

Date: Thursday, October 17, 2024
Time: 3:30 PM
Location: Hybrid - In-Person: Estes Valley Community Center Classroom, 660 Community Dr, Estes Park, CO 80517 or
Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_gveRevTiSryOXOULPtYOxw

ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING MINUTES

The Larimer County Estes Valley Planning Advisory Committee met in the Estes Valley Community Center Classroom as well as virtually by Zoom video at 3:30 p.m. on Thursday, October 17, 2024, at which time the following business was transacted.

Committee members present included: Rex Poggenpohl, David Converse, Mike Kennedy, Scott Stewart, Nataly Handlos, and Doyle Baker.

Staff present included: Lesli Ellis, Rebecca Everette, Matt Lafferty, Samantha Lasher, Scott Benton, Michael Whitley, Shalana Lysaght, Ryane Oswandel, and Christina Scrutchins.

Board of County Commission present included: Jody Shadduck-McNally

ADOPTION OF THE AGENDA

Amendment: Action Item No. 1 - Election of Officers be added to the October 17, 2024, agenda of the Larimer County Estes Valley Planning Advisory Committee.

Member Kennedy moved, and member Converse seconded the motion to adopt the October 17, 2024, agenda of the Larimer County Estes Valley Planning Advisory Committee as amended. Motion carried (6-0).

PUBLIC COMMENT REGARDING OTHER RELEVANT MATTERS NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

- Estes Valley Planning Advisory Committee and Staff Comments
 - o Amendment: Remove duplicates of "Estes Valley Planning Advisory Committee and Staff Comments."
- Approval of Minutes
 - o Amendment: Correct the motion to the following:
 - "Member Webb moved, and Member Converse seconded the motion to approve the May 16, 2024, minutes of the Larimer County Estes Valley Planning Advisory Committee as revised. Motion carried (7-0)."

Member Kennedy moved, and member Stewart seconded the motion to approve the June 18, 2024, minutes of the Larimer County Estes Valley Planning Advisory Committee as revised. Motion carried (6-0).

COMMUNICATION ITEMS

COMMISSIONER UPDATES

Commissioner Shadduck-McNally opened by expressing gratitude to Member Poggenpohl for service as Chair of the board, commending the effort, preparation, and dedication required to lead meetings effectively. The Commissioner acknowledged the board's collaborative spirit and productive discussions, expressing appreciation for their service and contributions. Transitioning to budget matters, the Commissioner shared updates on the ongoing budget season, noting that the budget was submitted before the 15th, per policy, and highlighting a budget meeting scheduled for November 1st in Loveland, encouraging those interested to attend for an in-depth discussion, although no virtual option is available. The Commissioner also announced upcoming events, including the arrival of the U.S. Capitol Christmas Tree from Alaska, which will stop at the Ranch Complex in Loveland on November 11th, with activities and food planned from 4 PM to 7 PM. Additionally, the Commissioner shared details about the ribbon-cutting ceremony for the new Fleet Campus building, also set for November 1st, located in East Loveland near I-25 and HWY34, replacing the outdated facility on East Vine in Fort Collins. The Commissioner further detailed responsibilities, including the annual jail inspection required by state law, which the Commissioner will conduct with the Sheriff. On a state level, the Commissioner announced reappointment to the Colorado Forest Health Council by the Governor and described continued work as Chair of the Legislative Committee on the 30-Year Vision for Forest Health in Colorado, a comprehensive document addressing watersheds, wildlife, diversity, wildfire, and forest ecosystems, developed in collaboration with stakeholders like the Colorado Forest Service and Nature Conservancy. The Commissioner celebrated local initiatives in Estes Park, including the ribbon-cutting for the Loop and the innovative childcare and workforce development efforts led by the Housing Authority, and congratulated the community on UC Health's new partnership with their local hospital. The Commissioner closed by inviting attendees to the Capitol Christmas Tree event and encouraged them to reach out with questions or concerns about the budget or other matters, reiterating gratitude for the board's service.

STAFF UPDATES

Director Everette began by acknowledging the county commissioners' recent adoption of a resolution recognizing October as Community Planning Month, emphasizing the opportunity to celebrate the efforts of the committee, staff in the planning division, and partner divisions involved in long-range planning, policy, code, and development review. Everette highlighted the Water Master Plan, which has been in development throughout the year, noting that a draft is now available for review online at www.larimer.gov/planning/water. This plan explores the county's role in water planning, leveraging existing work at local, regional, and state levels, and defining the county's niche in water-related efforts. Everette encouraged everyone to review the plan and its goals and strategies.

Principal Planner Lafferty outlined updates to Article 13 of the land use code, which covers aspects transferred from the Estes Park code after the dissolution of the intergovernmental agreement. The updates address areas requiring clarification, such as the sign code's application to Estes zoning districts and the connection of 1041 regulations to the Estes Valley. These regulations govern major infrastructure projects like power plants and airports, ensuring county-level scrutiny and alignment with state statutes. Additional updates are focused on integrating state-mandated rules regarding accessory dwelling units (ADUs) into the Estes Valley code and reconciling differences between town and county regulations. Public outreach, including webinars, will begin in January, with proposals expected to advance to the Planning Commission and Board of County Commissioners by spring.

Director Everette returned to highlight updates to the county's lighting code, focused on new development to minimize light pollution and protect night skies. Consultations with Rocky Mountain National Park and the National Park Service's Night Skies and Natural Sounds Division are helping identify gaps in the current code. While anticipated changes are minor, they will be followed by a community education campaign on outdoor lighting, migratory bird peak periods, and lighting tours. Everette also discussed planning for the 2025 work plan, which will include collaboration with the Town of Estes on their land development code update. This partnership will involve participation in advisory

committees, fostering alignment between town and county codes, and encouraging further conversations on county regulations. Everett invited committee input on 2025 priorities and announced that January's meeting would focus on work plan discussions.

STATUS OF CASES PREVIOUSLY REVIEWED BY THE ESTES VALLEY PLANNING ADVISORY COMMITTEE

Planner Whitley provided an update on an administrative determination made since the last meeting. Whitley introduced a spreadsheet during the July 18th meeting that tracks the Estes Valley Planning Advisory Committee (EVPAC) reviews for various development cases, including their recommendations and the final outcomes of those cases. At the July 18th meeting, EVPAC reviewed the Hill-Hosted Short-Term Rental application for 1857 Spearhead Road, which resulted in a unanimous recommendation for approval with a 7-0 vote. This application was administratively approved on July 26th. Whitley emphasized the importance of maintaining this tracking spreadsheet as a standing item to provide EVPAC with feedback on how their recommendations align with ultimate decisions. For the current meeting, Whitley noted that today's case is already pre-entered into the spreadsheet, and at the conclusion of the meeting, the recommendation will be updated. Once a final decision is made, it will be documented and reported back at the next meeting.

COMMITTEE MEMBER UPDATES

Committee Member Poggenpohl informed the group that the State has conducted a thorough review of the HOA Information Services program, which serves State residents and homeowners' associations (HOAs). Originally established as a temporary operation, the program has been extended for an additional 13 years. Poggenpohl encouraged those involved in HOAs, whether as members, directors, or residents, to familiarize themselves with the State's HOA offices. These offices provide valuable information and resources, making them an excellent support system for anyone connected to or affected by HOAs.

DISCUSSION ITEM(S)

ITEM NO. 1 - SERELL RESORT CABINS ADMINISTRATIVE SPECIAL REVIEW & APPEALS, FILE NO. 23-ZONE3442

The subject property is located at 1857 Spearhead Rd, Estes Park, CO 80517. The subject property is currently 0.74-acres and zoned EV E-1 - Estes Valley Estate. The applicant requests Administrative Special Review approval for a 3-guest bedroom plus 1 additional sleeping area, 8-guest maximum Small Hosted Short-term Rental (STR). A Hosted STR is defined as a principal dwelling occupied by a full-time resident or owner living on-site where short-term lodging (30 days or less) is provided to transient guests.

A Small Hosted STR use that allows 10 or less 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. The EV E-1 zone district is subject to the Estes Valley short-term rental cap, but Hosted STRs do not count toward the cap.

The existing residence is currently served by the Town of Estes Park Water and Sewer District, and Estes Valley Fire Protection District and is accessed from Spearhead Rd. The applicant has demonstrated their ability to provide 6 off-street parking spaces, which satisfies Larimer County requirements for Hosted STRs.

A courtesy neighbor notification of the proposed project was mailed to property owners within 500 feet of the subject property. Comments were received from one (1) community member, who is in support of the request.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND STAFF COMMENTS

Planner Lasher began by addressing questions previously raised by Committee Member Poggenpohl, specifically about the submitted tree preservation plan. Lasher confirmed that the plan is required by code and aims to preserve six tree groups on the property while balancing wildfire mitigation. Poggenpohl inquired whether the plan meets code requirements, and Lasher affirmed that it generally does but noted potential adjustments to ensure both tree preservation and effective wildfire mitigation.

Discussions shifted to the wildlife preservation plan, which, although not formally required by code, includes voluntary mitigation efforts by the applicant, such as avoiding invasive species and minimizing lighting to maintain wildlife corridors. Lasher also clarified the property's zoning history, explaining that it has been zoned EV A-1 since 2020, following the county's absorption of the Estes Valley jurisdiction. Committee Member Poggenpohl emphasized the importance of accurately conveying zoning history to the public and questioned whether zoning changed with the jurisdictional transition. Principal Planner Lafferty confirmed that zoning remained unchanged during the transition.

Committee Member Converse highlighted changes to regulations, particularly wetland setbacks, noting an increase from 50 feet to 100 feet. Lasher confirmed that the applicant initially proposed a 70-foot setback but revised it to 85 feet. This sparked further discussion on wetland buffers, with Lafferty explaining that setbacks are determined by wetland size and quality to protect water quality and ecological balance. Planner Benton added that buffers help maintain wetland integrity by filtering pollutants and emphasized that managing vegetation could enhance buffer effectiveness. Committee Member Baker proposed exploring vegetation management as a way to achieve the protective effects of a larger buffer, even with a reduced setback, and suggested expert involvement to evaluate this approach. Committee Member Baker proposed exploring vegetation management to ensure wetland integrity with reduced setbacks. Lasher also addressed zoning distinctions between the applicant's property and nearby areas. Using zoning maps, Lasher clarified that the applicant's property is zoned EV A-1, while neighboring areas include accommodations and residential zoning. Committee Member Poggenpohl noted differing community standards and their potential implications for this development. Additionally, discussions touched on kitchen facilities in the proposed units, with Committee Member Baker raising questions about land use code requirements. Planner Whitley referenced code provisions differentiating between zoning districts and confirmed that density requirements for EV A-1 are distinct from those for EV A.

The discussion concluded with a call for staff to further investigate issues raised, including zoning definitions, kitchen requirements, and the feasibility of vegetation management for wetland buffers. Director Everette emphasized the value of EVPAC's feedback in refining the project before its presentation to the Board of County Commissioners, encouraging the group to proceed with hearing from the applicant and public before delving further into specific project details.

APPLICANTS' PRESENTATION

Sean Serell shared that he and his wife purchased their property in 2019, prior to land use changes, with the intention of creating a space for semi-retirement and income-generating short-term rentals. Serell, a longtime resident of Fort Collins and an anesthesiologist, explained that their initial plan was to develop smaller, functional units rather than large multi-story homes. These units would cater to families or small groups, creating a balance between personal use and rental income. Serell noted that the dissolution of the intergovernmental land use agreement between Estes Park and Larimer County introduced unforeseen challenges, including restrictions allowing only one short-term rental license per property. Additionally, changes in wetland setback requirements—from 50 feet under town regulations to 100 feet under county regulations—further impacted their plans, pushing the site plan into areas with significant trees on the property.

To address these challenges, Serell sought a buffer adjustment to 85 feet, allowing the project to preserve the property's large trees while accommodating floodplain restrictions. A wetland expert, Darcy Tigris, supported this adjustment, citing environmental and wildlife benefits. The proposed development includes three distinct units (one-, two-, and three-bedroom), each with its own kitchen, bathrooms, and garage parking to minimize visual impact and traffic concerns. Serell emphasized that the goal is to offer small-scale, family-oriented rentals designed to avoid large gatherings or excessive noise. Measures such as noise monitoring devices, which track sound levels and the number of connected devices on the property, are included in the plan to address neighbors' concerns about potential disturbances.

Serell reiterated that their intent is to create a thoughtful, community-focused development with minimal environmental impact, serving both as a retirement space and as smaller, practical rental units tailored to families and tourists seeking an alternative to large homes or hotels.

ESTES VALLEY PLANNING ADVISORY COMMITTEE, STAFF, AND APPLICANT COMMENTS

Sean Serell addressed questions regarding property management, confirming that he and his son plan to manage the property initially, with the possibility of hiring a local manager. Planner Lasher clarified that the county's code does not mandate specific property manager requirements for resort cabins, unlike short-term rentals, which require a manager to respond within a defined timeframe. Committee Members Poggenpohl and Handlos raised concerns about maintaining wildlife corridors and mitigating visual impacts of the proposed development. Serell emphasized efforts to preserve wildlife access, describing natural trails on the property frequented by elk and deer. He noted that the 85-foot wetland setback would remain densely vegetated with shrubs and trees, providing both ecological and visual buffers. A small, wildlife-friendly fence will demarcate the property without obstructing animal movement.

Committee Member Baker questioned why the fishing cabin could not be moved back 15 feet to avoid wetland buffer issues. Serell explained that relocating the cabin would disrupt the balance and openness of the site. He highlighted the presence of a significant ponderosa pine tree near the center of the property and other smaller trees, noting that moving the cabin would either crowd the development or bring it closer to the neighbor's house to the east. Serell emphasized that the current placement preserves key trees, maintains the openness of the space, and aligns with wildlife movement corridors. Committee Member Stewart added that, based on the site plan, moving the cabin may still leave part of the structure within the buffer zone due to the green setback line.

On the topic of visual impact, Serell explained that the proposed design incorporates modern farmhouse aesthetics, blending white siding, metal roofing, and natural stone to complement the environment. The units are set back over 100 feet from the river, preserving views and minimizing visibility from neighboring properties. Committee Members Stewart and Handlos noted that the proposal appears thoughtful, with lower density than zoning would allow and an emphasis on maintaining the area's natural character. Stewart observed that the modest design and layout enhance the neighborhood rather than detract from it, adding that wildlife in the area, including elk and bears, are generally unaffected by such developments. Serell reiterated his commitment to maintaining vegetation, screening, and responsible development practices to balance the needs of wildlife, neighbors, and the project's goals.

PUBLIC COMMENT

Seth Hansen and Kevin Rech

Comments

- The proposed development is small in scale (2,000 sq. ft. house, 1,400 sq. ft. footprint) and less intrusive.
- Integrated into existing trees, maintaining the natural environment.
- More modest and appropriate compared to prior plans for a large commercial development.
- Nearby developments with minimal restrictions have resulted in aesthetically pleasing neighborhoods.
- Aligns with reasonable use of the land and avoids excessive alterations.
- Concerns about adherence to deed restrictions, setback lines, and other rules.
- Unresolved questions and potential need for variances require further explanation.
- Variances or deviations should be clearly communicated to all stakeholders.
- Some residents remain undecided due to outstanding issues and the early stage of the process.

- Deviations from rules might set a precedent, necessitating careful consideration.

APPLICANTS' REBUTTAL

Sean Serell expressed appreciation for the comments and feedback from the committee and emphasized that the primary reason for the appeal and setback request is to preserve the large trees on the property. Serell clarified that the proposed development could proceed without the appeal, but proceeding without the appeal would require removing significant trees, which conflicts with the goal of maintaining as much of the natural habitat as possible. The intention is to create a space that preserves environmental landscaping and serves as a retreat for visitors and for Serell's family. Serell highlighted that the project is designed to feel small-scale, contrary to concerns about large-scale development. Serell acknowledged the absence of updated architectural renderings due to changes in floodplain guidelines and the associated costs of continually revising plans. Serell explained that updated renderings will be pursued as the project advances through the next stages of the process.

ESTES VALLEY PLANNING ADVISORY COMMITTEE AND APPLICANT COMMENTS

Committee Member Stewart raised a question about incorporating water management solutions, such as drainage systems or catch basins, to help mitigate runoff from the property. Committee Member Poggenpohl addressed that swales had already been included in the site plan to direct runoff away from developed areas. Stewart suggested further options, such as small detention facilities, to manage sediment and improve water quality before runoff reaches the wetland buffer. Principal Planner Lafferty explained that such facilities could be implemented to enhance quality control and noted that Planner Benton's expertise would improve future evaluations of similar cases. Committee Member Converse expressed concern about setting a precedent by granting appeals, emphasizing the importance of maintaining existing standards. Stewart countered, observing that the setback was different when the property was purchased and that neighboring properties appear to be noncompliant with current wetland standards. Stewart also highlighted that the proposed development is low-density compared to what zoning permits, noting minimal environmental impact compared to higher-density alternatives.

Committee Member Handlos commended the applicant's efforts to minimize wetland impact by requesting an 85-foot buffer rather than the previous 50-foot standard, despite the updated requirement for 100 feet. Handlos acknowledged concerns from neighbors regarding the perceived size of the development but noted that the impact appears relatively small when viewed in context with the property's overall layout. Stewart reinforced this point, stating that the total footprint of all buildings combined is approximately 3,000 square feet, which is minimal for a property of this size. Principal Planner Lafferty emphasized the appeal process's role in ensuring thorough evaluations and case-by-case decisions, with Planner Benton's input providing additional recommendations to protect the wetland before the proposal proceeds to the Board of County Commissioners.

MOTION

Member Converse moved that the Estes Valley Planning Advisory Committee recommend that the Board of County Commissioners approve the Serell Resort Cabins Administrative Special Review & Appeals, File No. 23-ZONE3442, subject of Land review by Scott Benton to ensure that the Wetlands quality can be maintained. Member Stewart seconded the motion. Motion carried (6-0).

ITEM NO. 2 - PROPOSED BYLAW REVISIONS DRAFT

Director Everette opened the discussion by addressing comments on the bylaws, noting that any agreed revisions would be incorporated into a revised draft for formal recommendation in January. Committee Member Converse emphasized the importance of including a reference to the committee's quasi-judicial role, suggesting this be added to the purpose statement. Director Everette agreed, noting the language could also be broadened to encompass more than development applications. Committee Member Poggenpohl supported this addition and raised concerns about Article 2, Section 5, suggesting that the bylaws limit absences to two or three meetings annually, rather than four, given the quarterly meeting schedule. Poggenpohl also questioned the necessity of

duplicating procedural language already covered in the land use code, advocating instead for referencing existing policies to avoid conflicts or confusion.

Committee Member Converse expressed concerns about restrictive language in Article 1, Section 3, which seemed to limit the committee's ability to propose ideas or initiatives. Poggenpohl agreed, noting that the original purpose of the committee was more open-ended. Director Everette explained that some restrictive language was included at the request of county commissioners but acknowledged the feedback and committed to revisiting the wording. Principal Planner Lafferty reassured the group that the committee retains flexibility, particularly in proposing annual work plans to the commissioners. Committee Member Baker supported these concerns, pointing out inconsistencies in sections A and D of the bylaws, which facilitate communication and community input but lack mechanisms for reporting back to the commissioners. Baker proposed clearer distinctions between soliciting community input and responding to commissioners' requests, ensuring the committee has a defined role in both.

The discussion also addressed the absence policy, with Director Everette noting that the current policy of allowing four absences aligns with broader county guidelines but may not be practical for quarterly meetings. Committee Member Handlos suggested framing attendance requirements as a percentage rather than a fixed number to account for varying meeting frequencies. Director Everette committed to raising these concerns with the commissioners and the assistant county manager. The group concluded by emphasizing the importance of balancing structure with flexibility, ensuring the bylaws support the committee's ability to fulfill its role effectively.

ACTION ITEM(S)

ITEM NO. 1 – ELECTION OF OFFICERS

Member Converse moved, and member Kennedy seconded the motion to table the Election of officers till November 14, 2024. Motion carried (6-0).

OTHER BUSINESS

Committee Member Stewart initiated a discussion on the enforcement of dark sky lighting rules, noting that while rules exist, enforcement has been lacking, with no clear responsibility assigned. Stewart suggested the need for clearly defined enforcement roles to ensure compliance. Director Everette acknowledged the gap, explaining that the lack of enforcement arises from undefined roles and limited resources, particularly for nighttime inspections, as code inspectors work standard daytime hours. Everette outlined plans to address this issue through updates to the land use code, community education outreach, and the adoption of a new building code next year. The focus will be on regulating light fixtures to ensure compliance from installation, simplifying enforcement during regular inspections. Stewart suggested involving electrical inspectors during construction, as they already inspect exterior lighting installations, to enhance oversight.

Committee Member Converse highlighted the difficulty of finding compliant dark sky lighting fixtures when updating a home, emphasizing the importance of public outreach to educate residents on where to find suitable products. Everette mentioned similar efforts in Fort Collins, including collaborations with retailers like Lowe's, Home Depot, and ACE Hardware, as well as initiatives by Platte River Power Authority to promote compliant and energy-efficient fixtures through rebates. Stewart added practical insights, suggesting that the code allow limited use of floodlights for specific needs, such as snow plowing or safety in wildlife areas, while restricting their use to prevent excessive light pollution. Stewart acknowledged enforcement challenges but emphasized that clear rules would provide a basis for action if complaints arise. Everette agreed, noting the importance of balancing practical needs with adherence to dark sky principles.

ADJOURN

With there being no further business, the meeting adjourned at 5:31 p.m.