

LARIMER COUNTY ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES OF THE AUGUST 18, 2022, MEETING

The Larimer County Estes Valley Planning Advisory Committee met on Thursday, August 18, 2022, at 3:30 p.m. virtual video only.

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

Commissioner Jody Shaddock-McNally attended.

Staff present included: Lesli Ellis, Don Threewitt, Matt Lafferty, Alyssa Martin, Tawn Hillenbrand, Amy White, Michael Whitley, and Christina Scrutchins.

Public present included: 20 members; Sally Park, Wayne Park Kris Troxtell, Richard James, Carol Currie, Rich Chiappe, Channing Johnson, Angel Johnson, Seth Hanson, Becky Robbins, Mary Ross, Richard Mulhern, William Brown, Linda Small, Darren Rundell-Little, Rick Grigsby, Kari Pyle, Aaron Acela, Heidi Welsch, Jane Livingston, and one Anonymous.

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. ADOPTION OF AGENDA
- D. APPROVAL OF MINUTES FROM JULY
- E. COMMUNICATION ITEMS
- F. PUBLIC COMMENT
- G. ACTION ITEMS
- H. ADJOURN

ADOPTION OF AGENDA

Member Converse made a motion to approve the agenda.

Member Poggenpohl seconded.

All voted in favor (5-0).

APPROVAL OF MINUTES FROM THE JULY 21, 2022, ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING

Member Converse and Poggenpohl recommended the following changes to the minutes.

- *Amended Motion – page 8.*
 - o *Replace “removing” with “prohibit”*
 - o *Removed “from being”*
 - o *Removed “ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS. Members discussed if the following. If the amended motion is in compliance to the open meeting law?”*
 - o *Added “AMENDED MOTION WITHDRAWN. Member Theis withdrew the amended motion after the members discussion.”*
- *Discussion Item – Future Land Use Map page 10.*
 - o *UNC to be identified as University of Northern Colorado.*
 - o *Remove “Devil’s Gulch. This is an area for conservation and rural character. The committee thinks that it is an area with an asset to tourism – people enjoy the views, wildlife, etc. There are a lot of properties in the north end that are larger. There are big parcels that aren’t conserved”.*

Member Theis made a motion to approve the minutes from the July 21, 2022, meeting.

Member Poggenpohl seconded the motion.

All voted in favor (5-0).

Members Webb and Theis made comments regarding the meeting minutes layout and descriptions being completed very well.

Ms. Ellis stated that Ms. Scrutchins composes the Estes Valley Planning Advisory Committee meeting minutes.

COMMUNICATION ITEMS

Commissioner Shadduck-McNally joined for the early part of the meeting and signed off at 3:44 p.m. She asked if staff could send the July 21, 2022, Estes Valley Planning Advisory Committee meeting minutes and thanked the members for their time. She discussed that she will be attending a panel discussion in Estes Park on August 19th and 20th, 2022 regarding climate change with Doctor Scott Denning's presenting. She, as well as 11 Larimer County staff members, held a community Open House on Monday to give feedback regarding the short-term rental regulations. She made closing comments stating the Commissioners are moving forward with a lot of items within the County and they will be celebrating the down payment loan given to the Park Line Mobile Home residents, who formed a non-profit so they could raise money to purchase the land have mobile homes.

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

None.

Member Kennedy joined at 3:41pm.

ACTION ITEMS

ITEM NO. 1 - WIND HAVEN SHORT-TERM RENTAL, FILE NO. 22-ZONE3265

STAFF PRESENTATION

Staff gave a brief presentation regarding the applicants' request an Administrative Special Review approval for a small Short-term Rental located in the existing 3-bedroom single-family residence with a maximum occupancy of six (6) total guests; two (2) guests per room. No construction or modifications to the home are proposed with this request. The subject property is currently zoned EV E1 - Estes Valley Estate. The existing residence is currently served by the Town of Estes Park Water District and Upper Thompson Sanitation District and is accessed from Ponderosa Ave. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing five (5) total parking spots in the driveway. Staff closed the presentation with additional comments, review criteria, and the Development Review Teams suggested motions.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- If the property manager is the applicant and if they live within the Estes Park area.
- If the Estes Valley Short-Term Rental Density Map, still being created, shows the current density of short-term rentals within the applicants proposed requested location near Carriage Hills subdivision.

STAFF COMMENTS

Staff stated the following:

- The property manager is not the applicant but does live within the Estes Park area.
- The applicants proposed requested location, near Carriage Hills subdivision, was confirmed they are included within the Estes Valley Short-Term Rental Density Map.

APPLICANTS PRESENTATION

Applicant stated the following:

- Comments received by surrounding neighbors have been reviewed and amendments have been made to the short-term rental operation manual to accommodate some concerns.
- Applicants will give owner and property manager's contact information to help further address any future concerns.
- The existing residence is currently being used as a long-term rental and understands the importance of any disruptions and would hold the renters accountable.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- If the applicants, during the long-term rental experience, have any restrictions regarding the type of activities that are allowed or not allowed such as parties.
- If the applicants' have met all requirements or if any requirements are still pending to be considered for a short-term rental license.
- Who the local property manager is and are they a professional.

APPLICANTS COMMENTS

Applicant stated the following:

- The property would be listed with details indicating the property is located within a quiet neighborhood and activities such as events or parties would not be allowed.
- The current property manager is the applicants' cousin, Pier Gustaf, and depending on the timeline if or when the property is approved for a short-term rental license, they might need to hire a new local property manager. Mr. Gustaf is not a professional but has been helping with managing the property. When the applicants do need to hire for a new property manager, they will be looking into a professional property management company.

STAFF COMMENTS

Staff stated the following:

- The applicants will be updating their operational manual, but all requirements have been met within the technical review criteria for a short-term rental license.

PUBLIC COMMENT

Becky Robbins, Wayne Park, Sally Park, and Carol Currie

Comments in opposition:

- Complaints mentioned to the Committee members and not being given to Code Compliance.
- Destruction of the cohesiveness of the Community
- Removing long-term rental opportunity to the local community
- The Estes Valley Short-Term Rental Density Map does not show all short-term rentals.
- Future long-term rental owner might reconsider renting due to an increase in short-term rental locations.
- Erosion Increase

Comments in favor:

Heidi Welsch

- Caution the Committee and recommend they review short-term rentals as a case-by-case basis.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- The complaints mentioned to the Committee members are during the Estes Valley Planning Advisory Committee meeting and are recognized as public comments for cases that are presented.
- The complaint processes the community should be including is the Larimer County Code Compliance department regarding any complaints they have for any disturbances.
- Would like for the complaint processes to be reviewed.
- Reviewed the applications review criteria.

APPLICANTS' REBUTTLE

Applicant stated the following:

- Thanking everyone that made public comment and would like to continue to have open communication.
- The request for a short-term rental is to continue having year-round income for the property to stay maintained.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Confirmed that the applicants are wanting to convert the property from a long-term rental to a short-term rental.
- Confirmation regarding if the fire district sent any comments or concerns to staff regarding the applicant request.
- The Board of County Commissioners have mentioned their concerns regarding short-term rentals disrupting the concept of Community.
- The quality of life and the history of the neighborhoods are being disrupted and feel that approving short-term rentals in residential areas is going in the wrong direction and not supporting the surrounding neighbors.

STAFF COMMENTS

Staff stated the following:

- Staff did not receive comments from the Estes Valley Fire District, but the Estes Valley Fire District does complete their own life safety inspections outside of Larimer County's referral agency process.
- If an applicant is approved, they must complete a life safety inspection with the building department and must address any concerns before renting out the property.

MOTION

Member Kennedy moved that the Community Development Director administratively deny the Wind Haven Short-Term Rental, File No. 22-ZONE3265.

Member Moak seconded.

All voted in favor (6-0).

DISCUSSION ITEMS

ITEM NO. 1. REVIEW STR PROCESS DISCUSSION AND PRELIMINARY RECOMMENDATION FOR THE BCC

STAFF PRESENTATION

Staff gave a brief presentation regarding the Short-Term Rental (STR) Regulations Project Update. The Community can participate in a Community Questionnaire that will be available until August 28, 2022. Currently the General Questionnaire has been completed by 440 participants and the Detail Questionnaire has been completed by 215 participants. The intent of the Open House was to provide background information on STR regulations, present ideas on what is being considered, and gather feedback and ideas from community members and interested parties on STR regulations. The information gathered, along with the feedback gathered from previous webinars, will help county staff and officials determine what, if any, changes, or revisions need to be made to the County's STR regulations. The County does understand that there are some benefits as well as challenges associated with short-term rentals. Having administered the current Short-term Rental regulations for several years, the County recognizes the need to evaluate the effectiveness of these regulations. The intent of this effort is to ensure that community concerns regarding neighborhood impacts are addressed, while maintaining alignment with the ever-changing home sharing and rental industry. Preliminary feedback from questionnaire suggests that the community may support: Continuing some level of regulations, Modifying the approval process, creating a cap on the number of approved short-term rentals countywide (outside Estes Valley), Allowing more than one STR on commercially zoned properties or properties zoned Accommodations (in the Estes Valley), Considering some limitation to the transferability of a STR approval to a new property owner. The webinar also included questions to consider for community feedback, STR background information, where STR's are currently located within zone districts, STR process walkthrough, the Enforcement Ordinance, Larimer County Planning Commission and Board of County Commissioners topics under consideration. Staff closed the presentation with additional comments regarding the process timeline and preliminary feedback questionnaire data.

COMMISSIONERS COMMENTS

Commissioner Shadduck-McNally discussed the following:

- If the questionnaire could identify if it was completed more than once by the same person.
- Inform the community, both in favor and in opposition of STR's, to not spread incorrect information regarding the STR regulation process and to take under consideration that staff is working hard to accommodate everyone within the community.
- Research data confirming that STR's are having a large impact on residential neighborhoods and is working hard with staff to find a balanced conclusion.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- The percentage of short-term rentals over the total number of residents in the Valley.
- Congratulated staff for composing and presenting the STR Regulations Updates.
- Questionnaire data identified that STR owners have a higher percentage in favor, and it seemed the questionnaire reach out was not provided to enough of the residential areas as it should have been.
- STR owner need to take the responsibilities of being identified as a business and take under consideration of quality-of-life disruptions, complaints and how to handle them, paying the appropriate taxes, and potential impact fees.
- Clarification regarding the definition for a mid-term rental.

- Questionnaire not providing enough background information regarding STR's for the community to understand how they feel about STR's being within residential areas.
- Community feedback stating their rights are being abused and taken away.
- Property owner and managers should be more proactive regarding surrounding neighbors' concerns and complaints.
- Possible incentives for short-term rentals to be converted into long-term rentals and to also have a more structured complaint system.
- The possibility of rezoning areas such as Windcliff to not be considered as residential zoning.

STAFF COMMENTS

Staff stated the following:

- Unfortunately, the only way to identify if the questionnaire was going to be completed more than once by the same person would be if they tried to use the same email address. The questionnaire only allowed an email address to be used once and staff understood that the Questionnaire was not to be viewed as a statistical survey.
- Currently the maps regarding percentage of short-term rentals over the total number of residents in the valley are still being created.
- The Larimer County Land Use Code does not currently define mid-term rentals, but the questionnaire did ask if the community thought mid-term rentals are appropriate to have a definition. How staff defines a mid-term rental would be a property that would rent beyond a short-term rental, but rents under a long-term rental. Mid-term rental would be considered 31 days up to 6 months.
- The Questionnaire had zoning information regarding STR's being within residential areas currently and asked for feedback if they should be within a different zoning district.

PUBLIC COMMENT

Comments in opposition:

Sally Park

- Could support STR's if staff can find a way to compartmentalize them not in a residential neighborhood.
- How did the Larimer County staff notify residents that they would be collecting feedback regarding STR regulations?

Comments in favor:

Rich Chiappe, Heidi Welsch, William Brown, Greg Rosener, Elizabeth Mulhern, Richard James, Jane Livingston

- Most STR owners are willing to offer suggestions and want to provide help to keep residential neighborhoods a positive area for quality of life.
- Some STR owners' do take responsibility and have created great relationships with surrounding neighbors and feel that STR that are not licensed are not being included.
- If STR's are to be rezoning and not allowed in residential areas, the STR's that have been approved should be grandfathered into the residential zoning.
- Some STR owners feel they are being negatively identified to the community and are not recognized and appreciated for their good standing over the past years.
- Some residents, that are not STR's owners, live in harmony with STR's and find STR's to be a positive to the neighborhood so that houses are not empty most of the year.
- STR's and surrounding neighbors are not taking in consideration the balance of how STR's are a very important to the economic vitality to the Town of Estes Park.
- STR's support 40% of the lodging tax over the past two year in Estes Park.
- STR's substantially help contribute to Estes Park sales tax revenue.
- Most STR's would be very expensive to convert into long-term rentals.
- Feels the Committee members are reducing the Estes Valley STR cap by denying STR's, that seem reasonable, and affectively giving the surrounding neighbor a veto right over STR's.
- The Commissioners should be recommending the community to also follow the Complaint process so the complaints are recorded, and the appropriate action could be taken.
- Possible incentive to help convert short-term rentals into long-term rentals.

- Short-term rental maintenance is provided more than a long-term rental.
- Cost to maintain a long-term rental is greater than a short-term rental.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- If staff receive records of complaints received by law enforcement or if a record could be received.
- If surrounding neighbors are aware of the County's complaint process.
- One-hour turnaround is not acceptable to address complaints.
- Non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval.
- What identifies as a strike against the STR's and who is responsible for issuing the strikes?
- The disconnect between the surrounding neighbors and Larimer County's complaint process.
- Clarification in defining the difference between STR's and a small hotel?
- If long-term rentals are required to be licensed within Larimer County.
- If a property is rented up to 31 days, is the property considered a long-term rental?
- Continue to move forward with removing the option for owners to transfer STR license to another owner.
- Possible potential to consider not allowing STR's in residential areas.
- The new regulations should take into consideration a limit of STR's within an area to not overwhelm the Community.
- Comments made by the public wanted approved STR's, prior to the new STR regulation being adopted in 2023, to be "grandfathered" as residential properties. How many would it entail, and should a moratorium be put in place until the STR regulations are adopted?
- How an STR can have a positive impact in residential areas.

Commented [CES1]: Corrected from "Non-licensed renters should penalize prior to being allowed to apply for a short-term rental approval" to "Non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval."

COMMISSIONERS COMMENTS

Commissioner Shadduck-McNally discussed the following:

- Also is perplexed between where the disconnect is between the surrounding neighbors and Larimer County's complaint process.
- Recommendations are given, when the Commissioners receive complaints, to contact the appropriate contacts for complaints as well as filing their complaint with the 24/7 hotline.
- Wants to encourage surrounding neighbors to communicate with the County regarding complaints so they can address STR's accordingly.

STAFF COMMENTS

Staff stated the following:

- Staff uses Lodging Rems that provides a 24/7 hotline surrounding neighbors can contact to file a complaint. Unfortunately, they do not have a one-hour turnaround due to complaints are not addressed on the weekends. Property Managers would be the best way of contact for the complaints being filed on the weekends.
- Staff does not receive many complaints, but out of the complaints most of them are filed to find out if a property is licensed. Staff will research to verify and confirm the property is licensed and if the property is not then staff will send the property a Cease-and-Desist letter to inform the property owners they need to be licensed and registered with the County. If the property does not receive approval and continues to provide short-term rental opportunities, Larimer County will reach out to the County Attorney's office to complete the process through Court.
- Staff does not file complaints under short-term rentals if the property is rented beyond 30 days.
- Staff does not receive records of complaints received by law enforcement.
- Within the Ordinance it is stated that the property owner has one-hour to address the complaint, no matter the time or date of the complaint, or it will be considered a strike against them. Each property owner is given three strikes and if they receive all three strikes their STR license is suspended or revoked.
- The Ordinance requires that the property managers to be identified, notify surrounding neighbors within 500-ft of the STR and file the completed 500-ft notification with the County.
- Staff will require that non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval under consideration.
- A Larimer County Code Compliance Inspector would be responsible for issuing strikes after a complaint is verified.
- Staff doesn't understand where the disconnect is between the surrounding neighbors and Larimer County's complaint process.
- STR's are defined as a low intensity accommodation use and the following stages for the STR Regulations will address the density areas.

Commented [CES2]: Corrected from "Staff will take non-licensed renters should penalize prior to being allowed to apply for a short-term rental approval under consideration." to "Staff will require that non-licensed renters should be penalized prior to being allowed to apply for a short-term rental approval under consideration."

- Long-term rentals are not required to be licensed within Larimer County and are regulated as a residential property.
- Long-term rental properties are identified by the number of days rented 31 days and beyond.

CLOSING COMMENTS

Staff and Committee members would like to continue the Discussion Item - Short-Term Rental Regulations at the following meeting on September 15, 2022, that will be virtual only.

Committee members would like to thank the Larimer County staff for their hard work on the STR regulations. Committee members suggest the following meeting include the opportunity to have a creative discussion regarding topics that continue to be discussed, an update and the opportunity to have a detailed discussion on the Comprehensive Plan, and Other County STR data research that staff has completed to be shared. Also, would like to know if there are constraints regarding STR's within Colorado.

ADJOURN

With there being no further business, the hearing adjourned at 6:05 p.m.