

Date: Thursday, November 17, 2022

Time: 3:30 PM

Location: Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_TMexXctIRYO-SBVmr8PR6w

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

The Larimer County Estes Valley Planning Advisory Committee met on Thursday, November 17, 2022, at 3:30 p.m. virtual video only.

Committee members present included: Rex Poggenpohl, David Converse, Mike Kennedy, Linda Moak, Frank Theis, Drew Webb, and Scott Stewart.

Commissioner Jody Shadduck-McNally attended.

Staff present included: Lesli Ellis, Amy White, Tawn Hillenbrand, and Christina Scrutchins.

Public present included: 81 members, Alissa Anderson, Angela Welborn, Anita Mapes, April Sorenson, Austen Bierl, Barbara Bortz, Becky Robbins, Brookie Gal, Carol Primdahl, Carolina Eichinger, Charles Hollen, Connie Hollen, Chris, Chris Hale, Dan Derman, Deb Dufty, Dewey Shanks, Dianne Michener, Donna Clough, Donna Sherbenou, Eric Lund, Frank Cebul, Gary Gilliland, Gary Peak, Gilbert Knapp, Gordon Coakley, Gregory Miles, Gregory Rosener, Heidi Shepard, J Reichle, Jack Irving, James Meek, James Webb, Jane Livingston, Jeffrey Franch, Jeremy Collinet, Justus Drake, Karen R, Kim Lemirande, Kirk Fisher, Lindsay Lamson, Liz Mulhern, Lowell Richardson, Mary Murphy, Mary Ross, Matt Poust, Megan Macmillan, Melissa Eigenmann, Michael Bryant, Michael Meyer, Michael Nagl, Michael Olson, Pamela Wallace, Pat Klem, Patricia Bartlett, Patti Brown, Paul Chase, Rebecca Domenico-Gelsinger, Renee McCauley, Richard James, Richard Mulhern, Robert Cebul, Robin Galyan, Robin Smith, Robin Van Metre, Sam Sparks, Sara Barkley, Scott Thompson, Seth Smith, Sonya Howard, Susan Stauffer, Suzy Blackhurst, Tari King, Terrence Wood, Tracey Emslie, Troy Loos, Vetter Jay, Waters Davis, William Brown, William Emslie, and one anonymous.

AGENDA

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

ADOPTION OF AGENDA

Member Poggenpohl made a motion to approve the agenda.

Member Webb seconded.

Motion Passed (7-0).

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

Member Poggenpohl made a recommendation to remove the applicant's comments from the Tuskind Short-Term Rental, File No. 22-ZONE3319.

Member Theis confirmed the applicant's comments should be removed.

Member Kennedy made a motion to approve the amended minutes from the October 20, 2022, meeting.

Member Webb seconded the motion.

Motion Passed (6-0).

COMMUNICATION ITEMS

None.

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

None.

ACTION ITEMS

ITEM NO. 1 - ELECTION OF THE PLANNING COMMISSION CHAIR, VICE CHAIR, AND SECRETARY

MOTION by member Webb to retain member Theis as chair, member Poggenpohl as vice chair, and member Converse as secretary.

Member Kennedy seconded the motion.

This received unanimous voice approval.

Motion passed 7-0

DISCUSSION ITEMS

ITEM NO. 1 SHORT-TERM RENTAL (STR) REGULATIONS UPDATE PROJECT - UPDATE AND FEEDBACK

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Members feel that staff has done a commendable job issuing the proposed regulations in a timely fashion with public involvement throughout the process.
- Some members feel that staff should work on developing a single and simple method for people to complain, document and receive responses regarding disturbances at STRs.
- Clarification on how the final regulations regarding appeals, when they are approved, will affect setback variances and which board approve/denies them.
- Wanting a better understanding regarding STR case laws in the State of Colorado.
- Clarification regarding the definition of grandfathering STR's and if they would have to meet updated safety requirements.
- Clarification regarding if the new drafted regulations apply to existing STR's.
- Wanting to know if STR's are required to renew and how would an STR know when to renew?
- Some members feel that transferability is a difficult issue and would like to see the minimum transferability to family members down to the second generation and new applications would have a time limit of when they can transfer the license.

- Clarification regarding the definition of grandfathering STR's and if they would have to meet updated safety requirements.
- Members feel the language within the new regulations need to be clarified regarding which licenses would be grandfathered.
- Some members feel that life safety issues should not be grandfathered and the STR should be required to complete a new life safety inspection every other year and include random safety inspections.
- Some member wanted to know if the life safety inspection includes fire hazards and flood zones.
- Some members feel that the regulations should be the same no matter how often the STR is rented.
- Members would like to recommend staffing to remove the language for STR's limited days and limited numbers in residential.
- Some members would like the language regarding hosted STR's and Bed and Breakfasts to be clarified.

STAFF COMMENTS

Staff stated the following:

- The Estes Valley Planning Advisory Committee will not be liable for any recommendations that they make or be challenged. They are a recommending advising body.
- Staff clarified that the setback variances are presented to the Board of Adjustments but if there is an appeal it will be presented to the Board of County Commissioners.
- Land Use Code changes would require a draft, additional public comment/input, work sessions, and public hearings.
- If the Estes Valley Planning Advisory Committee makes a recommendation regarding the STR case laws, then staff will present it to the County Attorney for review.
- The new drafted regulations do not apply to existing STR's and do not take away or stop allowing somebody who has an existing legal STR license to continue to operate but there are draft provisions that would take effect at the time that somebody sells a property, ownership transfers, or if the license is needing to be renewed.
- If a STR has safety concerns, then the owner/property manager would have to address the safety concerns before they would be able to renew the license.
- STR's are required to complete a bi-annual renew process that include any updates of the property owner/manager but are not required to complete a life safety inspection. The Estes Valley Realtors are very aware that once a STR is sold they should contact Larimer County with information of new ownership. Also, The Larimer County Community Information Resource Technicians reaches out to the owner/property managers that are in their records and inform that their bi-annual renewal is approaching or due.
- Staff will revise the language of the regulations regarding grandfathering to clarify which properties are and when would be grandfathered. Staff would like feedback from the Estes Valley Planning Advisory Committee regarding the renewal process as in the following: self-certify, re-inspection, etc.
- Any fire hazards would be inspected by the fire department. Flooding hazards would be considered Land Use Code issue that would apply to new proposed regulations, road access issues and evacuation routes, and anything that's outside of the property is a land use issue that applies at the time of a new application.
- Other communities are allowing some STR's to have fewer regulations if the STR is rented for only a few months out of the year. As well as have STR in residential area have

PUBLIC COMMENT

Robin Van Metre, Richard Mulhern, Liz Mulhern, Deb Dufty, Jane Livingston, Rene Franch, Eric Lund, Troy Loos, Heidi Shepard.

Comments

- Most families can't afford to live in Estes Park without the STR license option.
- Most STR's that have a license do not have any complaints and manage them very well.
- If grandfathering is not an option, it would substantially diminish the revenue generated by local marketing district lodging tax.
- What is staff doing regarding short-term rentals that are not licensed.
- Short-term rentals should be recommended to long-term rentals.
- The definition grandfathering should be better identified within the Plan.
- Transferability should be an option, especially if it is within the family.
- Not allowing the option to transfer STR's would cause homeowners to lose a large investment.

CLOSING COMMENTS

Staff and the Committee agreed to continue the short-term rental discussion at a continuation meeting on Monday, November 21, 2022.

ADJOURN

With there being no further business, the hearing adjourned at 5:30 p.m.