



**Garden  
Spot of  
Colorado**

**MEETING OF THE TOWN BOARD  
Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, August 13, 2024, 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](https://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. AUGUST 13, 2024 MEETING AGENDA.PDF](#)  
[B. JULY 23, 2024 MEETING MINUTES.PDF](#)  
[C. WOMENS EQUALITY DAY PROCLAMATION.PDF](#)  
[D. MARK FRENCH PROCLAMATION.PDF](#)

5.II. House Of Neighborly Services Presentation

Introduction By: Cherri Houle and Jinger Tomassi

Documents:

[HOUSE OF NEIGHBORLY SERVICE PRESENTATION.PDF](#)

5.III. Caretakers Of Tradition Presentation

Introduction By: Jerry Ward

Documents:

[MEMO RE CARETAKERS OF TRADITION.PDF](#)

5.IV. Berthoud VFW Funding Request

Presented by: Berthoud VFW

Documents:

[MEMO RE VFW FUNDING REQUEST.PDF](#)

5.V. Redevelopment Of Public Works And Skateboard Park Site

Introduction by: Walt Elish

Documents:

[MEMO RE REDEVELOPMENT OF PUBLIC WORKS SITE.PDF](#)  
[ASHER ARCHITECTS PROPOSAL.PDF](#)  
[RFP - PUBLIC WORK SITE.PDF](#)

5.VI. Short Term Rental Regulations - Public Hearing

Introduction By: Tawn Hillenbrand

- a. Ordinance 1342 – An ordinance of the Town of Berthoud amending certain Sections of the Berthoud Municipal Code Chapters 30, to allow short-term rentals, specifically, Sections 1 and 3 are proposed for amendment.
- b. Resolution 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.

Documents:

[MEMO RE SHORT TERM RENTALS.PDF](#)  
[DRAFT PLANNING COMMISSION MINUTES JUNE 27 2024.PDF](#)  
[ORDINANCE 1342 - SHORT TERM RENTALS.PDF](#)  
[APPENDIX A - STR REGULATIONS REDLINE VERSION.PDF](#)  
[APPENDIX B - STR REGULATIONS CLEAN VERSION.PDF](#)  
[RESOLUTION 2024-09 AMENDING THE FEE SCHEDULE.PDF](#)  
[PUBLIC NOTICE.PDF](#)  
[SUMMARY OF STR QUESTIONNAIRE.PDF](#)  
[PUBLIC COMMENTS.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) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and

instructing negotiators; and pursuant to C.R.S. § 24-6-402(4)(b) for a conference with legal counsel for the purpose of receiving legal advice on specific legal questions related to potential litigation.

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

|                              |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>August 13, 2024</b>                                                                                   |
| <b>Agenda Title/Subject:</b> | <b>Consent Agenda</b>                                                                                    |
| <b>Type of Item:</b>         | <b>Regular Item</b>                                                                                      |
| <b>Purpose:</b>              | <b>The Consent Agenda contains routine items that can be approved with a single action by the Board.</b> |
| <b>Presented by:</b>         | <b>Christian Samora</b>                                                                                  |

### ATTACHMENTS:

- a) August 13, 2024, Meeting Agenda
- b) July 23, 2024, Meeting Minutes
- c) League of Women Voters Proclamation
- d) Mark French Proclamation

### 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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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) August 13, 2024, Meeting Agenda
  - b) July 23, 2024, Meeting Minutes
  - c) League of Women Voters Proclamation
  - d) Mark French Proclamation
- 2. Caretakers of Tradition Presentation** (Jerry Ward) (10 Min)
- 3. Berthoud VFW Funding Request** (Berthoud VFW) (10 Min)
- 4. House of Neighborly Services Presentation** (Cherri Houle / Jinger Tomassi) (20 Min)
- 5. Redevelopment of Public Work Site** (Walt Elish) (20 Min)
- 6. Short Term Rental Regulations – Public Hearing** (Tawn Hillenbrand) (60 Min)
  - a. Ordinance 1342 – An ordinance of the Town of Berthoud amending certain Sections of the Berthoud Municipal Code Chapters 30, to allow short-term rentals, specifically, Sections 1 and 3 are proposed for amendment.
  - b. Resolution 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.

*August 13, 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.*

## **VI. ELECTED OFFICIAL REPORTS**

**(10 Min)**

- 1.** Town Board – Tim Hardy, May Albrecht, Sean Murphy, Karl Ayers, Chris Kurtz, and Brett Wing
  - c. Establish Interview Committee for Planning Commission
- 2.** Mayor – William Karspeck
- 3.** Staff – Town Administrator, Attorney

## **VII. EXECUTIVE SESSION**

Pursuant to C.R.S. § 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; and pursuant to C.R.S. § 24-6-402(4)(b) for a conference with legal counsel for the purpose of receiving legal advice on specific legal questions related to potential litigation.

## **VIII. ADJOURN**

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Town Clerk or Deputy Town Clerk

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William Karspeck, Mayor

*August 13, 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.*



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## MEETING MINUTES OF THE TOWN BOARD

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, July 23, 2024, 6:30 p.m.

7/23/2024 - Minutes

1. Meeting Called To Order - Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:33 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  
Brett Wing, Trustee  
Karl Ayers, Trustee  
Chris Kurtz, Trustee  
Tim Hardy, Trustee  
Sean Murphy, Mayor Pro-Tem  
Will Karspeck, Mayor

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  
Keith Knoll, Public Works Operational Manager  
Anne Johnson, Planning Director  
Tawn Hillenbrand, Senior Planner

4. Citizen Participation

No one spoke during Citizen Participation.

5. Scheduled Items And Estimated Time For Discussion

5.1. Consent Agenda

Items:

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

**Trustee Hardy moved to combine and approve the items on the Consent Agenda. Trustee Wing seconded the motion. In a 6-0 roll call vote, THE MOTION CARRIED, with Mayor Pro-Tem Murphy abstaining due to not being in attendance at the last meeting.**

#### 5.II. Green Lawn Cemetery Improvement Update

Clerk Samora gave a presentation on the Green Lawn Cemetery Improvement Update.

Public Works Operational Manager, Keith Knoll, provided some additional information.

Mayor Karspeck opened the item up to public comment.  
Lynn Larsen spoke during public comment.  
Mayor Karspeck closed public comment.

#### 5.III. Short Term Rental Regulations - Introduction

Planning Director, Anne Johnson, gave an introduction on general code changes.

Senior Planner, Tawn Hillenbrand, gave a presentation on the proposed Short Term Rental Regulations.

Mayor Karspeck opened up the item to public comment.  
Rick Stewart, Jon Evans, Jeanine Weinzierl, Lynn Larsen, Kristy Peatrowsky, Charles McConnell, and John Spencer spoke during public comment.  
Mindy Hughes and David Hughes spoke via Zoom.  
Mayor Karspeck closed public comment.

**Mayor Pro-Tem Murphy moved to extend the meeting to 11:00 pm. Trustee Ayers seconded the motion. By unanimous decision, THE MOTION CARRIED.**

#### 6. Elected Official Reports

Trustee Ayers:

Ayers reported on discussions with the Boy Scouts and the bat-house project. Ayers discussed the Town Board Report and complimented staff on their work around Town.

Trustee Wing:

Wing reported on the recent hail storm.

Trustee Albrecht:

Albrecht mentioned the upcoming Youth Advisory Commission meeting.

Mayor Karspeck:

Karspeck inquired about having an agenda item to discuss meeting spaces for the VFW. Karspeck inquired about a Dark Sky meter being placed in Town.

Mayor Pro-Tem Murphy:

Murphy suggested discussing a committee ambassador with the Youth Advisory Committee. Murphy thanked Trustee Ayers for his work with the Boy Scouts on the bat-house project. Murphy inquired about applications for vacancies on the Tree Committee and reported on a citizen email regarding stripe painting on Welch Ave.

Administrator Kirk:



Kirk reported on gathering spaces for veterans. Kirk noted that the next meeting is August 13, 2024. Kirk reported on soliciting a proposal for a Sustainability Plan and reported on bond refinancing for wastewater bonds.

Sheriff:

Sergeant Williamson reported on a cat that is stuck in a sewer pipe.

Attorney Smith:

Smith reported that her associate, Alicia Garcia, would be in attendance at the next meeting.

7. Executive Session

**Trustee Ayers moved to go into 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. Mayor Pro-Tem Murphy seconded the motion. In a 7-0 roll call vote, THE MOTION CARRIED.**

**Trustee Ayers moved to extend the meeting to 11:15 pm. Trustee Kurtz seconded the motion. By unanimous decision, THE MOTION CARRIED.**

8. Adjourn

The meeting was adjourned at 11:33 pm.

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Town Clerk or Deputy Town Clerk

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William Karspeck, Mayor

# *Proclamation*

**Whereas**, equality under the law is a fundamental value of Americans, and;

**Whereas**, women of the United States have worked to gain full rights and privileges-public and private, legal or institutional- as citizens of the United States; and,

**Whereas**, the fight for Women's right to vote began as early as the 1840's; involved a long struggle that spanned generations of suffragists; and the amendment, first proposed and rejected in 1878, was reintroduced every year for the next 41 years; and,

**Whereas**, women in every state and every cultural and religious group worked to secure women's right to vote through the 19th Amendment to the Constitution, which states that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and,

**Whereas**, Congress designated August 26, the date the Nineteenth Amendment was certified, as Women's Equality Day; and,

**Whereas**, this year's theme for Women's Equality Day is Inspire Inclusion and prioritizes equity, access, and opportunity of women's work for democracy; and,

**Now, Therefore**, I William Karspeck, as Mayor of the Town of Berthoud encourage the residents of the Town of Berthoud to commemorate:

## "Women's Equality Day"

On August 26, as a national day celebrating the importance of the women's suffrage movement and work to secure and expand equal rights today.

Signed this 13th day of August 2024.

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William Karspeck, Mayor

# *Proclamation*

## In Appreciation of Mark French

**Whereas,** Berthoud's rich history, from its early settlers to its development over the decades, reflects the dedication and curiosity of its residents; and

**Whereas,** Mark French, a fourth-generation Berthoudite and esteemed historian, has long been committed to uncovering and preserving Berthoud's history; and,

**Whereas,** French has achieved this through his role as volunteer, author, historian, and President of the Berthoud Historical Society; and,

**Whereas,** Through his extensive research, French has meticulously chronicled the origins of Berthoud in hundreds of writings and several books to share the history of the first homesteaders, the relocation of the original settlement, and the early development of the Berthoud area; and,

**Whereas,** French has raised thousands of dollars for the Berthoud Historical Society Endowment; and,

**Whereas,** French has preserved numerous buildings, and has advocated for the protection and enhancement of other historic structures in Berthoud; and,

**Whereas,** French has organized countless historic tours, re-enactments, courtyard concerts drive-ins, fly-ins, and other historical events to engage with the community and share Berthoud's rich history; and,

**Now, Therefore,** I William Karspeck, as Mayor of the Town of Berthoud encourage the residents of the Town of Berthoud to show their appreciation to:

**Mark French**

In recognition for his many contributions to preserve our history in Berthoud and his work to commemorate those who founded and built the community we call home.

Signed this 13th day of August 2024.

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William Karspeck, Mayor



## **Berthoud Life Center Build Feasibility and Analysis**

Prepared for: **Town of Berthoud Trustees**

Prepared on behalf of: **House of Neighborly Service**

Date Prepared: **August 4, 2024**

Prepared by:



**PHILANTHROPY EXPERT**

### **Report Sections:**

- I. Background Information.....p. 1
  - II. Request.....p.3
- III. Opportunity Explained.....p.3
  - IV. Financials.....p.6
  - V. Next Steps.....p.7

## **Background Information**

### **Mission**

The Berthoud Life Center will be a home to non-profit organizations collaboratively working to strengthen families, change lives, and positively impact our community.

### **Vision**

The Berthoud Life Center fosters a thriving environment for non-profit organizations and offers welcoming spaces for seniors, youth, and community gatherings, creating opportunities to enrich lives and build a stronger, more connected community.

### **History**

Berthoud House of Neighborly Service was established in 1989, hosted at the First Presbyterian Church, to address the growing needs of the Berthoud community. Since its inception, the organization has focused on filling critical service gaps and enhancing the well-being of residents. Over the years, it has expanded its programs and services, building strong relationships with community members, volunteers, and local partners to maximize its impact and reach. In 2017, the Berthoud Life Center was formed, hosted at Grace Place. Before launching in Berthoud, House of Neighborly Service began operating in Loveland 63 years ago. Currently, it houses over 20 nonprofits in the Loveland Life Center, showing long-term support and volunteer engagement from the community.

### **Community Impact**

In 2023, the current Berthoud Life Center, open only two days a week, had 2,967 unique visits and requests for services.

In the last five years, while Berthoud has grown closer to 50%, the demand for our services at HNS has increased 529%.

The new Life Center will greatly increase that number as we are able to be open more days, increasing accessibility, especially as it adds Berthoud House of Neighborly Service's free clothing program. Currently, the community clothing program at the Loveland Life Center has the second highest traffic of any House of Neighborly Service program.

The Berthoud Life Center Build will provide an easily convertible space for disaster relief in Berthoud. Given Berthoud's exposure to fire and flood events, it is crucial that the Town have a dedicated space—with existing volunteer and supply infrastructure—as a staging hub and temporary disaster relief shelter. HNS is a member of VOAD (Voluntary Organizations Active in Disaster), making ourselves available as a partner agency to coordinate and collaborate in disaster response and recovery efforts. The Life Center will have food and clothing supplies on hand and volunteers already trained (Loveland Life Center partnerships in the 2013 flood, for example) in delivering services, handling information dissemination, and accepting donations. Berthoud's geographical location on the border between Weld and Larimer Counties gives us a unique position of being called upon to serve both counties. The new Berthoud Life Center will be uniquely positioned to partner with FEMA or The Red Cross in the event of future disasters.

## **Community Support & Partnerships**

House of Neighborly Service's Berthoud Life Center has numerous existing partnerships with local nonprofits, including:

- Food Bank of Larimer County
- Parents As Teachers
- BridgePoint Counseling
- Medicaid/SNAP Outreach Assistance
- United Health Care for Seniors
- Larimer County Health Connect

The new space will provide physical space for up to 10 additional nonprofit service providers to meet the community's needs better. Ongoing conversations and initial commitments with nonprofit partners interested in being housed in the Berthoud Life Center include:

- RAFT Rural Alternative for Transportation
- SummitStone Mental Health
- More that are awaiting a definitive date of breaking ground

The Berthoud Life Center has 20 committed residents volunteering for House of Neighborly Service alone, completing over 1,100 volunteer hours in the last six months. House of Neighborly Service has an additional 218 volunteers at The Loveland Life Center. These numbers do not include volunteers who work exclusively with their partner nonprofits.

## **Philanthropy Expert**

Philanthropy Expert was retained in July of 2024 by House of Neighborly Service to provide an analysis of the viability of the Berthoud Life Center Build along with a recommendation and examples to support the financial ask to the Town of Berthoud.

Founded in 2011, Philanthropy Expert is a fundraising consultancy firm based in Colorado with extensive experience and success in supporting organizations through various fundraising stages. The company specializes in capital campaigns, fundraising strategies, major gifts, and fostering local partnerships to achieve community benefits.

Philanthropy Expert has played a key role in numerous successful fundraising campaigns across various sectors, ranging from \$1M to \$15M in Colorado. They excel in providing strategic advice tailored to each organization and community's unique needs, ensuring that every fundraising campaign is optimized for success by leveraging the organization's strengths and unique opportunities for support within the community. Working with an average of 40 nonprofits each year, they have extensive first-hand knowledge of Colorado's philanthropic landscape and trends. Geographically, most of Philanthropy Expert's client work takes place in the front-range communities, but they have experience working with clients from Pueblo, Las Animas, Durango, Grand Junction, Aspen, Fort Collins, and Greeley. Additionally, numerous local governments have retained them to provide strategic guidance, including (but not limited to) the State of Colorado, the City of Denver, the City of Fort Collins, the City of Loveland, Jefferson County, and Arapahoe County.

Philanthropy Expert's 10-person team has deep Colorado roots, which grant them a unique understanding of the local philanthropic landscape and prove crucial for identifying potential donors, understanding community needs, and leveraging regional opportunities. Their work and partnerships emphasize community involvement and acknowledge the importance of building and maintaining relationships with local stakeholders to ensure broad-based support for the fundraising initiatives they work on. By combining their strategic expertise, local knowledge, and comprehensive services, Philanthropy Expert is uniquely qualified to provide invaluable strategic advice and hands-on client support to House of Neighborly Service's Berthoud Life Center campaign.

## Request

**House of Neighborly Service is asking the Town of Berthoud to commit six million dollars (\$6,000,000) in capital funds over the next two years (\$3,000,000 in 2025 and \$3,000,000 in 2026) to the Berthoud Life Center Build at 1110 Welch Avenue, Berthoud, CO 80513.**

A significant contribution from the Town of Berthoud is a critical step in demonstrating to foundation funders and other donors that the Berthoud Life Center is a well-supported, trusted, and essential organization within the community. This local support provides financial stability and strengthens the Life Center's case for additional funding, ensuring the continued success and expansion of its vital services for the Town of Berthoud.

## Opportunity Explained

### Leveraging the Town of Berthoud's Support

In addition to signaling support to smaller donors, significant support from the Town of Berthoud will be critical in unlocking additional capital campaign funders for the Berthoud Life Center. The Town's support will create a buy-in multiplier effect that cannot be understated. Foundation funders often require 30-75% of a capital project's budget to be raised prior to funding eligibility. Support from the Town of Berthoud would allow House of Neighborly Service to apply for an estimated \$1.5M in additional foundation support from Colorado funders such as The Anschutz Foundation\*, Boettcher Foundation\*, Colorado Health Foundation\*, Daniels Fund\*, El Pomar Foundation\*, and Gates Family Foundation\*.

*\*These foundations are listed as possible funders, but NO FUNDS have been committed by them to supporting this project to date. Reaching the minimum threshold for funding is the critical first step towards securing their possible support for the Berthoud Life Center Build.*

## Validation of Community Need

Foundation, business, and individual funders often seek evidence that a nonprofit's services address genuine and pressing community needs. A significant financial contribution from the Town of Berthoud signals that the Life Center's services are valued and essential to the local population. This municipal support acts as validation that the Life Center is addressing critical issues that align with the community's (and foundation's) priorities. The Town's support shows all potential donors that the organization is a trusted and integral part of the community's fabric and values and that there are strong community ties and active participation from local stakeholders.

## Demonstrating Long-Term Sustainability

Foundation funders are very interested in the long-term sustainability of the programs they support. A significant contribution from the Town of Berthoud would demonstrate that the Life Center has a solid foundation of support that can help ensure its longevity. This assurance of community backing reduces the perceived risk for external funders, making them more likely to invest in the Life Center's initiatives.

## Benefits to the Town of Berthoud

### Service Delivery

- **Complementing Government Services** that provide critical support services such as basic needs distribution, senior and youth activities, and educational programs, filling gaps that local government resources may not fully cover. It also supports the Town of Berthoud's utility assistance program and screens for the Parks and Recreation Youth Scholarships.
- **Flexibility in Support and Preparedness** that can quickly respond to emerging needs by adapting its programs to meet the changing demands of the community.

### Economic Benefits

- **Job Creation** through expanded employment opportunities within House of Neighborly Service, the Berthoud Life Center and partner nonprofits which will be expanding their services.
- **Economic Multiplier Effect:** Investments in Berthoud Life Center stimulate the local economy as the organization purchases goods and services locally, and employees spend their wages within the community.
- **Leveraging Additional Resources** that the Center will attract from private donors, foundations, and grants, will amplify the impact of local government investments.
- **Town Services Provider** that reduces the demand for critical staff, overhead, and program dollars for the town while benefiting local residents.

### Accountability and Transparency

- **Performance Metrics** will be utilized to track data and measure impact, ensuring accountability for funds received and demonstrating effective resource use.



- **Community Trust** has been established through the past 35 years of service to the community and that credibility will continue to enhance the effectiveness of House of Neighborly Service's programs and initiatives.

### Community Benefits

- **Community Cohesion** is built and strengthened through volunteer opportunities and community events, fostering a sense of belonging and unity.
- **Partnerships and collaborations** will amplify the impact of local government initiatives, fostering a more integrated approach to community development.
- **Shared Goals and Values** between local government and the community will ensure that this project reflects the community's priorities.

### Long-Term Community Benefits

- **Preventive Measures** will be employed that will halt problems from escalating and reduce future costs for local governments.
- **Sustainable Impact** will be created through long-term improvements in community well-being, creating a positive cycle of development and growth that will benefit all residents.
- **Food Security** will be increased through the Berthoud Life Center's food distribution programs, which ensure residents have access to nutritious foods and improve overall health and stability.

### Adding to the Community's Accessible Space

- **Youth and Education Programs** will be supported, which will lead to higher graduation rates, reduced crime, and a more skilled workforce.
- **Senior Groups** including the Golden Links Organization have been offered meeting space at Berthoud Life Center.

By investing in the new Berthoud Life Center, the Town of Berthoud can achieve a significant return on investment, with amplified impact through the additional resources, expertise, and community engagement that House of Neighborly Service brings to the table. Berthoud's community culture is one of support and resilience. Residents talk about the strong support for local businesses and locals struggling during the COVID pandemic and the earlier floods. The new Berthoud Life Center is a way for the community to come together, for residents to take when they need it, and to give back when they can, without having to go to Loveland or Longmont.

### Examples of Local Governments Supporting Nonprofits

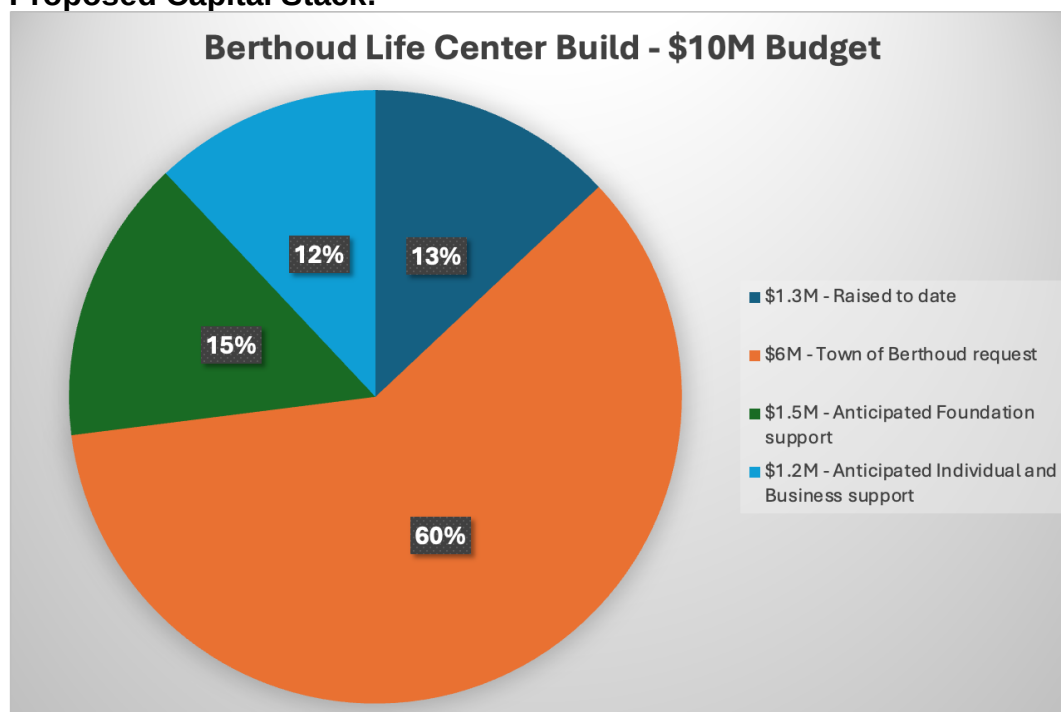
In 2024 Movement 5280 received 68% or \$1.5M of its \$2.2M capital budget for **Corey's House** in funding from Arapahoe County. These dollars were given for a supervised Transitional Housing project operated by a Faith-based nonprofit.

The City of Parker fully funded the \$21.7M **Parker Arts, Culture, and Events Center** in 2008, after recognizing significant need for a communal events space.

Homeward Bound of Grand Valley and United Way of Mesa County received \$914,000 from the City of Grand Junction for the construction and operation of a **Resource Center pavilion** in December of 2023. This multi-use facility supports multiple nonprofits who work with houseless individuals.

## Financials

### Proposed Capital Stack:



### \$1.3M Explained:

House of Neighborly Service began raising capital dollars for the new Berthoud Life Center in 2020 and, in 2021, purchased the land at 1110 Welch Avenue, Berthoud. The parcel is approximately 3 acres and zoned correctly for this use. Additionally, they have already purchased the water rights from the Town of Berthoud. Asher Architects + Engineers has been hired and is 75% completed with the architectural renderings and have completed the initial development process with the town. The final architectural designs will be completed as tenants are identified and able to weigh in on their spaces. A general contractor for the building has been selected, expediting the groundbreaking and construction process. A portion of this commitment is a \$260,000 pledge from Scheels, the funds for which will be released upon the groundbreaking of the building.

### Closing the Gap:

The chart above depicts \$2.7M in additional funds that must be raised. Philanthropy Expert feels confident that this goal can be reached over an estimated 18 months by

foundation, business, and individual funders. While a formal feasibility study has yet to be conducted for this project, Philanthropy Expert is able to support this statement with decades of experience in raising funds for capital projects across the state of Colorado.

## **Next Steps**

Securing significant financial support from the Town of Berthoud is a pivotal milestone for House of Neighborly Service. This backing enables us to swiftly advance towards securing the remaining necessary funds for our project and commencing construction. With architectural renderings well underway and a contractor already selected, they are poised to move forward rapidly.

House of Neighborly Service is prepared to formally hire Philanthropy Expert, a renowned Colorado-based company specializing in statewide fundraising support, to expedite its fundraising efforts. Philanthropy Expert excels in offering strategic guidance and assistance to organizations at various stages of their fundraising journeys, particularly in raising capital dollars. Their expertise will significantly enhance the groundwork laid by our internal team.

Philanthropy Expert estimates an 18-month timeline to raise the remaining \$2.7M needed for the project. Given our extensive experience and understanding of the philanthropic landscape in Colorado, we are confident that local funders will be highly receptive to supporting this initiative. The partnership with Philanthropy Expert will substantially boost the Berthoud Life Center campaign, ensuring that House of Neighborly Service can meet its funding goals and begin construction promptly.

Finalizing the construction start and tentative opening dates will allow House of Neighborly Service to firm up commitments with the nonprofits that will be tenants and partners in the new Berthoud Life Center. Significant interest is coming from both existing and potential partners, who are just waiting on a timeline to sign on to the project.

# BOARD OF TRUSTEES INFORMATION

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## ADMINISTRATION DEPARTMENT

|                              |                                             |
|------------------------------|---------------------------------------------|
| <b>Meeting Date:</b>         | <b>August 13, 2024</b>                      |
| <b>Agenda Title/Subject:</b> | <b>Caretakers of Tradition Presentation</b> |
| <b>Type of Item:</b>         | <b>Presentation</b>                         |
| <b>Purpose:</b>              | <b>Informational Presentation</b>           |
| <b>Presented by:</b>         | <b>Jerry Ward</b>                           |

### BACKGROUND:

This item will be an informational presentation. There may be additional information distributed during the presentation.

# BOARD OF TRUSTEES INFORMATION

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## ADMINISTRATION DEPARTMENT

|                              |                                                  |
|------------------------------|--------------------------------------------------|
| <b>Meeting Date:</b>         | <b>August 13, 2024</b>                           |
| <b>Agenda Title/Subject:</b> | <b>Berthoud VFW Funding Request Presentation</b> |
| <b>Type of Item:</b>         | <b>Presentation</b>                              |
| <b>Purpose:</b>              | <b>Informational Presentation</b>                |
| <b>Presented by:</b>         | <b>Berthoud VFW</b>                              |

### BACKGROUND:

This item will be an informational presentation. There may be additional information distributed during the presentation.

# BOARD OF TRUSTEES INFORMATION

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## BUSINESS DEVELOPMENT DEPARTMENT



|                              |                                                                                                                                                                                                  |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>August 13, 2024</b>                                                                                                                                                                           |
| <b>Agenda Title/Subject:</b> | <b>Redevelopment of Public Works and Skateboard Park site</b>                                                                                                                                    |
| <b>Type of Item:</b>         | <b>Presentation</b>                                                                                                                                                                              |
| <b>Purpose:</b>              | <ul style="list-style-type: none"><li>• <b>Present the reasoning for the RFP process and the selection of the firm to develop conceptual designs for the redevelopment of the site</b></li></ul> |
| <b>Presented by:</b>         | <b>Walt Elish<br/>Business Development Manager</b>                                                                                                                                               |

### ATTACHMENTS:

- Berthoud RFP
- Asher Architects+ Engineers Proposal

### BACKGROUND:

The now vacant former Public Works Facility site and the temporary skateboard park site are Town owned properties that are strategically located at Berthoud's east downtown entrance. This site has been planned for redevelopment ever since the Town constructed a new Public Works Facility and relocated the Public Works Department to this new facility.

Staff believes that now is the time to initiate the redevelopment process. However, before staff begin the solicitation of development proposals, staff believes it is important to receive the Board's input on the redevelopment options. Basically, the staff is very interested in learning what type of development would the Board and community like to see occur on this important site. To assist the Board with its deliberations, staff would like to select an architectural firm to provide the Board with schematic renderings of development options for the site.

On June 6, 2024, the Berthoud Business Development Department issued a request for proposal (RFP) for the purpose of soliciting proposals from qualified consultants to evaluate and develop conceptual designs for the redevelopment of Berthoud's former public works site and current skateboard park site, an approximately 1.1 acre site in the heart of downtown Berthoud. The RFP went on to explain that the redevelopment will include mixed use development with some portion of the property possibly remaining for public use. See the attached RFP. The purpose of this exercise is to provide the Berthoud Board of Trustees with three schematic redevelopment options for the site from which a preferred option will be decided upon by the Trustees. Once a preferred option is selected then the Berthoud Business

Department staff will develop and distribute an RFP to qualified developers for the redevelopment of the site.

Staff received six (6) responses to the June 6, 2024 RFP from qualified consulting firms. After reviewing each of the responses, staff has decided to select Asher Architects+Engineers for this project. Staff believes that this firm has the qualifications, expertise and the understanding of the importance this property plays as part of Berthoud's east gateway to our downtown and the long-term positive impact on the ongoing revitalization of Downtown Berthoud and the community.

#### **FISCAL IMPACT AND FUND SOURCE:**

Other than paying the consultant fee, there is not a direct fiscal impact on the Town with this project.

#### **COMMUNITY TOUCHSTONES:**

The community touchstone that this item addresses is our community identity since this redevelopment project has the potential to have a long-term positive impact on the east entrance to our Downtown and the community.

#### **RECOMMENDED ACTION(S):**

The Berthoud Board of Trustees approves staff's selection of Asher Architects+Engineers to develop conceptual renderings for the redevelopment of Berthoud's former public works garage site and skateboard park site.

PROPOSAL

# PROFESSIONAL PLANNING & DESIGN SERVICES

## BERTHOUD TOWN PROPERTY REDEVELOPMENT DESIGN

TOWN OF BERTHOUD, COLORADO

June 28, 2024

SUBMITTED BY:

**ASHER**  
ARCHITECTS  
+ ENGINEERS

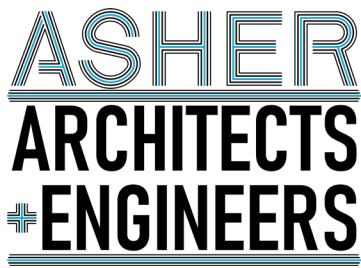






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Friday, June 28, 2024

Mr. Walt Elish, Business Development Manager  
Town of Berthoud  
807 Mountain Avenue  
Berthoud, Colorado 80513

RE: Professional Planning & Design Services for the Berthoud Town Property Redevelopment Design - Response to RFP

Dear Mr. Elish,

With fresh air, amazing mountain views, and a unique blend of small-town charm and modern conveniences, it is easy to see why so many find Berthoud such an inviting place. Though in our eyes, what really sets the Town apart is the continued commitment to smart growth, ensuring a balance between development and the preservation of the area's natural beauty. As more and more people flock to Berthoud, the need for new amenities and updated facilities increases. Who better to help facilitate those improvements than the local design firm just down the street? Enter Asher Architects+Engineers.

The local Asher Team brings a wealth of experience, innovation, and a deep commitment to community-focused design that aligns perfectly with the vision for Berthoud's future.

Our team is passionate about creating sustainable, functional, and aesthetically pleasing spaces that enhance the quality of life for residents, while emphasizing community connections and sense of place. We have a proven track record of successfully completing projects that prioritize smart growth and integrate seamlessly with the unique character of the community. Our collaborative approach ensures that all stakeholders are engaged throughout the design process, resulting in outcomes that truly reflect the needs and aspirations of Berthoud.

By selecting Asher Architects+Engineers, you are choosing a partner dedicated to excellence, sustainability, and community. In addition to donating our time and expertise, each year we give ten percent of our profits to local organizations and outreaches. We are excited about the opportunity to contribute to the continued growth and prosperity of Berthoud and look forward to the possibility of working together on this gateway project.

Thank you for considering our proposal.

Regards.

A handwritten signature in blue ink, appearing to read "David Stranathan".

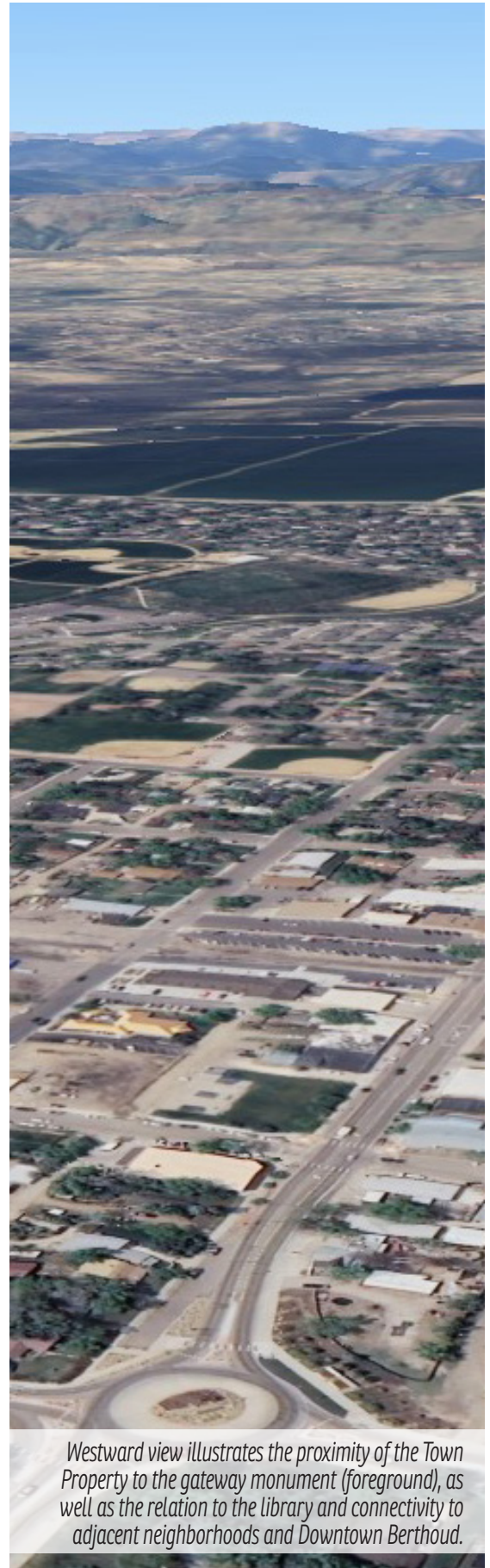
David Stranathan, Principal Architect  
Asher Architects+Engineers



# TEAM EXPERIENCE

Provided below is a list of our past project experience that are most relevant to the planning and design of mixed use spaces. Stakeholder collaboration was a significant component for each project to ensure community input informed planning decisions and concept designs. Projects marked with a blue star (★) each have a summary cut sheet, which are provided on the following pages.

- » **110 Monmouth** | FIRESTONE, CO ★
- » **604 First Street** | FIRESTONE, CO ★
- » **Farmstead** | BERTHOUD, CO ★
- » **Berthoud Life Center** | BERTHOUD, CO ★
- » **Golden Luxury RV Resort** | GOLDEN, CO ★
- » **Lincoln Pointe** | LINCOLNWOOD, IL ★
- » **AMLI Evanston** | EVANSTON, IL ★
- » **Knox-Henderson** | DALLAS, TX ★
- » **Vista Commons** | JOHNSTOWN, CO
- » **Luna's Tacos & Tequila** | WINDSOR, CO
- » **The Bluffs at Fairplay** | FAIRPLAY, CO
- » **Tanima Peak LEI** | LOVELAND, CO



*Westward view illustrates the proximity of the Town Property to the gateway monument (foreground), as well as the relation to the library and connectivity to adjacent neighborhoods and Downtown Berthoud.*



## 110 MONMOUTH AVENUE NEIGHBORHOOD REVITALIZATION

FIRESTONE, CO

### CONCEPT VISIONING & SITE DESIGN

Nestled in the heart of the Old Town Firestone Neighborhood, 110 Monmouth Avenue embodies the unique charm and close-knit community spirit characteristic of small towns. Designed to mirror the historical ambiance of Firestone's original main street, this development is a harmonious blend of commercial and residential spaces, capturing the essence of the town's rich heritage. The residential component is a key part of the Attainable Housing initiative, offering diverse housing opportunities that cater to a range of income levels. This ensures that a variety of residents, both long-time community members and newcomers, can find a place to call home within this vibrant development.



*The west facade facing Monmouth Avenue consists of a series of storefronts uniquely adorned with trim work, signage, and colorful siding, giving each its own unique character.*



*110 Monmouth aims to revitalize the area by drawing in current residents of Firestone while welcoming new faces, fostering a dynamic and inclusive community atmosphere.*





## 604 FIRST STREET NEIGHBORHOOD REVITALIZATION FIRESTONE, CO

### CONCEPT VISIONING & SITE DESIGN

Conceived as a potential live-work environment, 604 First Street seamlessly integrates an industrial machine aesthetic for its commercial spaces with the inviting sensibilities of residential design above.

As an homage to the industrial legacy of the Firestone Tire Company, brick has been selected as a prominent building material for this Old Town Commercial District concept. The new structure will serve as both a nod to history and a symbol of security and permanence for the residents of Firestone.



*Designed with comfort and modern living in mind, the residential area offers a serene and stylish refuge above the bustling commercial spaces.*



*This dynamic dining space enhances the building's social environment, providing a vibrant culinary experience that seamlessly transitions from indoor coziness to outdoor ambiance.*





## FARMSTEAD COMMUNITY HUB MIXED USE COMMUNITY INTERACTION

**BERTHOUD, CO**

### CONCEPT VISIONING & DESIGN

Expanding on Farmstead's vision to preserve and promote Berthoud's heritage with clean, modern, attainable country farm living and quality of life, retail and commercial opportunities open onto a large open space reminiscent of a town square. By prioritizing accessibility, this walkable community hub and town center provides a convenient gathering place that fosters social engagement and a sense of belonging among residents.



*The adjacent clubhouse facility, including offices, fitness center, and locker rooms, provides a community hub for Farmstead residents.*



*Special attention was paid to neighborhood connectivity with a pocket park and shade structure that invite passers by in off the street.*



## BERTHOUD LIFE CENTER NON-PROFIT MIXED USE COMMUNITY RESOURCE

**BERTHOUD, CO**

### CONCEPT VISIONING & DESIGN

The Life Center represents a visionary approach to community support, offering a comprehensive array of essential services under one roof. It features offices for multiple organizations, community meeting rooms, a senior center gathering space, a clothing store, and a food pantry, alongside a versatile community event space. Beyond its practical offerings, the Life Center fosters a sense of belonging for people from diverse backgrounds—whether accessing basic necessities like food and housing assistance, participating in educational programs, or engaging in cultural activities such as art shows and celebratory events. It stands as a beacon of support and solidarity, enriching the lives of individuals and families alike, and reaffirming the values of community and compassion.



*Designed by Asher Architects + Engineers in collaboration with Berthoud Life Center staff and volunteers, this 20,000 square foot facility embodies inclusivity and empowerment.*





# GOLDEN LUXURY RV RESORT MOBILE MIXED USE

GOLDEN, CO

## CONCEPT VISIONING & DESIGN

Nestled in the picturesque foothills of Golden, Colorado, the proposed resort aims to offer an unparalleled experience of luxury and comfort, blending seamlessly with the natural beauty of its surroundings. The resort's design program includes a welcoming customer lobby, a high-end restaurant featuring outdoor seating and a centerpiece bar, a nail and hair salon, a vibrant video arcade, convenient laundry facilities, and a dedicated pet grooming area. Additionally, the resort will house management offices to ensure seamless operations.



*With over 200 RV sites, each with its own 400sf-700sf casita, this is truly a next level home away from home.*



*Designed in harmony with the existing topography, the luxury RV resort makes for a stunning hillside facility that promises to be a standout destination for relaxation and rejuvenation.*





## LINCOLN POINTE URBAN MIXED USE LINCOLNWOOD, IL

### SITE DESIGN & PROJECT MANAGEMENT

The mixed-use development on the former site of the Purple Hotel transforms a once dilapidated hotel surrounded by asphalt into a vibrant town center for the Village of Lincolnwood. This project encompasses 250,000 square feet of hotel, office, and retail space, including a health club, several restaurants, and residential living areas. The design features numerous gathering and entertainment spaces, an abstract sculptural playground, and nearly two acres of open space and green roof. Ground-level retail storefronts and cafes open onto broad sidewalks lined with benches, trees, and planters, creating a lively and dynamic atmosphere that breathes new life into the previously barren streetscape.



*A mixed-use apartment building now anchors the busy street corner with ground floor retail and dining coming soon.*

*Materials prepared by Josh McCarn while working with previous employer.*



*Street level glass facades invite people into this cornerstone retail destination, while the linear park, that winds in between the various shops, offers numerous opportunities for events, play, and a brief respite from a busy day.*





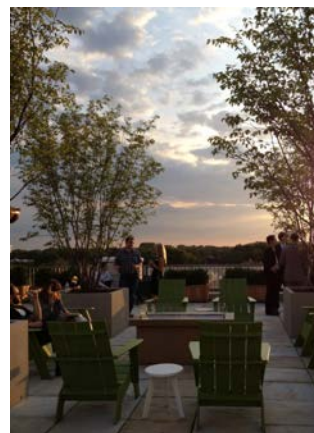
**EVANSTON, IL**

## SITE DESIGN & PROJECT MANAGEMENT

Since the inception of this LEED Silver mixed-use project, healthy living and community connections have been the central focus of AMLI Evanston. The development is designed to promote well-being through a variety of amenities, including a fitness center, yoga/pilates studio, bicycle storage rooms, and car charging stations in the parking garage. Conveniently located across from a transit station, AMLI Evanston makes sustainable living accessible and easy for its residents. Addressing the local demand for apartments and flexible commercial space, the project features street-level retail, some of which includes live/work units, creating a vibrant and functional streetscape. The lush, urban-tolerant plantings further enhance the aesthetic and environmental value of the community, making AMLI Evanston a welcome addition to the area.



*Built-in planters and lush plantings adorn the streetscape. Canopy trees and awnings shade the building and the walks to reduce the urban heat island effect.*



*A rooftop terrace is just one of the many amenities available to residents at AMLI Evanston.*

*Materials prepared by Josh McCarn while working with previous employer.*





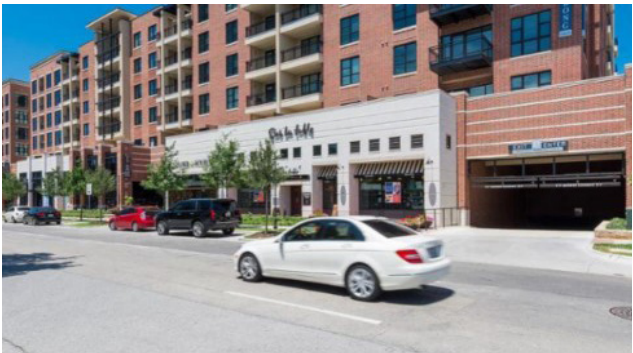
# KNOX-HENDERSON

## URBAN MIXED USE

### DALLAS, TX

#### SITE DESIGN & PROJECT MANAGEMENT

The Knox-Henderson Apartments, a luxury mid-rise mixed-use podium building, is prominently situated at the corner of Knox and Cole in the vibrant Knox-Henderson area. This sophisticated development features 165 one and two-bedroom units, offering residents an array of top-tier amenities such as a below-ground parking garage, a swimming pool, a fitness center, and a business center. Additionally, the building is ideally located just two blocks from a Katy Trail entrance, providing easy access to outdoor recreation.



*Convenience is further enhanced with Trader Joe's and Sur La Table situated directly below the residential units, creating a seamless blend of living, shopping, and leisure.*

*Materials prepared by Sam Rodgers while working with previous employer.*

# PROJECT ORGANIZATION

The Asher Architects+Engineers Team brings a wealth of expertise ranging from architecture, landscape architecture, site design, and civil engineering to construction management, community engagement, and planning. We believe our diversity of skills, services, local knowledge, and relevant project experience will be strong assets in the preparation of comprehensive design concepts for the Berthoud Town Property in the Town of Berthoud.



## ASHER ARCHITECTS+ENGINEERS

### PRIME CONSULTANT

» ARCHITECTURE, PLANNING, LANDSCAPE ARCHITECTURE, CIVIL ENGINEERING, & SITE DESIGN

**David Stranathan** LEED BD+C, NCARB  
PRINCIPAL ARCHITECT  
david@asherarch.com

📍 512 5th Street  
Berthoud, CO 80513

☎ (970) 532-9970

**Sam Rodgers**  
PROJECT ARCHITECT  
sam@asherarch.com

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**Josh McCarn** PLA  
SENIOR LANDSCAPE ARCHITECT  
josh@asherarch.com

**Paul Whalen** PLA, AICP  
SENIOR PLANNER  
paul@asherarch.com

**Diana Springett** PE  
PROJECT CIVIL ENGINEER  
diana@asherarch.com

**Giovanna Antonelli**  
ARCHITECTURAL DESIGNER  
giovanna@asherarch.com



## LOCAL ASHER TEAM PERSONNEL

The following is an overview of our local Asher Team, including the project role, licenses, certifications, and years of experience for each team member. Our local, interdisciplinary team is comprised of a strong balance of design, engineering, construction, and planning professionals with the skill sets, creativity, and experience to prepare dynamic concepts for the Berthoud Town Property.



### SAM RODGERS

PROJECT ARCHITECT

Sam is a versatile professional with a vast amount of experience in nearly every facet of residential and commercial project development. His thoughtful and enthusiastic design approach, driven by community and family needs, allows him to create fresh, inspiring places where people thrive.

15 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» PROJECT MANAGER + ARCHITECT

PRIME CONSULTANT



### PAUL WHALEN PLA, AICP

SENIOR PLANNER

Paul has over 35 years of private and public urban planning experience, which spans a wide range of community types and project types, including special areas like downtown corridors and community centers. His experience with creative outreach enables him to effectively engage a diversity of stakeholders so that they can make informed decisions.

35 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» COMMUNITY PLANNER + ENGAGEMENT LEAD

PRIME CONSULTANT



### GIOVANNA ANTONELLI

ARCHITECTURAL DESIGNER

Giovanna is a Brazilian architect with a gift for blending creativity with practicality. Her cross-cultural insights enrich her residential and commercial designs, offering a unique perspective that's both imaginative and rooted in real-world solutions.

7 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» ARCHITECTURAL DESIGN + GRAPHICS

PRIME CONSULTANT



### DAVID STRANATHAN LEED BD+C, NCARB

PRINCIPAL ARCHITECT

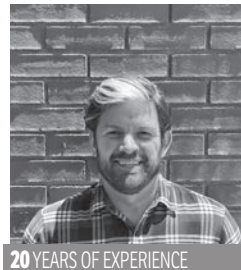
David is the Principal of Asher. With a childhood passion for design and construction that has only grown stronger over the years, he now leads the firm's projects with an abundance of expertise and creativity. His extensive experience in both commercial and residential construction has equipped him with a unique ability to devise build-able, innovative solutions.

15 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» PRINCIPAL-IN-CHARGE + ARCHITECT

PRIME CONSULTANT



### JOSH MCCARN PLA

SENIOR LANDSCAPE ARCHITECT

Josh is a problem-solving enthusiast and firm believer in the power of collaboration. Many years of hands-on experience in construction and horticulture, alongside a solid foundation in site design, natural systems, and development planning enable him to craft places where design meets functionality and beauty intertwines with purpose.

20 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» SITE DESIGNER + LANDSCAPE ARCHITECT

PRIME CONSULTANT



### DIANA SPRINGETT PE

PROJECT CIVIL ENGINEER

Diana brings a wealth of engineering expertise to the table, honed across diverse projects both in her native Peru and stateside. With a knack for tackling everything from residential developments and open pit mining to industrial complexes and retail spaces, she blends technical prowess with effective project management to deliver impactful results.

10 YEARS OF EXPERIENCE

**ASHER**  
ARCHITECTS  
•ENGINEERS

ROLE» CIVIL ENGINEER + UTILITY COORDINATION LEAD

PRIME CONSULTANT



# WORK PLAN

Our local Asher Team's Work Plan is designed to infuse creativity, local character, and strong Town input, while also ensuring a high level of technical expertise and past project experience to prepare comprehensive and feasible design solutions for the Berthoud Town Property (Site). With a multidisciplinary approach to analysis, design, and collaboration, our Work Plan will respect the history and character of the property and the broader Berthoud community, as well as generate concepts that balance best practices with inventiveness to strategically reinvigorate the Berthoud Town Property as a cornerstone of the Town that reflects the unique qualities of Berthoud. Our approach will also ensure that concept design will be consistent with the Town of Berthoud Comprehensive Plan and Mountain Avenue Overlay Plan.

## SCOPE OF WORK

The Scope of Work on the following pages describes our approach to completing the Work Plan for preparing design solutions for the Berthoud Town Property.

Our team's estimated work hours, contributing team members, and anticipated completion dates are summarized on page 17.

## PROJECT TIMELINE

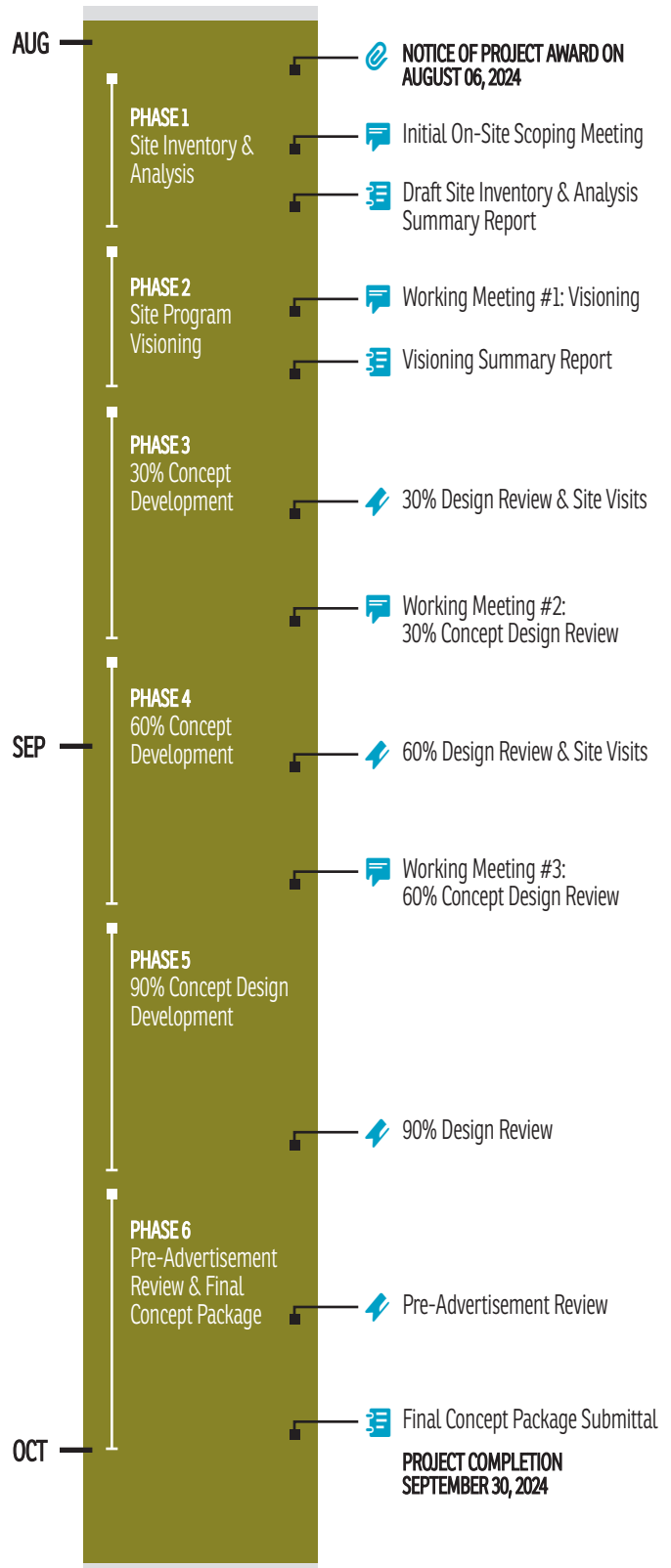
The Project Timeline on the right defines our local team's approach to the Work Plan from a schedule perspective, particularly outlining the sequence of project activities, deliverables, anticipated meetings, and other elements.

## WORKLOAD

The local Asher Architects+Engineers team recently completed the design of two mixed-use projects in Firestone, Colorado. Our schedule in the next six months allows our firm to focus on a project of this scope and size. With our team all under one roof and right down the street, we have the capacity to successfully complete the Berthoud Town Property project on time.

## PROJECT TIMELINE

### SEQUENCE OF PROJECT ACTIVITIES, DELIVERABLES & MEETINGS



## SCOPE OF WORK

### APPROACH TO WORK PLAN

#### PHASE 1: SITE INVENTORY & ANALYSIS

The first phase will focus on site reconnaissance to gain an understanding of the existing physical conditions and record information relating to current activities, assets, constraints, and opportunities. This phase will also include coordination with the Town, particularly in terms of understanding existing utilities, infrastructure, and programmatic aspects. Specific tasks to be conducted by the local Asher Team will include:

- **Initial On-Site Scoping Meeting:** One meeting will be conducted to gain first-hand knowledge of the site from Town staff and partners, including those who are primarily responsible for managing and maintaining the Downtown corridor.
- **Site Inventory and Analysis Summary Report:** This report will summarize the findings and identify potential opportunities to pursue from the first phase of work. The report will be submitted to the Town for review and discussion with the local Asher Team.

#### PHASE 2: SITE PROGRAM VISIONING

The second phase will serve as the visioning portion of the planning and design process. Specific tasks to be conducted by the local Asher Team will include:

- **Working Meeting #1: Visioning Session:** Serving as the first of a trio of collaborative meetings, Working Meeting #1 will be designed as a visioning session where the local Asher Team will facilitate interactive activities to discuss and share ideas for the future design and programming of the Berthoud Town Property.
- **Site Program:** The findings from the Visioning Session will provide the framework for a detailed Site Program, particularly defining the quantity, size, description, character of facilities and supported activities that will be integrated into the site. Funding sources to support the facilities and activities may also be identified at this time. The Site Program will be submitted to the City for review and discussion with the local Asher Team.

#### PHASE 3: 30% CONCEPT DEVELOPMENT

The third phase will begin the multi-stage concept development process for the site, starting with 30% concept development. Specific tasks to be conducted by the local Asher Team will include:

- **Site Design:**
  - Refinement of conceptual site plans, three (3) in total
  - Coordination meeting with Town staff
  - On-site review meeting with Town staff to determine preferred concept direction
- **Working Meeting #2: 30% Concept Design Review:** Serving as the second of the three collaborative meetings, Working Meeting #2 will provide the opportunity for staff and additional stakeholders to review and provide comment on the 30% concept design alternatives for the site.

#### PHASE 4: 60% CONCEPT DEVELOPMENT

The fourth phase will continue the multi-stage concept design development process for the site, moving along with 60% concept development. Specific tasks to be conducted by the local Asher Team will include:

- **Site Design:**
  - In-house coordination to review and incorporate Town comments
  - Overall Site Concept Plans
  - Preliminary product cut sheets and information
  - Virtual coordination meeting with Town staff
  - On-site presentation to Town staff
  - 3D renderings of three (3) concepts
- **Working Meeting #3: 60% Concept Design Review:** Serving as the third of the three collaborative meetings, Working Meeting #3 will provide the opportunity for staff and additional stakeholders to review and provide comment on the 60% concept design alternatives for the site.

#### PHASE 5: 90% CONCEPT DEVELOPMENT

The fifth phase will continue the multi-stage concept development process for the site, concluding with 90% concept development. Specific tasks to be conducted by the local Asher Team will include:

- **Site Design:**
  - In-house coordination to review and address Town comments and refine the 60% concepts indicated in Phase 4.
  - On-site presentation to Town staff
  - 3D renderings of three (3) concepts

#### PHASE 6: PRE-ADVERTISEMENT REVIEW & FINAL CONCEPT PACKAGE

The seventh and final phase will focus on preparing Pre-Advertisement Review for the site. Asher will address any minor comments and finalize the concept plans for the site prior to submitting the Town-approved concept package.

- **Concept Package Submittal:** The Town-approved Final Concept Package will be submitted to the Town to signal project completion.

DETAILED WORK PLAN
ESTIMATED WORK HOURS, CONTRIBUTING TEAM MEMBERS & ESTIMATED COMPLETION DATES

| PHASE                                               | ESTIMATED WORK HOURS | ESTIMATED COMPLETION DATE                                             |
|-----------------------------------------------------|----------------------|-----------------------------------------------------------------------|
| 1: Site Inventory & Analysis                        | 25                   | Early August 2024                                                     |
| 2: Site Program Visioning                           | 10                   | Mid August 2024                                                       |
| 3: 30% Concept Development                          | 30                   | Mid to Late August 2024                                               |
| 4: 60% Concept Development                          | 30                   | Late August to Early September 2024                                   |
| 5: 90% Concept Development                          | 45                   | Mid to Late September 2024                                            |
| 6: Pre-Advertisement Review & Final Concept Package | 10                   | Late September 2024 <small>[NO LATER THAN SEPTEMBER 30, 2024]</small> |
| TOTAL ESTIMATED WORK HOURS                          | 150                  |                                                                       |



# COST OF SERVICES

The table below summarizes the lump sum cost for the services to be provided for each phase of the Work Plan for the Berthoud Town Property. Reimbursable expenses, which are listed separately, account for printing, graphics, meeting and outreach materials, and travel.

In addition, an hourly fee schedule is provided for the consultant team members assigned to this project.

| PHASE                                               | ESTIMATED FEES<br>(TYPICAL) | ESTIMATED FEES*<br>(HOMETOWN DISCOUNT) |
|-----------------------------------------------------|-----------------------------|----------------------------------------|
| 1: Site Inventory & Analysis                        | \$2,175.00                  | \$800.00                               |
| 2: Site Program Visioning                           | \$2,175.00                  | \$800.00                               |
| 3: 30% Concept Development                          | \$5,000.00                  | \$1,850.00                             |
| 4: 60% Concept Development                          | \$5,000.00                  | \$1,850.00                             |
| 5: 90% Concept Development                          | \$5,000.00                  | \$1,850.00                             |
| 6: Pre-Advertisement Review & Final Concept Package | \$2,175.00                  | \$800.00                               |
| TOTAL ESTIMATED FEES                                | <del>\$21,525.00</del>      | <del>\$7,950.00*</del>                 |

\* The local Asher Team is currently offering a Hometown Discount to show our ongoing commitment to smart growth right here in Berthoud. It's our way of giving back to this amazing community we all call home!

| CONSULTANT TEAM MEMBER | HOURLY FEE | HOURLY FEE*<br>(HOMETOWN DISCOUNT) |
|------------------------|------------|------------------------------------|
| David Stranathan       | \$175.00   | \$60.00                            |
| Sam Rodgers            | \$175.00   | \$60.00                            |
| Josh McCarn            | \$175.00   | \$60.00                            |
| Paul Whalen            | \$175.00   | \$60.00                            |
| Diana Springett        | \$175.00   | \$60.00                            |
| Giovanna Antonelli     | \$130.00   | \$50.00                            |

# INSURANCE

The local Asher Architects+Engineers Team maintains the insurance required by law. Proof of insurance is available upon request.





## ASHER ARCHITECTS+ENGINEERS

---

David Stranathan LEED BD+C, NCARB  
PRINCIPAL ARCHITECT  
[david@asherarch.com](mailto:david@asherarch.com)

 512 5th Street  
Berthoud, CO 80513

 (970) 532-9970

 [www.asherarch.com](http://www.asherarch.com)





Request for Proposal

***Berthoud Town Property  
Redevelopment Design***

Town of Berthoud, Colorado

807 Mountain Avenue

Berthoud, CO 80513

June 6, 2024

## **Overview**

This request for proposal (RFP) is being issued by the Town of Berthoud, Colorado. The goal is to solicit proposals from qualified consultants to evaluate and develop conceptual designs for the redevelopment of an approximately 1.1 acre site in the heart of downtown Berthoud. The redevelopment will include mixed use development with some portion of the property possibly remaining for public use.

## **Former Public Works Garage and Skateboard Park Property**



**Desired Project:** The Town is seeking a qualified firm to develop schematic design concepts for the redevelopment of its former Public Works Garage and Skateboard Park Property, located at 485 2<sup>nd</sup> Street, in a manner that will have a long-term positive impact on the ongoing revitalization of Downtown Berthoud and the community. The Town Board recognizes that this property is the gateway to Berthoud's quaint downtown and is interested in a development that will recognize this opportunity and achieve some mix of the following:

- An inviting open-air plaza
- Possible space for a public use facility
- Mix of residential, retail and dining opportunities;
- creative office space;
- similar architectural vision of traditional brick buildings to that of those building along Mountain Avenue (City Star Brewery, Energy Logic)
- long term benefit for the community;

For additional context, the Town board articulated their broad goals for the Skate Park/Public Works Garage redevelopment project in the following way:

- Larger scale (but still capped at 3 stories)
- Higher emphasis on public uses (civic gathering or civic space that the Town may lease from the



- developer)
- Still want mixed use (retail combined with public use)
- Open air plazas
- Architectural vision of traditional brick buildings with a modern twist.

The Town seeks a project that will not only be economically viable but will also generate benefits to and activities for the surrounding downtown area. The project design should complement the existing downtown environment and generate property and sales tax revenue. It is expected that a development group will construct the building.

**Project Area:** The project area extends from Mountain Avenue on the north to Welch Avenue on the south and in between 2<sup>nd</sup> Street and the library. The site is approximately 1 (one) acre. The project site map is attached.

### **Scope of Services**

The following describes the anticipated Scope of Work for each major Town Hall Assessment study task. The Scope of Work should treat each building individually but not independently.

**Task:** Develop schematic design concepts for a mixed use development on the site taking into account the Town's and Board's articulated vision described in the above paragraph.

The selected consultant will be expected to participate in regular project meetings and conduct interviews with Town staff and others to obtain additional project knowledge, priorities, and options.

### **Response Format and Requirements**

The proposal shall include the following components:

#### **Cover Letter**

This letter shall briefly introduce the consulting team, indicate interest in the project, and be signed by an authorized company executive. Letters should be one page or less.

#### **Fees**

The proposed fees for the project should include the hourly rates and estimated hours of each member of the team assigned to the project; any fixed expenses, and any other fees or expenses anticipated. The fees should represent the cost of completing schematic designs. Upon completion of the schematic design phase, the Town may request a second proposal from the selected consultant for completion of construction drawings.

#### **Experience of the Firm/Consultant and Statement of Qualifications**

This proposal shall highlight the firm or team's experience in completing similar projects for public agencies and include a reference for each project for the selection team to contact. This section shall



also identify the key individuals that will be a part of the project team, their role and assignments in the project, and their individual qualifications/professional experience.

### **Submittal Process/Contact with Town of Berthoud Staff**

If you or your company is interested in responding to this proposal, please send an email to the address listed below containing contact information for your firm. This is a non-binding statement, but this will form the list of parties who will receive notification of any questions and their answers.

All questions or requests for clarification, or official submittals to this RFP should be made through the following email address:

*Walt Elish, Business Development Manager*  
*welish@berthoud.org*

Responses to any questions will be provided to all interested parties within 3 business days. If a more detailed response is required, you will be informed of a timeline in the initial response. The company that submits a question will not be identified in the public response.

**To be considered for this RFP, an official Response submittal must be made by 5:00 PM on June 28, 2024 and sent to the e-mail address above. Late submissions will not be accepted.**

All material submitted regarding this RFP shall become the property of the Town. The Town has the right to use any or all ideas presented in reply to this RFP, regardless of the consultant awarded; disqualification of any consultant does not eliminate this right. The Town reserves the right to reject or accept any or all proposals or waive any formalities, informalities, or information therein.

### **RFP Timeline and Selection Criteria**

All time frames are expected targets with the exception of Response due date of June 28, 2024. Unless notified in writing, no proposals will be accepted after this date.

- |                                                                                              |                                 |
|----------------------------------------------------------------------------------------------|---------------------------------|
| • Release of Request for Proposal                                                            | June 6, 2024                    |
| • Vendor Response Preparation                                                                | June 6 to June 27, 2024         |
| • Bid Responses Due by Electronic Delivery<br>email proposal response to welish@berthoud.org | <b>5:00 PM on June 28, 2024</b> |
| • Bid response review by Town Staff                                                          | July 8 -10, 2024                |
| • Notification of any parties selected for further evaluation                                | July 15, 2024                   |
| • Interviews of selected parties, if necessary                                               | July 25 and 26, 2024            |
| • Staff recommendation and Board selection                                                   | August 6, 2024                  |

The Town reserves the right to withdraw or cancel this RFP at any time. The Town also reserves the right to select any consultant that it believes can perform the work, in its sole discretion, regardless of fee estimate. Any contract negotiated between Town staff and the selected firm is subject to Town Board approval.

# TOWN BOARD INFORMATION

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## COMMUNITY DEVELOPMENT DEPARTMENT

|                              |                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>August 13, 2024</b>                                                                                                                                                                                                                                                                                                                                              |
| <b>Agenda Title/Subject:</b> | <b>Ordinance 1342 (Series 2024) Public Hearing to present proposed regulations for Short-term Rentals, amending Chapter 30, Section 1 (Definitions) and Section 3 (Zoning) of the Berthoud Municipal Code, and to present Resolution 2024-09 Amending the Town of Berthoud Fee Schedule to include fees for short-term rental application review and licensing.</b> |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                                                                                                                                                                                               |
| <b>Purpose:</b>              | <b>Propose amendments to Section 1 and Section 3, Chapter 30, creating Short-term Rental regulations and propose an amendment to the Berthoud fee schedule related to short-term rentals.</b>                                                                                                                                                                       |
| <b>Presented by:</b>         | <b>Tawn Hillenbrand, Senior Planner</b>                                                                                                                                                                                                                                                                                                                             |

### 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 (Zoning)
- 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 1<sup>st</sup> 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 1<sup>st</sup> Draft of Regulations. The 1<sup>st</sup> 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:**

At the first reading on July 23, 2024, the Town Board of Trustees requested the following:

1. Additional language be added to the draft regulations to strengthen the business license



- limitations found in Section C.4.
2. Language added to the draft regulations allowing one (1) on-street parking space for a short-term rental.
  3. Additional visual examples of the separation, or buffer requirement at 200-feet, 400-feet, and 600-feet.

Following the public hearing on July 23rd and additional conversations with the Town Attorney, language has been added to the draft regulations definitions section that provides clarification on the term 'Property Owner' as used in the use specific standards for short-term rentals. Staff believes these definitions will reduce or eliminate unintentional "loopholes" pertaining to the business license limitations. Those changes have been highlighted in yellow in the redline version of the Public Hearing Draft of Short-term Rental Regulations.

Based upon the conversations with the Town Board and in consideration of public comment regarding concerns related to parking, language has been added to the draft regulations, specifically Section D.7, allowing one (1) on-street parking space to be counted toward the required minimum number of on-site parking spaces for those properties that do not have a garage and/or driveway. This change has been highlighted in yellow in the redline version of the Public Hearing Draft of Short-term Rental Regulations.

During the hearing on August 13, 2024, Staff will present the short-term rental regulations interactive map showing the requested 200-feet, 400-feet, and 600-feet separation on a number of homes throughout town. No change has been made to the draft separation requirement, found in Section D.2, which remains at 500 feet. Following review of the examples, the Town Board may choose to change the proposed separation requirement.

No other changes were made to the Public Hearing Draft of Short-term Rental Regulations.

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.



**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.

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Chairperson

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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 so 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 23<sup>rd</sup> day of July 2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

READ, ADOPTED, AND APPROVED on this 13<sup>th</sup> 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 – August 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 1<sup>st</sup> 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* means 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.

NEW: *Property Owner* for purposes of the Use Specific Standards for Short Term Rentals means a person who owns property and any person related to the property owner.

NEW: *Related to* means, with respect to a natural person, the spouse of the individual; the domestic partner of an individual, a brother, brother-in-law, sister, or sister-in-law of the individual; an ancestor or lineal descendant of the individual or the individual's spouse or domestic partner; and any other relative, by blood or marriage, of the individual or the individual's spouse or domestic partner who shares the same home with the individual.



**NEW:** *Related to* means, with respect to a business entity, if a partnership, all the partners of the partnership who are making an application for a license under this article. If any other type of business entity, all the officers, directors, and owners of at least ten percent of the entity making an application for a license under this article.

## 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)                                                    |    |    |    |    |    | ■  |    | ■  | ■  | ■  |    |
| <a href="#">Short-term Rental (max 10 guests), See Section 30-3-113</a> |    |    | ■  | ■  | ■  | ■  |    | ■  |    |    |    |

**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)                                                    |    |    |    |    |    |
| <a href="#">Short-term Rental (max 10 guests), See Section 30-3-113</a> |    | ■  | ■  | ■  | ■  |

## 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 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. One (1) on-street parking space located within one block of the short-term rental shall be counted toward the required minimum number of on-site parking spaces for those properties that do not have a garage and/or driveway. 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 – August 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 1<sup>st</sup> 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* means 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.

*NEW: Property Owner* for purposes of the Use Specific Standards for Short Term Rentals means a person who owns property and any person related to the property owner.

*NEW: Related to* means, with respect to a natural person, the spouse of the individual; the domestic partner of an individual, a brother, brother-in-law, sister, or sister-in-law of the individual; an ancestor or lineal descendant of the individual or the individual's spouse or domestic partner; and any other relative, by blood or marriage, of the individual or the individual's spouse or domestic partner who shares the same home with the individual.

**NEW:** *Related to* means, with respect to a business entity, if a partnership, all the partners of the partnership who are making an application for a license under this article. If any other type of business entity, all the officers, directors, and owners of at least ten percent of the entity making an application for a license under this article.

## 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 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).
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- 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
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  - 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. One (1) on-street parking space located within one block of the short-term rental shall be counted toward the required minimum number of on-site parking spaces for those properties that do not have a garage and/or driveway. 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.
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  - 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 6<sup>th</sup> 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?



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**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.



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- 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

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**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

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**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.

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**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

~~1<sup>st</sup>~~ **2<sup>nd</sup> Draft – March 26 May, 2024**

This 1<sup>st</sup> 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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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