



Date: Wednesday, January 17, 2024
Time: 6:00 PM
Location: Hybrid: In-Person, Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom Link:
https://larimer-org.zoom.us/webinar/register/WN_KXG36s4UTISCdhzd-7bPdQ

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in the Hearing Room as well as virtually by Zoom video at 6:00 p.m., on Wednesday, January 17, 2024, at which time the following business was transacted.

Board Members Present: Patrick Rowe (Vice Chair as Acting Chair), Conor Duffy (Secretary), Anne Best Johnson, Jordana Barrack, Jon Slutsky, and Shelby King.

Staff Present: Rebecca Everette, Community Development Director; Jenny Axmacher, Planning Manager; Matt Lafferty, Amy White, Code Compliance Supervisor; Samantha Mott, Senior Planner; Traci Shambo, Senior Civil Engineer; Steven Rothwell, Civil Engineer II; Lea Schnieder, Environmental Health Planner; Frank Haug, Assistant County Attorney II; Christine Luckasen, Assistant County Attorney I; and Christina Scrutchins, Recording Secretary.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE OR REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA OR FUTURE PROPOSALS

None.

AMENDMENTS TO THE AGENDA

None.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 15, 2023

Commissioner Slutsky moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the June 16, 2024, minutes of the Larimer County Planning Commission. Commissioner Best Johnson seconded the motion. Motion carried (6-0).

ACTION ITEMS

MOTION

Commissioner Best Johnson moved, that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Larimer County Red Feather Planning Advisory Committee designate www.Larimer.org as the place for posting notice of public meetings, and if exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Courthouse Offices Building at 200 West Oak, Fort Collins, Colorado, in accordance with Colorado's open meetings laws.

AMENDED MOTION

Commissioner Best Johnson moved, that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Larimer County Planning Commission designate www.Larimer.gov as the place for posting notice of public meetings, and if exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Courthouse Offices Building at 200 West Oak, Fort Collins, Colorado, in accordance with Colorado's open meetings laws. Commission Barrack seconded the motion. Motion carried (6-0).

CONSENT ITEMS

ITEM #1 – JOHNSON ACRES PLANNED LAND DIVISION/PANNED DEVELOPMENT AND APPEALS, FILE NO. 21-LAND4118

Applicant/Owner: Westley Johnson, 628 N. County Road 5 Fort Collins, CO 80524

Request: A) A Planned Land Division to divide an existing 37.97-acre parcel into three (3) residential lots, and B) A rezoning from RR-2 Rural Residential to PD – Planned Development, and C) Appeals to the Land Use Code: Article 4.3.5. (On-lot septic in a Growth Management Area), Article 4.5.4.B.1 (connectivity), and Article 5.3.A (Public Right-of-Way).

MOTION

Commissioner Slutsky moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Larimer County Board of County Commissioners approval of the consent agenda. Commissioner Duffy seconded the motion. Motion carried (6-0).

DISCUSSION ITEMS

ITEM NO. 1 – WINDCLIFF ESTATES LEGISLATIVE REZONING FROM ESTES VALLEY ESTATE (EV E-1) TO ESTES VALLEY ESTATE SHORT-TERM RENTAL (EV E-1S), FILE NO. 23-ZONE3562

Applicant: Larimer County Community Development

Request: A Legislative Rezoning to the Larimer County Zoning Map – Estes Valley Planning Area to change the zoning designation for Windcliff Estates from Estes Valley Estate (EV E-1) to Estes Valley Estate Short-Term Rental (EV E-1S).

In June 2023, Larimer County adopted new regulations for short-term rentals in unincorporated areas. These regulations included a requirement for a separation between short-term rentals, preventing them from being within 500 feet of each other. However, the Windcliff Homeowners Association argued that their covenants, dating back to the 1970s, allowed for short-term rentals, and the new regulations interfered with their rights. The county recognized the longstanding covenants and grandfathered in existing short-term rentals in the Windcliff area. Now, the Windcliff Homeowners Association is requesting a rezoning of their property to be exempt from the separation requirements and cap on short-term rentals. They argue that their historical rights should be respected. The county staff does not provide a recommendation, citing subjective factors such as compatibility with surrounding uses and community need. The decision lies with the Planning Commission and ultimately the Board of County Commissioners. The Estes Valley Planning Advisory Committee unanimously recommended approval of the rezoning. The application has undergone public notice procedures, including posting in newspapers and websites and mailing notices to nearby property owners. The Planning Commission must certify the proposed zoning map and make a recommendation to approve or deny the rezoning application.

PLANNING COMMISSION AND STAFF COMMENTS

Staff provided clarifications regarding the aspects of the short-term rental regulations and the specific context of the Windcliff Neighborhood Association's rezoning request. They explained that while short-term rental permits are essentially perpetual, with provisions allowing for transferability within families and a one-time transfer to non-family members, there are additional considerations regarding the regulations' application within Windcliff Estates. It was highlighted that the Estes Valley Planning Advisory Committee had unanimously recommended approval of the rezoning request, indicating strong local support for the proposed changes. Staff clarified the distinction between legislative rezoning, which applies broadly to entire areas, and individual property applications, emphasizing why the county chose the former route for Windcliff's request. Questions from the Commission regarding the potential for conditional zoning or modifications to the proposal were discussed. However, it was clarified that due to the nature of the zoning process and the existing framework, such adjustments might not align with the established procedures. The discussion also highlighted that the rezoning would apply to all properties within Windcliff Estates, including undeveloped lots, and that further expansion of Windcliff beyond its current boundaries would not be permitted. Finally, the unique nature of the rezoning, specific to Larimer County's Estes Valley, was emphasized, as it's a custom zone district tailored to the area's needs.

PUBLIC COMMENT

David Yale, Scott Stewart, Don Stevenson, Qaiser Yusuf, Sharon Wenner, Mr. Wenner, Melissa Eigenmann, Mr. Eigenmann, Wade Whilden, Bob Cebul, Joanne Fritz, John Garland, Erich Rachwitz, Curt Davis, and Ellen Doiron.

Comments

- Community Support: There's overwhelming support from Windcliff residents, as evidenced by the formal survey where over 78% voted in favor of the rezoning.
- Economic Benefits: Short-term rentals contribute significantly to the local economy through tax revenue, spending on meals, and other tourist activities. It also provides employment opportunities for local staff.
- Maintaining Property Rights: Rezoning would restore property rights that have been enjoyed for over 50 years, allowing residents to continue their tradition of short-term rentals.
- Affordability and Sustainability: Short-term rentals help property owners afford their homes and maintain them, ensuring they remain in good condition over time. It also supports multi-generational ownership and family traditions.
- Integration into Community: Short-term rentals allow potential future residents to experience Windcliff before retirement, fostering integration and a sense of community.
- Safety and Regulations: Windcliff has strict regulations and management in place for short-term rentals, ensuring they are well-maintained and do not disrupt the peace of the community.
- Concerns about Overcrowding: Some residents express concerns about increased density and potential overcrowding if all properties become short-term rentals.
- Safety Concerns: Increased rental density may impact safety during emergencies such as floods or fires, especially considering the narrow roads and dead ends in Windcliff.
- Change in Community Dynamics: There are fears that allowing all properties to be short-term rentals may alter the community's dynamics, attracting investors who replace homes with large rentals for events, potentially changing the neighborhood's character.
- Worker Housing Impact: While not a significant concern in Windcliff, short-term rentals can sometimes impact worker housing availability in other communities.

PLANNING COMMISSION AND STAFF DISCUSSION:

Historically, STR applications were managed by the town of Estes until a separation in planning with the county occurred around 2019-2020. Unlike other areas, Windcliff allowed STRs through its HOA covenants, prompting

effective management through a dedicated system. However, as STRs became more prevalent and concerns emerged, the county introduced regulations, including caps and spacing requirements, to address their impact. Presently, Windcliff has 57 approved STRs, with new applications subject to county regulations and an appeal process if unable to meet standards. Despite concerns about potential investor-driven development, the real estate broker notes the impracticality of such ventures due to high costs and limited returns. Windcliff's HOA has implemented restrictions to preserve the community's character, while inquiries for STR-driven development remain infrequent due to financial feasibility concerns. Enclosing, the ongoing effort to balance community interests, regulatory requirements, and market dynamics in managing STRs within Windcliff and the broader Estes Valley.

PLANNING COMMISSION DELIBERATION

The commission members expressed varied perspectives on the proposal to exempt Windcliff Estates from short-term rental (STR) regulations. While some voiced support, citing the neighborhood's historical use of STRs and overwhelming community backing, others expressed concerns about fairness and compatibility with surrounding uses. The issue of subjectivity in evaluating criteria such as community need and public benefit was acknowledged, with differing interpretations among commissioners. The potential impact on the overall STR cap and the distinction between residential and commercial use were also discussed. Ultimately, commissioners weighed various factors, including community input, local planning committee recommendations, and the perceived changes in circumstances for Windcliff Estates, to arrive at their individual stances on the proposal.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission Certifies the Larimer County Zoning Map – Estes Valley Planning Area as proposed. Commissioner Slutsky seconded the motion. Motion carried (5-1).

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approval of the Proposed Zoning Amendments to the Larimer County Zoning Map – Estes Valley Planning Area (Planning File No. 23-ZONE3562) to change the zoning designation of all property within the Windcliff Estates from EV E-1 – Estes Valley Estate to EV E-1S - Estes Valley Estate Short-Term Rental as proposed by the Community Development Department. Commissioner King seconded the motion. Motion failed (3-3).

REPORT FROM STAFF

None.

ADJOURN

With there being no further business, the hearing adjourned at 8:24 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.