



Date: Thursday, November 16, 2023
Time: 3:30 PM
Location: Hybrid - In-Person: Estes Valley Community Center Classroom, 660 Community Dr, Estes Park, CO 80517 or
Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_08yBSfJCThuGUSmm01Qt1Q

ESTES VALLEY PLANNING ADVISORY COMMITTEE ADDENDUM MINUTES

The Larimer County Estes Valley Planning Advisory Committee met in the Estes Valley Community Center Classroom as well as virtually by Zoom video at 3:30 p.m. on Thursday, November 16, 2023, at which time the following business was transacted.

Committee members present included: Rex Poggenpohl, Mike Kennedy, Drew Webb, and Scott Stewart.

Staff present included: Rebecca Everette, Matt Lafferty, Jenny Axmacher, Amy White, Michael Whitley, and Christina Scrutchins.

Board of County Commission present included: Jody Shadduck-McNally

PUBLIC COMMENT REGARDING OTHER RELEVANT MATTERS NOT ON THE AGENDA

None.

ADOPTION OF THE AGENDA

Member Kennedy moved, and member Stewart seconded the motion to adopt the November 16, 2023, agenda of the Larimer County Estes Valley Planning Advisory Committee as presented. *Motion carried (4-0).*

APPROVAL OF MINUTES FROM OCTOBER 19, 2023

Member Stewart moved, and member Kennedy seconded the motion to approve the October 19, 2023, minutes of the Larimer County Estes Valley Planning Advisory Committee as presented. *Motion carried (4-0).*

COMMUNICATION ITEMS

ITEM NO. 1 – COMMISSIONER UPDATES

Commissioner Jody Shadduck-McNally apologized for being a little late to the meeting, explaining that she had a busy day with emergency meetings for the special session on the budget. The budget, scheduled for submission by mid-December, was uncertain due to the special session, causing challenges in figuring out the bills draft dropped that morning. Commissioner Shadduck-McNally shared the excitement of a special event in Loveland, Colorado, to honor a World War II veteran, Major White, who turned 100. Major White received the French Legion award for his service during World War II. The commissioner noted the presence of military personnel and a French diplomat at the event.

Amidst the budget discussions, she expressed gratitude for everyone being present, clarified a location discrepancy in the minutes, and thanked the attendees, looking forward to future meetings.

ITEM NO. 2 – Staff updates

It was announced that the next meeting, originally scheduled for the twenty-first, was rescheduled to December 14, 2023, from 1PM to 3 PM. The focus would be on discussing the work plan for the following year, the committee's role, and priorities for implementing the Estes forward plan. The December 21st meeting was to be canceled due to the earlier gathering. With no development applications or items ready for December, the entire time on the fourteenth could be dedicated to work plan discussions. A staffing update was shared, welcoming a new environmental planner, and anticipating the arrival of a senior planner from Canada at the end of the month. Two long-range planner positions were also posted. It was mentioned that Proposition HH on the ballot was defeated, leaving the county uncertain about next year's budget. A special session was called by the Governor to explore property tax relief options, and the county remained in a holding pattern regarding the budget, set for adoption in December.

ITEM NO. 3 – Committee member updates

It was mentioned that there was a shortage of members on the committee. Those in the public who were listening in were invited to express interest if they were interested in land use issues in the Estes Valley or elsewhere in the county. They were encouraged to contact staff or any committee members for further information. Lastly mentioned, on November 15, 2024, the Denver Post featured an excellent editorial discussing various options under consideration, particularly in relation to Proposition HH. The editorial outlined potential courses of action that are currently being explored or considered.

DISCUSSION ITEM(S)

ITEM NO. 1 – WINDCLIFF LEGISLATIVE REZONE, FILE NO. 23-ZONE3562

Applicants: Larimer County Community Development

Request: A Legislative Rezoning to the Larimer County Zoning Map – Estes Valley Planning Area to change the zoning designation for Windcliff Estates from Estes Valley Estate (EV E-1) to Estes Valley Estate Short-Term Rental (EV E-1S).

Staff provided information regarding Windcliff, stating that updates have been made on the Windcliff webpage and the Larimer County webpage. The public was encouraged to check both locations for the submitted information. Any questions could be directed to Matt Lafferty via email. The staff also explained the process of accessing information on the Larimer County webpage, emphasizing the current projects section. The public hearing for the Larimer County Planning Commission is tentatively scheduled for January 16, 2024, at 6 PM. The Planning Commission would make a formal recommendation to the Board of County Commissioners, and a public hearing is scheduled for February 26, 2024, at 6:30 PM for the final decision. Staff mentioned the statutory requirements for posting notifications, including the zoning map changes, and the map would be available in the Estes Valley Community Center and Town Hall lobbies. The discussion also touched upon legislative zoning, clarifying that it involves changing the zoning of a larger area and considering the comprehensive plan for guidance. The process does not involve a judge or jury, and decisions are made based on land use actions and the comprehensive plan. An application was submitted for a zoning change related to exporting term rates for a specific area in the Estes Valley.

Staff addressed the changes related to Windcliff that originated in June of 2022 during the county's adoption of short-term rental regulations. The goal was to align Estes Valley with county-wide regulations while acknowledging the historical practice of short-term rentals in the Windcliff Estates area for many years. A new zone district, named Estes Valley Estates Short-term rental (EVE-1S) Zone, was proposed, exempting short-term rentals from the residential cap. The proposal also suggested waiving the 500-foot separation requirement, given the historical context of Windcliff Estates. The decision to support or oppose the change was divided among property owners, with approximately

85-15% expressing support. Supporters cited the historical practice of short-term rentals as a means to finance property upkeep, while some opponents preferred long-term neighbors over short-term rentals. Staff outlined the criteria considered by the Planning Commission, including compatibility with surrounding areas, community need, public benefit, and the changing circumstances that justify the proposal. They emphasized that the Board of County Commissioners would make the final decision based on these criteria and public testimony. The Engineering Department would address infrastructure concerns, and new short-term rental applications would undergo a thorough review, considering access, water, sewer, and environmental impacts on a case-by-case basis. Staff maintained a neutral position, recognizing both reasons for support and opposition to the proposed changes. The final decision rested with the Board of County Commissioners after considering the outlined criteria and public input.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

Some committee members expressed appreciation for the clarification provided by staff and raised concerns about the differences in the current rezoning situation compared to past experiences. In usual cases, rezoning requests for small groups of properties require a majority vote from property owners. Some committee members sought clarification on why such a requirement didn't apply in this case. Staff explained that, in a quasi-judicial scenario, the applicant usually owns the property, ensuring 100% consent. However, in the case of legislative rezoning covering a large area, obtaining consensus from all property owners is impractical. Staff provided an example of the ongoing legislative rezoning aligned with the comprehensive plan.

Some committee members sought further clarification, emphasizing that the county, as the applicant, initiated the process based on requests from property owners who funded the application. Staff confirmed that the property owners were not the formal applicants but contributed to the application's funding.

Some committee members then raised concerns about the survey numbers, suggesting that they might be misleading. They noted that the numbers from a questionnaire might not distinguish between owners and properties, potentially skewing the results. Some committee members recommended clarifying the numbers before proceeding further, expressing the importance of understanding the level of support based on the number of properties rather than individuals. They wanted this clarification to be addressed before making any decisions.

PUBLIC COMMENT

Leslie Yale, Rich Chappie, Donna Chappie, Jen Castle, Phil Higgins, Melissa Higgins, David Yale, Chris Armstrong, Carolyn Evans, Rick Graingo, Wade Whilden, Curt Davis, Karen Davis, Catherine Dee, Mike Alleman, Walter Dietrich, Ellen Doiron, Ben Stahl, Mandy Stahl, Rick Levinson, Eileen Levinson, Frank Kintzle, Don Stevenson, Jamie Stevenson, Stephen Massad, Mary Jay Yusuf, Jim Mapes, Anita Mapes, Rick Anderson, Jane Anderson, Mr. and Mrs. David Bates, Rachael Petty, Robert Siebel, Bernadette Siebel, Frank Siebel, Linda Siebel, Carolyn Siegel, Carla Zales, and Deborah County.

Comments:

- Windcliff holds sentimental value for individuals with family histories, childhood memories, and strong connection to the national park.
- Properties are seen as legacies, providing an opportunity for future generations.
- Individuals appreciate the professional management of rentals, making property ownership feasible for those living at a distance.
- Endorsement of county regulations for Short-Term Rentals (STRs), including life safety, noise, and complaint measures.
- Survey results indicate approximately 58% support for the zoning change.
- Windcliff is perceived as a personal community where residents know their neighbors.
- Association rules and management practices contribute to a sense of community and shared responsibility.

- Acknowledgment that short-term rentals can be a financial strategy, aiding in property affordability and estate planning.
- The rental program is well-managed, ensuring renters are conscious of permanent residents.
- The rental program's critical role in the survival of Windcliff and its community.
- Advocacy for homeowners in Windcliff to have the right to pursue short-term rentals within regulations.
- The Board of County Commissioners had approved the new zone, reflecting a belief that it was in the public interest.
- Typically, unhappy voices are more vocal, making the high level of support surprising and encouraging.
- Optimism about the zoning change providing more opportunities for individuals to own property in Windcliff.
- Apprehensions about lifting the cap on short-term rentals leading to a potential increase in the number of properties used for this purpose.
- Worries about the impact on community infrastructure, such as roads and utilities, if the percentage of short-term rentals rises significantly.
- Concerns that short-term rentals might become a tax shelter, leading to an influx of buyers interested in renting out properties.
- Worries that a significant rise in short-term rentals might alter the traditional character of the community.
- About 15% of property owners did not support the zoning change based on the survey, though the majority were in favor.
- The tension between preserving the community's historical aspects and adapting to new economic realities.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

A committee member mentioned that the change in zoning did not automatically confer Short-Term Rentals (STRs) as a right under the new zoning regulations. Rebecca Everette clarified that STRs were considered a permitted use within the designated zone district. To operate, property owners had to submit an application to the county and adhere to specific STR regulations, including aspects like fire protection, access, and parking.

Existing STR's were likely grandfathered in, meaning they didn't need new approvals but might have required periodic life safety inspections. Notably, there wasn't a cap on the number of STRs allowed in the neighborhood, and there wasn't a separation requirement between neighboring STRs, unlike a previous regulation in the Estes Valley.

Committee members acknowledged the distinctiveness of Windcliff during past Short-Term Rental (STR) decisions, advocating for robust support and expedited approval of the rezoning. They proposed a prompt vote, considering minimal opposition, and used an analogy to highlight that those purchasing property in Windcliff. The committee recommended emphasizing the tax revenue generated by STRs in the community and offered to speak on behalf of Windcliff at county board meetings if necessary. They encouraged reaching out to supportive committee members in case challenges arose at the county board.

MOTION

Member Kennedy moved that the Estes Valley Planning Advisory Committee recommend to the Larimer County Board of County Commissioners approval of the Windcliff Legislative Rezone, File No. 23-ZONE3562. Member Webb seconded the motion. Motion carried (4-0).

OTHER BUSINESS

None.

ADJOURN

With there being no further business, the meeting adjourned at 5:09 p.m.