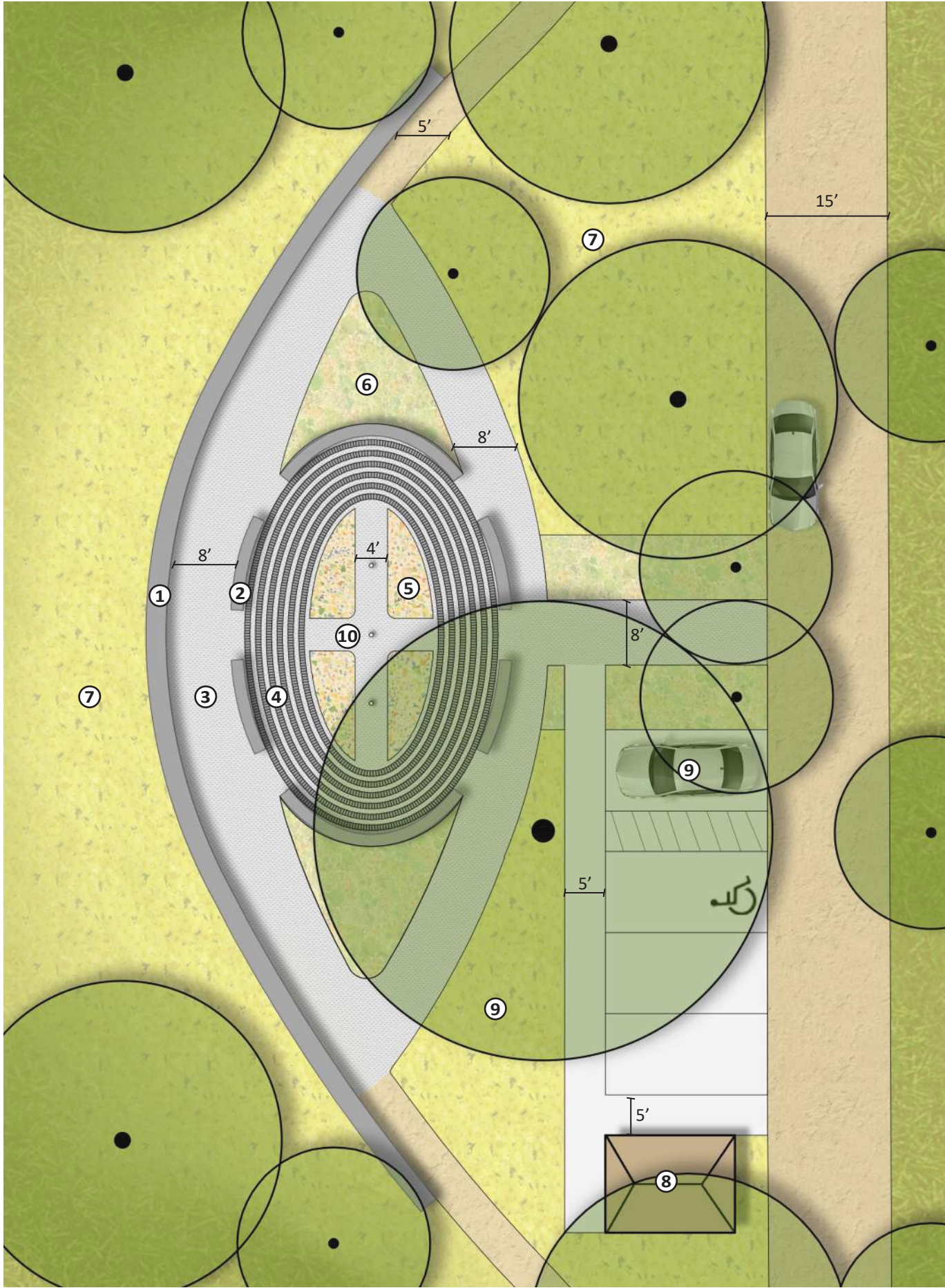
- 768 UPRIGHT
- 1,117 FLAT
- 274 NICHE

Green Lawn Cemetery - Proposed Plan

June 18, 2024

LEGEND

- ① TAPERED COLUMBARIUM WALL
 - Height varies. 3' Tall Max.
- ② NATURAL STONE BENCHES
 - Smooth top, natural stone-like edges
- ③ CONCRETE PAVERS
 - Running Bond
- ④ CONCRETE PAVER BAND
 - Six bands to recognize the six branches of United States Armed Forces
- ⑤ MEMORIAL PLANTING
 - Representational planting for the Forces
- ⑥ NATIVE / POLLINATOR PLANTING
- ⑦ NATIVE SEED MIX
- ⑧ 2 STALL RESTROOM
- ⑨ 4 PARKING SPOTS
 - 2 ADA Accessible Spots
- ⑩ 3 FLAG POLES
 - 35' United States Flag
 - 30' State Flag
 - 30' POW/MIA Flag



COLUMBARIUM WALL



COMPARABLE SCALE



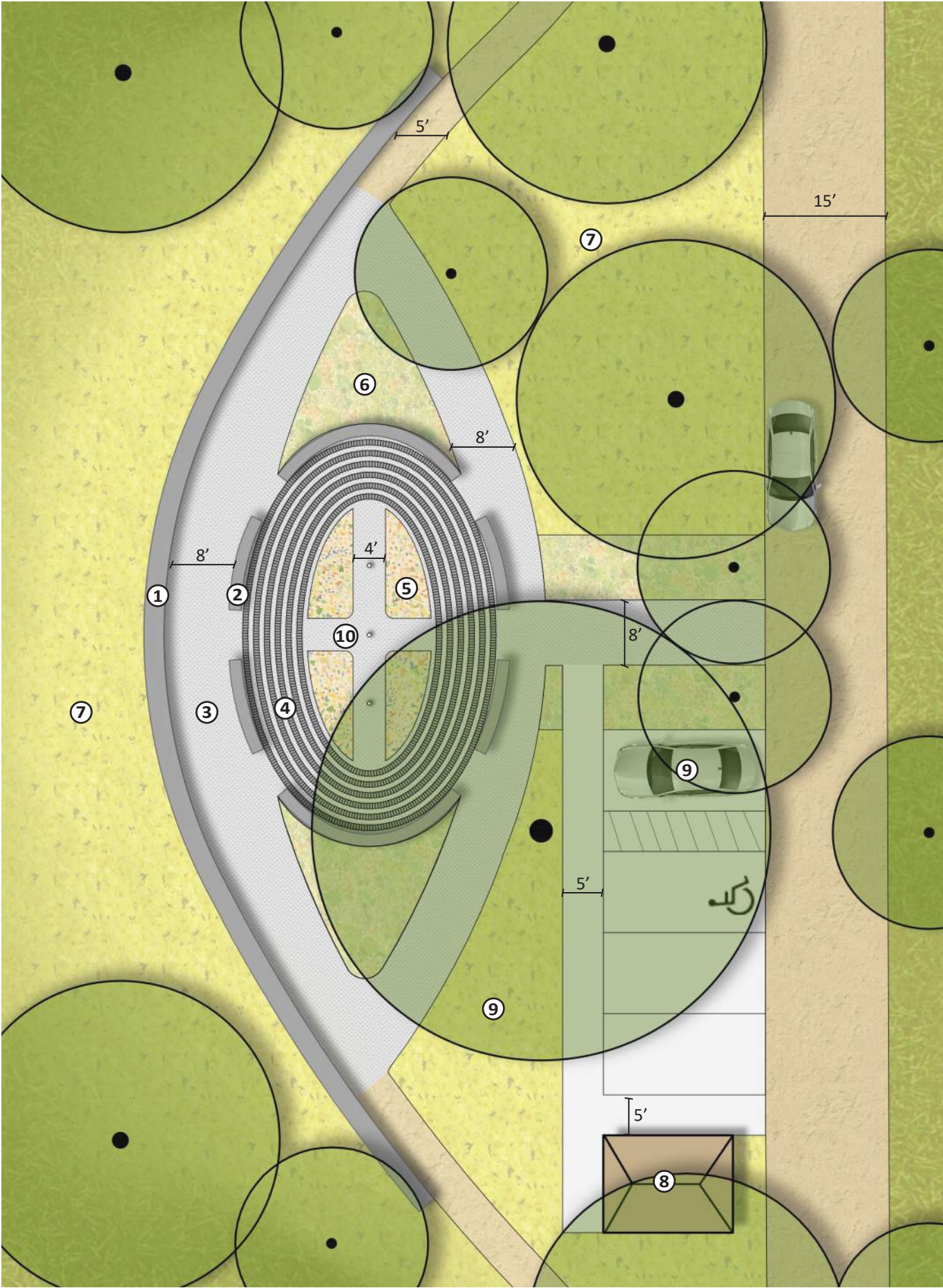
GATHERING SPACE

Green Lawn Cemetery - Proposed Memorial Garden Plan

June 18, 2024

LEGEND

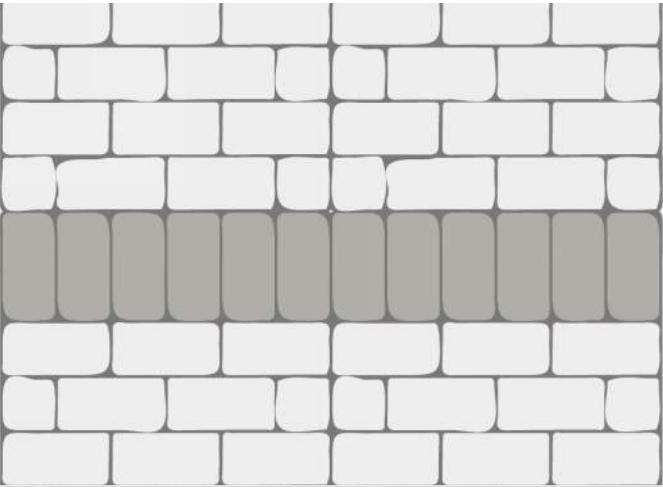
- ① TAPERED COLUMBARIUM WALL
 - Height varies. 3' Tall Max.
- ② NATURAL STONE BENCHES
 - Smooth top, natural stone-like edges
- ③ CONCRETE PAVERS
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- ⑩ 3 FLAG POLES
 - 35' United States Flag
 - 30' State Flag
 - 30' POW/MIA Flag



RADIAL BANDS



EXISTING COLUMBARIUM



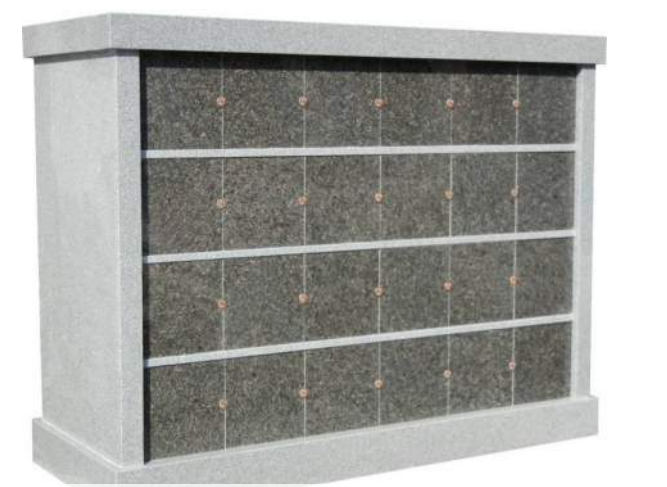
PAVEMENT PATTERN - Running Bond



NATURAL STONE BENCHES



PAVEMENT COLORS



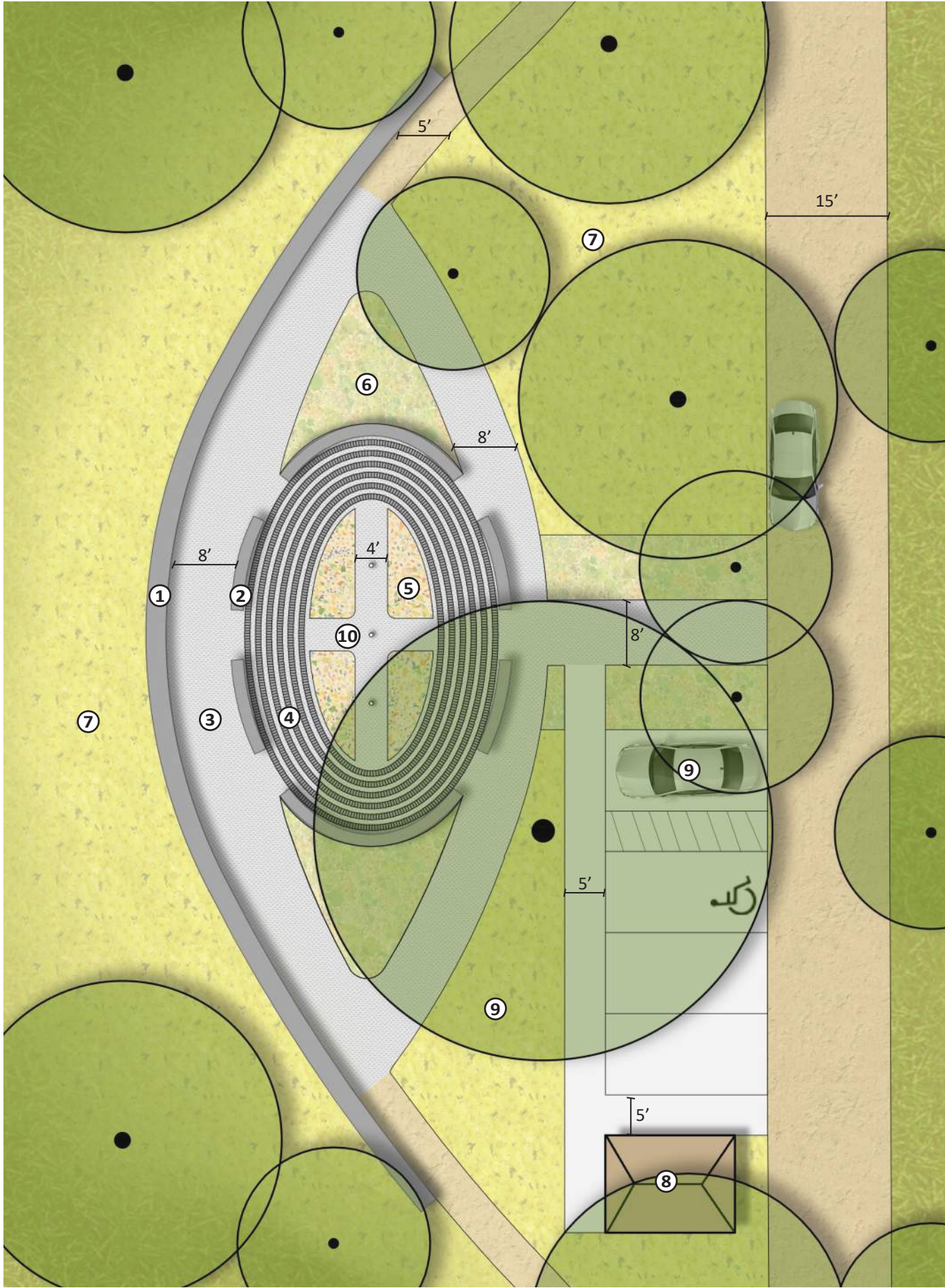
PROPOSED COLUMBARIUM MATERIAL

Green Lawn Cemetery - Proposed Memorial Hardscape

June 18, 2024

LEGEND

- ① TAPERED COLUMBARIUM WALL
 - Height varies. 3' Tall Max.
- ② NATURAL STONE BENCHES
 - Smooth top, natural stone-like edges
- ③ CONCRETE PAVERS
 - Running Bond
- ④ CONCRETE PAVER BAND
 - Six bands to recognize the six branches of United States Armed Forces
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 - 2 ADA Accessible Spots
- ⑩ 3 FLAG POLES
 - 35' United States Flag
 - 30' State Flag
 - 30' POW/MIA Flag



White Calla Lily: Symbolizes purity and courage



Concrete planting beds



Red Roses: Symbolize those who passed while in action



Year-round planting and coverage



Red Poppies: Official symbol of remembrance



Evergreen and tall grasses

Green Lawn Cemetery - Proposed Memorial Planting

June 18, 2024



Green Lawn Cemetery - Memorial Garden

June 18, 2024



Green Lawn Cemetery - Memorial Garden

June 18, 2024

TOWN BOARD INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT

Meeting Date:	July 23, 2024
Agenda Title/Subject:	Ordinance 1342 (Series 2024) Public Hearing to introduce proposed regulations for Short-term Rentals, amending Chapter 30, Section 1 (Definitions) and Section 3 (Use-Specific Standards) of the Berthoud Municipal Code, and to introduce Resolution 2024-09 Amending the Town of Berthoud Fee Schedule to include fees for short-term rental application review and licensing.
Type of Item:	Public Hearing
Purpose:	Introduce amendments to Section 1 and Section 3, Chapter 30, creating Short-term Rental regulations and introduce an amendment to the Berthoud fee schedule related to short-term rentals.
Presented by:	Tawn Hillenbrand, Senior Planner

ATTACHMENTS:

- Draft Minutes from Planning Commission of June 27, 2024
- Ordinance 1342 (Series 2024)
- Appendix A: Code Amendments in redline format, Section 1 (Definitions) and Section 3 (Use-Specific Standards)
- Appendix B: Code Amendments in clean format, Section 1 and Section 3
- Resolution 2024-09 Amending the Fee Schedule
- Public Notice
- Summary of STR Community Questionnaire
- Public Comment

BACKGROUND:

Many jurisdictions have developed programs and regulations to manage short-term rentals and achieve positive outcomes. While short-term rentals provide options for visitors and owners, short-term rentals could impact the neighborhoods in which they are located with respect to parking, noise, and neighborhood livability and character. Short-term Rentals are not currently allowed in the Town of Berthoud.

Following discussions with Staff, the Town Board of Trustees has requested that staff develop Code language to contemplate the allowance of Short-term Rentals within the Town. The attached Ordinance 1342 with exhibits are a set of standards to ensure the health and safety of renters while managing impacts to the surrounding neighborhoods.

In January 2024, Staff kicked off the Short-term Rental Regulations project with an introduction to the Short-term Rental Regulations project webpage and the launch of a community questionnaire

to collect feedback on short-term rentals. The purpose of the Short-term Rental Regulations Community Questionnaire was to gather general feedback and ideas from the community early in the Short-term Rental Regulations project process. Members of the community were able to self-select to participate in the questionnaire and could participate multiple times. Generally, the questionnaire was intended for those community members who reside within Town limits; however, individuals living in unincorporated Larimer and Weld County, outside of Town limits, could also participate.

A link to the questionnaire was available to the Community on the project webpage (<https://arcg.is/r5vz9>) from February 1, 2024, to February 16, 2024. In addition, the Town created a media release about the project which was spotlighted on the Town website and the Town's social media accounts (Facebook, Instagram). A link to the Questionnaire was provided to the Town Board as well as to the Planning Commissioners.

In the two weeks that the questionnaire was active, 437 community members completed the questionnaire. The feedback received through the Community Questionnaire was valuable and helped Staff in refining the 1st Draft of Short-term Rental Regulations.

In addition to the Community Questionnaire, Staff completed extensive research into other jurisdictions short-term rental regulations, from across Colorado and beyond, to better understand the common issues related to short-term rentals and the common practice amongst those communities to address the common issues. Many of the proposed regulations reflected in the Public Hearing Draft are consistently seen in other communities' short-term rental regulations. Many of these standards are recognized as being reasonable and fair and are considered either industry standard or are recognized as best management practices.

Staff also met with special interest groups, including town staff, Berthoud Fire District, and SAFEBuilt (Town's Building Official) to collaborate on best practices and approaches to the application process and life safety inspections.

Based upon the research completed, written email comments received from the public, special interest group discussions, and discussions with the Town Board of Trustees during Work Sessions in November 2023 and January 2024, Staff developed a 1st Draft of Regulations. The 1st Draft of Regulations was presented to and discussed with the Town Board of Trustees at a Work Session in March 2024. The Town Board provided valuable input on a number of items and requested revisions of others. Those revisions and points of clarification are reflected in the Public Hearing Draft.

The following is a summary of the proposed Public Hearing Draft of Short-term Rental Regulations amending the Development Code. The sections below are organized to follow the draft regulations which have been organized based on sections of the Development Code, first presenting definitions, then defining where short-term rentals area allowed based on zoning districts, and then addressing the standards.

Definitions

The Public Hearing Draft proposes a definition for *Short-term Rental*, which is currently not defined in the Development Code. This includes total maximum occupancy for short-term rentals. This also includes clarifying of total maximum occupancy for *Bed and Breakfast* use as currently defined by code.

Zoning

The Public Hearing Draft proposes adding short-term rentals to the tables of Principal and Conditional Uses (Table 3.3), Conservation Subdivision Uses (Table 3.5), Suburban Uses (Table 3.7), and Urban Uses (Table 3.10) as a Principal Use By Right with licensing in specific zone

districts.

Use Specific Standards

The Public Hearing Draft proposes use-specific standards for short-term rentals. The use specific standards are organized into subsections.

The first subsection proposes Short-term Rental Business License requirements, including annual renewal, license non-transferability standards, limit to number of license per owner, and posting of business license information.

The second subsection proposes general standards for Short-term Rentals. General standards cover the majority of the regulations and address many of the best management practices and industry standard requirements seen in other jurisdictions throughout Colorado. This includes such requirements as establishing a cap on the number of approved short-term rentals, limiting short-term rentals to one per property, legal dwelling unit standards, total occupancy limit, minimum off-street parking requirements, and restricting use of the short-term rental as an event space.

The third subsection proposes safety standards, including life-safety inspection requirements, fire extinguisher, safety signage, operations manual, and property manager requirements, as well as neighbor notification requirements and proof of liability insurance requirements.

The fourth and final subsection proposes language specific to taxes, record keeping requirements, and enforcement.

FEE SCHEDULE

In addition to Ordinance 1342, the accompanying Resolution 2024-09 Amending the Town of Berthoud Fee Schedule has been included for the Town Board of Trustees review and consideration. This Resolution amends the current fee schedule to include the fees determined appropriate for short-term rental application review and licensing. Should the Town Board of Trustees approve Ordinance 1342 with all attached Ordinance Appendices on second reading to be held on August 13, 2024, the accompanying Resolution 2024-09 would also need to be approved.

FOLLOW-UP – TAXATION OF ‘BED and BREAKFAST’ USE

At the Town Board of Trustees Work Session on March 26, 2024, the Board requested more information on how the Larimer County Assessor defines a ‘Bed and Breakfast’ use and how that in turn determines taxing of the property. This information was requested in order to determine if it would be beneficial to modify the Town Development Code definition of ‘Bed and Breakfast’.

Following the March 26, 2024 Work Session Staff had the opportunity to discuss this in detail with one of the County’s Chief Appraisers. The Chief Appraiser explained that the Assessor’s definition for what is considered a ‘Bed and Breakfast’ is based on state statute. Meaning, how the Town defines a ‘Bed and Breakfast’ use within the Town of Berthoud Development Code has no bearing on how the County Assessor defines the use and thereby the valuation method and tax rate applied.

Based upon this information, there would be no benefit or justification to modify the Town Development Code definition of ‘Bed and Breakfast.’

UPDATE/NEXT STEPS:

The Planning Commission’s recommendation of approval from their June 27, 2024, public hearing are being presented as an introduction at the Town Board of Trustee’s hearing on July 23, 2024

and for a second reading on August 13, 2024.

Staff will continue to develop and refine the internal procedures and policies necessary to implement the short-term rental business license review process. This includes structuring the application packet and submittal requirements, creating document templates, and creating the life-safety inspection checklist.

Following the approval of the final Town Board of Trustees public hearing on August 13, 2024, Staff will host two (2) public webinars to go over the Short-term Rental Business License approval process for those property owners interested in applying. These webinars will provide valuable information about the application process, including timelines, fees, submittal requirements, and expectations for the required life safety inspection. The first webinar will be held on Wednesday, August 14, 2024, at 6:00 p.m. and the second webinar will be held on Thursday, August 15, 2024, at 7:00 a.m. Information on the webinars, including a link to the webinar, will be posted to the project webpage (<https://arcg.is/r5vz9>) and will be emailed out to those individuals on the short-term rental project contact list in early August.

FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in amending the Town Development Code, Chapter 30 of the Municipal Code to allow short-term rentals.

COMMUNITY TOUCHSTONES:

Consideration of the amendment request does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the community with a transparent set of standards to know what the expectations are for establishing and maintaining a short-term rental in the Town of Berthoud.

RECOMMENDED ACTION(S):

The Planning Commission heard this request at their regularly scheduled hearing on June 27, 2024. The Planning Commission recommends the Town Board of Trustees approve Ordinance 1342 (Series 2024) with all attached Ordinance Appendices on second reading to be held on August 13, 2024. The Planning Commission also recommended that the Town Board of Trustees consider specific enforcement measures, particularly time of response and revocation of licenses, and consider the distribution of short-term rental units within the Town including consideration of setbacks (buffer between approved units) including buffer for single-family and multi-family units.

Following the Planning Commission hearing and based upon the Planning Commission's recommendation, Staff completed additional research and analysis on current enforcement standards in the Development Code and separation requirements. Based upon that analysis Staff provides the following information –

- Section 5, *Enforcement*, of the current Development Code establishes requirements and standards for enforcement of all regulations contained within the Development Code, inclusive of the short-term rental regulations. This Section addresses specific activities violating the Chapter and remedies and enforcement powers, including but not limited to revoking permits or approvals issued by the Town. Because enforcement is addressed in Section 5 of the Development Code, it is not necessary to repeat the requirements and standards in the short-term rental regulations.

After reviewing Section 5, *Enforcement*, with the Town Neighborhood Services team and Town Attorney, Staff revised language in the Public Hearing Draft of Short-term Rental Regulations, specifically 30-3-113.F(3); simplifying the language and making

a direct reference to Section 5 such that:

*30-3-113.F(3): A short-term rental business license constitutes a permit, and this Section shall be enforced in accordance with Section 5 of the Berthoud Development Code.**

* This revised language is highlighted in the redline version of the Public Hearing Draft of Short-Term Rental Regulations.

- The practice of administering a buffer or separation requirement for approved short-term rentals was first discussed with the Board during Work Sessions in November 2023 and January 2024. Based upon those conversations, a buffer requirement was not pursued; however, after receiving the Planning Commission's recommendation, Staff revisited the concept and adds the following language to the Public Hearing Draft of Regulations, specifically 30-3-113.D(2) for consideration by the Town Board of Trustees:

*30-3-113.D(2): A short-term rental must be a minimum of 500-feet from another short-term rental. This distance is measured from center of principal dwelling to center of principal dwelling.**

* This revised language is highlighted in the redline version of the Public Hearing Draft of Short-Term Rental Regulations.

The Board of Trustees may give direction to staff to bring Ordinance 1342 (Series 2024), with the above referenced revisions, back for consideration at a second reading on August 13, 2024.



MEETING MINUTES OF THE PLANNING COMMISSION
Town Board Room
807 Mountain Avenue, Berthoud, CO 80513
June 27, 2024, at 6:00 p.m.

1. Meeting Called To Order – Chairperson Karen Anderson
Meeting Called to Order at 6:00 p.m.
2. Pledge of Allegiance
Chairperson Anderson led the Pledge of Allegiance
3. Roll Call

The following Commission members were present:

Karen Anderson, Chair
Abigail Smith, Vice Chair
Marc Hofmans, Commissioner
Nick Semedalas, Commissioner

The following Commissioner was absent:

Joe Donnelly, Commissioner

The following Staff members were present:

Anne Johnson, Community Development Director
Tawn Hillenbrand, Senior Planner
Teri Reger, Planning Technician
Erin Smith, Town Attorney, via Zoom

4. Approval of Minutes
 - a. May 23, 2024 - Planning Commission Meeting Minutes

MOTION made by Commissioner Hofmans to APPROVE the Minute for the May 23, 2024 Planning Commission Meeting. SECONDED by Commissioner Semedalas. With all those in favor, THE MOTION CARRIED.

5. Presentation: Oil & Gas Regulations by Mike Foote of Foote Law Firm, LLC.
6. Public Hearing: Presentation of proposed regulations for Short-Term Rentas, Amending Chapter 30, Section 1 (Definitions), and Section 3 (Use-Specific Standards) of the Berthoud Municipal Code.

Public Comments Opened at 7:53pm

The following residents spoke against STR's:

- John Evans
- Rich Steward

- Jeanine Weinzierl
- Matt Gawin
- Charlie McConnell
- Rochelle Schott
- Gary Light

The following individuals spoke in favor of STR's:

- Chuck Angerman
- Mindy Hughes
- Lynsey Morgan

Public Comments Closed at 8:22 p.m.

MOTION was made by Vice Chair Smith and SECONDED by Secretary Semedalas to forward a recommendation of approval of the amendments contained in Ordinance with Appendices A and B to the Town Board of Trustees. The rationale for approval is that the proposed regulations provide transparent expectations for establishing and maintaining a short-term rental in the Town of Berthoud and support the Town's community identity outlined in the 2021 update to the Comprehensive Plan. We also recommend that the Town Board of Trustees investigate specific enforcement measures particularly time of response and revocation of licenses. And two, the distribution of short-term rental units within the Town including investigation of setbacks and differences between single and multi-unit family housing.

7. Public Hearing: Consider Amendments To Chapter 30 Of The Municipal Code, Specifically Amending Section 3 Regarding Land Uses, Permits, And Zoning Classifications; Section 1 By Amending Definitions; Section 2 Regarding The Protection Of Viewsheds

Public Comments Opened at 9:35 p.m.

Public Comments Closed at 9:35 p.m.

MOTION was made by Secretary Semedalas and SECONDED by Commission Hofmans to recommend approval of the proposed changes to Chapter 30, Section 3 of the Berthoud Municipal Code as presented by Staff to the Town Board of Trustees. This recommendation of approval is outlined in the attached Ordinance 1342 (Series 2024). THE MOTION CARRIED.

8. Report by Staff

- The Town Board of Trustees approved the Weibel Neighborhood Master Plan.
- The Town Board of Trustees denied the Revere Neighborhood Master Plan and Change of Zone
- The RFP for the housing project was awarded to Ayers & Associates
- 7/11/2024 – No Planning Commission meeting
- The Short-term Rental Regulations will have it's first reading with the Board of Trustees on July 11, 2024 and second reading on August 13, 2024.
- 7/25/2024 – There will updates to the Comprehensive Plan and a presentation by Town Attorney regarding making motions.
- 8/8/2024 Walt Elish, Economic Development Director will present
- There is a New Planning Commissioner, David Pond.

9. Adjourn

MOTION was made by Commissioner Hofmans to adjourn the June 27, 2024, Planning Commission meeting. SECONDED by Vice Chair Smith. With all in favor, THE MOTION CARRIED.

The meeting was adjourned at 9:45 p.m.

Chairperson

Secretary

**TOWN OF BERTHOUD ORDINANCE
NUMBER 1342
(SERIES 2024)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD
MUNICIPAL CODE CHAPTER 30, TO ALLOW SHORT-TERM RENTALS.
SPECIFICALLY, SECTIONS 1 AND 3 ARE PROPOSED FOR AMENDMENT**

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

WHEREAS, the Town wishes to allow Short-term Rentals within the Town; and

WHEREAS, the Planning Commission, after proper notice, has held a public hearing on June 27, 2024, on this Ordinance providing for a recommendation of approval from the Town Board of Trustees; and

WHEREAS, the Board of Trustees, after proper notice introduced this Ordinance at their meeting on July 23, 2024, and heard the proposal at a public hearing on August 13, 2024, on this Ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

WHEREAS, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Ordinance 1342 (Series 2024) shall be amended as presented in Appendices A and B and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

[INTENTIONALLY LEFT BLANK]

INTRODUCED on this 23rd day of July 2024.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

READ, ADOPTED, AND APPROVED on this 13th day of August 2024.

TOWN OF BERTHOUD

By _____
William Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

Town of Berthoud – Development Code Short-term Rental Regulations

Public Hearing Draft – July 2024

This Public Hearing Draft of Short-term Rental Regulations amending the Development Code to allow Short-term Rentals, reflects analysis and public input on the short-term rental regulations project following three Town Board work sessions, a community questionnaire, and a 1st Draft of regulations.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 Bed and breakfast means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to 12 or fewer guests.

NEW 369: Short-term Rental a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Short-term Rental shall be limited to 10 or fewer guests who are part of one party or single group of renters.

Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 10 guests), See Section 30-3-113			■	■	■	■		■			

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10 guests), See Section 30-3-113		■	■	■	■

Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: ‘■’ in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: ‘□’ in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code.

Section 3: Use-Specific Standards

NEW 30-3-113 – Short-term Rentals

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person or entity shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
1. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
 2. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
 3. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
 4. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
 5. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
 6. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
1. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met
 2. A short-term rental must be a minimum of 500-feet from another short-term rental. This distance is measured from center of principal dwelling to center of principal dwelling.
 3. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
 4. A short-term rental shall only be conducted in a legally constructed dwelling unit.
 5. Accessory Dwelling Units (ADU) shall not be utilized as a short-term rental.
 6. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
 7. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. On-street parking shall not be counted toward the required minimum number of on-site parking spaces. If the short-term rental does not

have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:

<u>Number of Bedrooms in STR Unit</u>	<u>Number of Off-Street Parking Spaces</u>
<u>1-2</u>	<u>1</u>
<u>3-4</u>	<u>3</u>
<u>5</u>	<u>4</u>

8. In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.
9. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.
10. The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.
11. -There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.

E. Safety Standards.

1. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
2. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
 - a) In each room with a cooking appliance, fireplace, heating appliance, or water heater.
 - b) Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - c) At least one on each story.
3. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
 - a) The required number of smoke detectors in good working order;
 - b) The required number of carbon monoxide detectors in good working order;
 - c) Adequate and functional building egress from each sleeping room in the dwelling; and
 - d) Posted egress maps.
4. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
 - a) The property address.

- b) The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
- c) Contact information for the Fire Department and Police/Sheriff Department.
- d) Contact information for the short-term rental property manager or property owner.

5. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.

~~2.6.~~ The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the *local* criteria.

7. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500-feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.

8. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F. Taxes, Records, Enforcement.

1. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.

~~3.2.~~ The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.

~~4.3.~~ A short-term rental business license constitutes a permit and this Section shall be enforced in accordance with Section 5 of the Berthoud Development Code.

Note for the reader/Municode: The following Development Code Section numbers are being updated due to the incorporation of the new Short-term Rental regulations as Section 30-3-113. The content contained within each Section referenced below does not change, only the Section number will change.

Section ~~30-3-113~~ 30-3-114 – Medical and Retail Marijuana

Section ~~30-3-114~~ 30-3-115 – Mountain Avenue Overlay District

Section ~~30-3-115~~ 30-3-116 – 30-3-xxx – Reserved

Town of Berthoud – Development Code Short-term Rental Regulations

Public Hearing Draft – July 2024

This Public Hearing Draft of Short-term Rental Regulations amending the Development Code to allow Short-term Rentals, reflects analysis and public input on the short-term rental regulations project following three Town Board work sessions, a community questionnaire, and a 1st Draft of regulations.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 Bed and breakfast means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to 12 or fewer guests.

NEW 369: Short-term Rental a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

- a. **Maximum Number of Guests:** A Short-term Rental shall be limited to 10 or fewer guests who are part of one party or single group of renters.

Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 10 guests), See Section 30-3-113			■	■	■	■		■			

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10 guests), See Section 30-3-113		■	■	■	■

Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: ‘■’ in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: ‘□’ in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code.

Section 3: Use-Specific Standards

NEW 30-3-113 – Short-term Rentals

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person or entity shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
 - 1. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
 - 2. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
 - 3. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
 - 4. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
 - 5. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
 - 6. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
 - 1. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met
 - 2. A short-term rental must be a minimum of 500-feet from another short-term rental. This distance is measured from center of principal dwelling to center of principal dwelling.
 - 3. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
 - 4. A short-term rental shall only be conducted in a legally constructed dwelling unit.
 - 5. Accessory Dwelling Units (ADU) shall not be utilized as a short-term rental.
 - 6. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
 - 7. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. On-street parking shall not be counted toward the required minimum number of on-site parking spaces. If the short-term rental does not

have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:

Number of Bedrooms in STR Unit	Number of Off-Street Parking Spaces
1-2	1
3-4	3
5	4

8. In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.
9. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.
10. The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.
11. There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.

E. Safety Standards.

1. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
2. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
 - a) In each room with a cooking appliance, fireplace, heating appliance, or water heater.
 - b) Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - c) At least one on each story.
3. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
 - a) The required number of smoke detectors in good working order;
 - b) The required number of carbon monoxide detectors in good working order;
 - c) Adequate and functional building egress from each sleeping room in the dwelling; and
 - d) Posted egress maps.
4. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
 - a) The property address.

- b) The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
 - c) Contact information for the Fire Department and Police/Sheriff Department.
 - d) Contact information for the short-term rental property manager or property owner.
- 5. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.
- 6. The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the *local* criteria.
- 7. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500-feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.
- 8. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.
- F. Taxes, Records, **Enforcement.**
 - 1. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.
 - 2. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.
 - 3. A short-term rental business license constitutes a permit and this Section shall be enforced in accordance with Section 5 of the Berthoud Development Code.

Note for the reader/Municode: The following Development Code Section numbers are being updated due to the incorporation of the new Short-term Rental regulations as Section 30-3-113. The content contained within each Section referenced below does not change, only the Section number will change.

Section 30-3-114– Medical and Retail Marijuana

Section 30-3-115 – Mountain Avenue Overlay District

Section 30-3-116 – 30-3-xxx – Reserved

**TOWN OF BERTHOUD
RESOLUTION NO. 2024-09**

**A RESOLUTION OF THE TOWN OF BERTHOUD ADOPTING AN
AMENDMENT TO THE 2024 FEE SCHEDULE FOR THE TOWN OF
BERTHOUD AS PROVIDED IN THE BERTHOUD MUNICIPAL CODE**

WHEREAS the Town of Berthoud has previously adopted its Fee Schedule for 2023 and 2024; and

WHEREAS the Berthoud Municipal Code provides for adoption of a uniform schedule of fees for the Town by Resolution; and

WHEREAS the Town of Berthoud has determined appropriate fees for short term rental licensing; and

WHEREAS the Board of Trustees has determined that the fees charged by the Town of Berthoud, reasonably reflects appropriate amounts to be charged by the Town of Berthoud for these services;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF BERTHOUD, COLORADO AS FOLLOWS:**

The Board of Trustees of the Town of Berthoud hereby resolves to adopt this change to the previously adopted 2024 fee schedule as the fee schedule for the Town, effective upon approval.

PASSED, ADOPTED AND APPROVED THIS 13th day of August, 2024.

TOWN OF BERTHOUD

BY: _____
William Karspeck, Mayor

ATTEST:

Town Clerk/Deputy Town Clerk

TOWN OF BERTHOUD
SCHEDULE OF RATES, CHARGES AND FEES
2024

SHORT TERM RENTAL LICENSING			2024
DESCRIPTION			
<u>Short Term Rental</u>			
License Fee - New License	<u>per 1 rental unit</u>	\$	350.00
License Fee - Renewal of License	<u>per 1 rental unit</u>	\$	150.00
License Fee - Deposit	<u>per 1 rental unit</u>	\$	1,000.00

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING

Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission on Thursday, June 27, 2024 at 6:00 p.m. and before the Town Board on Tuesday, July 23, 2024 and Tuesday, August 13, 2024 at 6:30 p.m. to consider amendments to Chapter 30, Section 3 of the Berthoud Municipal Code, specifically creating Short-term Rental regulations in the Land Development Code. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 6th day of June, 2024.



Town of Berthoud Short-term Rental Regulations Summary of Community Questionnaire Feedback

Community Questionnaire Details

The purpose of the Short-term Rental Regulations Community Questionnaire was to gather general feedback and ideas from the community early in the Short-term Rental regulations update process. Members of the community were able to self-select to participate in the questionnaire and could participate multiple times. Generally, the questionnaire was intended for those community members who reside within Town limits; however, individuals living in unincorporated Larimer and Weld County, outside of Town limits, could also participate. Therefore, the summary of feedback is presented in a more thematic manner rather than quantitatively.

Information about the project and a link to the questionnaire was available to the Community on the project webpage (<https://arcg.is/r5vz9>) from February 1, 2024, to February 16, 2024. In addition, the Town created a media release about the project which was spotlighted on the Town website and the Town's social media accounts (Facebook, Instagram). A link to the Questionnaire was provided to the Town Board as well as to the Planning Commissioners.

The Short-term Rental Regulations Project webpage remains active and available to the public. The webpage provides an up-to-date timeline and details on the project. Additionally, the webpage provides a link to this Community Questionnaire Summary and the questionnaire raw data.

Participant Feedback

Total participants: 437 participants

Each question is provided below followed by a brief summary of the feedback received in a box.

Question #1 – Do you currently own or operate a Short-term Rental? This may be in the Town of Berthoud or elsewhere in Colorado or beyond.

Summary of Responses to Question #1: Overall, more than three-quarters of participants indicated that they do not currently own or operate a Short-term Rental.

Question #2 – Do you currently or have you ever lived near a Short-term Rental?

Summary of Responses to Question #2: A little more than half of participants indicated that they currently or have lived near a Short-term Rental. A small portion of participants indicated that are not sure if they currently or have lived near a Short-term Rental.

Question #3 – As a community member of the Town of Berthoud, have Short-term Rentals affected you and/or your daily life? This could include both positive and negative experiences.



Summary of Responses to Question #3:

- Generally, STRs create significant noise, congested to no parking, no oversight by owners and have overall negative impact to the community. We've experienced garbage/litter issues, and alcohol issues.
- We currently live by a STR and they throw parties every weekend which is a disturbance.
- Upsetting to neighbors having to deal with short term "party" rentals and guests that don't take care of the property.
- The STR located in our neighborhood caused anxiety and detracted from a sense of community.
- STRs degrade/devalue long term owners' homes and guests overtake community benefits (i.e. pickle ball courts, golf practice, pools). Garbage not picked up and is blown around the neighborhood.
- Uncomfortable having strangers coming in and out of the neighborhood frequently.
- People coming in-and-out can present safety concerns and doesn't help to build stronger community relationships.
- Guests do not respect local rules and regs.
- My kids do not see consistency in their neighborhood because "neighborhood families" are moving in & out.
- Have found they are handy for visiting family and friends. Not having them in town means visitors must look in Loveland or Longmont for lodging.
- When I moved to Berthoud, the closing of my home was delayed, and a short-term rental (in Longmont) was a blessing.
- Enjoy using STRs for our family when we travel.
- Was a host before it became an Airbnb money grab. I've used them in the past but not again. I can usually spot the Airbnb house by the vibe and lack of neighborliness by the different faces each week.
- Only positive experiences. I frequently utilized short term rentals for family members visiting us. They loved their stay in town. It allowed them to stay closer to us and to walk to local businesses.
- We use them often when we travel as a family. However, having very large luxury homes on our street rented out as Airbnb's and ultimately used as event spaces for parties and weddings has negatively impacted my family's right to quiet enjoyment of our cul-de-sac street.
- As someone deeply invested in both the well-being of our Berthoud community and the success of my short-term rental, running this rental has been more than just a business to me; it's a way to welcome new faces into our town and show them what makes Berthoud so special.
- There is an Airbnb down the street. For the most part there wasn't any problem, but a couple of times last summer, the different renters had a big noisy party over a weekend night.
- As surrounding homes of the STR we never knew who was staying there and we felt more insecure about letting our children play freely in our yard.
- Occasionally renters have made it more crowded for homeowners to use the recreational facilities.
- Not directly impacted, however when family visit from out of state, they have to stay in Loveland because there is nowhere in town (either hotel or short-term).



- Haven't encountered any negative aspects of being near STRs.
- Have found most people renting an Airbnb have been kind and happy to get the vibe of the community.
- Have had nothing but positive experiences and find this is not an issue.
- Moved from Estes Park to Berthoud because of their short-term rental policies. If the Town allows STR's in Berthoud, we will leave immediately.
- Living directly next to a STR. We have to monitor the property because the owners won't.
- Not yet in Berthoud but we have a place in Granby that has been impacted by STRs. While most are fine, it is the 20% that create the issues for full-time residents. When rentals decline, they cut rates & get more problem renters.
- Affected me positively. As an operator of a STR, I am extremely particular who rents & I enforce my house rules strictly. As someone who has lived next to a STR, I have not had any problems. Most guests are extremely respectful & are not home much, as are here to see the area or do other activities.
- My husband relies on STRs for his job and is living in one right now. We have only had overall positive experiences to date with landlords. Negatives would be lack of availability and often inflated prices.
- We use short-term rentals nearly everywhere we travel. It provides a great way to get to know a community that we're traveling to and is often the only family friendly option when we're staying in a more rural or non-city area.
- STRs have made it harder in recent years to find a long-term rental.
- We prefer them when traveling, especially with our kids. Prefer not sharing a room/bedtime or buying 2 rooms with kids. Access to a kitchen cuts down costs when traveling.
- My livelihood is cleaning houses. STRs have tremendously benefited my family to help provide income for my family.
- The STR didn't affect me much. Half the time it was vacant and the rest of the time everyone kept to themselves. Overall, not a problem.
- As an owner of a STR, I have benefited from supplemental income when my family is not using our property.
- Renting our property allows us the ability to afford a second home, our retirement home.
- Depends on the person or people staying in the STR.
- Positively- we own a shop downtown and we've had people who are visiting from out of town and staying nearby who come in to shop.
- We were having repairs done in our home here in Berthoud. We were so grateful that we found a short-term rental here in town so that we could be close to the construction while it was going on and still have a place to work out of.

Question #4 – Do you think Short-term Rentals should be allowed in the Town of Berthoud?

Summary of Responses to Question #4: About three-quarters of participants indicated that they believe STRs should be allowed in the Town of Berthoud.

Question #5 – If allowed, do you think the Town should have a set of regulations for Short-term Rentals?



Summary of Responses to Question #5: About three-quarters of participants indicated that they believe the Town should have a set of regulations for Short-term Rentals.

Question #6 – If allowed, do you think there should be a cap or limit on the total number of Short-term Rentals in the Town?

Summary of Responses to Question #6: Slightly more than half of participants indicated that they believe that there should be a cap or limit on the total number of Short-term Rentals in the Town.

Question #7 – Do you have concerns with Short-term Rental properties? If so, please rank the following options in order of most concern to least concern: incompatibility with neighborhood, degradation of neighborhood character, noise, parking, traffic, in conflict with HOA and/or covenants, events/parties, trespassing, neighborhood safety, impact to property values, loss of long-term housing options, trash, and no concern.

Summary of Responses to Question #7: About one-quarter of participants responded that they have no concerns with Short-term Rental properties.

For the remaining participants who responded with concerns, Noise, Events/Parties, and Parking were of higher concern, followed by Incompatibility with Neighborhood, Degradation of Neighborhood, Trespassing, Neighborhood Safety, Impact to Property Value, and Long-term Housing. Trash, Traffic, and In Conflict with HOA and/or Covenants were noted as being of less concern.

Question #8 – Referring to the previous question, focusing on your top 3 concerns, please elaborate or provide more details.

Summary of Responses to Question #8:

- Zoning regulations are meant to keep types of uses compatible with the neighborhood. STR's are not compatible with single family homes for full-time residents. Lack of oversight, no enforcement of any regulations on a 24/7 basis are all major concerns with STR's in R1/R2.
- People bought in our neighborhood to live there, not to have short term rentals.
- No one wants to buy a house and then the neighbor becomes a never-ending revolving door of strangers coming and going.
- The first priority should be to Berthoud's residents, not property management companies and individuals using this community's unique qualities for personal financial gain. If Berthoud needs lodging for visitors, then make that happen, but STRs are not the solution because they can easily ruin the quality of life for residents.
- Studies have shown that short term rentals negatively impact the availability of housing. This goes against the small town feel of Berthoud. As evidenced by the town's website, Berthoud projects a strong community feel. There are a significant number of facilities/events for its residents. Allowing short-term rentals will make it more difficult for families to live in and enjoy Berthoud.



- A study showed a connection between an increase in crime and the introduction of short-term rentals in a neighborhood. Short-term tenants do not have the same commitment to neighborhood community standards as long-term residents and owners.
- We like to know who is next door to us. Agreeing to short-term rentals would take away of us knowing the people of our community.
- Safety of our children when we don't know who is living in the STR.
- I am concerned that if too many homes become STRs, certain neighborhoods will become glorified hotels with no character or community cohesion.
- I strongly advocate for implementing clear guidelines for short-term rentals (STRs) to ensure they align with the community's values and needs. It's essential to establish strict rules delineating what is permissible and what is not within the realm of STRs. A successful STR should seamlessly blend into the neighborhood, offering a positive experience for both guests and those living nearby.
- When we buy our homes, we always consider the return on our investment should we decide to sell. The stability of the neighborhood, the appearance, the quality of the homes, the socioeconomic environment all play into our decision. Transient or transitional housing is not what we desire nor want to see in the Berthoud community.
- Uncertainty about who your neighbors are from day to day makes for less "settled" living. It isn't that the strangers who are renting are bad people, but having the flow of strangers in and out of the intimate environment we enjoy is detrimental to the overall lifestyle. Creates significant parking issues and lessens the availability to our recreational facilities for which we are paying. I am getting no obvious benefit from the rent they pay to the rental owners. I appreciate that having short-term renters in the Town probably contributes to the income of stores, bars, and restaurants, and if they lose that income, that loss may come back to me in the form of higher prices, but I would accept that impact.
- I don't believe short-term rental guidelines will be effective as they are almost impossible to enforce. It would be much wiser to not allow short-term rentals at all.
- "Incompatibility with neighborhood" encompasses all of the subsequent answers very well. Short term rentals need to be strictly regulated and enforced in neighborhoods where children play, elderly walk, etc. Nobody deserves to live in a neighborhood that becomes overrun with traffic (speeding, distracted driving, etc.), or noise, or trash.
- Current city zoning does not permit running a commercial enterprise in an R1/R2 zoned neighborhood. Increased traffic will occur since STR's encourage customers trips and multiple vehicles. Traffic trips proportionally increase relative to renter turnover. Peaceful neighborhood norms suffer from churn related to STR businesses. HOA and covenant enforcement becomes strained and more costly when in conflict with City code. Parking becomes burdensome to residents due to limited on-street parking from narrow lot frontages. Enforcing parking restrictions on temporary renters can be contentious and dangerous. This will strain city/county policing resources.
- I really went back and forth about "should Berthoud allow them". Loss of long-term housing is the primary concern - hence the desire for the town to limit the number if they do. And this is coming from someone whose husband relies on STRs. The Front Range is already financially inaccessible to so many and is leading us to a bigger employment crisis because people can't afford to live where they work. We are not second-property owners (nor do we want to be) but wonder if owners might be more prone to reduce their rent and have a



longer-term renter than leave a place sitting empty in hopes of a higher-paying but more temporary one?

- As hosts ourselves, we've tried to be thoughtful and not degrade or disrupt housing availability. The last thing I'd like to see is someone not able to find housing because of short term rentals taking that part of the market. I think this is why being an owner occupant has been especially beneficial, as we were renting a part of our home as opposed to an entire single-family dwelling being used solely as an STR.
- I think they are a nice addition to a town without hotels/overnight options, but I do worry that it is impacting the rental market as a whole.
- Regulations may not be able to protect neighborhoods from illegal activity or potentially dangerous persons.
- The usual concerns seem to be almost always overstated. My top concern was not listed. Which is -- exaggerated and unsubstantiated complaints by neighbors without contacting the property manager first. Neighbors should not be allowed to influence the Board with multiple unsubstantiated complaints without contacting the property manager first.
- I have only one concern. All laws and rules like HOA must be followed. I have no other concerns.
- Do not have a concern about short-term rentals in Berthoud. With regulations and guidelines, short-term rentals can be effective and provide lodging.
- I have zero concerns. Frankly, if the short-term rental is, let's say loud, then it will be for a short time. If a person has a year-long rental and they're loud, then I have to deal with it for an entire year. If short-term rentals presented major problems, Airbnb, VRBO, etc. would not be successful. They work, they work well, and should not be under "regulation" from the town.
- The only concern I have is large companies buying up properties for short-term rentals. So the regulation I'd like to see limiting ownership to individual or small sized local operations.
- It's a hard thing to quantify, but short-term rentals can be awesome for events like family reunions, the Korn Ferry, or events that Berthoud wants to host that would bring in people from out of town but doing that without opening the door for "just anybody" is a hard thing to define.
- My biggest concern is ensuring my rental positively affects Berthoud, enhancing local business without altering the town's essence. I encourage guests to immerse themselves in our local culture and economy in a respectful manner.
- As a short-term rental owner, I want to uphold the quality of the home and the neighborhood for our current neighbors, for our long-term real estate investment, and to attract better renters. We don't want to contribute to unwanted events, noise, trash or undesirable living conditions for our nearby neighbors.

Question #9 – Do you have other general comments about Short-term Rentals in the Town of Berthoud and how the Town should address them?

Summary of Response to Question #9:

- The Town needs to be able to enforce the rules. Without enforcement, they are worthless.
- Recommendation that any policy be taken out to the community in forums to ensure open input. Trustee study session/meetings do not allow for "open" discussions as did our recent forum at Heron Lakes.



- Hotels are for short term rentals. Neighborhoods should be able to decide for themselves through their own HOA process.
- HOA should be able to opt out of Airbnb if they want. Out of town landlords no way.
- Concerned about the potential conflict between Metro District policies and Town of Berthoud policies, should STRs be approved. The Metro District policies we agreed to when purchasing our lot specifically do not allow STRs. Conflict between town /metro district will occur if approved.
- Berthoud is struggling to grow while maintaining environmental and social standards, and this would further degrade the objectives of the town.
- I can't speak more strongly about making STR's outright illegal. This would rob normal people of their sense of safety and community, so that a few people can pad their already padded pockets.
- Why? The town is not going to make significant income from this. It boils down to do you want to protect the rights of the multitude of single-family homeowners or give a small handful of people the right to make a few bucks at the expense of their neighbor's quality of life.
- Enforcement! This issue created anxiety, fear, and tension. We became STR police and had to confront property managers/owners. Berthoud lacked the resources to enforce a no STR policy; where will it come from if approved? Are STRs so important to risk something that cannot be managed and enforced?
- Please don't pursue a one-size-fits-all approach. And don't proceed with any formal expansion of STRs until an enforcement plan is fully agreed upon and funded. Limiting STRs to multi-use areas may make enforcement easier.
- If short-term rentals are allowed, with regulations or a cap, who is going to be monitored?
- Our biggest concern is taking away from the neighborhood culture and atmosphere. We built our dream home in a neighborhood that we love, and it is concerning to have a rental property next door.
- If this is allowed, you must be a resident of Berthoud. Limited owner occupied STR homes. Need to have one to two full time Berthoud employees policing these.
- Consider a special use in limited areas. Through that neighbors have input; special conditions can be placed to minimize impacts, owners/renters would be clear on what is allowed, and enforcement would be easier. Special use process allows more than a one size fits all option.
- Covenant control is all that is needed beyond city laws that are already in place. Cities should not treat all neighborhoods equally and they are not all zoned equally. Rules should not be put in place to control private property use like this.
- STRs should be regulated to protect the character of existing neighborhoods. There should not be a set cap on STRs, which would just give an advantage to people first to obtain licensing.
- Since Berthoud offers no hotels or B&B's, short-term rentals are crucial to house visitors for events like the Newell Farm Concert, golf tournaments, class reunions, etc. Visitors stay within walking distance of downtown where they eat and shop, i.e., spend money.
- Using STRs for a corporate meeting or some kind of retreat is inappropriate in my opinion.
- We're fine with rules and regs to keep it all aligned and have a way to measure if a rental unit is upholding its end of the deal or not.



- I am surprised at how big of an issue this has become in the Berthoud area. I understand how homeowners could see the benefit for both sides during the Korn Ferry event. STR's make sense for places like Denver, Telluride, Aspen, Vail etc. But I am not seeing how STR's make sense for Berthoud.
- I acknowledge the necessity for implementing regulations of short-term rentals in Berthoud. These guidelines are essential in balancing interests of the broader community. By establishing rules, we can maintain Berthoud's charm and character while embracing the benefits that these rentals bring.
- If handled appropriately, STR's can be of value to the area. It is difficult to have no lodging for out-of-town events. It can be an income stream for the community but needs to have enforceable guidelines.
- STR's are a necessity in our town because we have no housing for tourists, our families visiting, and people relocating, STR's are a vital part of a healthy town. If you regulate and take a stance, you will have to pay someone to monitor it either way. Do it like Loveland and don't regulate.
- The town should worry about fixing their own issues not making new ones. Water costs, amount of traffic and our roads are not designed for, road conditions, and schools are just a few things that come to my mind.
- Telling me what I can do with my own property is a blatant overreach of political power. Yes, regulations should be implemented in a timely manner (you have not been timely with this issue as of yet aside from an altogether stop order) to help prevent misuse, but anything behind that is tyrannical.
- The Town of Berthoud is overstepping their bounds and enforcing their will on the private citizen.
- Any council member who votes for this will face steep opposition in the next election.
- I don't think the town should be involved at all with how people want to use their homes. The only time the town should step in is if the property is falling apart, becoming a visual negative or actual physical danger to surrounding residents.
- Don't Allow Them! The Town does not even have the staff/employees to manage it. When I've called with complaints there is one part-time person handling complaints. If you allow this, it will get totally out of control!!!!
- It doesn't matter. The town rulers don't listen to us. You give lip service to our views, then do whatever you want. We see this repeatedly. We repeatedly express concerns over rampant development. You rubber stamp everything. We vote against debt for rec, center, you do it anyway.
- This is an overreach of private property rights, that appears to be looked at as if STR are hotels, but they are in fact not. Return rights back to the property owners in this town.
- STRs can be a substantial source of income. If the city decides to prohibit them, then just compensation should be provided to all property owners for the loss of unrealized gains.
- Follow Larimer County rules and requirements for STR.
- Make the STRs follow and be permitted by Larimer County.
- As a small business owner in a town that has zero hotels or other accommodations and as a large family with my parents and other family living out of state, having some way to host family guests and draw additional revenue to our business is vital.
- Would like that freedom, but don't want to live next to one.



-
- STRs are a contributing factor in pricing locals out of where they grew up, inviting out of town and out of state money buying so called 'investment' properties and artificially inflating housing costs for everyone.

Public Comment

From: Berthoud Football Backers <berthoudhsfootball@gmail.com>
Sent: Thursday, February 1, 2024 8:57 AM
To: Short term rentals; Chris Kirk; Anne Johnson; Tawn Hillenbrand
Subject: Short Term Rental Survey

Some people who received this message don't often get email from berthoudhsfootball@gmail.com. [Learn why this is important](#)

Good morning.

I am a Berthoud resident and have lived in town since 2011. I took the STR survey today but wanted to point out that the survey required me to rank concerns regarding STRs even if I have no concerns. This will result in an inflated picture that everyone has concerns regarding short term rentals. This question should include an option that you can place "No Concerns" at the top of the list or opt out of it if you have no concerns. I just want to point this out so that you are aware of the fact that this will skew your results in making it appear 100% of survey participants have concerns over rentals.

I made it clear in the survey but just so that it is said here, I have had no negative experiences with short term rentals and believe that banning them was a reactionary policy due to a very few bad apples that could be dealt with through normal law enforcement means or, where applicable, through HOA policies in certain communities if they are not desired in a particular HOA. I have personally utilized short term rentals near downtown Berthoud multiple times when I have family visiting for graduations, football games, holidays, etc. It allows my extensive family to stay close by and experience Berthoud rather than staying in Loveland or Longmont. When they stay in town, they walk to local businesses for meals or shopping. The property owners of the STRs have to maintain attractive properties in order to get good reviews (a system already in place through AirBNB and other sites at no cost to the town) and to get more frequent renters.

In contrast, I am aware of multiple long term rentals in town where the property owners disappear as soon as they have a long term tenant and the property falls to disrepair. Neighbors are then left dealing with a long term renter and a neglectful owner that have no incentive to maintain the property.

Fear should not be the basis of policy. The STR's are an incredible option for our residents to have places for visitors to stay without the problems associated with hotels. Multiple nearby towns have made this workable. Berthoud can do the same.

I have multiple members of my family coming to town for graduation in May. Please stop overthinking this and give your residents the option to have places for family to stay for these sorts of momentous occasions. The ban should be lifted while you figure out the regulations.

Thank you
Shara Larson
500 Mayo Court
702-234-7845

From: Richard Stewart <stew3a@gmail.com>
Sent: Friday, February 2, 2024 12:41 PM
To: Chris Kirk; William Karspeck; Tawn Hillenbrand
Subject: Short Term Rental Policy

Some people who received this message don't often get email from stew3a@gmail.com. [Learn why this is important](#)

Will/Chris/Tawn,

After attending the meeting this week I am concerned that the process for developing the STR policy document is not as transparent as was discussed in the previous meeting last year. Our neighborhood has attempted to be involved since the beginning however some of the statement and actions during this recent meeting indicated that the proposed policy had moved on significantly without additional resident participation. While I understand that this type of policy has been discussed and implemented in many other areas, I believe that this should be approached as a new policy discussion not simply a rubber stamp of some other policy created for another county/city. We are not Larimer county/Loveland/Ft Collins or a summit county mountain town. While we can and should take lessons learned from these places, this policy should be crafted with our Berthoud residents and implications for the community in mind.

I was dismayed to hear the statement “we have a draft policy already created and only need to address a couple of areas.” There was a large list of items in the last meeting that needed to be addressed but seemingly, without any further public input, they were “decided” in creating this draft. One key area that was not mentioned during the meeting as the enforcement mechanism of whatever policy is approved. This is probably the most important part of the policy since we have personal examples of what happens in no one enforced the existing regulations. From the website:

Many of the suggested regulations are consistently seen in other communities’ short-term rental regulations; therefore, these regulations are considered industry standard. Additionally, these standards are typically recognized as being reasonable and fair. ➤ Further discussion on these industry standards may not be necessary moving forward.

I’m not sure that this approach necessarily allows for specific impacts to the Town of Berthoud. It would seem that the “draft policy” should be based on existing zoning regulations, Public inputs (neighborhood meetings, comments at Board of Trustee’s meetings) and results of the survey versus creating the draft and then getting inputs. As an example, zoning designations are already meant to ensure that commercial/residential and mixed-use areas are clearly defined within the town. An STR is a ‘commercial’ use of property and should therefore be excluded from any R-1/R-2 areas.

During the meeting the answers to the question relating to “how long will this take” seemed to focus on “getting this done quickly” versus ensuring that the policy is created correctly through a fully transparent, inclusive process. The questionnaire is a step in the right direction but I related my concern that , only inputs from Berthoud residents, should be considered here. We would not expect that people outside the town of Berthoud would participate in electing our town officials so why would we have non-residents provide inputs to a policy that they are not subject to. Owning a property in Berthoud and having a primary residence in Berthoud are two completely different things. The Questionnaire doesn’t

seem to require a respondent to indicate if they have a ‘primary residence” in Berthoud, which should be a prerequisite for having that survey “counted” for inputs to the policy.

I would hope that moving forward this policy development would be more focused on “getting it right” in accordance with the community inputs than “getting it done”. We only have one shot at this policy because once it is in place you can’t put the genie back in the bottle if it opens the door for abuse of the regulations.

Thank you for your consideration.

Rick Stewart

3368 Danzante Bay Ct

303 579 8045.

From: fjonevans@aol.com <fjonevans@aol.com>
Sent: Wednesday, May 22, 2024 12:36 PM
To: William Karspeck <WKarspeck@berthoud.org>; Chris Kirk <CKirk@berthoud.org>
Subject: STR Policy input

Will and Chris,

As you are fully aware, the neighbors in Heron Lakes have been keenly interested in the development of the policy regarding Short-term Rentals in the Town of Berthoud. We truly appreciate the time and attention that the Town, Mayor, Trustees, and staff have dedicated to addressing this topic.

Granted the first draft of the policy was provided in late March with an objective of reviewing the next version of the policy at a Planning Commission meeting in June. Considering that, please see the attached marked up document with suggestions and recommendations for changes that we would like to have reviewed and incorporated in the next version of the policy. I apologize for the format of the document, I had to convert it from a pdf to a Word document and therefore it is not as clean as I would like to present. However, the key points are addressed. The changes are in **RED** and/or **highlighted**.

There are a number of items that were omitted from the language from the Larimer County policy that could be easily integrated into the Berthoud policy, just by referencing the document.

Also, there are a number of policies from surrounding communities that have language that would be beneficial to include in the Berthoud document. I will provide examples of those in a follow up email.

Lastly, I did not address waivers for the TPC golf tournament or other key events to allow for STRs in the interim until a policy is put into place.

Thank you,

Jon Evans

3252 Danzante Bay Ct.

Berthoud, CO

Town of Berthoud – Development Code Short-term Rental Regulations

~~1st~~ **2nd Draft – March 26 May, 2024**

This 1st Draft of Short-term Rental (**STR**) Regulations amending the Development Code to allow Short-term Rentals, represents an initial draft for public discussion and reflects analysis and public input on short-term rentals.

The sections in this draft are organized as follows:

1. **Proposed New Definitions** for Section 1 of the Development Code.
2. **Short-term Rentals in Zoning Districts** (Section 3, *Zoning*), including the tables of principal and conditional uses by zone district – where STRs are allowed in the Town of Berthoud. The tables also include applicable review procedures.
3. **Use-Specific Standards** (Section 3, *Zoning*) includes the standards that apply to all STRs including standards to address compatibility, safety, and parking.
4. **Other sections of the code** that need to reference STRs, including Section 2, parking standards.

Note for the reader/Municode: Section explanations are not to be codified. These introductory explanations are intended to memorialize the reason why a code change is proposed.

Section 1: Proposed New Definitions

30-1-116 – Definitions

40.1 *Bed and breakfast* means an establishment operated in a principal dwelling or portion thereof, which provides temporary accommodations to overnight guests for a fee to overnight guests and ~~which that~~ is occupied by the owner/operator of such establishment. A bed and breakfast may provide accommodation to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The term “party” as used in this definition shall mean one or more persons who stay at a bed and breakfast as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Bed and Breakfast shall be limited to ~~42-8~~ or fewer guests.

NEW 369: Short-term Rental (**STR**) a principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

a. **Maximum Number of Guests:** A Short-term Rental shall be limited to ~~40-8~~ or fewer guests who are part of one party or single group of renters.

b. **Hosted property:** STRs shall be hosted by an on-site person(s), and/or owner occupied for Zoned districts R1 and R2.

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Section 2: Short-term Rentals in Zoning Districts

30-3-104 – Principal and Conditional Uses Permitted By Zoning District

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ Principal Use By Right											
□ Conditional Use											
<i>Commercial, retail or service land uses</i>											
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Short-term Rental (max 8 guests)/hosted			□	□	■	■		■	■		
Short-term Rental (max 8 guests)/unhosted					□	□		□	□	□	

Table 3.5, Conservation Subdivision, Table 3.7 Suburban Uses, and Table 3.10 Urban Uses

	CD	SR	SC	UR	UC
■ Principal Use By Right					
□ Conditional Use					
<i>Commercial, retail or service land uses</i>					
Hotel/motel (no room limit)					
Inn (up to 12 rooms)					
Short-term Rental (max 10-8 guests)/hosted	■	■	■	■	

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Explanation of Abbreviated Uses for All Use Tables

Principal Use By Right: '■' in a cell indicates that the use is allowed in the respective zoning district as a matter of right. Permitted uses are subject to all other applicable regulations of the Code.

Conditional Use: '□' in a cell indicates that the use is only allowed in the respective zoning district with approval of a conditional use permit subject to all other applicable standards of the Code. STR shall require an on-site host as defined for respective zoning district.

Section 3: Use-Specific Standards

NEW 30-3-### – Short-term Rentals

- A. **Purpose.** The purpose of these regulations is to allow Sshort-term Rrentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. **Applicability.** These regulations apply to all uses meeting the definition of Sshort-term Rrental. Private covenants running with the land, (e.g., HOAs or Metro Districts) may restrict or prohibit Sshort-term Rrentals. I; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. **License Required.** No person or entity shall rent a principal dwelling as a Sshort-term Rrental as defined in this Chapter to a transient guest(s) without first obtaining a Sshort-term Rrental business license issued by the Town and complying with any conditions or restrictions thereof. A Sshort-term Rrental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-###) are met.
- a. The Sshort-term Rrental business license shall be valid for one (1) year and is shall be subject to annual license renewal as prescribed by the Town. The license shall not be renewed in perpetuity.
- b. The fee structure for the one (1) year business license is as follows: One (1) bedroom \$250, two bedrooms \$750, three bedrooms \$1500.
- c. Short-term rentals shall not be permitted in homes with more than three (3) bedrooms.
- b-a. In determining whether to renew a Sshort-term Rrental business license, the Town Administrator, or Designee, will shall consider the history of any violations of the Sshort-term Rrental business license and any documented complaints from nearby property owners or lessees.
- e-b. The Sshort-term Rrental business license is not transferable to any person, legal entity, or residential address upon sale or other transfer of ownership of the property nor is a Sshort-term Rrental business license transferable from one property to another.
- d-c. A copy of the business license shall be prominently and visibly displayed within the Sshort-term Rrental unit (such as next to the front entrance).
- e-d. The Sshort-term Rrental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find and/or book customers.
- D-B. General Standards.
- b-a. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new-Sshort-term Rrental shall be processed on a first-come-first-served basis. Applications shall only be accepted from the legal property owner with proof of ownership and identification. No applications for a Sshort-term Rrental will shall be accepted if the maximum number has been met.

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30-3-105

b-c. Only one ~~S~~short-term ~~R~~rental shall be allowed on a property. A ~~S~~short-term ~~R~~rental shall not be allowed in multi-family residential dwellings, as defined by this code (i.e., apartment complexes).

e-d. A ~~S~~short-term ~~R~~rental shall only be conducted in a legally constructed dwelling unit. ~~d.~~ Accessory Dwelling Units (ADU's) shall not be utilized as a ~~S~~short-term ~~R~~rental.

e. The total number of occupants or guests of the ~~S~~short-term ~~R~~rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ~~ten (10)~~eight (8) total persons.

f. All guest parking for a ~~S~~short-term ~~R~~rental ~~must~~shall be in a garage or on the driveway. On-street parking shall not be counted toward the required minimum number of off-street parking spaces. The minimum number of off-street parking spaces required are as follows:

Number of Bedrooms in STR Unit	Number of Off-Street Parking Spaces
1-2	1
3	2
4	

a. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the ~~S~~short-term ~~R~~rental property.

b. The ~~S~~short-term ~~R~~rental shall not be used and/or advertised as an event space, be it a commercial event/use or large social gathering such as weddings, ~~receptions~~, commercial or corporate events.

c. There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such ~~S~~short-term ~~R~~rental and it shall not disturb the neighborhood character.

C. Density

a. The minimum space between any Short-term Rental shall be 1000 feet in a single-family residential (R1, R2) area and 500 feet in the downtown area. Special waivers may be granted by the Town for areas in the downtown corridor, townhomes or condominiums.

E.D. Safety Standards.

a. The ~~S~~short-term ~~R~~rental must undergo and pass a life-safety inspection by a certified residential rental inspector at the owners expense ~~or~~and other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code.

b. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:

i. In each room with a cooking appliance, fireplace, heating appliance, or water heater.

ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.

iii. At least one on each story.

c. The ~~S~~short-term ~~R~~rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town.

e-d. The property owner shall designate a local property manager who shall be available 24 hours per day, seven (7) days per week to respond to complaints about or violations of law or of license terms. Local as used herein means having a permanent address within a 20-

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mile radius from the Sshort-term Rrental property and shall havea 24-hour contact phone number. The property manager must be able to affirmatively respond to complaints within one (1) hour of notification of such complaint. The property manager's contact information shall be posted in the operations manual located in the Short-term Rental. Changes to the contact information for the property manager shall be provided to the Town Community Development Department within five (5) business days of the change in contact information.

e. The property owner shall provide written evidence that a Short-term Rental is allowed by covenant(s) of the neighborhood, to include, but not limited to, Metro District and/or HOA as per Section 3B. Failure to comply with this section shall result in failure to obtain a license. If no HOA is in force, the property owner shall show approval, in writing, of the adjacent neighbors within 500 feet proximity to the Short term Rental prior to the issuance of a license.

f. The property owner shall provide a written notice, on a form approved by the Town, of the short term rental approval to all property owners within 500 feet of the subject property. Such notice shall be mailed within ten (10) days following the date of Sshort-term Rrental approval.

g. The property owner shall maintain and provide proof of property liability insurance adequate for a Sshort-term Rrental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F.E. Taxes, Records, Violations and Penalties.

a. A short-term rental is subject to lodging, sales, and other applicable taxes.

b. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.

c. A violation of this section may subject the short-term rental license to suspension, revocation, or the Town may refuse to renew any license issued hereunder. Any licensee who violates any provision of this Section may be punished by a fine. Additionally, the Town may take any other legal action available to address violations of the provisions of this Section.

Noise and Disorderly Conduct.

All short-term rentals are subject to the Berthoud and Larimer County Noise Ordinance. The Noise Ordinance is enforced by XXX during business hours and the YYY after hours. Disorderly conduct issues are handled by the Larimer County Sheriff's Office.

Compliance with Other Laws.

Owners, Property Managers, and renters are required to comply with county, state and federal laws. A violation or infraction instituted by another jurisdiction or agency for activity at the short-term rental property shall be counted as a violation as defined in

VIOLATIONS, ENFORCEMENT and REVOCATION

A. On-going Compliance Obligation of Owner. (1) Approval of an application/license is expressly contingent upon the Owner maintaining compliance with all requirements set forth in this Ordinance. If at any time an Owner fails to maintain such compliance as required, the Owner shall be in violation of this Ordinance.

The renewal/re-certification of a short-term rental license is discretionary by the Town of Berthoud and may be denied or approved with additional conditions based on, but not limited to, failure to comply with any terms, condition or requirement as outlined in this

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Ordinance or the Land Use Code regulations and the International Building Code as adopted.

B. Complaints.

(1) Complaints concerning a short-term rental shall first be directed to the Property Manager. The Property Manager shall respond to the complaint, including visiting the site if necessary. Failure of a Property Manager to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.

(2) The Property Manager shall provide a detailed report of all complaints received and their resolution or attempted resolution specifically to the Code Compliance Officer, within 48 hours of notification or attempted notification of the complaint.

(3) The Town may investigate, including but not limited to an inspection of the property, any complaint received, to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Ordinance. Violations of this Ordinance shall be subject to the enforcement provisions set forth herein. If violation(s) are not corrected or if there are repeat offenses, the Town of Berthoud may pursue action as provided for herein.

(4) If upon review at any time, the Town of Berthoud determines the Owner has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this Ordinance, the Town of Berthoud may take such action as is deemed necessary to remedy the non-compliance, including but not limited to, revocation of the license as set forth in Section D below.

C. Suspension or Revocation.

(1) A license granted pursuant to this Ordinance may be revoked or suspended by the Town of Berthoud following a Show Cause Determination for any violation of the Ordinance, or violation of the short-term rental regulations in the Land Use Codes (LUC) and Building Codes, as amended. The Town of Berthoud may commence revocation proceedings if any of the following occurs:

- i. An Owner has had three (3) substantiated complaints; or
- ii. An Owner has violated or is currently violating this Ordinance in a manner that significantly endangers the public health, safety and/or welfare.

D. Suspension or Revocation Determination:

1. The Show Cause Determination shall be made by the Town of Berthoud or their designee.

2. A Notice of Violation shall be given to the Owner or Property Manager setting forth the date and substance of the alleged violation(s).

3. Within fifteen (15) days of receipt of the Notice of Violation, the Owners and/or Property Manager may submit a response and provide documentation disputing the allegations to the Town of Berthoud. The Town of Berthoud shall consider the following when determining whether to suspend or revoke the short-term rental license:

- i. The nature and seriousness of the violation
- ii. Impact of the violation on the neighborhood and/ or community
- iii. Corrective action, if any, taken by the Owner or Property Manager
- iv. Prior violations
- v. The likelihood of reoccurrence of the violation or violations
- vi. Entirety of the circumstances surrounding the violation
- vii. Willingness, or lack thereof, to rectify the violation
- viii. Length of time the Owner has held a license

4. Following receipt of any evidence that may be provided to the Town of Berthoud, if it is determined that good cause exists for the imposition of a sanction against the Owner, the Director may impose the following sanctions: ix. Suspension of the license for a time period not to exceed six (6) months; or x. Revocation of the license.

5. Any action taken pursuant to this Section shall be commensurate with the seriousness

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of the violation(s) and the action, or lack thereof, taken by the Owner to resolve the violation(s). Egregious and/or severe life-safety violations may be subject to immediate revocation.

6. The Town of Berthoud shall provide their decision in writing to the Owner and Property Manager.

7. An Owner whose short-term rental license has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension. 8. An Owner whose short-term rental license has been revoked must immediately cease all operations. All advertising shall cease immediately.

E. Appeals of License Revocations. 1. Any determination made by the Town of Berthoud related to the suspension or revocation of the license may be appealed to the Town of Berthoud.

F. Costs of Enforcement, Revocation and Appeal. In the event it is necessary for the County to act for enforcement of this Ordinance, there shall be added to any fees due, all reasonable costs and fees incurred by the Town of Berthoud, including reasonable attorney fees. If any action is brought in a Court of law, by or against the County relating to the enforcement, interpretation, or construction of this Ordinance, or of any document provided for herein, or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney fees as well as all costs incurred in the prosecution of such action.

G. Violations. Any short-term rental without the required license is deemed in violation and subject to fines, increased fees and injunction proceedings.

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H. Penalties. Pursuant to C.R.S. 30-15-402, any person who is convicted of violating this Ordinance commits a civil infraction and is subject to a fine of up to \$1,000 per violation, per day as long as the violation(s) continues.

I. Advertising. Any advertising listing the short-term rental for rent, such as online rental sites i.e., VRBO, Airbnb, etc., or published to solicit rental of a Short-term Rental, without a license from the Community Development Department is a violation. SECTION 10. REMEDIES NOT EXCLUSIVE A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, or local laws. It is within the discretion of the Town of Berthoud to seek cumulative remedies.

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From: Lynsey Morgan <lynsey.phelps@gmail.com>
Sent: Thursday, June 27, 2024 4:16 PM
To: William Karspeck; Mike Grace; Tim Hardy; May Albrecht; Sean Murphy; Karl Ayers; Chris Kurtz; Tawn Hillenbrand
Subject: missing definition update for Bed & Breakfast vs. Short-term Rental, Hosted in first public hearing for STRs

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Neighbor Comment

Some people who received this message don't often get email from lynsey.phelps@gmail.com. [Learn why this is important](#)

Good evening, In March, I was thankful to receive many of the Trustees' expressed support regarding the updating of our code to match Larimer County's updated definitions clearly separating Bed & Breakfast (owner-occupied overnight lodging, with "*a meal limited to guests only.*") and Short-Term Rental, Hosted (owner-occupied, overnight lodging). The former, as one would expect when staying at a "Bed and Breakfast," includes a meal exclusive to guests.

Looking at documents for tonight's first public hearing on Short-Term rentals with Planning, it appears this definition has still not been updated.

We've heard from the Community, other previously operating Short-term rental hosts and their neighbors, and the Board of Trustees members, that people overwhelmingly support owner-occupied short-term rentals. Please see that our Code is made to match Larimer County's updated definitions (June 2023), so that owners can provide lodging to guests without becoming a Bed & Breakfast.

If owner-occupied units are considered Bed and Breakfasts (re: our current, outdated code) despite the fact they're not providing exclusive meals, owners will face significant challenges. As a personal example, our home would have to meet Commercial standards as opposed to Residential code, and our property taxes would go from \$4200 to over \$18,000, nullifying us offering any lodging.

The following are Larimer County's most recent official definitions in the Land Use Code (effective June 1, 2023, Article 20) defining a Bed & Breakfast (page 11) vs Short Term Rental, hosted (page 12)

"Bed and Breakfast Inn: An establishment operated in a principal dwelling or portion thereof, which provides transient accommodations for a fee to overnight guests, *a meal limited to guests only*, and that is occupied by the owner or operator of such establishment. A bed and breakfast inn may provide accommodations to individuals or multiple separate parties concurrently on both a reservation or a walk-in basis. The term "party" as used in this definition shall mean one or more persons who stay at a bed and breakfast inn as a single group pursuant to a single reservation and payment."

"Short-term Rental, Hosted: A principal dwelling occupied by a full-time resident or owner living on-site where short term lodging (30 days or less) is provided to transient guests."

from Article 20.0 Rules of Interpretation and

Definitions: [https://www.larimer.gov/sites/default/files/uploads/2023/article_20 -
_rules of interpretation and definitions - redline.pdf](https://www.larimer.gov/sites/default/files/uploads/2023/article_20_-_rules_of_interpretation_and_definitions_-_redline.pdf)

found on Larimer County's Short Term Rental website page (revisions adopted in June 2023)
: <https://www.larimer.gov/short-term-rentals>

Berthoud currently has no lodging available, yet has an upcoming PGA tour at TPC, an events center with weddings and their guests, and many transplant residents who would like relatives to stay in Berthoud when visiting. We would love to be able to host those coming to Berthoud again soon.

Thank you for your thoughtfulness. I hope the information shared makes updating code and regulations easier and allows owner-occupied short term rentals to accept guests.

Warmly,
Lynsey Morgan
390 Welch Ave