

Date: Thursday, March 17, 2022

Time: 3:30 PM

Location: Hybrid – Estes Recreation Center Classroom and Virtual - meeting can be viewed online at update link <https://www.larimer.org/> or <https://www.youtube.com/user/LarimerCounty> or Comcast Fort Collins Cable Channel 14 and 881 (HD)

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

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

Committee members present were: David Converse, Mike Kennedy, Rex Poggenphol, Frank Theis, Drew Webb, and Olivia Harper. Linda Moak was absent.

Commissioner Jody Shadduck-McNally attended in person.

Staff present included: Samantha Lasher, Amy White, Don Threewitt, Tracy Hicks, and Lesli Ellis.

Public present included: none

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. AGENDA REVIEW
- D. APPROVAL OF MINUTES FROM FEBRUARY 17 MEETING
- E. COMMUNICATION ITEMS
- F. PUBLIC COMMENT
- G. ACTION ITEMS
- H. DISCUSSION
- I. ADJOURN

APPROVAL OF AGENDA

The committee added an item of STRs in Accommodation districts to the agenda and approved the agenda. Member Kennedy made a motion to approve the agenda with the addition. Member Webb seconded the motion.

The amended agenda passed on a vote of 6-0.

APPROVAL OF MINUTES FROM FEBRUARY 2022

Member Converse offered a correction to the minutes on page 5 (to add the parenthesis) where it says, "Committee members all in favor "...[5-0]," with one abstaining...

Member Converse made a motion to approve the February 17, 2022 minutes. Member Poggenpohl seconded the motion.

The motion passed on a vote of 6-0.

COMMUNICATION ITEMS

- A North End Property Owners meeting will immediately follow this meeting, so the goal is to wrap up by about 5:00 p.m.
- Commissioner Shadduck-McNally provided brief updates. She was glad to attend in person. This follows a meeting about emergency preparedness earlier in the day.
- There's a lot happening about fire preparedness – there's a lot happening with money and work with the Forest Service and funds for the Wildfire Action Plan. Nonprofits and other organizations are part of that. Larimer County is eligible to apply for grants. With the Forest Health Council, there's movement on Land Use Code possibilities.
- One of the members asked, what if the Estes area all becomes a Wildfire Hazard Area, would that mean insurance rates would go up? Also, what about fire-resistant plants and building materials (native plants)?
- The Commissioner confirmed there is discussion about insurance companies, and conversation in the fire mitigation space.
- The county is still working on funds and grants. Some Estes nonprofits are receiving funds.
- Linda Hoffman, the County Manager, is retiring in April. Lorenda Volcker, current Assistant County Manager, will be the Interim County Manager. There will be a national search for the new County Manager.
- The County will be hosting national public lands day events with volunteers in the summer/fall. All will be invited, with a "thank you for your service."
- The Town is doing work on wildfire planning also.
- One of the members asked about discussion about making it easier to approve STRs in the Accommodations District as part of the Accessory Living Areas discussion.
- Openings on the committee: Two members' terms expire on June 30, (Kennedy and Harper) and if interested in reapplying, they should do so online by April 21. There was some confusion about Member Theis' term, and staff will follow up.

PUBLIC COMMENTS

No members of the public attended or commented.

ACTION ITEMS

No action items were scheduled for this meeting.

DISCUSSION ITEMS

Accessory Living Area/Accessory Dwelling Unit

Larimer County Planners, Tracy Hicks and Samantha Lasher provided a short presentation on Accessory Living Area (ALA)/Accessory Dwelling Unit (ADU) standards among the Estes Valley Plan Area (EVPA), Larimer County, and the Town of Estes Park, including the key differences between the three codes and a description of standards that recently changed. With the standards among all three areas now being different and with increased requests from property owners within the EVPA for ADUs, staff asked the committee whether Larimer County should add an item to its work plan to amend the Article 13 ADU standards to align with the Town and/or County regulations.

Discussion from committee members following the presentation was as follows:

- One committee member stated that it could be an issue to allow multiple people to reside in a small 800 square foot Accessory Dwelling Unit (ADU), as allowed in the Town of Estes Park's ADU standards. Another committee member stated that Town staff indicated this is unlikely that this would ever happen and that the number of properties that are eligible to build an ADU is low with various things to consider, including layout, lot size, and setback requirements. Therefore, most properties within the Town could not feasibly construct an ADU. Per Town of Estes Park staff, before the Code change, ADUs were allowed for approximately 600 properties, and

with the Code change, another 702 properties are now eligible for a total of 1,302 properties. The public pushed back on this explanation from Town staff.

- A member stated that short-term rentals are a problem, and more housing is needed. Bed and Breakfasts are less concerning because the owner is residing on site. Lots within the County are larger than lots within the Town, which allow more room for an ADU. However, there do not seem to be standards for long term rentals (31 days – 1 year), which is a concern. ADUs are helpful for the specific use of a caretaker or for relatives. Make distinctions between the use of an ADU for the use of caretakers/relatives versus long-term renters. For example, the standards should be more flexible with ADUs for caretaker/relative use only versus an ADUs for long-term rentals.

Staff stated that ALAs could not originally be long-term rented, however, with the new Larimer County Code standards, ALAs can be long-term rented to allow for more housing options for the community. ALA size standards were also revised to be more contextual based on lot size and size of the primary residence. ALAs still need to fit the character of the area.

- A committee member indicated that he would like to see the Estes Valley Plan Area ADU standards aligned as closely as possible with the Town and County standards. The County generally had larger lot sizes than the Town. Use the same Code language as Town the of Estes Park to make it easier and less confusing for customers. For example, the term “ADU” versus “ALA,” which the County uses. It is not developers, but property owners who want an ADU/ALA.
- Another member stated that he thinks the Estes Valley Plan Area standards don’t need to match the Town or County and the different standards could be appropriate because each area is different. However, developers may want all standards to be consistent, so it is easier for them.
- A third member explained that almost all lots in the County can accommodate ALAs and lots of people can be squeezed into 1,200 square feet. What is the vision for the Estes Valley Plan Area? Is the vision similar to the Town? For example, the town wanted to pursue infill and increase their density. Or should the vision match the County? Is the Estes Valley Plan Area ready for the increased traffic and people by allowing bigger and more ADUs? Need to talk to more people and the wider community about the vision of what they want to see change and not change within the Plan Area and the long-term effects. For example, perhaps they should consider proximity of properties to the Wildland Urban Interface as an ADU standards.
- Another member noted that Carriage Hills and other neighborhoods within the Estes Valley Plan Area do not want to be the solution to the housing problem. Changing the ADU standards may not be popular with the community. However, community members may feel differently if the housing is provided specifically for family or in-laws. The community is worried if there are new Board of County Commissioners or a Town Board elected, that they could be inundated with more rentals.
- There have been many housing arrangements over the decades. Residents can make good money providing a long-term rental due to workforce needs because the demand is there for housing. People will rent a shed with no utilities.
- The committee could think about the ADU standards like STRs, and create a cap, so the area does not become overwhelmed by ADUs. There is no way to manage the number of ADUs/ALAs with the current County and Town standards. Has the County thought about managing the number of ALAs with the new standards?
- Staff stated the County does not see too many ALA applications. Not everyone wants to have an ALA or use it as a rental. There is currently no cap in place for ALAs, and it has not really been necessary due to the limited requests. ALAs are limited by lot size and size of the primary dwelling. If the County sees more demand and begins to receive concerns/opposition from community members, the standards could be addressed at that time. A cap could possibly be incorporated into the Estes Valley Plan Area ADU standards, if revised.
- One member expressed a priority to preserve the Valley as a scenic place. If every lot has two homes, it could cause detrimental effects on the area. Denver is allowing many ADUs and consequently, will see the increase in density. That should not occur in the Estes Valley Plan Area.

- With the current ADU standards in the county, both dwellings (primary dwelling and ADU) can be rented. *(This is a Clarification to what was stated in the meeting.)* Whereas the current Article 13 Estes Valley Plan Area standards do not allow an ADU to be long-term rented.
- One committee member asked if a property owner within the Estes Valley Plan Area can have an ADU under the current Code standards, and staff indicated that that is correct.

Staff asked the committee members if they thought the revision of current ADU standards in the Estes Valley Plan area was matter of urgency and if this was something they want to address now?

- STRs are more important in the work plan, and the ADU discussion can wait. This appears to be the majority opinion.
- The committee could review STR and ADU regulations concurrently and have broader conversations with the community at that time. All committee members agreed that further ADU discussions can be tucked into STR discussions, but it is not urgent. Most committee members prefer an ADU to an STR.
- Overall, some committee members think there is opportunity for alignment of the Estes Valley Plan Area ADU standards with the Town and/or County, and other committee members think the standards should remain as is.

The Committee discussed the STRs in Accommodation zoning districts (and in general)

Background: Staff mentioned ongoing discussions with commissioners as a priority for STR. Commissioner Shadduck-McNally also mentioned the ongoing state legislation around this topic. She mentioned that two of her priorities for the region are doing the Estes Valley Comprehensive Plan and getting it right, and on Short-term Rentals (compliance, enforcement, and planning). After talking with colleagues in other counties and mountain resort towns, she's concerned about the directions. Hopefully this ALA/ADU topic will work alongside the STR topic.

There was some discussion about the second home discussion at the state level. Estes Park needs something different than what the rest of the state is doing, because the community is different than the ski areas or the places with year-round economies. Larimer County has a long history of doing what works best for the county and sometimes different than the state.

Address STRs sooner than later, before ruining sense of place. Balance the issue. Take time to do the ADU topic in sync with the comprehensive plan.

Member input

Members discussed that an easier process for STRs in Accommodations zoning districts may be appropriate. County should consider relaxing the ability to have STRs in those locations. It makes it easier to be tough on STRs in residential districts. One member would like a larger discussion or language to pass along with BCC.

The committee discussed that the A zoning district is different than the A-1 zoning district, where A-1 is supposed to be light accommodations. Members would like a clear distinction between those districts, and some are concerned that the light district seems to be intensifying. A district allows motels whereas A-1 does not. Staff will need to bring back information about allowed density back.

This topic might fit within the broader work plan – look at Estes Valley and its unique circumstances, including the cap and the different zoning districts, as well as other parts of the county.

A member observed that even in Accommodations zoning, the county is allowing one STR even where there might be more units existing, and new development is restricted. Staff noted that there is the “preexisting lodging facilities,” those can have more than one.

Commissioner stated this is a valuable conversation and is a broader one to be had overall. Estes Valley is different; it has a cap. Have a long-term conversation to realize what we are doing. Be careful about density. Even the accommodations district is near the park and in wildfire areas. Be strategic and intentional. Outside the Estes Valley,

there are other areas such as Tahosa, around Red Feather, etc. Estes is the only area that has A zones. Be cautious about increasing. Enforcement is a big issue.

Staff added: Cap for residential zone is 266. There are about 365 in the area. We think there are 1,000 countywide. Town has its own units and limits.

County passed an ordinance in December which gives the county more enforcement ability and has asked STR owners for verification forms to require information about property manager. With a three-strikes approach. The county is also enforcing cease and desist in units that did not have approval. Some went to units operating as bed and breakfasts and some are resort lodge cottages. County sent to about 95 properties, and about 30-35 are in for approval. There are two in Estes Valley operating in the residential area that the county knows about. The county is starting to take some illegal cases to county court.

Comprehensive Plan topic

Staff mentioned that after the committee had just met a week prior, there would be future opportunities for discussion about the Comprehensive plan, including a **Tentative April 28** community meeting date. (Note: That date has been changed to **May 12**.)

Committee members thanked a member for his detailed comments. Be careful about the information shared in the key choices; the community may react strongly.

Committee members – do they think that Estes Valley voices were heard and equitably represented? Did they have an opportunity to give input?

One member mentioned witnessing the last Planning Commission meeting of the town. He thinks there is a disproportionate thing related to county's ability to have input. It is a town project; the county isn't contributing as much. Planning Commission thought that the joint session was valuable and thinks they are getting their voice. County Planning Commission needs to be involved.

Staff clarified that the County Planning Commission discussed the topic in February. There's been discussion about a joint session between EVPAC and County Planning Commission.

Committee members expressed some concern that the consultant t-ed up questions mostly about the town. Some of the questions seemed leading about assumptions of outward growth. The county was excluded from some questions. Annexation should it be a serious discussion, later. Generally, it's more governmental than for the public. It's been avoided for years here. CompPAC seems to be open to county involvement. The consultants seem more oriented to the town. It bears watching.

Next Steps

The meeting adjourned around 5:00 p.m. The next meeting is scheduled for April 21, 2022 and will be a hybrid meeting – in person at the Recreation Center and on Zoom.