

LARIMER COUNTY

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

OF THE SEPTEMBER 15, 2022, MEETING

The Larimer County Estes Valley Planning Advisory Committee met on Thursday, September 15, 2022, at 3:30 p.m., virtual video only.

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

Commissioner Jody Shadduck-McNally attended.

Staff present included: Lesli Ellis, Don Threewitt, Shalana Lysaght, Logan Graves, Amy White, Michael Whitley, Samantha Mott, and Christina Scrutchins.

Public present included: 8 members, Deb Dufty, Diane Herman, Jane Livingston, Kristen Ekeren, Nancy Mitchell, Rich Chiappe, Roger Sherman, and William Brown

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.

All voted in favor (6-0).

APPROVAL OF MINUTES FROM THE AUGUST 18, 2022, ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING

Members discussed the following:

- July 27, 2022, Continuation Meeting Minutes
 - o Page Two – Removal of the language “Devil’s Gulch. This is an area for conservation and rural character. The committee thinks that it is an area with an asset to tourism – people enjoy the views, wildlife, etc. There are a lot of properties in the north end that are larger. There are big parcels that aren’t conserved”.
- August 18, 2022, Meeting Minutes
 - o Estes Valley Planning Committee Comments (page six bullet number four) – Should read as followed: “non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval.”
 - o Staff Comments (page six bullet number seven) – Should read as followed: “Staff will require that non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval under consideration”.

Staff recommended the following:

- Language that was removed from the July 27, 2022, continuation meeting regarding Devil’s Gulch be discussed during the Comprehensive Plan listed on the agenda.

Member Kennedy made a motion to approve the minutes from the August 18, 2022, meeting.

Member Converse seconded the motion.

All voted in favor (6-0).

COMMUNICATION ITEMS

Commissioner Shadduck-McNally joined for the early part of the meeting and signed off at 3:41 p.m. She discussed her participation in the Big Ten Conference that was held in Vail, Colorado. She wanted to recognize the Larimer County staff and mention how grateful she is for all their hard work. She mentioned that she will be attending the rest of the meeting with the Estes Valley committee members to listen to the Comprehensive Plan updates. She informed the Committee members of the Larimer County Budget Cycle and ARPA Money regional projects that have been moving forward to help with Estes Valley receive more broadband access. She made closing comments stating that the Behavioral Health Center is 50% completed and the Estes Valley Planning Advisory Committee has a position that is open for applications for members of the public that reside in the area.

STAFF UPDATES

Staff recommended item number two under Discussion be continued to October 11, 2022.

Members and Staff discussed and agreed to continue item number two under Discussion to October 11, 2022.

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

None

ACTION ITEMS

ITEM NO. 1 - EKEREN SHORT-TERM RENTAL, FILE #22-ZONE3285

STAFF PRESENTATION

Staff gave a brief presentation regarding the applicants' request Administrative Special Review approval for a small Short-term Rental located in the existing 2-bedroom single-family residence with an additional sleeping area for 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 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 Silver Tree Lane which is a publicly dedicated right-of-way. In addition, the access roads from Mary's Lake Road to the property appear to be publicly dedicated. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing two (2) parking spots in the driveway. A courtesy neighbor notification of the proposed project was mailed to properties within 500-feet of the subject property. As of the date of this letter, we did not receive any comments from neighbors. 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:

- Why the Ekeren Short-term Rental (STR), File #22-ZONE3285 project is being presented and reviewed by the Committee.
- If approved, how would the Ekeren STR affect the density within the proposed area?
- How are properties identified to be low intensity if there is not criteria showing the density of the STR's within an area.
- If the Ekeren Short-Term Rental is approved, the illegal driveway on Silver Tree Lane is very rutted very heavily and storm water could travel to the house and should be considered a concern and looked at by staff.

STAFF COMMENTS

Staff stated the following:

- Staff was given direction by the Estes Valley Advisory Committee to have all Short-Term Rentals within the Estes Valley area, be presented and reviewed before being approved or denied.
- The proposed area is zoned currently as EV A1 – Estes Valley Accommodations/Low Intensity and does not have a cap requirement.
- The proposed area is located within the EV A1 – Estes Valley Accommodations/Low Intensity. Low intensity is included in the zoning identification of an accommodation zoning district.

PUBLIC COMMENT

None.

MOTION

Member Kennedy moved that the Community Development Director administratively approve the Ekeren Short-Term Rental, File No. 22-ZONE3285.

Member Moak seconded.

All voted in favor (6-0).

Member Poggenpohl wanted to make note that the illegal driveway on Silver Tree Lane is very rutted very heavily and storm water could travel to the house and should be considered a concern and looked at by staff.

ITEM NO. 2 HERMAN SHORT-TERM RENTAL, FILE #22-ZONE3292

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 3-bedroom single-family residence for 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 currently zoned EV RE1 – Estes Valley Rural Estate, currently served by well and septic and is accessed from H Bar G Road which appears to be. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing two (2) parking spots in the driveway. A courtesy neighbor notification of the proposed project was mailed to properties within 500-feet of the subject property. As of the date of this letter, we received comments from three neighbors, one in favor and two opposed, voicing concerns regarding noise, road maintenance, rising home prices, and the number of short-term rentals in the vicinity. 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:

- Wanted clarification on the minimum lot size for an EV RE1 – Estes Valley Rural Estate zone district.
- If the main point of contact for any issues is the homeowner, who lives in Windsor, Colorado, they would not be able to provide service within an hour of the Short-Term Rental and the property manager should be changed to someone within the one-hour distance.
- Wanted the staff to address if the property being proposed has a water issue.
- If there is a separate well for the house located on the property being proposed.
- If all Short-Term Rentals could be decided after the completion of the County's Short-Term Rental Regulations within residential area and Comprehensive Plan.
- The Comprehensive Plan's objective to the Town and the County was to limit short-term rentals in residential neighborhoods.

STAFF COMMENTS

Staff stated the following:

- 10 acres is the minimum lot size for an EV RE1 – Estes Valley Rural Estate zone district.

- Staff did not look into the Hydrology and the depths of the wells with the property owners or surrounding neighbors and unfortunately do not have any data to report.
- Staff confirmed the house located on the property being proposed does have a separate well.
- Staff clarified that any Short-Term Rentals that are already in process would continue to be reviewed and the Estes Valley Planning Advisory Committee could recommend denial, but they would not stop the review process.

APPLICANTS COMMENTS

The applicant, Diane Herman, stated:

- A property manager has been selected those lives within the one-hour distance from the property.
- They do not want to upset the surrounding neighbors and they do have security cameras.
- Does not allow renter under the age of 25.

PUBLIC COMMENT

Elizabeth Mulhern and Deb Duffy

In-Favor:

- Owner's property manager is very reliable.

In-Opposition

- Home being occupied by the owner half of the time.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Letter in opposition kept as a reference for the future.

MOTION

Member Converse moved that the Community Development Director administratively deny the Herman Short-term Rental, File No. 22-ZONE3292.

Member Kennedy seconded.

Voted in favor (4)

Voted in opposition (2)

Vote passed.

DISCUSSION ITEMS

ITEM NO. 1 THE ESTES FORWARD DRAFT PLAN REVIEW AND DISCUSSION

Miriam MacGilvray gave a presentation regarding the Estes Forward Draft Plan. Throughout the three phases of the draft plan, they completed Stake holder interviews, listening sessions, Visioning Questionnaire, Virtual Visioning workshop, events in Spanish, community choice questionnaire Community choice events and community conversations event. Feedback was received throughout the engagement process that included: 52 one-on-one interviews, 7 virtual listening sessions, 4 Planning Commission and Trustee. Presentations, 7 small group visioning meetings, 2 virtual visioning workshops, 2 virtual visioning workshops, events held in Spanish, 191 visioning Questionnaire responses, 95 community choices responses 1 community choice public comments, 1 community conversations workshop, 26 Compacc meetings, and 233 plus written comments on draft goals and policies. Along with the four chapters within the Draft plan, there are Appendices that include a glossary of terms, a summary of public engagement, and the existing condition snap shots. The chapters cover the following topics: Chapter 1- Introduction and Plan Direction, Chapter 2 – Policy Framework, Chapter 3 - Future Land Use, and Chapter 4 - Implementation. Ms. MacGilvray closed the presentation with additional comments, shared the online commenting website that will be live to the public starting October 1, 2022, and shared the upcoming meetings regarding the next steps.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- If the County staff and Board of County Commissioners have participated in the draft plan process.
- Clarification on the County's portion of land that was included in the Draft Future Land Use Map.
- Understanding the Transfer of Development Rights.
- Felt the Draft is very helpful but feel there are action plans that need to be prioritized or reduced.
- Feel they would like to include area/neighborhood descriptions that would describe the intent within the area on the maps.
- How will the public identify their property with the proper guidance within the overall structure of the Comprehensive Plan if or when the County's zoning changes?
- How will the County manage conflicts with multiple objections within the Comprehensive Plan regarding Land Use?
- The Comprehensive Plan is a guided policy regarding Land Use development and changes that are driven by property owners that propose to make changes with their property.
- Possibly have neighborhood description for the North End within the Comprehensive Plan.
- The online draft questioning webpage is very useful but would like to clarify if the website is the last chance for the Estes Valley Planning Advisory Committee to make comments or suggestions.
- Policy changes regarding Short-Term Rentals and concerns included houses being too close together and labeling all under workforce housing.
- It was a disservice that only one action item was included out of the 15 action items within the Comprehensive Plan regarding the Town and the County adopting a small part of the climate sustainability task force recommendations.
- Recommend to staff and the Board of County Commissioners to review the Town's storm water management system before the end of the year and to include it in the Comprehensive Plan.
- Wanting clarification if the Comprehensive Plan includes discussion regarding preservation of historic venues.
- Would like to know how to review the reports and speak with the Committees mentioned within the Comprehensive Plan.
- The Water Shed Coalition is wanting to update the Wildlife Plan but unfortunately will not be able to complete within the deadline but could be incorporated at a later date.
- Feel that the discussion regarding opportunity and annexation policies, within the Comprehensive Plan, should be reviewed.

STAFF COMMENTS

Staff stated the following:

- The draft plan has been reviewed by other County departments and was given the opportunity to leave comments.
- They have tried to provide a preface on how the future Land Use Plan is conceptual with nature, does not change existing zoning, and made only strategic changes.
- The concept of Transfer of Development Rights is to designate an area that is ascending in order to reduce future development and density to a designated area where a Town and County would be in agreement to for future development.
- The Comprehensive Plan provides the policy guidance, and the zoning is how the County implements Land Use decisions and the County does not intend to make any zoning changes.
- The language within the Comprehensive Plan is still able to be changed as well as including neighborhood descriptions to better guide the public.

- The online draft questioning webpage due date for the Estes Valley Planning Advisory Committee, to make comments or suggestions regarding the Comprehensive Plan, is September 18, 2022.
- Adding a policy or statement that acknowledges the continued process regarding the Town of Estes storm water management system.
- Staffs hopes to include hyperlink within the Comprehensive Plan to direct the public to any references listed and possible websites.
- Minutes for the listening sessions were included in the Issue Summery and Appendices.
- Unfortunately, Staff does not have time within the next two to three months to complete a full analysis of potential changes regarding Land Use parcels within the county area.
- The Comprehensive Plan is intended to be a “living” document and to be updated as necessary with amendments to be made throughout periodic reviews.

COMMISSIONER SHADDUCK-MCNALLY COMMENTS

Commissioner Shadduck-McNally stated and asked:

- The Town and Board of County Commissioners have an agreement to continue conversations regarding the Town of Estes storm water management system and it is undetermined how many phases would get completed before the end of the year.
- Were minutes taken for the listening sessions throughout the phases of the Comprehensive Plan?

CLOSING COMMENTS

None.

ADJOURN

With there being no further business, the hearing adjourned at 5:18 p.m.