

Date: Thursday, July 15, 2021

Time: 3:30 PM

Location: Virtual Zoom Meeting – Members of the public may register through this link: <https://larimer-org.zoom.us/j/99754695388?pwd=NUxzMXMrb3B3NzdWSVh4VF10TE10UT09>

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.

The following committee members were present: David Converse, Mike Kennedy, Olivia Harper, Rex Poggenpohl, Frank Theis, and Drew Webb. Commissioner Shadduck-McNally also was present. Staff present were Tracy Hicks, Planner I; Amy White, Code Compliance Supervisor; Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Michael Whitley, Planner II; and Consultant Matt Goebel, Clarion Associates. No members of the public attended.

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. ADOPTION OF AGENDA
- D. APPROVAL OF MINUTES FROM JUNE 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

Motion

Member Kennedy made a motion to approve the agenda. Member Webb seconded the motion. The committee unanimously approved the agenda.

APPROVAL OF MINUTES

The committee approved the June 17, 2021 meeting minutes.

Motion

Member Converse made a motion to approve the minutes. Member Kennedy seconded the motion. The committee unanimously approved the motion to approve the minutes.

COMMUNICATION ITEMS

- Commissioner Shadduck-McNally was contacted by the Estes Town folks regarding the Comprehensive plan. She acknowledged that this committee has done a lot of work with the Land Use Code. Planning Commission

had some discussion the night before and voiced their confidence in this committee and its work. She mentioned the Fair and Rodeo and other events. She appreciates the work of the board, too.

- Other Board members communicated the following:
 - Member Poggenpohl mentioned the trustees decided to form a Task Force regarding environmental concerns for the Town. It will go for 6 months. Hopefully it will coordinate with the comprehensive plan process.
 - Member Theis encouraged others to read Rex's piece in the newspaper. He also reminded everyone that consultants are holding listening to sessions and interviews and Plan Audit related to the Comprehensive Plan.

PUBLIC COMMENTS

- n/a

ACTION ITEMS

Note: Commissioner Shadduck-McNally did not participate in this item.

Aspen Brook STR, File No. 21-ZONE2998, Tracy Hicks

- Staff Tracy Hicks briefly presented the proposal for a four-bedroom short-term rental. The applicant was present.
- Member Webb stated this seems like a straightforward case and asked why it came to the committee.
- Staff Ellis explained that staff is putting cases on as discussion for the committee until hearing feedback that they would prefer that such cases be on the consent agenda.
- Member Converse asked about the safety inspection and confirmed that this committee is not addressing building safety. Staff Ms. Hicks and Ms. White clarified that the applicant would address that requirement separately with the building division, including the conversion process from a single-family residence to a short-term rental. Planning staff and the committee reviews these applications for topics that are not related to the Building Code.
- Member Theis said that in cases like this, where it's zoned as EV A or EV A-1, staff does not necessarily need to bring the cases to the committee. This one meets all the requirements. If neighbors object, bring it to the committee, otherwise it can be a staff approval.
- The committee members had general questions about the application process and timing of the steps.
- Member Converse also asked and would like to know how many potential accommodations are in the Estes Valley.
- Member Poggenpohl asked if staff could come up with policies on which types of cases should be reviewed by the committee.
- Members observed that nothing about this proposal seemed controversial.
- No members of the public commented.

Motion

- *Member Poggenpohl made a motion to recommend approval for File No. 21-ZONE2998. Member Webb seconded the motion. The committee unanimously approved the motion.*
- The committee members had followed up discussion and confirmed they would like to put such short-term rental applications (e.g., those in the EV A or EV A-1 zoning districts and without neighbor dissent) on the consent agenda. If there are single family residential uses in the A districts, they may need to be discussed. Staff will return with a recommendation on sorting the cases.

DISCUSSION ITEMS

Land Use Code

- Staff provided an update and overview on this topic, scheduling, and public process, and work done for the past few months. Matt Goebel, consultant, explained that the consultants and staff will take a light touch on this part of the Code rewrite because the Comprehensive Plan is ongoing. That explains why this list of changes is short.
- Members had questions and discussed the Town Code changes underway and expressed disappointment and concern that the Town staff were processing Code changes before the Comprehensive Plan was complete. Those changes seem out of sequence and unusual.

Allowing Short-term uses in Accommodations (EV A and EV A-1) Districts

Staff explained there are targeted approaches that could be taken to address the inconsistencies in how properties are reviewed in the A and A-1 districts and are looking for feedback at this stage before a Code draft is prepared. Ellis explained some properties could be considered nonconforming use for outside of the Land Use Code process. They would also remove the restriction of one unit for property for preexisting structures, without opening and allowing new structures to be built. Committee input was as follows

- Does this mean grandfathering in the existing uses?
- Would it address inspections and safety? There are fire safety concerns raised through the fire district. Would safety be addressed for the time they were built or for now and asked about exceptions.
- Would condo owners would have to apply for a short-term license (administrative review), and would they need life safety inspections? What is the situation if egress windows don't meet code?
- Staff explained the Building Official will be involved regarding addressing issues. The County would take a cautious approach. The track record for most such buildings have not had concerns – they have passed.
- Would the inspections be on individual units or total building? That is part of the big picture of what we'll work on before finding building as a non-conformity or allowing short-term rentals in certain buildings.
- Would this exception not apply to a new building? Staff confirmed that.
- A member clarified that this doesn't affect other uses and that A zoned is still eligible for a hotel or multi-unit buildings as currently zoned. This issue is separate. A-1 is lower density that doesn't allow the higher density hotel.
- Staff confirmed this is a narrow change proposed to avoid jumping in front of the comprehensive plan.
- Within the context of this place there could be more condos for rental, and he asked how much change do we want? That's the question for the community.
- The condos are happening for business reasons and are a trend for vacation rentals. The conversions allow selling the property and profits.
- The question of "what we want this place to look like in the future?" is a key issue for the comprehensive plan. Members agreed.
- The consultant asked if there is a maximum cap per site? Staff said they would look at that. Members noted it's regulated by allowable density, and that's appropriate to continue.
- The next opportunity is in Code draft at the next meeting. August 4 is the public meeting, followed by a public draft.
- Members confirmed that a new hotel would not be able to take advantage of this exception. No, because it would only apply to buildings established prior to a certain date.
- Members thought staff were generally on the right track with the proposal.

Allowing Townhomes in the A, A-1 and RM zoning districts

Staff explained that the townhome units are not allowed in the County as they were with the Estes Valley Development Code (EVDC). The County sees value in addressing these to provide options for affordable housing and address impacts.

Currently, developers can appeal the process, and we could continue that practice. Or the staff could put some new standards in place. If we allow the townhomes to become short-term rentals, that may defeat the purpose of allowing for housing.

- This topic might be an advantage and more appropriate for the public to give feedback on – possibly through the comprehensive plan process. Members would like to know what they think.
- Another member would like to change the standards as staff has presented. There is a difference between townhome and a duplex or multifamily building – it's really a technical legal ownership issue because a townhome has a "zero lot line" and land with it. The Fire Code allows firewalls between the structures. Why not allow as it was with the Estes Valley Development Code? He expressed that the STR issue is different and should come back through the comprehensive plan discussion. He thinks that drainage might be easier with single structures.
- Commissioner and other members agreed this could be a public discussion and allow some feedback from the public. Staff explained this will be a topic on August 4th meeting. We could alternatively keep the standards as they are and revisit in the future.

Agriculture Uses in the Estes Valley

Member Kennedy originally brought this up, and there is other work in the Code on this topic. It might be premature for Estes Code at this stage. It will likely be an important topic for the comprehensive plan.

- Members expressed comfort with working on this as a comprehensive plan topic. It doesn't affect the Town as much, but hopefully they will be good partners.
- Staff will not make Land Use Code changes at this time.

Setbacks

Staff noted that this is an issue that's arisen because the County is currently processing more variances with the Board of Adjustment. There are small lots and large setback requirements in the Valley, and the County carried those standards forward. Staff asked if there is interest to evaluate setback requirements or evaluate the zoning and suggest changes. Staff expressed that the Board of Adjustment has reviewed a dozen or so of these types of requests in the past year.

- Members discussed particular subdivisions where this is a problem and conveyed that in the year 2000, zoning layered over existing properties made many smaller (e.g., 1 acre or smaller) properties non-conforming. There was discussion that those properties need remedy sooner rather than later. Be careful with changes.
- The members discussed that lot sizes getting smaller may be a concern along with density getting higher. That should also be a comprehensive plan topic. There is no proposal to change lot sizes currently.

Other Land Use Code Clean Up

- Staff and consultant reiterated the goal for the edits is to keep the changes light. There could be opportunities to do more, but for now, we're trying to take light touch and address after the planning process.

Comprehensive Plan Update and Wrap Up

- Commissioner Shadduck-McNally asked to hear from this group regarding night sky and wildlife corridors for the Estes Valley? Do we want to think about some of those things in the comprehensive plan? Is there interest? Members confirmed there is interest in dark sky (e.g., no streetlights – and restrictions for streetlights), but Town of Estes when it annexes might want to put them in.
- One of the listening sessions was related to Land Managers and Conservation. Idea of doing an updated wildlife plan may be incorporated into the comp plan. Need a valley wide plan to address ecology and wildlife.
- The proposed Town Code changes are on the Town of Estes webpage.
- What does the 3-mile perimeter around the Town for the comprehensive plan mean? Staff explained that the 3-mile perimeter is a study area as required from the Department of Local Affairs. It is for study and planning purposes and does not mean the Town has jurisdiction or will annex. In some cases, it's larger than the planning area.

- Staff updated the committee on the preferred branding. **Estes Forward** is the new naming proposed by the CompPAC committee. It will come forward with branding and logo options later. Members preferred this new name over the other name.
- Staff also relayed some of the issues identified by the CompPAC committee which are similar themes, such as housing, childcare, balancing development and preservation, issues stemming from changing climate, transportation, growth management, economy, etc.
- Next meeting – The committee will review Short-Term Rentals (STRs), Land Use Code recommendations for Article 13 Estes Valley, and the Comprehensive Plan Strengths, Weaknesses, Opportunities, and Threats (SWOT). Lesli will send a reminder email, and the committee will revisit at their meeting in August. Members urged each other to think long term (e.g., 20 years) for the SWOT and what is the opportunity as a community?

Adjournment

The next meeting is scheduled for **Thursday, Aug. 19, 2021 at 3:30 p.m.**

The meeting adjourned at 5:40 p.m.