

Date: Monday, November 21, 2022
Time: 4:00 PM
Location: Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_oDxfOsySDSkrs7FmbViMw

ESTES VALLEY PLANNING ADVISORY COMMITTEE CONTINUATION MEETING FROM NOVEMBER 17, 2022 MINUTES

The Larimer County Estes Valley Planning Advisory Committee met on Monday, November 21, 2022, at 4:00 p.m. virtual video only.

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

Commissioner Jody Shadduck-McNally attended.

Staff present included: Lesli Ellis, Amy White, Tawn Hillenbrand, Michael Whitley, and Christina Scrutchins.

Public present included: 43 members, Patricia Bartlett, Paul Chase, Steven McCrane, Seth Smith, Tari King, Michelle Schmieding, Richard Mulhern, Donna Sherbeou, Liz Mulhern, Carol Primdahl, Charles Hollen, Connie Hollen, Scott Thompson, Dewey Shanks, Melissa Eigenmann, Gary Gilliland, Vetter Jay, Richard James, Sonya Howard, Heidi Tryon, Michael Olson, Jane Livingston, Matt Poust, Jeffrey Franch, Michener, William Brown, Waters Davis, Frank Cebul, Michael Bryant, Troy Loos, Jeremy Collinet, Suzy Blackhurst, April Sorenson, Jack Irving, Donna Clough, Greg Bier, Austen Bierl, Robert Cebul, James Meek, Karen R, Rich Chiappe, Karen Thompson, and one anonymous.

AGENDA

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

ESTES VALLEY PLANNING ADVISORY COMMITTEE OPEN COMMENTS

Members mentioned the following:

- Members would like to thank the community for all their feedback and comments throughout the short-term rental (STR) regulations process.
- Member would like to encourage member of the community to contact the Larimer County Planning and not the Estes Valley Planning Advisory Committee with questions regarding the regulations.

DISCUSSION ITEMS

ITEM NO. 1 SHORT-TERM RENTAL REGULATIONS UPDATE PROJECT - UPDATE AND FEEDBACK

Staff stated the following: The email address regarding any regulation questions would be luc2020@larimer.org. Staff wanted to remind everyone that revisions made to the existing STR regulations would not be applied to previously

approved short-term rentals or vacation homes. Staff clarified that the county currently requires a recertification process every two years, for all approved short-term rentals. The current process requires that the owner update their contact information and confirm that the STR has not been modified or has not been expanded to create additional rooms and the count does not require a life safety inspection as part of the recertification process. Currently a life safety inspection is only required at the initial approval. If the permit type option (limiting the number of nights rented per year) was adopted, it would be at the discretion of the property owner to choose which option they wanted to pursue. The new permit types would only be applicable to new short-term rental applications and would not be applicable to pre previously approved short-term rentals. The initial public discussion draft includes suggested revisions to the tables of allowed uses or zoning tables. The tables list the uses allowed by zoning district and provide the required approval process and the tables will likely be modified with the next draft. Staff is considering investigating HOA's that allow STR within the neighborhoods to create the ability to opt out or opt in. Staff is currently studying transferability and potential options but would like to acknowledge that they hear the comments that have been expressed by the community, specifically exceptions for family ownership. Staff is working with the sales tax division to gain a better understanding of lodging taxes generated by STRs.

The Larimer County Code Compliance staff is aware of the concerns regarding enforcement and are continuing to work with third party partners that are enhancing the enforcement policies. The Code Compliance staff is challenged with real time complaints regarding noise, trespassing, and wildlife. Staff mentioned the following third-party partners; Larimer County Health Department or the Sheriff's Department after hours would address any noise concerns/complaints, the division of Wildlife Services would address any wildlife concerns/complaints, and the Fire Department would address any fire concerns/complaints. Once a third-party is notified of a concern they will then contact the Larimer County Code Compliance Department so the concern/complaint can be properly documented and recorded. Code Compliance is more effective addressing concerns/complaints regarding improper advertising, dark sky lighting and the life safety issues that are verifiable. Concerns/complaints regarding STR's that are operating without a license are difficult to address due to once the STR is presented in court, some court jurisdictions do not allow advertising to be legal proof that the property is being used as a STR but is trying other ways to get legal proof that will stand in court. Staff is working with IT so the Larimer.org website is more user friendly regarding STR's.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Some members wanted clarification regarding HOA and if they are completely independent of local government.
- Members wanted confirmation that the County is working on providing approved STR's to look up and check other properties if they are approved STR's.

STAFF COMMENTS

Staff stated the following:

- Larimer County does not enforce HOA covenants and are completely independent of local government.
- Staff confirmed that the County is working on providing approved STR's to look up and check other properties if they are approved STR's.

PUBLIC COMMENT

Jack Irving, Steve McCrane, Connie Hollen, Tari King, Scott Thompson, Waters Davis, Paul Chase, James Meek, William Brown, Melissa Eigenmann, and Robert Cebul.

Comments

- Transferability should remain an option for STR's.
- If STR transferability's are no longer available, so homes will become less affordable, and my investment will become worthless.
- STR properties are better maintained than long-term rentals.

- Estes Valley STR owners are committed to providing high quality, visitor experience and minimizing the impact on the neighbors.
- Is a STR license applied to the STR owners or to the property?
- Not all STR's are large corporation and are members of the community.
- How will the new regulations effect the taxes?
- Is the Estes Valley Planning Advisory Committees intent to maintain two hundred and sixty STR's currently approved?
- Estes Park should have a designated contact for any concerns/complaints or an organized response center that can help with compatibility instead of eliminating STR's.
- Limiting the number of nights rented per year option should not be regulated just to only specific zones but to individual STR owners.
- STR's are included in the 40% of the tax revenue tax collection category used by the State.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Some members would like to suggest to the County staff to have a 24-hour STR monitoring to provide a central focal point for enforcement documentation to services.
- STR's should be reviewed to ensure they are using their license.
- STR density still need to be addressed and discussed.
- Some members believe that the forty percent includes all short-term rentals, because there are a lot of short-term rentals in the accommodation zones that do not include a cap.
- Some members feel the bulk of members of the communities' concerns/complaints are within residential neighborhoods and most STR owners did not notify surrounding neighbors of their applications prior to the Larimer County notification postcards.

STAFF COMMENTS

Staff stated the following:

- Staff is looking into if a STR license is applied to the STR owners or to the property.

ADDITIONAL NEW PUBLIC COMMENTS

Steve McCrane, Richard Mulhern, Michael Olson, Jane Livingston, Connie Hollen, and Paul Chase.

Comments

- Some STR owner that do not reside in Estes Valley still contribute to town other than being a STR owner.
- Some approved STR owner's feel they have complied with all regulations and the County keeps adding more regulations until STR's relocate.
- Data regarding lodging taxes should be posted and available to the community so they can see how the new regulations will affect property values.
- The option to limit the number of nights rented per year would have a negative impact on the community and would drive STR's to only rent in the summer months due to the winter being cold most renters stay inside.
- Avoid retroactive compliance requirements with building codes unless there is evidence of significant risk or danger.

ESTES VALLEY PLANNING ADVISORY COMMITTEE COMMENTS

Members discussed the following:

- Members agree to recommend to not having a limited number of nights rented per year.
- Some members feel restrictions for transfer transferability for STR owners that invested previously under the previous regulations should be allowed to transfer unless they have multiple concerns/complaints and should have their license revoked.
- Some members feel that a huge concern is the constitutionality of telling people what they can and cannot do with their properties.
- Some members are not opposed to people who transfer at one time, and then the following owner must go through the process of going through the waitlist to apply for a new STR license.
- Some members feel that the County should have transferability options for existing STR's to transfer one time to an existing license holder, or the consideration for family transfers.
- Some members feel that the County should allow transferability options for existing STR's regardless of the following owner.
- Members discussed what the intent of the Estes Valley Planning Advisory Committee regarding reducing or maintaining the number of STR's within residential neighborhoods.
- Estes Valley Planning Advisory Committee should consider the impact that will affect the people that are currently employed in this industry that clean the homes and manage the homes.
- Some members feel that transferability would not be an issue if there was better enforcement and fines for the STR's that are not in compliance or not using the licenses.

CLOSING COMMENTS

Staff reminded the Estes Valley Planning Advisory Committee the following meeting is December 15, 2022

ADJOURN

With there being no further business, the hearing adjourned at 6:00 p.m.