

Date: Thursday, April 21, 2022
Time: 3:30 PM
Location: Hybrid - In-Person: Estes Recreation Center Classroom or Virtual, Zoom Link: Estes Valley Planning Advisory Committee

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

The Larimer County Estes Valley Planning Advisory Committee (Committee) met at the Estes Recreation Center classroom and via Zoom. The meeting started at 3:30 p.m.

All committee members were present: David Converse, Olivia Harper, Mike Kennedy, Linda Moak, Rex Poggenpohl, Frank Theis, and Drew Webb.

Commissioner Jody Shadduck-McNally attended.

Staff present included: Alyssa Martin, Samantha Lasher, Amy White, Don Threewitt, Doug May, Michael Whitley, Shalana Lysaght, and Lesli Ellis.

Public present included: Timothy Roberts, Carol Rood, Cathy Ochs, Janice Bridge, McKenna Howard, Patricia Kayne, Paul Martin, Scott Howard, Sonya Stephens Howard, and Tom Adams.

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. AGENDA REVIEW
- D. APPROVAL OF MINUTES FROM MARCH MEETING
- E. COMMUNICATION ITEMS
- F. PUBLIC COMMENT
- G. ACTION ITEMS
- H. DISCUSSION
- I. ADJOURN

APPROVAL OF AGENDA

Member Poggenpohl made a motion to approve the agenda. Member Webb seconded the motion. All members voted in favor.

APPROVAL OF MINUTES FROM MARCH 2022

Member Poggenpohl explained that the minutes were well done but was concerned about one member was mentioned by name (Member Converse). There was some discussion about not including names related to discussion items, just motions. Be consistent with other boards. Remove the name in that case and be consistent going forward.

Member Webb made a motion to approve the minutes with one change to remove the name from commentary. Member Converse seconded the motion. The committee unanimously approved the minutes.

COMMUNICATION ITEMS

Commissioner Shadduck-McNally:

- Described the activity at the State Capitol. There is a lot going on. Lesli will share more about the May 12 Estes Valley comprehensive plan event. Invite people and make sure your voices are heard. The webpage is Engageestes.org. Communications helped get the word out.
- Tuesday is the North End Property Owner's Association (NEPOA) meeting.
- Working on American Relief (ARPA) funding – looking at how it is being spent, and possibly for housing in Estes.
- Forest Health Council. Commissioner Shadduck-McNally sits on that committee and is trying to get funding for fire prevention work. Currently at \$5 million where it was targeted for closer to \$20 million.
- Beam topping signing ceremony is scheduled May 13th for Behavioral Health Center.
- A bill passed that allows funding for lodging tax for funding to provide for housing and childcare. Estes Park is moving forward with that for the Fall. It includes a town board member, and commissioner, and other stakeholders.
- The County Manager search continues, and the commissioners are hoping to announce a manager by July. Staff and the Town of Estes are providing input on the County Manager search.

Director Ellis communicated about:

- Estes Forward. The Engage Estes webpage and comment form is up through May 22. The Town is talking with Restorative Justice group to host additional discussions to elevate topics around housing and land use for more opportunity around community conversations in July. Joint meetings – EVPAC, PC, BCC around mid-July. Invite EVPAC to Joint Work session on July 14 to discuss Estes Valley Plan – CompPAC.
- Is EPVAC interested in continuing discussions with CompPAC? Yes.

The committee discussed that the role of the committee on May 12 is more to listen. Committee members also discussed wanting to help put the agenda together for CompPAC.

- A committee member question: Can the unincorporated area form a voting district?
- A member updated the group on an Earth Day event by the Watershed Coalition.
- The Town is celebrating Earth Day by giving away trees.
- There is a Climate Change symposium on May 21. It's an issue that could come up as the comprehensive plan gets written. Joe Neguse will be there.

PUBLIC COMMENTS

No members of the public commented during this part of the meeting.

ACTION ITEMS

Note: Commissioner Shadduck-McNally left the meeting for the action items.

McGraw Ranch Short-Term Rental (STR), 2145 McGraw Ranch Road, File No. 22-ZONE3181

Member Converse recused himself and was not present for this item.

Staff presented the item noting it was on the waiting list because it is in a residentially zoned area.

Member comments included:

- The property manager lives in Windsor, and it takes an hour and 15 minutes or maybe more, and that is a concern. The applicant has stated there will be a local property management in the Valley.

- It takes 40+ minutes for fire department to arrive. Where do criteria touch on fire response? The surrounding area is heavily wooded, and a fire starting there could be serious for the whole valley. Estes Valley Fire reviews these applications. All STRS mitigate the potential for a visitor setting off a fire in a neighborhood.

Applicants Timothy Roberts attended virtually. Courtney Roberts attended in person. They explained:

- There is a policy against outdoor solid wood fire. They will not have a propane grill.
- Sprinklers are required if the capacity of the house is larger. Don't have a system now but will install one as they can afford to, in recognition that 60% of fires are caused by STRs. He thinks STRs cause fewer fires and has spoken with inspectors about fire readiness. They have mitigated surrounding woods on the property.
- Long single lane access to road. It's private as a classification. The approval of this STR might be a better argument to improve the road.
- The property manager will be local to Estes within 14 minutes.
- They are very motivated to be thoughtful and conscientious neighbors. They do not have a goal to make this rental "booming." They want to share the enjoyment and maintain the house. They respect all neighbors and appreciate they are keeping it safe. They have a no dog policy. No parties. No fires. A minimum age of renters. They have clear property boundaries. Garbage must be bear and animal resistant.

Public Comments:

Ms. Laurie Hendrickson attended in person. She lives on McGraw Ranch Road and appreciates applicant's efforts to save the aspect of the neighborhood. The road is a concern. She has been stuck on it with a large SUV and has been pulled out. The situation is dangerous, as many people will get stuck, even year-round. The ditches are deep and hard to see when covered with snow. There is no cell phone service, so the renters will be knocking on neighbor doors. She mentioned her email from January was not in the packet. She brought photos and encouraged visiting the road.

Committee comments and questions:

- Who maintains McGraw Ranch Road? It's a Public Improvement District.
- Is the road open to the public? Yes.

Applicant comments. They will give renters fair warning about the back road. They do joint maintenance with Rocky Mountain National Park (RMNP). Maybe there is more need to fix the road if the public has access to it.

Motion

Member Webb made a motion that the Community Development Director administratively approve the McGraw Ranch STR (22-ZONE3181) subject to a local management company. Member Poggenpohl seconded the motion. The committee voted 5-0 to approve it with none opposed. (Member Moak was no longer present and member Converse recused himself and was not present.)

Howard Short-Term Rental (File No. 21-ZONE3105)

Staff presented this item. There were eight neighbor comments about the road, lights, noise, legal nonconforming. It is zoned E-1 and is on about 1/3 acre.

Committee member comments included:

- It is not well insulated from the other properties or with a lot of trees. It's hard to have an outside conversation. A general concern about objections to STRs in residential area. It is on a tight lot with close neighbors.

- May be an existing non-conforming use, but that doesn't mean staff shouldn't consider it.
- Do we know how impacted this area is by STRs? The letters are general. This area off High Drive. It's a long-time small cabin area. Tradition of summer use. There are quite a few STRs there. Another one is to the back of this lot.
- The complaints have some foundation. Two STRs are across the street.
- Are the roads dirt? Yes, and this section is narrow before the property, but there are opportunities to pull over.

Applicant, Scott Howard, commented:

- Have been visiting since 1991 and rented with Ponderosa Realty, a lot in High Drive area.
- There are many STRs already on Upper Larkspur Road – above, below, and behind.
- The owner had been looking for a long time to invest in a unit and picked this property that was in disrepair to fix it.
- The road seems to be an issue with all in the community. This is a road association, and they are a member and pay dues. Have met most of the residents on the road.
- Neighbor comments are mostly from 1,000 feet away – none on Larkspur Road and beyond the radius where the notice was sent. There are few full-time residents on the road, and this has historically been a summer area with visitors for the summer. There aren't utilities for year-round use.
- Property has natural gas and a well.
- The fire district has been to the property and gave ideas to improve to prevent fire, and the owner did some site work, as recommended.
- It's a second home with income to supplement maintaining the property. Don't plan to rent it out that much.

No members of the public commented about this application.

Committee members commented that the parcel is a nonconforming acreage in an area with a lot of these non-conformities, and there is some discomfort with that.

Staff responded that the property is a legal non-confirming lot, therefore it should be considered legal as the base zoning.

The zoning was put in place in 2000 – over the existing parcels that were smaller. The town may address the non-confirming parcels because they have a lot, before the county deals with it. A number of lot sizes in the valley are non-confirming.

Motion

Member Kennedy made a motion to recommend that the Community Development Director administratively deny the Howard STR (File No. 21-ZONE3105). Member Poggenpohl seconded the motion. Member Kennedy stated that it is because of the small lot size and there are already a lot of STRs in the neighborhood. Three members voted in favor of the motion to deny the application; 3 were opposed to the motion (members Converse, Theis, and Webb).

Ochs/Perry Bed & Breakfast (File No. 22-ZONE3187)

Staff presented this item and noted it is not subject to the cap because it is a bed and breakfast for two guests where the owner is present.

Questions and comments from the committee included:

- Will the owner be present?

The applicant, Cathy Ochs, commented:

- Yes, the owner lives there year-round.
- They can screen renters. They have check in and out times.
- The road like Larkspur is narrow, but the owners will give a handout to guide renters.
- They have installed motion detector lights, to avoid light pollution.
- They have talked with closest neighbors and aim to be good neighbors. Most neighbors will not notice that someone is visiting. They might do this 10-15 days/month at the most in high season because they want to enjoy the area too.

There were no public comments about this application.

Committee members commented that they are more comfortable with the owners living there with guests, even though they have concerns about commercial uses in residential areas. As a small bed and breakfast, it has a minimal impact. A bigger B&B could be a different situation.

Motion

Member Harper made a motion to recommend approval of the Ochs/Perry B&B (File No. 22-ZONE3187). Member Webb seconded the motion. All committee members voted in favor (6-0).

Estes Bestes STR (File No. 22-ZONE3182)

Staff presented this item noting that this was an application in a residentially zoned district subject to the waitlist, with 16 neighbor comments in opposition and 1 in favor. The cited concerns included safety, property values, traffic, noise, conflicts with covenants, etc.

Member comments and questions included:

- Further explanation about the building division request for an additional sleeping area. The applicant has three legal bedrooms; however, the request is for a 4th bedroom that requires a building permit. The applicant is in the process of getting those approvals.
- Why does the HOA not deal with this? Carriage Hills has some restrictions. The committee recognized that the county does not enforce covenants. Staff clarified that the wording of the covenant was loosely worded, and a member recognized that many of the residents think there is a prohibiting covenant. When written, there were not STRs.

Applicant, Paul Martin, owner commented:

- This one is like the other applicants at this meeting, he thinks the STR could be a benefit to community because he bought it when it was run down with a lot of garbage and is fixing it.
- He will expect tenants to take care of it. He will have age restrictions on renters.
- Has seen the bylaws and thinks it means no commercial business to sell products.
- If approved and if it is causing problems, he will not push it with neighbors but thinks he has a right to this permit.
- There is a local property manager.

- He knocked on the doors with neighbors to share the plans and got some push back. The people who responded were further out than 500 feet. He plans to be a good neighbor.

Committee members questioned how many STRs are adjacent to this property. He did not know, but maybe a few to the east – none immediately next door. The applicant is not aware of complaints about the nearby STRs.

Public comments: Janice Bridge shared a history of the neighborhood and her perspective on the pitfalls of STRs in the residential neighborhood. They should consider the people who live there. Service to neighbors is important.

Applicant conveyed that he is a real person and trying to keep the property to be able to spend time with his family and keep it occupied through leases.

Committee members expressed reservations about building permits having not been approved prior to this recommendation. Code compliance research is occurring simultaneously, so they will not be able to rent until all the inspections and approvals have happened, they cannot rent. It is common that projects can be approved, and our software system tracks it.

Motion

Member Harper made a motion to for the Community Development Director to administratively deny the Estes Bestes STR (File No. 22-ZONE3182). Member Poggenpohl seconded the motion. The reason is because of the high number of other STRs in the area and recognition that neighbors want their neighborhood. The committee voted (5-1) in favor of the motion with member Converse voting against.

Next Steps

The committee reminded each other about the meeting on the 12th coming up.

A member commented on the wonderful job that county staff did about the STR pre-application process.

The meeting adjourned at 6:05 p.m. The next meeting is scheduled for May 19, 2022.