



Date: Thursday, December 15, 2022
Time: 3:30 PM
Location: Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_saNsp8meTYuN76LP9ymgKg

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

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

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

Commissioner Jody Shadduck-McNally attended.

Staff present included: Lesli Ellis, Matt Lafferty, Tawn Hillenbrand, Amy Hite, Laura Culleton, Michael Whitley, and Christina Scrutchins.

Public present included: 11 members, Deb Dufty, Suzy Blackhurst, David Burbidge, Jacqueline Adams, McKenna Howard, Sonya Howard, William Brown, Rick Grigsby, Richard Mulhern, Liz Mulhern, Rich Chiappe, and another attendee registered as Rich Chiappe.

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. ADJOURN

ADOPTION OF AGENDA

Member Webb made a motion to approve the agenda.

Member Moak seconded.

All voted in favor (6-0).

APPROVAL OF MINUTES FROM THE NOVEMBER 17, 2022, AND NOVEMBER 21, 2022, ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING

Member Poggenpohl made a motion to approve the minutes.

Member Webb seconded the motion.

Motion passed (6-0), Frank Theis had not joined yet.

COMMUNICATION ITEMS

Member Theis joined the meeting after the approval of the minutes.

Staff mentioned that due to the Holiday season, the meeting should be given a time to adjourn to respect everyone's Holiday plans. The Estes Forward Plan Adoption was presented to the Town Planning Commission and the Town Trustees on December 6, 2022. Both the Town Planning Commission and the Town Trustees adopted the Plan with changes that reflect the feedback from the Estes Valley Planning Advisory Committee. The Plan will continue to move forward and be presented to the Planning Commission and the Board of County Commissioner later in December 2022. Staff also wanted to remind the Committee that the Action Item: Recommendations on Initial Public Draft of Short-Term Rental regulations is the Draft that started in October 2022. Public comment and feedback that closed on December 14, 2022, will be included with the Estes Valley Planning Advisory Committee's final comment and feedback in the January draft. The January draft will allow the Community and the Estes Valley Planning Advisory Committee to provide comment and feedback before the Final Plan Adoption.

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

None.

ACTION ITEMS

ITEM NO. 1 – RECOMMENDATIONS ON INITIAL PUBLIC DRAFT OF SHORT-TERM RENTAL REGULATIONS

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members commented on the following:

- Some members recommended that existing Short-Term Rentals be allowed to continue to operate as non-conforming uses under the new regulations, a renewal of existing short-term rental does not require a life safety inspection, and allowing short-term rentals in all accommodation districts, and to simplify the application process for EV A and EV A-1 zoning districts.
- Some members would like to have the building division determine when a life safety inspection should be required for an existing short-term rental renewal or should not be.
- Some members think that short-term rentals should be inspected by the building division and not self-inspected by the owner or property manager.
- Some members wanted to recommend the accommodations zoning districts should complete a Site Plan Review process rather than an Administrative Special Review for a short-term rental license.
- Some members think that short-term rentals should have a stronger enforcement process so that transferability doesn't become an issue.
- Some members recommended that a short-term rental should be allowed to transfer once but include a one to two-year grace period to decide if the property owner would like to continue the short-term rental transfer.
- Some members would like to recommend that if short-term rentals are reduced due to owners choosing not to transfer, then the County reduces the cap for the number of short-term rentals allowed in the residentially zoned areas.
- Some members recommended to the Board of County Commissioners that new short-term rentals after the new regulations are adopted should not be allowed to transfer the license.
- Some members recommended that if a short-term rental does not use their license within a year, then the license should be revoked or expired.

- Some members wanted to recommend that the County designates staff to enforce regulations and keep track of issues and concerns or if a short-term rental is licensed.

STAFF COMMENTS

Staff stated the following:

- The Estes Valley Planning Advisory Board can include an option for existing short-term rental renewals to include or not include a life safety inspection as a requirement.
- An existing short-term rental is required to complete a life safety inspection when a change is made to the home during a renewal.
- The Larimer County staff is reviewing issues regarding transferability.

Member Moak and Kennedy left the meeting at 4:30 p.m.

RECOMMENDATIONS

- The committee did not have a recommendation about the number of short-term rentals that should be allowed in the residentially zoned areas.
- Some members recommended that new applications with short-term rental properties that are 2 ½ acres or larger would require an Administrative Special Review process and any short-term rental properties that are under 2 ½ acres would require a Special Review process.

ESTES VALLEY PLANNING ADVISORY COMMITTEE DISCUSSION

Members discussed the following:

- Some members wanted clarification if the Estes Valley Planning Advisory Committees are in favor or in opposition of short-term rentals in residentially zoned areas. Some think that there should not be any new short-term rentals allowed in residentially zoned areas.
- Members feel they should be fair to the Short-term rentals listed on the waiting list but, some think that the number of short-term rentals allowed in the residential area should be reduced starting within two years.
- Some think that if a short-term rental is applying within a residential neighborhood, then the property tax should be raised to commercial tax on the property applying for the short-term rental license.
- Members feel that there needs to be balance regarding the regulations and how they are applied to driveways to single-family home and private roads.
- Some members feel that police complaints, call outs, and follow up reports relative to short-term rental should be shared and acted on by compliance staff.

STAFF COMMENTS

Staff stated the following:

- If the cap on the number of short-term rentals allowed in the residential area were to be reduced, it would slow down the process for the short-term rentals on the wait list. Through time, the number would go down as current short-term rentals do not renew.
- The county and city have different rules and regulations regarding property and commercial taxes and would not be able to raise the taxes due to a short-term rental.

COMMISSIONER COMMENTS

Commissioner Shaddock-McNally stated the following:

- There is legislation being discussed at the State regarding rules and regulations regarding taxes with short-term rentals as well as requiring all rentals to list their license number within the advertisement.

Member Poggenpohl left the meeting at 4:44 p.m.

PUBLIC COMMENT

Rich Chiappe and Richard Mulhern commented.

Comments

- A zoning district change for HOA areas seems impossible for the Windcliff example.
- Agreed with the members being fair but think the County should have a limit to the number of times the rentals receive complaints and if the rental meets the level of complaints, then disciplinary action is taken.

CLOSING COMMENTS

Commissioner Shadduck-McNally and staff wished everyone a happy holiday and wanted the members to know how much they are appreciated.

ADJOURN

With there being no further business, the meeting adjourned at 5:00 p.m.