

LARIMER COUNTY

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES OF THE OCTOBER 20, 2022, MEETING

The Larimer County Estes Valley Planning Advisory Committee met on Thursday, October 20, 2022, at 3:30 p.m. virtual video only.

Committee members present included: David Converse, Mike Kennedy, Linda Moak, Frank Theis, and Drew Webb. Frank Theis as chair.

Commissioner Jody Shadduck-McNally attended.

Staff present included: Lesli Ellis, Don Threewitt, Amy White, Shalana Lysaght, Tatum Hastings, Christina Scrutchins, and Melissa Bruski.

Public present included: 2 Members; Eric Tuskind and William Brown

AGENDA

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

ADOPTION OF AGENDA

Member Drew made a motion to approve the agenda.

Member Converse seconded.

All voted in favor (5-0).

APPROVAL OF MINUTES FROM THE SEPTEMBER 15, 2022, AND OCTOBER 11, 2022, ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING

Minutes tabled to November 17, 2022

COMMUNICATION ITEMS

Commissioner Shadduck-McNally joined for the early part of the meeting and signed off at 3:41 pm. She discussed that the Board of County Commissioner have been interviewed members of the community for the open positions for the Estes Valley Planning Advisory Committee and will update the Committee soon. Budget season is underway, and the Board of County Commissioners reviewed the proposed budget and are welcoming any feedback. The proposed Larimer County Budget can be viewed at <https://www.larimer.gov/budget>. She made closing comments stating she will be hosting two meeting in Estes Park on November 3, from 12:00 pm to 1:00 pm at Kind Coffee with no set topic and November 4, 2022, from 1:30 to 3:00 pm at Estes Park Senior Center with a topic regarding Addressing in Unincorporated Larimer County Project. attending the Community Feedback open house on August 3, 2022.

STAFF UPDATES

None.

PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA OR FUTURE PROPOSAL

None.

ACTION ITEMS

Chair Theis recused himself from consent item No.1 - Tuskind Short-term Rental, File No. 22-ZONE3319, consent item No. 2.- Stearns Short-Term rental, File No. 22-ZONE3306 and the voting due to a conflict of interest.

Chair Theis appointed Member Converse as acting chair for the consent agenda.

ITEM NO. 1 - TUSKIND SHORT-TERM RENTAL, FILE NO. 22-ZONE3319

STAFF PRESENTATION

Staff gave a brief presentation regarding the applicants' request for an Administrative Special Review approval for a small Short-term Rental located in the existing 2-bedroom and one additional sleeping area single-family residence with a maximum occupancy of six (6) total guests; two (2) guests per room and additional sleeping area. No construction or modifications to the home are proposed with this request. The subject property is located at 2133 Eagle Cliff Rd, Estes Park, CO, and currently zoned EV A1 Estes Valley Accommodations/Low Intensity. The existing residence is currently served by the Town of Estes Park Water District and Upper Thompson Sanitation District and is accessed from Eagle Cliff Rd. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing three (3) total parking spaces, two (2) in front of the house and one (1) in the garage. Staff closed the presentation with additional comments, review criteria, and the Development Review Teams suggested motion.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- If there is more information regarding the property management.
- Clarifying the property manager's address to confirm they are within the one-hour distance of the short-term rental.
- The short-term rental seems appropriate within the proposed accommodation area.
- If the owner/applicant is listed as the property manager, and does not have experience, is there training or special identification?

STAFF COMMENTS

Staff stated the following:

- Eric Tuskind, the owner/applicant, will be the property manager that resides one hour away from the proposed short-term rental.
- There is not a requirement that the property manager be a professional property manager but are required to be accessible and located within an hour of the property.

APPLICANTS COMMENTS

- Mr. Theis stated that the property manager resides within Lyons, Colorado, which is under the one-hour distance of the short-term rental.
- Mr. Tuskind wanted the Committee to make note that even though the property has three buildings on one lot, they buildings are intended to be as if they are separate from one another and would like to recommend to the Estes Valley Planning Advisory Committee to approve both proposals.

PUBLIC COMMENTS

None

MOTION

Member Kennedy moved that the Community Development Director administratively approve the Tuskind Short-Term Rental, File No. 22-ZONE3319.

Member Moak seconded.

All voted in favor (4 - 0). Member Theis recused.

Motion passed.

ITEM NO. 2 STERNS SHORT-TERM RENTAL, FILE NO. 22-ZONE3306

STAFF PRESENTATION

Staff gave a brief presentation regarding the applicants' request for an Administrative Special Review approval for a small Short-term Rental located in the existing 2-bedroom, 1 additional sleeping area single-family residence with a maximum occupancy of six (6) total guests; two (2) guests per room. No construction or modifications to the home are proposed with this request. The subject property is located at 2137 Eagle Cliff Rd, Estes Park, CO and currently zoned EV A1 Estes Valley Accommodations/Low Intensity. The existing residence is currently served by the Town of Estes Park Water District and Upper Thompson Sanitation District and is accessed from Eagle Cliff Rd. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing two (2) total parking spaces in front of the house. Staff closed the presentation with additional comments, review criteria, and the Development Review Teams suggested motion.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Wanting clarification if the three condominiums located on the proposed property are being proposed as short-term rentals.
- The application listed the following comment: "The code only allows one STR per property in the EVA-1 zoning. Because this property is zoned for an Accommodation Use, and because there are three condominium units on the property, we are requesting that all three units be allowed to be short-term rentals." and the members would like to know the intent of the comment.
- Curious to know the distance between the buildings on the property being proposed.
- The proposed request meets the requirements of a short-term rental and any recommendations from the Estes Valley Planning Advisory Committee will be presented to the Board of County Commissioners with the requested appeal.
- Amending the motion to include

STAFF COMMENTS

Staff stated the following:

- Clarified that only one condominium can be permitted on the property at this time but could be appealed in the future for multiple short-term rentals permitted on the parcel.
- The Land Use code has a standard that states that property owners are allowed on short-term rental per lot. Due to the condominium located on one lot, the property owner/applicants are requesting that all three units within the condominium be allowed to be short-term rentals. This will require the property owner/applicants to appeal the standard and present the proposed request to the Board of County Commissioner for approval.
- The Estes Valley Planning Advisory Committee's is reviewing the proposed short-term rental to identify if it is appropriate within the A-1 zoning district and recommends to the Board of County Commissioner approval or denial of the proposed short-term rental. The Estes Valley Planning Advisory Committee can include recommendations regarding the requested appeal, but the requested appeal will be presented to the Board of County Commissioner for approval.

APPLICANTS COMMENTS

- Mr. Theis clarified the location on the map of the proposed property to the members.
- Mr. Theis mentioned that he thinks the buildings on the property being proposed are possibly 60-70 feet apart.

PUBLIC COMMENTS

Community Members: Unidentified Community Member

- If the proposed properties presented today had been long-term rentals prior to the short-term rental request?

APPLICANTS REBUTTAL

Applicants stated the following:

- Mr. Tuskind stated that both proposed short-term rentals were newly built and did not have any previous use.

MOTION

Member Drew moved that the Community Development Director administratively approve the Stearns Short-Term Rental, File No. 22-ZONE3306 and not to include any recommendation regarding the multiple short-term rentals on one lot.

Member Kennedy seconded.

All voted in favor (4 – 0). Member Theis recused.

Motion passed.

DISCUSSION

Commissioner Shadduck-McNally rejoined the Estes Valley Planning Advisory meeting at 4:25 pm.

ITEM NO.1 – ESTES FORWARD DRAFT PLAN

STAFF PRESENTATION

Staff gave a summary presentation regarding the Estes Forward Draft Plan. The three phases included:

- Phase 1 – Setting the foundation,
- Phase 2 – Defining the direction, and
- Phase 3 – Realizing the plan.

Larimer County estimates the Adoption Hearing and Final Plan of the Estes Forward Plan to be completed by the end of December 2022. The Estes Forward Draft Plan, Estes Forward Draft Plan with Public Comments, and the Draft Plan Organization can be found at <https://engageestes.org/>.

The following chapters were presented:

- Chapter 1 – Introduction and Plan Direction: what is the Plan, Focus of the Plan, Vision and Guiding Principles, Plan Organization, and Community Engagement.
- Chapter 2 – Policy Framework: Interpreting the Goals and Policies, Natural Environment, Built Environment, Economy, Housing, Health & Social, and Transportation & Infrastructure.
- Chapter 3 – Future Land Use: Introduction, Future Land Use Categories, Future Land Use Map, Opportunity Areas, and Annexation and Future Town Service Areas.
- Chapter 4 – Implementation: Applying the Plan, Compliance with Comprehensive Plan, Plan Management, and Implementation Plan; and
- the Appendices: A. Glossary of Terms, B. Existing Conditions Report, and C. Public Engagement Summaries.

Ms. Ellis wanted to mention to the Community that the Estes Forward Plan is a Town and County Plan with goals that apply to both policies and actions that apply to the Town and the County. There are some policies that apply to either the Town or County but not both. Policies are identified, colored coded, and highlighted within the Draft Plan. During the adoption process, staff would like for the Boards and Committees to reflect, advise, recommend, and adopt the parts of

the Plan that apply to both, and that applied to the county. The Town will complete the towns adoption process of the Plan and the County will complete the Counties process of the Plan. The Estes Forward retains relevant ideas from supported goals and policies from the previous Land Use Plan but includes new goals regarding economy, housing, health and social, transportation, and infrastructure. The Future Land Use map will focus on the protection, conservation, and preservation of the natural areas and natural resource conservation areas around the edge of the community. The map will also include lower intensity levels of development in the mountain and foothills and opportunity areas to achieve the community vision where further study and examination are needed. The implementation and actions of the plan focuses on regulatory reform changes to plant changes to zoning and the land development codes. Staff closed the presentation with public comments received from the community and the next steps in the adoption process of the Plan.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Members thought the outreach to the Community was very successful and were happy with the community's participation in feedback.
- Members stated that one of the reasons the staff and consultants had a successful community participation was because of the Spanish options throughout the process.
- Recommending an Estes Valley Planning Advisory Committee member attend the Larimer County Planning Commission and Board of County Commission work session to reassure them that a lot of people have completed a lot of work, and the County recommends approving the adoption.
- Members would like to make a motion to recommend to the Larimer County Planning Commission approval of the adoption.
- Members thought the Plan does not address overall health care in general, and how health care, in the valley, will be addressed in the future. The annexation policy was also not clear and needed more attention.
- Members thought the future Plan is a major improvement that will be implemented over time.
- Members would like for the Plan to clarify short-term, mid-term, and long-term priorities and when the staff will focus their attention on them.
- The Plan focuses on more priorities that will be implemented in the Town and not as much in the County.
- Members wanted clarification regarding historical venues within the Plan.

COMMISSIONER COMMENTS

Commissioner Shadduck-McNally stated the following:

- She has been in communication with the Larimer County Planning Commission and thinks the Estes Valley Planning Advisory Committee would benefit if they attended the Larimer County Planning Commission meeting.
- The Larimer County Planning Commission has completed the adoption of the Comprehensive Plan and are familiar with the process and she feels they have had the opportunity to review the plan and receive feedback from the County.
- She wanted to mention to the Estes Valley Planning Advisory Committee that the Larimer County Planning Commission are glad that the Estes Valley Planning Advisory Committee mentioning the senior center as a community resource, and they like the following comments "older adults are particularly vulnerable during and after disasters and public health programs and policies should be actively promote the resilience of older adults and aging in place" and the language "older adults".
- The Larimer County Planning Commission wants to make sure that transportation and affordable housing is also for older adults and not only for working workforce and workforce families.
- Wanted clarification regarding how staff is addressing comments that are being received throughout the process.

STAFF COMMENTS

Staff stated the following:

- Staff encourages the Estes Valley Planning Advisory Committee to also attend the Larimer County Planning Commission and Board of County Commission work session to give feedback and input and then meet the day after on Nov. 10 to make their recommendation.

- The Larimer County Planning Commission trusts and relies on the work and knowledge of the Estes Valley Planning Advisory Committee regarding the local conditions, issues in the community, and to advise and help shape the Plan.
- Staff wanted to clarify the process between work sessions and the adoption hearing. The work session allows the opportunity to discuss and recommend final changes and the adoption hearing will allow final public comments from the community and the adoption of the Plan.
- Staff thinks that it would be beneficial if the Estes Valley Planning Advisory Committee wanted to recommend, that may acknowledge, that there are still comments that need to be addressed, refinements that need to be included, or the Committee is in favor of the approval in the adoption.
- Staff stated that any comments that are received throughout the process are reviewed and presented but not all comments are incorporated into the Plan changes.
- Staffed clarified that the policy regarding historic venues/preservation is important but it doesn't necessarily identify that there's going to be funding, or that there's going to be specific actions around it.

CLOSING COMMENTS

Staff mentioned that they will present the Estes Valley Planning Advisory Committee comments and present them to the Larimer County Planning Commission and Board of County Commission prior to November 9, 2022, Planning Commission and Board of County Commission work session. The committee confirmed scheduling a special meeting on November 10 to review and recommend the plan.

ADJOURN

With there being no further business, the hearing adjourned at 5:54 p.m.