



Date: Wednesday, March 19, 2025
Time: 6:00 PM
Location: Hybrid: In-Person, Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom link - 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_-2Y1enk-Q-iv0IX8w7NQ5w

PLANNING COMMISSION HEARING 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, March 19, 2025, at which time the following business was transacted.

Board Members Present: Lisa Chollet, Conor Duffy, Jordana Barrack, Jon Slutsky, Shelby King, Jon Weiss, and Adam Eggelston.

Staff Present: Jenny Axmacher, Planning Manager; Laura Culleton, Planner I; Justin Currie, Planner II; Michael Whitley, Senior Planner; Samantha Mott, Senior Planner; Conner Sheldon, Civil Engineer I; David Pringle, Civil Engineer I; Ashton Brodahl, Environmental Health Spec II; Christine Luckasen, Assistant County Attorney I; Ryane Oswandel, Citizen Information Resource Technician; and Christina Scrutchins, Recording Secretary.

AMENDMENTS TO THE AGENDA

None.

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.

APPROVAL OF THE MINUTES FROM FEBRUARY 12, 2025 AND FEBRUARY 19, 2025

Commissioner Weiss moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the February 12, 2025, and February 19, 2025, minutes of the Larimer County Planning Commission. Commissioner Duffy seconded the motion. Motion carried with Commissioner Slutsky abstained (6-0).

CONSENT ITEMS

ITEM #1 – MURDOCK PROPERTIES LLC REZONING, FILE NO. 24-ZONE3605

MOTION

Commissioner Duffy 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 Weiss seconded the motion. Motion carried (7-0).

DISCUSSION ITEMS

ITEM NO. 1 – STONEWALL ESTATES SUBDIVISION, FILE NO. 21-LAND4194

[View Staff Presentation](#)

APPLICANTS PRESENTATION

None.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

The Commission identified a discrepancy of over two acres between lot sizes listed in the project description and those shown on the preliminary plat, which totals approximately 19.9 acres. Planner Currie indicated the plat figures are likely more accurate due to updated engineering and surveying. The applicant confirmed the subdivision will create four lots—three new and one existing—meeting all RR-2 zoning standards. Access will shift to a new public road on the north side with a 40-foot right-of-way, improving safety at a nearby road junction. Drainage will rely on sheet flow to reduce erosion, and Little Thompson Water District will serve all lots. A new water main branching from an existing 12-inch line in County Road 23 is expected to improve overall water quality by increasing flow and reducing stagnation.

PUBLIC COMMENT

John Ellis, Chuck Peabody, Steve Govan, and Sandy Ellis

Comments

- Heavy, fast traffic on a dangerous corner; frequent accidents; unsafe conditions for school bus stops and farm equipment.
- Fear of turning a quiet, agricultural area into a suburban-feeling neighborhood; dust, noise, and privacy impacts.
- Allowing one subdivision could lead to many more (up to 120 homes); concern about unchecked growth and where it ends.
- Questionable water tap installation before approval, poor road feasibility due to steep grades and flooding.
- Development contributes to the rapid decline of agricultural land in the county.

APPLICANT REBUTTAL

The applicant acknowledged neighbor concerns about preserving the rural lifestyle and noted that, rather than using the minimum 2.3-acre lot size, the proposed lots are intentionally larger to maintain more open space around each property. While situated among large rural parcels, the area also includes nearby subdivisions with smaller lots. The applicant emphasized efforts to balance neighbor concerns with safety, particularly in selecting a driveway location. A study addressing water and flooding concerns was completed, and water taps were purchased and installed the previous year in anticipation of rising costs.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

The Committee raised concerns about the proposed northern access road, including potential flooding and ditch impacts. The applicant confirmed the existing gravel access will be abandoned, and a new road built to the north where no flooding has occurred since 2021. A wetlands delineation showed no issues, and the new road will not cross any ditches. The road will meet county rural standards, including proper drainage, and have a turnaround for emergency access. Fire protection may be provided through in-home sprinkler systems, and three water taps have already been installed along County Road 23, with building envelopes remaining flexible.

Flooding concerns from a neighboring lot were discussed, with the applicant stating no flooding has been experienced on-site. Engineer Sheldon explained that the drainage report confirmed sheet flow would minimize runoff impacts, and the geotechnical report did not find high groundwater levels where testing occurred. Surrounding lots share RR-2 zoning, which could allow future subdivisions. A traffic study concluded no turn lanes were needed, and the northern access point was chosen for safety, placing it farther from a curve. The posted speed limit is 45 mph, with an advisory speed of 30 mph at the curve. Speed changes fall under traffic and cannot be made a condition of approval.

PLANNING COMMISSION DELIBERATION:

Committee members expressed empathy for public concerns while emphasizing the need to follow established zoning and review procedures. One member, reflecting on personal experience with nearby farmland development, acknowledged concerns about future growth but noted that the current request involves only three additional homes, which would have minimal impact on the road. Water concerns were seen as valid but more appropriate for future site review or permitting, where home elevation requirements could address potential flooding. Another member reinforced the importance of a fair, criteria-based process, highlighting that all lots, including those referenced in public comment, are zoned Rural Residential and that the proposal aligns with that zoning. Road and water issues raised would be handled in later stages of development. Both members stated support for the request, noting it meets code and has limited immediate impact.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Stonewall Estates Subdivision, File No. 21-LAND4194, subject to the conditions of approval outlined in the staff report. Commissioner Weiss seconded the motion. Motion carried (7-0).

ITEM NO. 2 – HELLER SHORT-TERM RENTAL, SPECIAL REVIEW, FILE NO. 24-ZONE3625

[View Staff Presentation](#)

PLANNING COMMISSION AND STAFF COMMENTS

The Committee sought clarification on whether the proposal qualifies as a lease, since it involves someone staying in a home for fewer than 30 days. Planner Culleton explained that it is not considered a lease but rather a commercial land use, specifically lodging, which does not necessarily involve a formal lease agreement. The Committee also raised a question about HOA covenants included in public comments. County Attorney Luckasen clarified that HOA covenants are private contracts between the HOA and homeowners and fall outside the County's jurisdiction. Neither the Planning Commission nor the Board of County Commissioners can interpret or enforce such agreements; any disputes must be handled through civil court proceedings.

APPLICANTS PRESENTATION

The applicant clarified that there is no HOA, only a road association that allows rentals and guests, and stated full compliance with that association's rules. After nearly two years navigating a complex and emotionally taxing application process, the applicant emphasized having met all county requirements. The 40-acre property is isolated, with no nearby dwellings visible, and has never caused neighbor complaints in 12 years of residency. The applicant noted that some opposition stemmed from a known community member with a history of involvement in local disputes, who has since listed their property for sale. While some public comments raised concerns about fire risk and road usage, the applicant explained that open fires are prohibited, a propane fire pit would be provided, and traffic would be comparable to past personal use of the home. The rental will be seasonal, and fears of criminal activity were dismissed as unfounded. The applicant described making sincere efforts to engage with concerned neighbors, changing some minds and respectfully disagreeing with others. Only one couple attended a site visit, during which a mutual understanding was reached. The applicant stressed

being a longtime resident, not a corporation, and expressed a deep personal investment in the home and community. The request to operate a short-term rental stem from a desire to achieve financial stability and preserve the property for future generations. The applicant asked for the Commission's approval, citing fairness, compliance, and the right to responsibly use their home as an asset.

PUBLIC COMMENT

Howard Kemp

Comments

- Private road crosses personal property.
- The actual width is 18 ft, below the 20 ft minimum for emergency access.
- The county says standards are met; independent engineers disagree.
- 10 undersized culverts may cause stormwater issues.
- Applicants have done a good job with the work completed so far.
- Speed survey and engineering review conducted.

APPLICANT REBUTTAL

The applicant stated that the road study had already been reviewed and approved by the county, and expressed confusion over continued concerns, as county engineers had determined the road meets required conditions. In response to a neighbor's claim that the road is not 20 feet wide, the applicant countered that measurements show it exceeds 20 feet in most areas, acknowledging there may be a few spots where it is closer to the minimum. The applicant also mentioned a neighbor's threat of legal action, noting that such matters would be handled between them if necessary. Responsibility for further clarification on the road was deferred to the engineers.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Engineer Sheldon explained that only Skinner Gulch Road, not Pole Hill Road, was subject to the required certification for the short-term rental application. The certification confirmed Skinner Gulch meets rural road standards, including the 20-foot width requirement, with allowable deviations down to 18 feet. The report, signed and stamped by a licensed engineer, stated the road met those standards. Due to limited staff, the county relies on certified reports rather than verifying road measurements independently.

PLANNING COMMISSION DELIBERATION:

One Committee member stated support for the application despite having concerns they acknowledged were outside the Commission's purview. Another member also supported the application, noting the applicant met all requirements but encouraged stronger neighbor relationships. They emphasized the value of community connection, especially in rural or remote areas where neighbors often rely on each other for safety and support and suggested that past issues may have stemmed from a lack of early outreach.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Heller Short-Term Rental, File No. 24-ZONE3625, subject to the conditions of approval outlined in the staff report. Commissioner Eggelston seconded the motion. Motion carried (7-0).

REPORT FROM STAFF

None.

ADJOURN

With there being no further business, the hearing adjourned at 7:23 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.



PLANNING COMMISSION HEARING

March 19, 2025

Stonewall Estates Subdivision, File No. 21-LAND4194 Staff Presentation

LARIMER COUNTY: COMMUNITY DEVELOPMENT

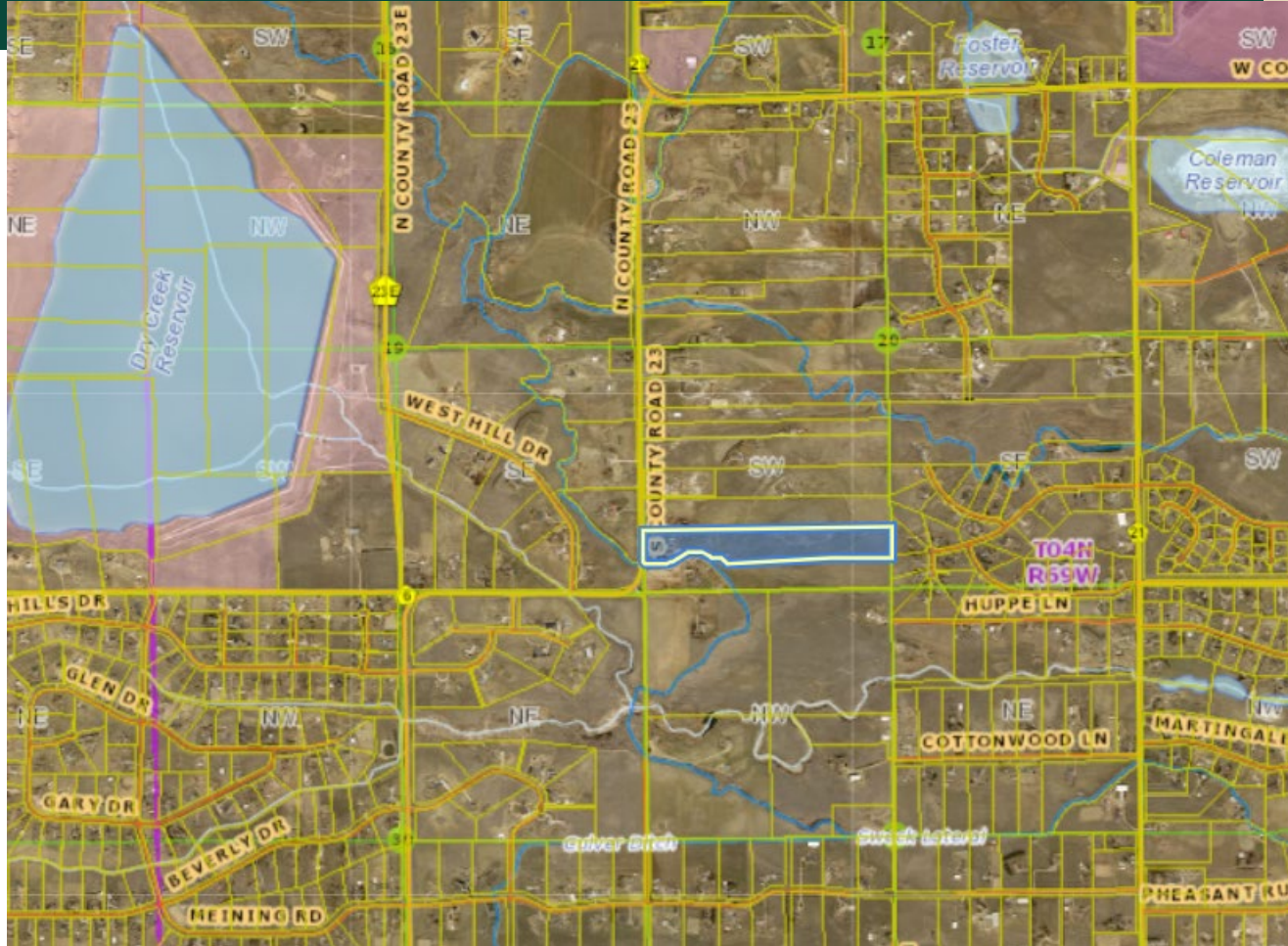


STONEWALL ESTATES SUBDIVISION 21-LAND4194

PLANNING COMMISSION MARCH 19, 2025



LOCATION



Located 250 feet north of the intersection of W. County Road 6 and S County Road 23 on the east side of the road; 616 S County Road 23, Berthoud.

[illegible]

Services:

- Access: S County Road 23
- Water: Little Thompson Water District
- Sewer: On-lot septic
- Fire: Berthoud Fire Protection District

REFERRAL AGENCIES & NEIGHBORS

— COMMENTS RECEIVED

- Larimer County Engineering
- Larimer County Health and Environment
- Larimer County Environmental Planner
- Larimer Code Compliance
- Larimer County Wildfire
- Berthoud Fire Protection District
- Berthoud Sanitation
- Little Thompson Water District
- Division of Water Resources
- Colorado Geologic Survey
- Town of Berthoud
- U.S. Fish and Wildlife
- Dry Creek Lateral Ditch Company
- Sent to neighbors within 500 feet -Comments received from five (5) community members in opposition or with concerns during this phase.

REVIEW CRITERIA

In reviewing a proposed Preliminary Plat application for a Subdivision, the review and decision-making bodies shall consider the general approval criteria in Article 6.3.8.D of the LUC, General Review Criteria, and if the proposed Subdivision meets the Preliminary Plat criteria in Article 6.5.5.D.1 of the LUC.

Article 6.3.8.D General Review Criteria

1. Generally

- a. Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below.
- b. The application may also be subject to additional review criteria specific to the type of application, as set forth in Articles 6.4 through 6.7.
- c. If there is a conflict between the general review criteria in this section and the specific review criteria in Articles 6.4 through 6.7, the specific review criteria in Articles 6.4 through 6.7 control.

2. Compliance with this Code

The proposed use and development shall comply with all applicable standards in this Code, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

REVIEW CRITERIA

3. Compliance with Other Applicable Regulations

The proposed use and development shall comply with all other county regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

4. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

5. Compliance with Zoning District Standards

The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, Use-Specific Standards.

6. Compliance with Development Standards

The proposed development shall comply with the applicable standards in Article 4.0, Development Standards.

7. Compliance with Other Code Provisions

The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.

REVIEW CRITERIA — SUBDIVISION

6.5.5.D.1 - Review criteria for Preliminary Plat

- A. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets;
- B. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- C. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable;
- D. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations;
- E. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; and
- F. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.

RECOMMENDATION & SUGGESTED MOTION

The Development Services Team finds that the proposed request:

meets the review criteria of Article 6.3.8.D and 6.5.5.D.1 of the Land Use Code on pages 51-57 of the hearing packet,

and the Development Services Team has proposed conditions of approval on page 58 of the hearing packet, therefore...

RECOMMENDATION:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Stonewall Estates Subdivision, File No. 21-LAND4194, subject to the conditions noted in the staff report.

SUGGESTED MOTION:

I move that the Planning Commission recommends that the Board of County Commissioners Approve the Stonewall Estates Subdivision, File No. 21-LAND4194 subject to the conditions as outlined in the staff report.

CONDITIONS OF APPROVAL

1. The Final Plat shall be consistent with the approved preliminary plat and with the information contained in the Stonewall Estates Subdivision, File No. 21-LAND4194, except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Stonewall Estates Subdivision.
2. The following fees shall be collected at building permit issuance for new single-unit dwellings: Poudre R-1 school district fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
3. The applicant must comply with the requirements of Berthoud Fire Protection District as indicated in their attached comment letter dated January 16, 2025. All new residential dwellings will be required to have residential fire sprinkler systems unless the applicants provide documentation that adequate water supply is available.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the groundwater level, unless it is a response after construction, must be proposed on a development-wide basis.

CONDITIONS OF APPROVAL

5. Passive radon mitigation measures shall be included in the construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to the issuance of a certificate of occupancy shall be submitted to the Building Division. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
6. Transportation Capital Expansion Fees will be due at building permit issuance.
7. A Development Construction Permit is required prior to commencing improvements.
8. The applicant will need to comply with the requirements for addressing and street naming with the Final Plat phase.
9. All necessary easements shall be in place and shown on the final plat according to Article 5.4 of the Land Use Code including those needed for any utility lines.
10. The applicant will need to address any unresolved engineering issues discussed in the Engineering Department's referral comments at the Final Plat phase. Refer to Connor Sheldon's letter dated September 17, 2024, and February 3, 2025.
11. Prior to Final Plat approval, the applicant the well (permit 60783) must be plugged and abandoned in accordance with the requirements set by the Division of Water Resources.



PLANNING COMMISSION HEARING

March 19, 2025

Heller Short-Term Rental, Special Review, File No. 24-ZONE3625 Staff Presentation

LARIMER COUNTY PLANNING



HELLER SHORT-TERM RENTAL SPECIAL REVIEW, FILE NO. 24-ZONE3625

PLANNING COMMISSION: March 19, 2025



BACKGROUND: STR REGULATIONS

April 3, 2023: The Board of County Commissioners adopted revised regulations for approving and operating Short-Term Rentals in the unincorporated portions of Larimer County, including the Estes Valley.

June 1, 2023: Revised regulations went into effect.

Notable Changes:

- Special Review process required for STRs in Rural & Mixed Center Zone Districts
- 500-foot separation requirement from LC Parks & Open Spaces
- 500-foot separation requirement from other STRs
- Floodplain Overlay District Standards
- Local Roadway and Access Standards

REQUEST

Request:

The applicant requests Special Review approval for a four (4) bedroom and one (1) additional sleeping area, nine (9) guests, Short-term Rental (STR) in an existing single-unit residence.

Property Owner/Applicant:

Chris Heller
767 Skinner Gulch Rd
Loveland, CO 80537

This application is the **first** Special Review Short-term Rental application **under the current regulations** being brought to the Planning Commission and Board of County Commissioners for review.

LOCATION

**767 Skinner Gulch Rd
Loveland, CO 80537**

Located ~0.5 miles northwest
of the intersection of W County
Road 18 and Skinner Gulch Rd

Northwest of Pinewood Lake



SITE INFORMATION

Zone District: **O – Open**

Lot Size: **40-acres**

Utilities & Access:

- On-site Well
- On-site Septic
- Larimer County Emergency Services
- Access off Skinner Gulch Rd



PLANNING PROCESS REQUIRED

Short-term Rental is defined as:

A principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term “party” as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

- a) Maximum Number of Occupants or Guests A short-term rental shall be **limited to 10 or fewer guests** who are part of one party or single group of renters.

Table 3-1: Table of Allowed Principal Uses – Rural

R = Allowed by Right SP = Site Plan S = Special Review AS = Administrative Special Review AS* = Administrative Special Review Public Hearing Blank Cell = Prohibited use											
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Microbrewery, Cidery, Winery, Meadery, or Distillery									SP		See Accessory Use Table for Outdoor Seating and Drive-Through Facilities
Restaurant									SP		
Lodging Facilities											
Bed and Breakfast Inn			AS				AS	AS	AS		
Boarding or Rooming House											
Hotel or Motel									SP		
Resort Lodge or Resort Cottages	S	S	S		S				SP		
Short-term Rental – Max. Ten Guests		AS*	AS*		S	S	S	S			3.3.5.B

A STR use is classified as Commercial Lodging Facilities use and is permitted in the O Open zone district following **Special Review approval**.

PLANNING PROCESS REQUIRED

Special Review Process Overview

1. Pre-application conference and application submittal for Sketch Plan Phase;
2. Staff and referral agency evaluation and comment review;
3. Sketch Plan Meeting with Applicant and Staff;
4. Neighborhood Meeting;
5. Pre-application conference and application submittal for Public Hearing Phase;
6. Staff and referral agency evaluation and comment review;
7. **Planning Commission review and recommendation;** and,
8. Board of County Commissioner review and decision.

NEIGHBORHOOD NOTIFICATION

Sketch Plan Phase

13 property owners within 500 feet notified of application via postcard

- 19 community members provided comments in opposition
- 8 community members provided comments in support

Attachment E

Neighborhood Meeting – October 30, 2024

- Attended by 2 community members

Attachment G

Public Hearing Phase

13 property owners within 500 feet notified of application via postcard

- 2 community members provided comments in opposition

Attachment F

Applicant's response to Community Member Comments: Attachment H

GENERAL REVIEW CRITERIA: §6.4.2.D

To approve a Special Review application, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable (Article 6.4.2.D.), in addition to the General Review Criteria found in Article 6.3.8.D.:

1. The proposed use has minimal impacts on existing and future development of the area;
2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated;
3. The recommendations of referral agencies have been considered and adequately addressed;
4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan; and
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

GENERAL STANDARDS FOR STRS: §3.3.5.B

- a. Only one short-term rental shall be allowed on a property. Preexisting lodging facilities in the EV A and EV A-1 zoning districts are not subject to this requirement as set forth in §13.6.1.D, Preexisting Lodging Facility. Preexisting multi-unit dwellings in the EV A and EV A-1 zoning districts are not subject to this requirement.
- b. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to occupancy for the short-term rental use.
- c. The following minimum separation requirements shall apply to the short-term rental, and are measured from center of principal dwelling to center of principal dwelling:
 - i. Countywide, including the Estes Valley: A short-term rental must be a minimum of 500 feet from another short-term rental. Short-term rentals in the EV A, EV A-1, and EV E-1S zoning districts are not subject to this requirement.
 - ii. Red Feather Lakes Area: A short-term rental must be a minimum of 250 feet from another short-term rental. This shall only apply to properties that have a Red Feather Lakes address.
- d. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental; however, an owner may reside in an Accessory Living Area unit on a property while renting the principal dwelling as a short-term rental.
- e. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.

GENERAL STANDARDS FOR STRS: §3.3.5.B

- f. The short-term rental property shall not be advertised as an event space.
- g. The short-term rental shall have an approved and reliable water source (well or public water) available for firefighting and meet standards for wastewater system.
- h. The short-term rental shall not be located within 500-feet of a Larimer County Park or Open Space.
- i. The Operations Manual shall include information notifying guests that anyone visiting a Larimer County Park or Open Space must purchase the required entrance permit pass for the park or open space.
- j. If the short-term rental property is within 1,000 feet of the boundary of a public open space or park land, it shall be referred to the relevant public lands management agency and the owner will mitigate potential impacts to the public natural resources or wildlife.
- k. A short-term rental with a valid approval under the previous Land Use Code from April 1, 2020, until May 31, 2023, may continue to operate as defined under the previous code. Such non-conforming short-term rentals must comply with the requirements of the Short-term Rental Use Specific Standards and the Enforcement Ordinance with the requirement to renew the license every other year. Nonconforming short-term rentals are required to comply with the life-safety provisions of the Enforcement Ordinance, Building Codes, and Land Use Code.

SAFETY STANDARDS FOR STRS: §3.3.5.B

- o. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table).
- p. The short-term rental shall have a property manager consisting of the owner or a responsible party representing the owner to manage the use at any time it is occupied. Outside of the Estes Valley area, the property manager shall be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information from the property manager shall be provided to the Larimer County Community Development Department within five business days of the change in contact information.
- q. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
 - i. A map including the address and Global Positioning System (GPS) coordinates of the short-term rental.
 - ii. Exit mapping from each habitable room.
 - iii. A map of escape routes from the neighborhood to a public road.
 - iv. Contact information for the Fire Department having jurisdiction, as well as contact information for Police/sheriff and ambulance service.
 - v. Contact information with a phone number for the short-term rental owner or manager.
- r. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass.

SAFETY STANDARDS FOR STRS: §3.3.5.B

- s. The short-term rental shall have a plan for garbage storage and removal. The plan shall clearly illustrate the location of garbage storage areas, the method and frequency of regular garbage pick-up/disposal, and screening of the outdoor storage area.
- t. Cooking appliances within the short-term rental shall be equipped with a stove top fire stop or approved alternative and an anti-tip device.
- u. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building and/or fire department permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
 - i. In each room with a cooking appliance, fireplace, heating appliance or water heater.
 - ii. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
 - iii. At least one on each story.
- v. Solid fuel-burning (such as wood or coal) exterior appliances including, but not limited to fire pits, outdoor fireplaces, portable outdoor fireplaces, briquette BBQ, smoker, or similar shall not be allowed.
- w. The short-term rental shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable guests to call 911 in the event of an emergency.

FLOODPLAIN STANDARDS FOR STRS: §3.3.5.B

- x. The short-term rental structure, any portion of the primary parking, and 100-feet of the existing driveway, access road or travel way abutting the primary parking, shall not be located within the Floodplain Overlay (FPO) District Zone AE (Floodway), the Floodplain Overlay (FPO) District Zone AE (Flood Fringe), the Floodplain Overlay (FPO) District Zone A, the Floodplain Overlay (FPO) District Zone AH, nor within the Floodplain Overlay (FPO) District Zone AO.
- y. If the short-term rental is located adjacent to the Floodplain Overlay (FPO) District Zone AE (Floodway), Zone AE (Flood Fringe), Zone A, Zone AH, or Zone AO, the Operations Manual shall include information on sheltering in place or the egress route, whichever is the safest option during a flood event. This information shall also be posted on or adjacent to the primary exit door.
- z. If any portion of the short-term rental property is located within the floodplain, a flood hazard sign warning guests of potential flood danger shall be clearly posted adjacent to the existing driveway.

ROADWAY & ACCESS STANDARDS FOR STRS: §3.3.5.B

- aa. Local roadways, whether public or private, used to access the short-term rental, shall comply with the Appendix G Standards of Larimer County Rural Area Roadway Standards. Local Roadways are either defined by the Local Roadway segments shown on the applicable Transportation Master Plan or as designated by the County Engineer. Larimer County Rural Area Roadway Standards (LCRARS) Appendix G 2.2 does not apply.

ARTICLE 4 DEVELOPMENT STANDARDS

Article 4.3 Adequate Public Facilities

Sub-Article 4.3.3 Road Capacity and Access to Public Roads

Sub-Article 4.3.4 Drainage

Sub-Article 4.3.5 Wastewater Disposal

Sub-Article 4.3.6 Fire Protection

Sub-Article 4.3.7 Domestic Water

Article 4.4 Environmental Resource Standards

Sub-Article 4.4.2 Wetlands

Sub-Article 4.4.3 Hazard Areas

Sub-Article 4.4.4 Wildlife

Sub-Article 4.4.5 Commercial Mineral Deposits

Article 4.6 Off-street Parking and Loading

Article 4.7 Landscaping

Article 4.10 Exterior Lighting

Article 4.11 Air Quality

Article 4.12 Water Quality

Article 4.13 Irrigation Facilities

Article 4.14 Supplemental Engineering Regulations

STAFF FINDINGS

Staff are of the opinion that the proposed Special Review for the Heller Short-term Rental meets criteria in Articles 3.3.5.B, 6.4.2.D, and the development standards in Article 4.0.

No concerns were received from referral agencies during the review process.

No comments were received from:

- Larimer County Assessor
- Larimer County GIS
- Colorado Parks & Wildlife
- Larimer Emergency Telephone Authority

SUGGESTED MOTION

I move that the Planning Commission recommend the Board of County Commissioners **approve** the Heller Short-term Rental, File #24-ZONE3625, subject to the following conditions:

1. This Special Review approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permit are not issued.
2. This Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved ~~Administrative~~ Special Review.
3. The Site shall be developed consistently with the approved plan and with the information contained in the Heller Short-Term Rental Special Review, File No. 24-ZONE3625, and the supplemental regulations listed above, except as modified by the conditions of approval or agreement of the County and owner. The owner shall be subject to all other verbal or written representations and commitments of record for the Heller Short-Term Rental Special Review.
4. The property owner is responsible for obtaining all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
5. Prior to operation as a Short-Term Rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division and successfully pass the Life Safety Inspection.
6. The short-term rental is approved with 4 bedrooms, and one additional sleeping area, for a maximum occupancy of 9 people.

SUGGESTED MOTION

7. Re-certification shall be required upon notice by the county, which is approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration of revocation of this approval.
8. No parking shall be permitted in the right-of-way and all parking for the use must be on-site.
9. A passing wildfire safety inspection with the Larimer County Sheriff's Office is required prior to the Short-term Rental License being issued.
10. The use must comply with the Larimer County Noise Ordinance which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines between 7pm and 7am.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 24-ZONE3625, on all advertising websites.
12. The identified property manager must be located within the required distance of the Short-term Rental, per Section 3.3.5.B.2.P of the Larimer County Land Use Code.
13. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside the front door.
14. Upon approval, the property owner shall mail the designated Property Manager's contact information to surrounding property owners within a 500-foot radius of the STR. The owner shall also mail contact information to surrounding property owners whenever the designated Property Manager changes.