



Date: Thursday, July 20, 2023
Time: 3:30 PM
Location: Virtual Only, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_08yBSfJCTHuGUSmm01Qt1Q

Formatted

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

The Larimer County Estes Valley Planning Advisory Committee (EVPAC) met on Thursday, July 20, 2023, at 3:30 p.m. virtual video only.

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

Commissioner Jody Shadduck-McNally was not able to attend.

Staff present included: Rebecca Everette, Jenny Axmacher, Matt Lafferty, Amy White, Shalana Lysaght, Laura Culleton, Michael Whitley, Alan Kee, and Christina Scrutchins.

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

None.

ADOPTION OF AGENDA

MOTION

Member Kennedy moved, and Member Webb seconded the motion to amend the agenda to include unlicensed short-term rentals (STR) discovered by the consultants under the Communications Items. Motion carried (4-0).

Member Kennedy moved, and Member Poggenpohl seconded the motion to amend the agenda to include a discussion on the Comprehensive Implementation Priorities under the Communications Items. Motion carried (4-0).

Member Converse moved, and Member Kennedy seconded the motion to amend the agenda to move the Communication Items after the Discussion Items. Motion carried (4-0).

Member Converse moved, and Member Kennedy seconded the motion to approve the agenda as amended. Motion carried (4-0).

APPROVAL OF MINUTES FROM JUNE 15, 2023

Member Converse moved, and member Webb seconded the motion to approve the June 15, 2023, meeting minutes of the Larimer County Estes Valley Planning Advisory Committee as presented. Motion carried (4-0).

DISCUSSION ITEM(S)

ITEM NO. 1 ADDISON LARGE SHORT-TERM RENTAL, FILE NO. 23-ZONE3439

Applicant/Owner: Cathy Addison

Request: Administrative Special Review approval to convert the non-conforming vacation home to a large Short-Term Rental (STR) with a maximum occupancy of 14 guests. The home features six bedrooms and one additional sleeping area.

The subject property is located at 3407 Eaglecliff Circle Dr Estes Park, CO 80517. The property currently contains an existing single-family residence that is being operated as a non-conforming vacation home with a maximum occupancy of 8 guests. The subject property is currently zoned EV E-1 - 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 Eaglecliff Circle. A courtesy neighbor notification of the proposed project was mailed to properties within the Windcliff Estates Subdivision. Comments were received from one (1) community member, who is in opposition to the request.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

Members and staff discussed the following:

- The applicant was previously under the Estes Park regulations and now that Larimer County has taken over the Estes Valley area the applicant will now have to complete the process with the County to increase the maximum occupancy from 8 guests to 14 guests.
- Clarified that an STR use that allows 11 or more guests is classified as a Low-Intensity Accommodation use per the Larimer County Land Use Code and is permitted in the EV E-1 - Estes Valley Estate zone district following Administrative Special Review.
- Clarified the applicant currently has a short-term rental license for the 8 guests.
- If the planning approval is successful, then the applicant will be required to complete the sprinkler system during the Commercial Building Permit process. The applicant would then complete a life safety inspection through the County prior to the license being granted.

APPLICANT'S PRESENTATION

The home was built almost 30 years ago and in 2019 they decided to apply for a short-term rental license in order to keep the home within the family. At the time of applying for the short-term rental license, they had missed the deadline to apply for a large short-term rental only allowing a maximum occupancy of 8 guests. The applicants did meet with the neighbors that made comments in opposition and are now on good terms with them. Throughout the year the family blocks out dates during a few weeks in July and September, Thanksgiving, Christmas, and other special occasions allowing the slower times throughout the year to rent out. The applicant has also purchased two other lots around the home and does not have any plans to build on them in the future. The applicants are currently in the process of installing fire sprinklers within the home.

ESTES VALLEY PLANNING ADVISORY COMMITTEE, STAFF, AND APPLICANT'S COMMENTS

Members, Staff, and Applicant discussed the following:

- Confirmed that even though their Property Manager is close to an hour away the applicant owns a home and lives in Estes Park as well as their son. The applicant's son is the designated backup for the proposed Property Manager.

PUBLIC COMMENT

None.

MOTION

Member Webb moved that the Community Development Director administratively approve the Addison Large Short-Term Rental, File No. 23-ZONE3439. Member Poggenpohl seconded the motion. Motion carried (4-0).

ITEM NO. 2 UPPER THOMPSON SANITATION DISTRICT REZONING, FILE NO. 23-ZONE3430

Applicant: Steven Ravel, Merrick & Company

Owner: Upper Thompson Sanitation District

Request: Rezoning from EV RE - Estes Valley Rural Estate to EV CO - Estes Valley Commercial Outlying

The subject property is a vacant 9.01-acre parcel located southeast of the intersection of US Highway 34 and Mall Road. No address has been assigned to the parcel. The property is zoned EV RE – Estes Valley Rural Estate. The property is owned by the Upper Thompson Sanitation District and the district proposes to construct a new water reclamation facility consisting of five buildings. The proposed water reclamation facility would supplement the existing wastewater treatment facility located southwest of the subject property. The proposed water reclamation facility is classified as a major utility in the Land Use Code. Major utility uses are allowed in the EV CO – Estes Valley Outlying Commercial and EV I-1 – Estes Valley Restricted Industrial zoning districts with Location & Extent approval. Major utility uses are not allowed in any other zoning district in the Estes Valley Planning Area. On December 21, 2022, the Upper Thompson Sanitation District received Location & Extent approval for the water reclamation facility from the Planning Commission. Two of the conditions of approval were: • The property owner shall apply to rezone the property to EV CO – Estes Valley Outlying Commercial; and • Building permits shall not be issued for construction of the water reclamation facility or associated buildings until the property is zoned EV CO – Estes Valley Outlying Commercial. A Technical Review application is currently under review. The Technical Review process is used to evaluate compliance with the Land Use Code and other development standards following a Location & Extent approval. A courtesy neighbor notification of the proposed project was mailed to properties within 500 feet of the subject property. As of the date of this memo, we have not received any comments from neighbors.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

Members and staff discussed the following:

- Clarified that the Board of County Commissioners approve or deny the Rezoning on July 31, 2023.
- Clarified that the Board of County Commissioners will make the final decision if the project meets overall the Review Criteria.
- The facility itself will not be in the floodway but it will be in the flood fringe.
- The EVPAC did not review the Location and Extent portion of the project because a Location and Extent is not an application that is reviewed by the EVPAC and there is not enough time in between the time the applicant applies and the time it would need to be approved or denied by the Planning Commission.
- Clarified that the Core of Engineer has jurisdiction over wetland and wetland mitigation.

APPLICANT'S PRESENTATION

The district has been planning the new wastewater treatment facility for about 10-12 years. Back in 2017, the district went through an alternatives analysis and selected this property. They looked at a number of different properties and selected this property through that process. There were meetings held by the district public meetings a presentation of alternatives, analysis, and selection. The applicant does have a stakeholder group that has reached out to the community regarding the project. The flood plain and the flood mapping by FEMA in the corridor have been under review and are being

updated due to the flood that occurred in 2013. The applicant has worked with the County as well as FEMA and has received a conditional letter of map revisions. If the wetlands are located on the property, then they will purchase from the Wetland Banks from the County to offset. The current wastewater treatment plant discharges the effluent into the river.

ESTES VALLEY PLANNING ADVISORY COMMITTEE, STAFF, AND APPLICANT'S COMMENTS

Members, Staff, and Applicant discussed the following:

- The existing facility will be repurposed to use basins for emergency storage for a short term prior to being decommissioned.
- Underground buried piping will be placed throughout the Bureau of Reclamation property from the West side of Mall Road, and then coming on to the district property on the east side of all roads to bring that piping up to the new facility.
- The applicants have done extensive preliminary design work and are moving towards a final design. They do have layouts of potential buildings but do need to comply with the Health Department requirements for structures being enclosed and odor containment. The applicants are designing the facility to minimize the impacts to the neighbors.
- The applicant will complete a community reach out on August 3, 2023, at the treatment facility to answer any questions.

PUBLIC COMMENT

None.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members commented the following:

- Some members are uncomfortable with other options for the CO zoning.
- Some members feel it meets the requirements that will better help the community.

MOTION

Member Kennedy moved that the Estes Valley Planning Advisory Committee recommend to the Board of County approval of the Upper Thompson Sanitation District Rezoning, File No. 23-ZONE3430. Member Webb seconded the motion. Motion carried (3-1).

COMMUNICATION ITEMS

Staff introduced the new Planning Manager, Jenny Axmacher, for Larimer County.

AMENDED ITEM - UNLICENSED SHORT-TERM RENTALS (STR) DISCOVERED BY THE CONSULTANTS.

Larimer County does now review a short-term rental unless a complaint is received. Once a complaint is received the Larimer County Code Compliance Department will send the short-term rental in question a cease-and-desist letter for the owners to respond. If a response is not received, then the Code Compliance Department will take the owners to Larimer County Court. Larimer County is working on a contract with a consultant to allow short-term rentals within the Estes Valley to identify non-licensed short-term rentals.

AMENDED ITEM - DISCUSSION ON THE COMPREHENSIVE IMPLEMENTATION PRIORITIES.

This was tabled at the following month's meeting. Members mentioned the key topics to discuss: Items related to floods, wildfires, and preservation, NE2E - with conversation partners that lead to Estes Valley Water Coalition, NE3B - Improved wildlife movement by requiring wildlife, friendly fencing, NE4H - what is CPW, BE2B - further limit the area of disturbance for new development projects make affect the

buffer zones, 2B2E - reference, wildlife, habitat assessment, map during development review, and BE3K - minimize visual impact of large parking areas.

STAFF UPDATES

Commissioner Shadduck-McNally has an interest in opening applications to the community to apply for a spot on the EVPAC.

OTHER BUSINESS

Member Poggenpohl gave an update regarding the Estes Vally Watershed Coalition. Member Poggenpohl reached out to the Estes Vally Watershed Coalition, and they have expressed an interest in working with the EVPAC on selected action items in the Comp Plan. The Estes Vally Watershed Coalition has the following conditions: 1. They would like to have the work group as a separate Committee to ensure that not all their members are working parallel to what they are working on within their mission. 2. They have the understanding that they will not be able to make recommendations or be included during the recommendation process. Member Poggenpohl suggested that the Estes Vally Watershed Coalition select the items they feel most important and prioritize them. Staff recommended the EVPAC speak to the Board of County Commission Liaison for approval and guidance. Staff mentioned that a few months ago the EVPAC had an interest in prioritizing annexation policy, but staff found that the County would have to reach out to the Town of Estes Park. Currently, the Town of Estes Park's top priority is updating its Land Development Code. Staff mentioned that it is a good time within the next year for the EVPAC to be focusing and discussing what they feel they should be prioritizing as well as any code changes they would like to recommend to the Board of County Commissioners. Staff suggested the EVPAC discuss more regarding Accessory Dwelling Units within the Land Use Code. Staff recommended the EVPAC send any key topics to Matt Lafferty

Staff

ADJOURN

With there being no further business, the meeting adjourned at 5:40 p.m.