

Date: Thursday, August 19, 2021
Time: 3:30 PM
Location: Virtual Zoom Meeting – Virtual Zoom Meeting – Members of the public may register through this link:
https://larimer-org.zoom.us/webinar/register/WN_We82vj9VTLaOLaihxxjluA

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

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

All committee members were present: David Converse, Mike Kennedy, Olivia Harper, Linda Moak, Rex Poggenpohl, Frank Theis, and Drew Webb. Commissioner Shadduck-McNally also was present for the first part of the meeting. Staff present were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Eric Fried, Chief Building Official; Michael Whitley, Planner II; Matt Lafferty, Principal Planner; Samantha Mott, Senior Planner; Doug May, Planner II; Tawn Hillenbrand, Planner II; Alyssa Martin, Planner I; and Samantha Lasher, Planner I. Frank Haug, Deputy County Attorney also attended. Approximately 25 members of the public and applicants attended the meeting on August 19. The meeting was continued and finished on August 25, 2021.

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. AGENDA REVIEW
- D. APPROVAL OF MINUTES FROM JULY 15 MEETING
- E. COMMUNICATION ITEMS
- F. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- G. ACTION ITEMS
- H. DISCUSSION
- I. ADJOURN

APPROVAL OF MINUTES

Motion

Member Poggenpohl made a motion to approve the July 15, 2021 minutes. Member Harper seconded the motion. The committee unanimously approved the minutes.

COMMUNICATION ITEMS

- Staff polled and all committee members confirmed they will attend the CompPAC meeting on Zoom on August 26.
- Staff explained how the Short-term Rentals (STRs) were sorted on the agenda. The cases in the EV Accommodation (A and A-1) zoning districts were listed on the consent part of the agenda unless there were public comments, and the cases in the residential zoning districts were on the discussion part of the agenda.

They also explained the review criteria in the code and that the committee is a review and recommending body. Staff will present the criteria for each case.

- A committee member asked if the County has a map of short-term rentals. Staff replied that that is not available— it might be helpful as we enter into policy conversations. Proximity of other rentals in a neighborhood is not part of the review criteria that is applied directly. Concerns of neighbors can be considered indirectly.
- Commissioner Shadduck-McNally made a few comments to committee members. She has been in Estes several times recently. She appreciates the work of the committee and work that goes into preparing for these discussions. There is a lot of discussion about the Comprehensive Plan, and she will join the joint meeting next week. Contact her about anything of concern.

PUBLIC COMMENTS

- A community member asked about the standard for reviewing and approving STRs?

ACTION ITEMS

Note: Commissioner Shadduck-McNally left the meeting and did not participate in the action items.

- Committee members had further general questions about the cases before approval and what steps are required by the County. The Chief Building Official explained the building permit following the planning process.
- Cases that would be scheduled for a hearing would be in September, then followed by building permit approval.
- Staff gave an overview of the cases included as consent items. The first five are on consent. Did anyone want to pull an item off consent agenda to move it to a discussion agenda?

Consent items

- *The chair polled the committee, staff, and audience to see if any of the consent agenda items should get put on the discussion portion of the agenda. One member of the public and a committee member asked to put Ypsilon (21-ZNE3016) and Gibb (21-ZONE3051) on the discussion part of the agenda.*
- *The ones in Eagle Cliff near YMCA are alright and somewhat similar to A Accommodations zoning district. That property is largely vacation rental already, and maybe is should be considered in the future.*
- *A member of the public asked staff to list addresses with the cases to make it easier for the public to follow the agenda.*

Motion:

- *Member Kennedy made a motion to approve the consent agenda. Member Webb seconded the motion. The committee unanimously recommended that staff approve the consent cases: Ryan (#21-ZONE3033), Davis (21-ZONE3014), and Anderson (21-ZONE3015).*

Discussion Items

Houston STR, #21-ZONE 3029:

Samantha Mott presented the case and review criteria. This is a proposal for a home on 500 West Prospect Mountain Drive. It is 1 acre in the EV E-1 zoning district. It contains 5 bedrooms with a maximum occupancy of 10 guests. She explained the general review criteria in and specific criteria for STRs in the Land Use Code.

Committee comments and questions included:

- Where is the property manager location relative to the site? Staff explained the property manager needs to be within one hour of the site.
- Have public concerns been addressed (e.g., noise, road, trespass)? Staff explained that other issues seem to have been addressed. Property seems clean and kept up. Engineering didn't have issues or concerns about the road. The fire district did not have requirements about access or sprinklers.
- The area doesn't have fire hydrants, and that might be something to consider in the future for accommodation uses.
- Are there other STRs close to this proposal? Staff explained that the County does not have a map. The property owners provided information stating that about 8 out of 60 lots in the neighborhood are STRs.
- There may be more and asked is there a requirement for density? Staff explained there is not a standard for density or concentration of STRs; the only restriction is one per lot.
- The criteria in Sec. 6.4.3.D that they can "evaluate the impact on the existing or future development of the area – adverse impacts." That means committee can consider things like density if it would lead to negative consequences. With approvals being one at a time, that could lead to negative outcomes. Committee members wanted to discuss the input of the neighbors and consideration that these uses have been disruptive. There's a concern about lack of oversight or management while visitors are in STRs.
- Could the County prepare a STR map? Staff replied that the comments being made by the committee of a policy nature could or should be addressed outside the process of reviewing individual cases, such within the comprehensive plan (e.g., a map, overall STR or vacation home "cap," other topics). The committee should focus on the particular cases today and whether they should be staff approved or move to a Board of County Commissioner public hearing.

Applicant, Richard Houston:

- He thanked the committee for their review and reserved time at the end to respond to comments.

Three members of the public (Nick Molle, Alex Gibson, and Debra Gibson) stated the following:

- Got a response from the applicant with a friendly tone, but this full-time resident and neighbor still had concerns about disruption of STRs in the residentially zoned neighborhood and is opposed to STRs near his home. He is in favor of tourism in the community, but not in this residential area.
- Another long-time neighbor couple stated it is a residential neighborhood, and there was an issue of trespass on the rocks. 12% of the development is currently STRs, but with additional approvals, it would be 20%. A lot of guests have been on the property since July.
- The roads have a horrible condition, and neighbors have had to be pulled out. The fire evacuation last year made neighbors feel vulnerable, because of the single access point for the subdivision and single lane dirt road. That means if someone gets stuck, the road gets blocked, and people feel at risk.

Applicant responded. Agencies have been to the property and looked at these issues. They would require guests to have 4-wheel/AWD in winter because of the road. They understand the concerns about trespass. The incident that happened was unusual and highlighted neighbor concerns. They will mark boundaries and make sure guests understand about them.

Further committee discussion included:

- One committee member visited and saw the road and thinks the neighbors' complaints are justified, and safety is a real issue.
- May the committee have clarification about the trespassing incident? A member clarified that the people were friends visiting, not renters.
- Noise can be a bother and realized the committee will be talking about the same issues for each STR (parking, roads, noise, etc.). Is the committee addressing the needs of the people who live in the neighborhood?

- There is concern that many of the houses in the subdivision are STRs and that can create impacts on the community.

Motion

Member Kennedy made a motion recommending that the Houston STR case be sent to the Board of County Commissioners for a public hearing with a recommendation they deny it. Rex seconded the motion. Three members of the committee voted yes (Harper, Kennedy, and Poggenpohl). Two voted no (Converse and Webb), and one recused himself (Theis). Member Moak was not on the call still.

General comments: There was concern the committee did not have the specific criteria to recommend approval for this case, and therefore the committee verges into a policy conversation, and is not comfortable recommending at this time. There is concern that the neighborhoods is about to have 20% STRs.

Peters STR, #21-ZONE3019

Alyssa Martin, staff provided the presentation. This is in the EV-E zoning district and is 1.06 acres in Carriage Hills. It is a single-family house with three bedrooms with maximum occupancy of six guests. She expressed the same criteria and process as Houston. Staff received neighbor comments and included them in the packet for committee review. There was some discussion about polling members and possibly sending the case directly to the County Commissioners if there is large public interest.

Committee comments and questions included:

- Many comments have to do with the lack of maintenance on the property, creating reservations about an STR on the property.
- There is concern about the density of STRs on Whispering Pines. It should go to the Board of County Commissioners. Need to consider input of neighbors.

Applicant, Annie Peters expressed:

- She loves the neighborhood and wants to stay there but cannot now. The property manager with many years of experience is close to the property. She wants to be a good neighbor and comply. She met with the weed district and intends to do weed maintenance and has been treating, although neighbors haven't mentioned weeds to her directly.
- She does not support a "polling process" as she would be treated differently, especially since neighbors posted this case on Facebook, inciting comments.

Public Comments. Four members of the public (Seth Smith, Janis Hess, Jill Hardman, Justin Hess) commented:

- The proposed property manager expressed that the goal is to be compliant, and they will address all the issues immediately. Their reputation in the valley as good, and the applicant wants to be a good neighbor. Addresses density while not in the criteria does not seem fair.
- A neighbor expressed that the entire property has lack of proper weed management. There is no place to store a trash can, and the cans attract bears. The parking area is small. They have observed unsafe use of the roof for recreation. Its proximity to existing STRs is a concern.
- Another neighbor appreciates the policy issues. She expressed that the property is covered with multiple types of weeds (and seeds) that are viable for long period of time, and it has only been mowed when there is a complaint. The property owner confronted neighbors, which is why there aren't complaints. There have been people on the roof in the summer. There is no garage for parking, and parking/turning requires driving on the grass. It doesn't meet the requirements for a STR for 6 people.
- Another neighbor echoed previous comments and reflected that the property has not been taken care of. The mower didn't remove the weeds. There are safety concerns related to the roof, and there is not enough egress or ingress.

The applicant responded to the comment about confronting a neighbor, stating that did not happen, and about recreation on the roof. That was her, but renters will not go on the roof. She will address the trash can and thinks the property has adequate parking.

Committee member comments:

- If concerns are about the weeds, the applicant should have an opportunity to do something about it.
- A short-term rental is likely to be under more scrutiny.
- The proximity of density of STRs in the area struck him in the comments. He'd like to send it to the BCC for that reason.

Motion

Member Harper made a motion to send the Peters case to BCC for their consideration and a decision because there was a large amount of concern from the neighbors. Drew second the motion. All voted in favor (6-0). Member Moak was not on the line for this vote.

Gibb STR, #21-ZONE3051

Samantha Lasher, staff presented this case. The location is 1615 Prospect Mountain Drive in Venner Ranch. The lot is 1.32 acres. It is a house with 3-bedrooms with a maximum of 6 total guests. She shared the criteria for consideration. Several neighbor comments were received about the proposal.

Committee comments and questions included:

- One member received a letter and she sent it to Ms. Ellis.
- Is there an outdoor fire pit? There do not seem to be hydrants nearby. Staff explained that outdoor solid fuel fire pits are not allowed.
- There is a steep driveway also.

Applicant, Cathy Gibb:

- She stated there is no outdoor fire pit, and she is not sure where the concern came from. She has been busy working on the house and has addressed building code issues. They are asking for an STR because it will be retirement home in a few years. They met with the fire mitigation individual, and they are having the driveway surface redone. She submitted additional responses to Sam Lasher. The management company. Pro Source, LLC, Dan Casey moved to Estes Park

Public Comments. Three members of the public commented (Stan Humphries, Jim Carpenter, and Susan Toy tried to comment).

- With this approval, one long term resident explained the number of STRs would be six, or 33% of the houses on the road. There is a fire concern. The driveway has been a nuisance because it meets the road at an abrupt angle, and there have been accidents.
- Another member of the public objected to the STR in the neighborhood.

Applicant, Cathy Gibb, reiterated work done on the interior of the home, and now they are doing some things to the exterior for fire mitigation and to protect the area of Prospect Mountain. She considers this to be more her home than a STR.

Other Committee Member comments and questions:

- What is the experience of the property manager?
- What about fire mitigation and how will the County guarantee the applicant does that work? Staff addressed conditions of approval.

Motion

Member Converse made a motion to send this case to BCC for a public hearing because it has similar concerns regarding numbers of STRs in the neighborhood and safety. Member Webb seconded this motion. All attending committee members voted in favor (6-0).

The committee aims to address STRs and their impact on the community.

Ypsillon STR, #21-ZONE3016

Tawn Hillenbrand, staff presented this request for a STR at #8 Bear Lake Road within the National Park. It is zoned O-Open. It is an existing 2-bedroom single-family residence. No neighbor comments were received.

Committee member comments:

- It is good to know that Rocky Mountain National Park (RMNP) has reviewed it and provided minor comments.
- Does the County's Building Division have jurisdiction for these buildings in inholdings in RMNP. Staff expressed that they do.
- Are there other STRs in the area? Staff said that there are a few cabins in the area that are family owned.

Applicant, Abbey Pontius:

- Explained that the maintenance of the cabin is very good. There are two parking spaces. All the work that is necessary for the conditions related to the case is either done or in the works.

No members of the public commented on this case.

Motion

Member Theis made a motion to refer the Ypsillon case to the staff for approval. Member Webb seconded the motion. All in attendance voted in favor (5-0). (Members Poggenpohl and Moak had to leave the meeting before the motion.)

Hanson STRs, #21-ZONE3039 through 3042

Samantha Lasher, staff presented these items. It is for four different STRs. At 1050, 1052, 1066, and 1068 Alpaca Way. Lot sizes vary. Each unit would accommodate a maximum of eight guests.

Committee comments and questions included:

- Why is the committee looking at the cases if they are in A-1? Staff replied that there were 11 neighbor comments, so it was moved to discussion.
- What is the minimum lot size? Staff explained if the project hadn't been approved, he could have had only have 2 STRs.
- What about occupancy and the exception for living room? How does that become a bedroom? Staff explained that applicants have to apply for an alteration permit with the building division.

Applicant, Seth Hanson:

- Addressed comments in letters and reached out to folks. He asked the committee to review his applicants differently than others. It's been zoned for accommodations for a long time. Non-residential district. Patios faced in. Mitigating noise – putting in hillside. Drainage has been addressed.

Public Comments. Seven members of the public commented (Joelle Peterson, Dorothy Dorman and her husband, Scott Dorman, Michael Warren, Elaine Davis, and Diane and John Calden):

- Noise has been addressed, but a concern is having existing STR across with 12 units. Nearby other townhomes with guests, which means a total of 60 guests per night. This is an excessive number.
- After a conversation with Mr. Hanson, a neighbor opposes his buildings. He had understood they would be long-term rentals because the neighborhood is saturated with STRs. He is surprised there is no map of rentals. A lot are in Upper Broadview which is a residential district.
- A long-time property owner and neighbor had understood from Mr. Hanson these would be long-term rentals not STRs. He would like to address how the County is handling STRs and would like a map.
- Another neighbor expressed concerns about the rentals around his house and the growing number of multiple STRs in Middle and Upper Broadview. He's concerned about noise and traffic.
- A neighbor explained that the drainage doesn't all work, because the ditch filled in with silt and standing water. She asked what are the other property occupants going to do?
- Finally, a neighbor was concerned about noise and parties that come with adding vacation rentals in the neighborhood.

Applicant, Seth Hanson said he understands the concerns. These units are in the middle. To the north new units will be built. When he bought the property, he assumed they would be STRs. There's been misinformation about affordable housing. Long-term rentals are not viable. Long-time zoning of the areas supports the STRs.

Committee Members' comments:

- Member Theis recused himself from this case. He stated this is different than the other cases in residential neighborhoods.
- There is enough concern and that it should go to the BCC.
- Can there be a map of surrounding zoning and the assessor's page?

Motion

Member Converse recommends that staff to go forward and approve the STRs. Member Kennedy seconded the motion. The members expressed that these cases are different because they are in the A district, and the County can't control human behavior. The committee voted in favor of staff approving the STRs (4-0 in favor). (Member Theis recused himself.)

Adjournment

At 6:55 p.m., the meeting was adjourned and continued to **Wednesday Aug. 25, 2021 at 3:30 p.m.**

Continuation of the EVPAC Aug. 19 meeting on Aug. 25, 2021

The Larimer County Estes Valley Planning Advisory Committee (Committee) met via Zoom for the continued meeting that started at 3:30 p.m. The purpose was to continue with the Land Use Code change item and topics related to the Comprehensive Plan.

All committee members were present: David Converse, Mike Kennedy, Olivia Harper, Linda Moak, Rex Poggenpohl, Frank Theis, and Drew Webb. Staff present were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Michael Whitley, Planner II; Matt Lafferty, Principal Planner; No members of the public were present on Aug. 25.

AGENDA, Cont.

- G.** ACTION ITEMS (Land Use Code)
- H.** DISCUSSION (Comprehensive Plan)
- I.** ADJOURN

Land Use Code Changes

Item 1: Pre-existing accommodation uses.

Staff provided a brief presentation and overview of the proposed items in the packet related to code changes and the purpose of the changes to narrowly change and allow preexisting units in the accommodations districts to be consistent with the way the Town of Estes administered the EVDC prior to Mar. 2020.

Input from committee members:

- Definition – “preexisting resort type use” term doesn’t seem logical. Maybe have some discussion internally among staff. “preexisting” is ok, but it doesn’t seem encompassing enough to cover the full range of types of preexisting lodging. Maybe use “resort” or something along those lines.
- Are these all multi-unit buildings? Staff and members: No, some may be cabins – multiple structures on a property.
- How many structures might be affected? Staff thinks there might be dozens of structures but not hundreds.
- What is the different between high vs. low intensity use in the A-districts? Staff explained that the districts definitions define them in terms of density. (See pp. 523-524 in LUC. See also density table on p. 470. EV A-1 has a maximum density of 1 unit per 10,890 sf whereas EV A allows for higher density or intensity.)
- Would this provision allow for creating new units or converting from long-term to short-term rental? Staff said the code change would not allow new units, and we cannot track if long-term may become short-term rentals.
- Can we get data on long-term rentals? Staff replied that is not information the county traces, but the County does track short-term rentals through Lodging Revs.
- Would the structures have requirements for fire access? Staff replied they would need to meet fire code requirements. The Building Codes – focuses on egress safety issues.
- With the life safety inspection, would sprinklers be required? In these preexisting buildings? Staff said no; it depends.
- What regulations govern conversion from long-term to short-term in a hotel. Staff replied there is not a conversion if it’s a hotel previously becoming a short-term rental.

Item 2: Townhome Projects

Staff continued an overview of the proposed code changes related to the townhome projects, again to narrowly align the code with the Town’s code.

Input from committee members:

- The Estes Valley does not see a lot of pressure for townhomes, currently, and the Town does not have a problem with townhomes in these districts (RM, A and A-1). Staff replied that we have duplexes in the County, and there are a few projects that are proposed.
- The Townhome project provision could contribute to allowing more long-term rental units. They are easier to finance and build because the unit goes with the land.
- This proposal seems consistent with the Town and what other communities are doing.
- Most of the problems with such units are fire protection; they will have Building Code requirement for fire wall separation in the units.
- Staff explained the intention is to not create more short-term rentals. Some committee members explained they don’t have a concern about STRs in the A zoning districts. One member said they would like the County to be restrictive about STRs in the residential (RM) zoning districts.
- Are there concerns with the setbacks? Staff explained that the setbacks are modified for the “interior” lot setbacks not the setbacks at the perimeter of the lots. Staff also clarified density with regard to townhome units and lot size. They could have smaller lot sizes but would need to maximum density. 1 unit per 10,890 sf. Would have to have that property size (x2) for two units, etc.
- Staff clarified that the purpose of this conversation is to address broad policy and code changes rather than individual properties. It’s fine to give examples.

Motion on Land Use Code Changes:

- *Member Webb made a motion to accept the changes proposed for Preexisting uses in accommodation districts and townhomes. Member Poggenpohl seconded the motion.*
- *Member Poggenpohl also suggested a small amendment to ask staff to look at the term “hotel conversion” and come up with a better term. Member Kennedy seconded the amendment.*
- *Committee members voted on the amendment and were unanimous in their support (7-0).*
- *Committee members voted on the motion as amended and supported in favor: (6-with one opposed (Converse)).* Member Converse expressed that his concern is about the long-term rental short-term rental flow. He would have voted in favor of the townhome change but not the other item.
- Staff explained that this will next go to Planning Commission on September 22, and staff will provide the DRAFT minutes to the Commission so they can see the full discussion and comments as they are making their recommendation. The code changes go to Board of County Commissioners for a public hearing on Sept. 27.

Comprehensive Plan – Materials for tomorrow.

- Members had some discussion about the Strengths, Weaknesses, Opportunity, Threats (SWOT) draft.
 - Some were pleased it was printed in the newspaper while others asked that the committee have a heads up if a draft item appear in the paper. It needed discussion.
 - Staff agreed to clarify the format of a draft paper and mark it “Draft and for Discussion” before presenting as part of an agenda packet. The format made it look like it came from the committee as a whole.
 - Member Kennedy explained he would ask first before sending to the paper to publish.
 - The committee will return to discuss this item at their September meeting. Members will first do a **homework exercise** to pull out the top 6 things they want and the three or four issues that they don’t understand or have opposing views and send that to Lesli Ellis by Sept. 13 so she can share screens – those items that wouldn’t represent the views of the committee as a whole. The committee members will each spend a few minutes at the next meeting.
 - Ms. Ellis will send a reminder to request that input and summarize that information for discussion at the EVPAC meeting on Sept. 16.
 - With regard to SWOT summary: consolidate and strike out repetition.
 - The timing will be OK with the CompPAC committee that seems to be a step or two behind this discussion.
- Members discussed the Town Community Development Director Hunt’s newspaper article about Code Changes. Ms. Ellis will send it for reference.
- Staff will also send the materials for the CompPAC meeting on Aug. 26 later that evening.

The next meeting is September 16 at 3:30 p.m. Meeting adjourns at 5:05 p.m.