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Date: **Thursday, November 18, 2021**
Time: **3:30 PM**
Location: **Virtual - Zoom Registration Link: https://larimer-org.zoom.us/webinar/register/WN_A31W399QS1awnyohQzXuRQ**

ESTES VALLEY PLANNING ADVISORY COMMITTEE MINUTES

The Larimer County Estes Valley Planning Advisory Committee (Committee) met virtually via Zoom for its meeting on Wednesday, November 18, 2021, at 3:30 p.m.

All committee members were present: David Converse, Olivia Harper, Mike Kennedy, Linda Moak, Rex Poggenpohl, Frank Theis, and Drew Webb. Staff present were Don Threewitt, Planning Manager; Samantha Mott, Senior Planner; Tracy Hicks, Planner I; Samantha Lasher, Planner I.

Commissioner Shadduck-McNally also was present for Communication Items and left the meeting prior to Action Items.

Three applicants and representatives also observed the Zoom meeting.

AMENDMENTS TO THE AGENDA

Members removed #2 and #3 from Consent Agenda for discussion.
The amended agenda was moved by Member Poggenpohl, seconded by Members Harper, and passed unanimously.

Member Poggenpohl moved to approve agenda and minutes; Member Webb seconded. Agenda and minutes of October 2021 meeting were approved unanimously.

Communication Items

Staff discussed role of the Committee and Short-term Rental (STR) review and reported to the board the outcome of internal staff and attorney discussions about the role of the Committee. These are Administrative Special Reviews, and the Committee recommendation is to the Community Development Director. Therefore, any motions should be made to recommend the Director approve or deny a case. A recommendation to forward to the Board of County Commissioners should not occur.

This is not a public hearing and want to ensure that the community is not confused about the process. We need to make clear the difference between public comment at the advisory committee versus public testimony at a hearing. Public comments may not be forwarded verbatim if the case is escalated to a public hearing.

Members stated their belief Commissioners wanted to hear from the Committee directly. Members noted that they understood the process and clarified that the Planning Commission was not involved in these case approvals.

A member noted that this put the Committee in a quandary and would like to emphasize that the Commissioners get direct comment from the Committee and not be filtered through the staff. Chairman Theis asked Commissioner Shadduck-McNally for input on the process. Chairman Theis suggested that the Committee move forward with the attorney's advice.

Commissioner Shadduck-McNally noted that she agreed with the attorneys and encouraged the Committee to voice their concerns to her at any time.

Staff clarified comments about Commissioners hearing from the Committee directly. Included in any public hearing would be minutes from the meeting. A recording of the zoom meeting would be available to the BCC (or any interested party) up to 3 months after the meeting. However, providing a verbatim transcript of the Committee discussion in a public hearing agenda packet is not the current practice.

Discussion continued including a request that case outcomes are reported back to the Committee, and that the Committee be notified of cases that are forwarded for hearing

Chairman Theis suggested the Committee move forward with direction given, with Committee's concerns noted, and noted that further discussion with Director Ellis would be appropriate.

A member commented that he tries to follow up, and he has witnessed Commissioners addressing recommendations from the Committee. Members noted that the BCC has respected the Committee's recommendations and noted steps to approval. It would be helpful to know when cases are addressed by the Board of County Commissioners.

A member asked about the "heat map" provided in their packet and asked for the rest of the map. Staff noted that an updated map will be emailed to the Committee.

ACTION ITEMS

1. **Money STR.** Remained on consent. **Member Poggenpohl motion to approve consent agenda, Kennedy seconded. Approved unanimously.**

2. **Stonehenge STR.** Samantha Lahser presented File # 21-ZONE3090, Stonehenge Short-term Rental, 421 Larkspur Rd. Owner/applicant Tommy Caldwell present. Request is to approve a 3BD plus 1 sleeping area (max 8 occupancy) STR with a second nonconforming structure retained as a long-term residence. 3 community comments received in opposition.

Discussion Staff provided clarification on neighbor notice as a courtesy for Administrative Special Reviews, discussed the legal nonconforming status of the property, clarified that the Division of Water Resources supported the request. Members asked about the number of STRs in the immediate vicinity and noted that the High Drive area is historically summer residences and utilized as transient lodging. The applicant clarified that the applicants are planning to live in the primary residence, and only use the STR during travel. Staff verified that the owners plan to occupy this as their primary residence when they are in the area, clarified that the second dwelling will only be a long-term rental, and the primary residence would be the part-time STR. Chair asked for comments from the Applicant and clarified that it is not a hearing.

Applicant, Tommy Caldwell reported that they intend to live in the house and rent it for a month or two per year. He did speak with neighbors, several didn't like STRs in general. Chair asked for public comment. No public comment. No further discussion.

Member Webb moved to recommend that the Community Development Director administratively approve Stonehenge Short-Term Rental File #21-3090. Member Moak seconded. 4 in favor, 3 opposed (Members Kennedy, Converse, and Poggenpohl). Motion Passes.

3. **Mehrotra STR.** Samantha Mott presented File 21-ZONE3088, 388 Prospect Mountain Court. Owner/applicant Gautam Mehrotra present. 3 BD plus 1 sleeping area (max. 8 occupancy) STR. 1 community comment received.

Discussion Members asked how many STRs are in the vicinity, if staff could show exactly on the 'heat map' where the proposed application is and asked what the colors stood for on the heat map. Discussion regarding neighbor concerns about the road maintenance in the neighborhood. Discussion on the possible number of STRs in the neighborhood, the methodology of the map and the calculations behind it. Discussion about community comments, and that the objection was based on the density of STRs in the area. Chairman Theis asked for applicant comments.
Applicant Gautam Mehrotra spoke. Mentioned that the family purchased the home for long-term occupancy, but when his wife passed, the family stopped going regularly but the family decided to keep it in the family and use the STR for supplemental income. Applicants attended the HOA meetings and Gautam offered to create a website for the property management concerns and neighbor comments. No community members volunteered to speak. **Chairman Theis asked for a motion. No motion made.**

Further member discussion about the heat map and how many STRs were in the neighborhood. A member mentioned that no motion/no action is considered a recommendation for affirmative. Chairman Theis determined that no member made a motion for approval or denial, so no recommendation should be forwarded. Members further discussed density information regarding STRs. Chairman Theis asked again for a motion.

Member Webb moved that the Community Development Director administratively deny the Short-term rental. Member Poggenpohl seconded. 5 in favor, 1 deny, 1 abstain (Converse). Motion to recommend denial passes.

Members requested the applicant speak for a potential reconsideration. Applicant stated many neighbors' concerns last time do not apply to their case, specifically traffic. This property is close to Peakview Dr. so that didn't apply. Also, there was previous case where the applicants were not local and out of state residents. This application has local residents. Member discussion that the Committee is more concerned with the density of STRs in the neighborhood. Chairman Theis explained that the Director will either decide or forward it to the Board of County Commissioners, and their role is a recommending body.

Member Poggenpohl made a formal motion that staff provide better information on density of STRs in single-family neighborhoods be provided on future cases. Member Harper seconded. Discussion. **Unanimously approved.**

DISCUSSION AND STAFF UPDATES

Commissioner Shadduck-McNally rejoined the meeting.

Strengths, Weaknesses, Opportunities, Threats (SWOT) update. Staff reported that the SWOT was included in the packet and staff was ready to forward to the planning consultant. Any additions or amendments should be forwarded to Director Ellis. Committee discussion and consensus to remove numbers and forward along.

Commissioner Shadduck-McNally gave regards to the group and conveyed she was grateful for their service, and then left the meeting.

A motion was made that the Committee wish the all the Commissioners, especially Commissioner Shadduck-McNally, a wonderful holiday and acknowledge their support for the Committee. Approved unanimously.

Chairman Theis gave an update on the COMPAC meeting and requested that the Committee get copies of summary master plans.

Vision Exercise. There is a joint visioning meeting upcoming in December. Director Ellis would prefer to attend with the Committee for that discussion.

Training Update. There is a list of readings in the packet. The American Planning Association is working on Board and Commission training, and staff is trying to get something set up for Northern Colorado.

Member Webb moved to adjourn the meeting. With there being no further business, the meeting adjourned at 5:16 p.m.