

Date: Thursday, September 16, 2021

Time: 3:30 PM

Location: Virtual - Zoom Registration Link: https://larimer-org.zoom.us/webinar/register/WN_M16MvpmBQj-xKhNvs7R7_w

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

The Larimer County Estes Valley Planning Advisory Committee (Committee) met via Zoom. The meeting started at 3:30 p.m.

Committee members present included: Michael Kennedy, Linda Moak, Frank Theis, David Converse (who joined right after minutes approval), and Drew Webb

Commissioner Jody Shadduck-McNally attended.

Staff present included: Amy White, Donald Threewitt, Eric Fried, Michael Whitley, and Lesli Ellis.

14 members of the public joined as attendees.

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. AGENDA REVIEW
- D. APPROVAL OF MINUTES FROM AUGUST 19 AND 25 MEETING
- E. COMMUNICATION ITEMS
- F. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- G. ACTION ITEMS
- H. DISCUSSION
- I. ADJOURN

APPROVAL OF AGENDA

Member Kennedy made a motion to approve the agenda. Member Moak seconded the motion. All present approved it.

APPROVAL OF MINUTES

Member Kennedy made a motion to approve the minutes from Aug. 19 and continued to Aug. 25. Member Webb seconded. All present approved the minutes. Staff Ellis confirmed that the changes requested by Member Webb were included in the latest draft.

COMMUNICATION ITEMS

Commissioner Shadduck-McNally welcomed the members, thanked them, and let the committee know about the increasing Department of Natural Resource fees (including at Devil's Backbone) to make the system equitable. She was attending the Big 10 budget conference and is having discussions with budget staff regarding county matters. She looks forward to the comprehensive plan discussion.

PUBLIC COMMENTS

Seth Hanson shared his concerns about the Land Use Code amendment for the A and A-1 districts rule about “one per lot”, because it only goes part way to addressing the concern. He feels he is being penalized when building duplexes, because he can rent one side only. He would prefer not to have qualifiers for the Accommodations district about renting short-term. He cited unintended consequences of the IGA.

ACTION ITEMS

Consent agenda:

Crooked Pine Short-term Rental (STR) 21-ZONE3050

Owner, Susan Albright, attended. No one asked to remove this item from the consent agenda.

Motion

Later in agenda, the members voted to approve this STR for staff approval. Member Converse made a motion to approve the item for staff approval and Member Webb seconded the motion. All attending members voted in favor (5-0).

Discussion Item:

Tucker STR 21-ZONE3052

Staff, Don Threewitt presented this item, and information that was included in the packet. It is in a residential district and within the residential cap. There were neighbor comments received in opposition included in the packet.

The committee members had questions for staff and the applicant:

- Has the owner met with residents who are close to the home?
- Is there an organized HOA? If there is an organized HOA, they can use covenants to restrict short-term rentals.
- Is it currently rented, or has it been rented in the last few months?
- Clarify there is no Growth Management Area (GMA). No, there is no GMA.
- What are the impacts on community? If the board thinks there is an issue, then consider it and the General Review Criteria regarding minimal impacts

The Tuckers did not attend. The applicant’s representative, Greg Rosener from Skyrun, spoke about his role as Vacation Rental Management owner in Estes Park area for 60 years managing over 100 properties. He responded to the questions:

- No, the owners did not meet with the neighbors but would be willing to do that.
- Were there previous rentals? No. There have been Skyrun vehicles in and out for the past year to get it ready to meet the code requirements. They clean and maintain the property. There has been activity, but it’s owner’s guests. The property has never been advertised.
- Does this meet the minimal impact? Yes – regarding traffic, road maintenance, trespass, parties. It’s brand new. Usage will be less than residents around it. Standards would be higher than surrounding neighbors.
- There is no HOA or road agreement. Tucker would work something out for neighbor properties and would pay the cost for ploughing.
- He also responded to other points regarding pets and parties and charges and fees to renters that occur for violations.
- This would never be affordable housing, so its rental has no impact since it is an \$800,000 property.
- There used to be no delineation for firepit, and now it is, and property boundary is posted.

Additional questions and comments from the committee included:

- For the house that is 20 feet away, it seems there has been partying, loud noises, etc. Who is doing that? This STR proposal has high number of specific complaints, and a concern that the owner is unable to control visitors.
- Does the property management company let the neighbors know who to contact?
- Disappointment that it’s gotten this far without communication and so many complaints.

Rosener answered:

- The owners are there about 10% of the time and others are friends or relatives. Property management company can manage if the guests are renters, and neighbors would have a phone number. There are other issues with the hot tub. It wouldn't be the owner's call if Skyrun is the property manager. Mr. Rosener was not aware there was a problem with this property until recently. With a management agreement, even the owner's guests would have to play by the rules.

Public Comments included:

1. Mr. O-Keefe – cited objections. They are the property directly below with firepit and graves on her property and have had problems with trespassing. There are large No Trespassing signs. She contacted Skyrun about road traffic and trespassing and have been told by the people staying there that they are renters. She sent a cease-and-desist order, but they have rented. There are 3 houses on the access road and folks are constantly on the road.
2. Mr. Peterson discussed the road issue. There aren't that many cars in the neighborhood. He tried to communicate with Mr. Tucker and wasn't able to. He is surprising he's not on the call and that indicates a concern about neighborhood comradery. He is glad to hear Mr. Tucker is willing to talk.
3. Ms. Peterson asked about cleaning. Who was there last night, playing music? Those folks are saying they are renting. They see many people but not Mr. Tucker.
4. Mr. Warren is a neighbor with the shortest distance between homes. He has no issues with Mr. Tucker. Not adversarial. A renter said they were renting from Skyrun, even if that is not on webpage. He is concerned about safety with cigarettes. There is a lot of traffic when renters come and go. The hot tub creates noise.
5. Ms. Graham discussed saturation. Four of 6 of her neighbors would be STRs if this is approved. Noise and light pollution are issues because of the position of the house. They hear everything on the deck. Lights from living room travel down because of placement of the house, and it affects quality of life. Visitors feed wildlife and trespass. No fire mitigation on the property.
6. Ms. Dorman – Most points have been made. They have been under the impression the house has been rented. She expressed frustration that the STRs are not mapped, and she feels like it is negatively impacting the neighborhood. They hear noise even though they are one house away.
7. Mr. Jacobsen – There is no HOA, but neighbors know each other. There have been renters and there has been delineation of survey markers. It doesn't make sense that the cleaners would be there for owners' guests. Impacts of vacation guests on locals who have to get up early for work.

Committee comments included:

- We should consider the general criteria in 6.4.3.B regarding impacts.
- This is a primary example of what the original task force for Vacation Homes in the Estes Valley sought to avoid through the standards (e.g., noise, unlicensed, light pollution, trespassing).
- Do we know how many STRs there are in the area? Staff responded that this is an area in the heat map that shows a high saturation (brighter color). Most were approved by the Town. This might also be a future policy discussion.
- There are questions about representations about the property and whether it had been rented, since renters said they had rented from Skyrun, and there are concerns about the density on street and the impacts that creates.
- After hearing the testimony, there are compelling reasons to not approve this and suggest to the commissioners they not approve it.
- Professional management is a good idea to ensure compliance, and Skyrun is established and good.
- Consider that since there is no HOA, the neighbors do not have much recourse.

Applicant, Rosener, responded with apologies about the public uproar. There seems to be not good information. If this is permitted, and there are rules violations, the owner could lose the permit. There is an agreement for cleaning and to do maintenance, not rent the property. He asked to give Mr. Tucker a chance, and if it doesn't work, he'd lose the permit. Road maintenance can be worked out.

MOTION

Member Kennedy made a motion that because of the amount of public comment and extenuating circumstances to send this one to Board of County Commissioners and recommend denying the application request. Member Webb seconded the motion. Motion carries – all members voted in favor (5-0).

Follow up comments: If the application is approved, the applicant should address the noise and light pollution.

DISCUSSION ITEMS

Staff Ellis provided a brief update that the Land Use Code items are going forward to Board of County Commissioners on Sept. 27, and that the previously heard STR cases will be held on the agenda on Sept. 20.

One of the members expressed and another agreed that they recognize that per Mr. Hanson's concern, that the land use changes being put forward for the A and A-1 district are really a short-term band aid, and it would be rational to address other short-term rental and accommodation uses during the comprehensive plan.

The town also discussed STRs.

The committee agreed to defer the comprehensive plan topics including communication items, debrief from CompPAC meeting, and "one plan" topic. Staff mentioned the **EngageEstes.webpage** to spend time watching videos and accessing information.

After a brief discussion on the Strengths, Weaknesses, Opportunities, and Threats (SWOT) that five members submitted notes for the exercise, the committee deferred the SWOT work to the October meeting and would like to spend time then. Staff Ellis will take the committee member work and create a consolidated, common list and questions. The committee will also discuss the "one plan" topic at the next meeting.

The next EVPAC meeting will be held on Oct. 21.

As a point of feedback, for future joint meetings with the Town's CompPAC committee, don't preassign groups to the topics. Also, Jessica Garner, Community Development Directors for the Town, will join EVPAC for future meetings as much as possible to help cross pollinate ideas between the comprehensive planning committees.

The committee adjourned at 5:25.