



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, SEPTEMBER 20, 2021

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Don Threewitt, Planning Manager. Chair Kefalas presided and Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were: Leslie Ellis, Community Development Director; Samantha Lasher and Samantha Mott, Community Development; Frank Haug, Senior Assistant County Attorney; Kelly Bryant, Clerk and Recorder's Office; and Elizabeth Carter, Deputy Clerk. Joining the meeting virtually were: Connor Sheldon, Engineering Department; and Lea Schneider, Health Department.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

DISCUSSION ITEMS:

1. PETERS SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 21-ZONE3019: Mr. Threewitt reported to the Board that the subject property is located in Estes Park. The property currently contains an existing one-story single-family residence. The applicant requests Administrative Special Review approval for a small short-term rental located in the existing three-bedroom single-family residence with a maximum occupancy of six total guests; with two guests per room. No construction or modifications to the home are proposed with this request.

The Estes Valley Planning Advisory Committee (EVPAC) reviewed this request at their regularly scheduled meeting on August 19, 2021. Four neighbors were in attendance and discussed their concerns. All EVPAC board members voted to bring the application before the Board of County Commissioners considering the number of neighbor comments and the discussion had by the Advisory Board regarding the upkeep of the property. Mr. Threewitt reported to the Board that 25 comments were received in opposition to the application and that an additional two comments were received after publication.

Mr. Threewitt walked the Board through the review criteria for short-term rentals and the Development Service Team's recommendation.

REVIEW CRITERIA:

In reviewing a proposed administrative special review application, the Director shall consider the general approval criteria in §6.3.6: General Review Criteria, and also whether:

- A. The proposed use has minimal impacts on existing and future development of the area. No construction or improvements are being proposed. The proposed use has minimal impacts on development.
- B. 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. The supplemental regulations for short-term rentals address the various impacts. The Operations Manual discusses how these requirements are met.
- C. The recommendations of referral agencies have been considered and adequately addressed. Referral agencies had no concerns with the proposed use.
- D. Within a Growth Management Area (GMA) district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan. This is not applicable to this criterion.
- E. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations. The STR meets the following supplemental regulations, as noted below.

Supplemental Regulations for Short-Term Rentals:

- a. Only one short-term rental shall be allowed on a property. There is one single-family dwelling located on the site proposed to be used for the STR.
- b. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to commencement of the short-term rental use. The Code Compliance Division has conducted a review of the dwelling and determined that there are no known building code violations.
- c. 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. The property manager must be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental. Changes to the contact information form for the property manager shall be provided to the Larimer County Community Development Department within five business days of the change in contact information. The property manager is Ponderosa Realty and Management that operates out of Estes Park. The Operations Manual includes contact information, and a condition of approval requires that the applicant post the property manager information outside the front door of the STR.

- d. The short-term rental owner or property manager shall at the time of application provide documentation that the short-term rental location has been registered with the local fire department or if none with the local sheriff/police. Staff will notify the applicable fire district once the STR use is approved.
- e. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass. The Operations Manual includes a map that delineates the property boundaries, however if trespass issues result due to the lack of fencing or posting of property the County may require all property lines to be posted or fenced to prevent trespass issues.
- f. The short-term rental shall not be located within an established floodplain, and if located a within a floodplain shall require compliance with the applicable requirements of Section 4.2.2. - Floodplain overlay zones. The site is not located within an established floodplain.
- g. The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, Global Positioning Systems (GPS) coordinates and the phone number of the short-term rental. Egress maps have been submitted compliant with the required information, and the on-site inspection will confirm the proper placement of each map.
- h. 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). An Operations Manual has been submitted and reviewed. The Operations Manual is proposed to be located on the kitchen counter.
- i. 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. There is no outdoor storage area. The Operations Manual states trash will be placed at the back of the house. The manual does not state if this is in bear-proof cans. A condition of approval is included requesting clarification. If bear-proof cans are not available, all trash must be stored inside.
- j. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental. The STR is proposed to be located in the single-family dwelling unit on the site. There are no Accessory Living Areas, Extended Family Dwellings, or Farmstead Accessory Dwelling permitted on the site.

- k. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas. The STR is in an identified wildfire hazard area. No fire pits are present at this location.
- l. Cooking areas within the short-term rental shall be equipped with a stove-top fire stop. A stove-top fire stop is proposed to be located above the stove, as required.
- m. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in a readily accessible and visible locations for immediate use in the following locations within the STR:
 - (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.

Fire extinguishers will be located in the STR on all levels

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Peters Short-Term Rental Administrative Special Review, File #21-ZONE3019, subject to the following conditions:

1. This approval shall automatically expire in two years if the use has not commenced and/or building permit and/or development construction permit are not issued.
2. This approval shall be automatically null and void in the event the applicant fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
3. 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.
4. No parking shall be permitted in the right-of-way.
5. The Operations Manual shall be updated to reflect trash being placed in bear-proof cans or kept solely indoors.

There was a discussion between the Board and staff surrounding issues with weed mitigation on the property and potential fire hazards. Additionally, the Board asked for clarification on the parking spaces and the location of those spaces. The Board and staff also discussed the processes for notifying neighbors. Lastly, the Board asked staff about the impacts of short-term rental on the accommodation industry and the impact on hotels in the Estes Park area.

Chair Kefalas invited the applicant forward to address the Board. Jennifer Lorenz, an attorney with Dietze & Davis PC addressed the Board on behalf of the applicant. Ms. Lorenz noted that Larimer County has placed a cap of 266 short-term rental licenses in the Estes Valley. Ms. Lorenz relayed that this property had recently been moved off the waitlist for short-term rentals in the Estes Valley. She then walked the Board through how the application meets all the criteria as laid out in the Land Use Code.

Ms. Lorenz also noted that neighbors were notified of the application and that the owner did post a sign at the end of her driveway. She reported that many of the comments received in opposition to the application are outside of the designated 500-feet.

Seth Smith with Ponderosa Realty and Management addressed the Board. Mr. Smith reported that he will be serving as the property manager. Mr. Smith addressed the concerns of the neighbors who fall within the 500-foot designation. Specifically, he addressed concerns surrounding parking, noise, and issues with weed mitigation. He also noted that his company has a 24-hour paging service which neighbors can utilize if there are complaints with renters.

Anna Peters, the owner of the property, addressed the Board. Ms. Peters reported to the Board that she lived in the area for six years and only moved from the home because of a change in employment. She is hoping to utilize the short-term rental, so she does not have to sell the home. Her hope is to one day retire in Estes Park. Ms. Peters stated that she is committed to being a good neighbor and protecting the character of the neighborhood.

Chair Kefalas opened the hearing for public comment. Matthew Lee and Christopher Wheeling addressed the Board in support of the application. They both spoke to the Board of Ms. Peters efforts to combat the issues with the weeds and combat any other potential impacts to her neighbors.

Chair Kefalas closed public comment.

There was a discussion between the Board and staff regarding a prohibition on the use of fire pits. The Board asked staff for more detail regarding weed mitigation and if the Larimer County Weed District has been involved in the weed mitigation. Additionally, the Board expressed concerns about the increased density of short-term rentals within the neighborhood and the impact these rentals have on the quality of life for the other residents of the area.

In deliberation, the Board discussed implementing the following additional conditions for approval of the Peters Short-Term Rental Administrative Special Review, File No. 21-Zone3019.

1. Property owner in consultation with the Larimer County Weed District employ specific recommendations for a weed management plan and mowing strategy and is in conformity with neighboring properties.
2. That the designated parking space be confirmed during the building inspection and that those spaces are located on gravel.

3. The applicant or the property manager provides contact information for the property manager and/or the applicant to neighbors within 500-feet of the property line.

The applicant confirmed for the Board that she is amenable to these additional conditions.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Peters Short-Term Rental, File #21-ZONE3019 subject to the conditions outlined above and the additional conditions outlined by the Board of County Commissioners.

Motion carried 3-0

2. GIBBS SHORT-TERM RENTAL, FILE NO. 21-ZONE3051: Samantha Lasher, Community Development. Ms. Lasher reported to the Board that the property is located in Estes Park, Colorado. The property currently contains an existing two-story single-family residence with an attached garage. The applicant requests Administrative Special Review approval for a small Short-term Rental located in the existing three-bedroom single-family residence with a maximum occupancy of six total guests; two guests per room. No construction or modifications to the home are proposed with this request.

The subject property is currently zoned EV E1 - Estes Valley Estate. A Short-term Rental (STR) use, that allows 10 or fewer guests, is classified as a Low Intensity Accommodation use per the Larimer County Land Use Code and is permitted in the EV E1 - Estes Valley Estate zone district following Administrative Special Review. Per the Land Use Code, an STR is defined as “a dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.” The existing residence is currently served by the Estes Park Water District and Upper Thompson Sanitation District. The existing residence is accessed from Prospect Mountain Drive.

Ms. Lasher relayed to the Board that neighbor notification of the proposed project was sent to properties within 500-feet of the subject property. Ms. Lasher reported that three emails were received from neighbors expressing concerns about the proposed project. Due to the STR being in a residential zone district, this property was subject to the Estes Valley STR waitlist and cap. The property moved off the waitlist due to other STRs in the Valley failing to renew their registration or electing to stop renting. The cap is not being increased.

Ms. Lasher walked the Board through the review criteria and the Development Services Team’s recommendations.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 6.4.3.D) allows for the approval of an Administrative Special Review if the following review criteria have been met:

- A. The proposed use has minimal impacts on existing and future development of the area. This proposed change of use should have minimal impact on existing and future development of the area as it consists of converting an existing single-family dwelling into a small short-term rental. If approved, it does not prohibit the use of the building as a single-family dwelling. In this case, this change of use requires no additional construction on the site.
- B. 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. The single-family residence is proposed to be rented for periods of less than 30 consecutive days at one time. Therefore, as an STR, the Owner/Operator is required to demonstrate compliance with the minimum standards in the Land Use Regulations. These standards include the provision of adequate public facilities such as water, sanitation, fire protection, drainage, and access; mitigation of any potential hazard areas; compliance with access and parking standards; and compliance with air and water quality standards. Staff and referral agencies have reviewed the proposed use and found that the minimum standards have been or will be met.
- C. The recommendations of referral agencies have been considered and adequately addressed. This application was referred to the applicable referral agencies. Those comments are summarized below and attached to this report. The comments have been or will be adequately addressed.
- D. 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. Chapter 3 of the Estes Park Comprehensive Plan – 1996 identifies specific economic development strategies, including expanding the existing tourism industry. Short-term rentals offer temporary housing for tourists visiting the area and therefore, allowing short-term rentals is consistent with one of the primary economic development strategies for the area.
- E. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

In addition to the §6.4.3.D, Review Criteria for Administrative Special Review, applications for short-term rentals with ten or fewer occupants shall comply with the following standards (Article 3.3.5.B.2):

- a. Only one short-term rental shall be allowed on a property.
- 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 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. 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 outside at the front door and 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.
- d. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass.
- e. The short-term rental shall not be located within an established floodplain, and if located within a floodplain shall require compliance with the applicable requirements of §2.7.1, Floodplain Overlay (FP-O).
- f. The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, GPS coordinates and the phone number of the short-term rental.
- g. 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).
- h. 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.
- i. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental.
- j. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas.
- k. Cooking areas within the short-term rental shall be equipped with a stove top fire stop or approved alternative.
- l. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in a readily accessible and visible locations for immediate use in the following locations within the STR:
 - (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.

Staff has reviewed the proposed use and has found that the above-noted supplemental standards have been met or will be met.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Gibb Short-Term Rental Administrative Special Review, File #21-ZONE3051, subject to the following conditions:

1. This approval shall automatically expire in three years if the use has not commenced.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Gibb Short-Term Rental Administrative Special Review, 21-ZONE3051, 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 Gibb Short-Term Rental Administrative Special Review.
3. This Administrative 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.
4. The owner is responsible for obtaining all applicable fees which include building permit fees, impact fees, Transportation Capital Expansion Fees (TCEF) applicable to a multi-family land use.
5. The short-term rental is approved with three bedrooms for a maximum occupancy of 6 people.
6. 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.
7. Prior to operation as a short-term rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Department, and successfully pass the Life Safety Inspection.
8. Prior to operation as a short-term rental, the applicant shall post the property manager contact information outside the front door.
9. Prior to operation of the short-term rental, the applicant shall make the corrections required by the Larimer County Planning Department.
10. No parking shall be permitted in the right-of-way and all parking for the use must be on-site.

11. A final wildfire inspection is required.
12. 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 7 pm and 7 am.
13. The applicant must work with the Estes Valley Fire Protection District to meet their requirements.
14. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 21-ZONE3051, on all advertising websites.

Ms. Lasher noted that an additional condition has also been included at the recommendation of the Health Department that certain non-emergency phone numbers be added to the operations manual.

There was a discussion between the Board and staff regarding access to the home by emergency services vehicles. The Board asked staff about any wildlife in the area that might be impacted. The Board asked for clarity from staff on the additional condition recommended by the Health Department.

Chair Kefalas invited the applicant to address the Board. Cathy Gibbs reported to the Board that she and her husband purchased the property and hope to eventually retire in Estes Park. Ms. Gibbs relayed to the Board that since purchasing the property the driveway has been resurfaced. Additionally, she noted that fire mitigation steps recommended by the county have been completed. Ms. Gibbs also relayed that she and her husband met with the Estes Valley Fire Protection District that morning. Lastly, Ms. Gibbs stated that she had the need for a hotel room when they had first purchased the home and was unable to get a reservation at any of the local hotels.

There was a discussion between the Board and the applicant regarding the deck on the home and steps to correct any issues with the deck. Ms. Gibbs reported to the Board that an engineer has been out to inspect the deck and those findings will be shared with the county. The Board also asked for clarity on the planned duration of the short-term rental operation. The Board also asked the applicant about fire mitigation and if the emergency responders have been notified of improvements to the driveway.

Chair Kefalas noted that there was no one in the audience or attending virtually who wished to make public comment.

There was a discussion between the Board and staff regarding the number of other short-term rentals operating in the neighborhood.

In deliberation, the Board discussed implementing the following additional conditions for approval of the Peters Short-Term Rental Administrative Special Review, File No. 21-Zone3019.

1. The applicant or the property manager provides contact information for the property manager and/or the applicant to neighbors within 500-feet of the property line.

MOTION

Commissioner Stephens moved that the Board of County Commissioner approve the Gibb Short-Term Rental, File #21- ZONE3051, subject to the conditions outlined above and the additional condition agreed to by the Board of County Commissioners.

Motion carried 3-0

3. HOUSTON SHORT-TERM RENTAL, FILE NO. 21-ZONE3029: Samantha Mott, Community Development. Ms. Mott reported to the Board that the applicant's property is located in Estes Park, Colorado. The property currently contains an existing two-story single-family residence. The existing residence is located within Veneer Ranch Estates 2nd Filing. The applicant requests Administrative Special Review approval for a small Short-term Rental located in the existing 5-bedroom single-family residence with a maximum occupancy of ten total guests; two guests per room. No construction or modifications to the home are proposed with this request. The Larimer County Assessor's Office currently identifies the residence as a four-bedroom residence; however, Larimer County Code Compliance research has indicated that a building permit was approved in 2007 for a partial basement finish which included an additional bedroom for a total of five bedrooms.

Ms. Mott noted that the subject property is currently zoned EV E1 - Estes Valley Estate 1. A Short-term Rental (STR) use, that allows 10 or fewer guests, is classified as a Low Intensity Accommodation use per the Larimer County Land Use Code and is permitted in the EV E1 zone district following Administrative Special Review. The EV – E1 zoning district is subject to the cap limiting the number of STRs. Per the Land Use Code, an STR is defined as “a dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.”

The existing residence is currently served by an existing well and the Upper Thompson Sanitation District. Ms. Mott relayed to the Board that the residence is accessed from W. Prospect Mountain Drive. It appears that the applicant/owner can provide adequate off-street parking for the proposed STR, providing four total parking spots. Neighbor notification of the proposed project was sent to properties within 500-feet of the subject property. Staff received emails from four neighbors. Those emails are included in the agenda packet. Due to being in a residential zone district, this property was subject to the Estes Valley Short-term Rental (STR) waitlist and cap. The property moved off the waitlist due to other STRs in the valley failing to renew their registration or electing to stop renting. The cap is not being increased.

Ms. Mott walked the Board through the review criteria and the Development Services Team's recommendation.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.4.3.D) allows for the approval of an Administrative Special Review if the following review criteria have been met:

- A. The proposed use has minimal impacts on existing and future development of the area. This proposed change of use should have minimal impact on existing and future development of the area as it consists of converting an existing single-family dwelling into a small short-term rental. If approved, it does not prohibit the use of the building as a single-family dwelling. In this case, this change of use requires no additional construction on the site.
- B. 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. The single-family residence is proposed to be rented for periods of less than 30 consecutive days at one time. Therefore, as an STR, the Owner/Operator is required to demonstrate compliance with the minimum standards in the Land Use Regulations. These standards include the provision of adequate public facilities such as water, sanitation, fire protection, drainage, and access; mitigation of any potential hazard areas; compliance with access and parking standards; and compliance with air and water quality standards. Staff and referral agencies have reviewed the proposed use and found that the minimum standards have been or will be met.
- C. The recommendations of referral agencies have been considered and adequately addressed. This application was referred to the applicable referral agencies. Those comments are summarized below and attached to this report. The comments have been or will be adequately addressed.
- D. 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. Chapter 3 of the Estes Park Comprehensive Plan – 1996 identifies specific economic development strategies, including expanding the existing tourism industry. Short-term rentals offer temporary housing for tourists visiting the area and therefore, allowing short-term rentals is consistent with one of the primary economic development strategies for the area.
- E. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations (see below). In addition to the §6.4.3.D, Review Criteria for Administrative Special Review, applications for short-term rentals with ten or fewer occupants shall comply with the following standards (Article 3.3.5.B.2):
 - a. Only one short-term rental shall be allowed on a property.
 - 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 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. 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 outside at the front door and 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.

- d. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass.
- e. The short-term rental shall not be located within an established floodplain, and if located within a floodplain shall require compliance with the applicable requirements of §2.7.1, Floodplain Overlay (FP-O).
- f. The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, GPS coordinates and the phone number of the short-term rental.
- g. 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).
- h. 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.
- i. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental. j. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas.
- k. Cooking areas within the short-term rental shall be equipped with a stove top fire stop or approved alternative.
- l. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in a readily accessible and visible locations for immediate use in the following locations within the STR:
 - (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. Staff's Response: Staff has reviewed the proposed use and has found that the above-noted supplemental standards have been or will met.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Houston Short-Term Rental, File #21-ZONE3029, subject to the following conditions:

1. This approval shall automatically expire in three years if the use has not commenced.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Houston Short-Term Rental Administrative Special Review, 21-ZONE3029, 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 Houston Short-Term Rental.
3. This Administrative 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.
4. The owner is responsible for obtaining all applicable fees which include building permit fees, impact fees, Transportation Capital Expansion Fees (TCEF) applicable to a multi-family land use.
5. The short-term rental is approved with 5 bedrooms for a maximum occupancy of 10 people.
6. Re-certification shall be required every two years. Failure to complete and resubmit the recertification form to the Community Development Department, shall be cause for revocation of this approval.
7. Prior to operation as a Short-Term Rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Department, and successfully pass the Life Safety Inspection.
8. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside at the front door.
9. No parking will be allowed in the right-of-way and all parking for the use must be on the site.

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 7 p.m. and 7 a.m.
11. A wildfire safety inspection is required.
12. The applicant must work with the Estes Valley Fire Protections District to meet their requirements.
13. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 21-ZONE3051, on all advertising websites.

There was a discussion between the Board and staff regarding sprinkler systems and occupancy levels. The Board also asked staff about the Estes Valley Planning Advisory Committee's (EVPAC) vote denying the application. Lastly, the Board asked staff for clarity surrounding parking on the property and access to the location.

Chair Kefalas invited the applicants Richard and Beth Houston to address the Board. Mr. Houston relayed to the Board that he and his wife have been in contact with neighbors in the area. He noted that these communications have been cordial though not entirely fruitful. Mr. Houston also relayed that they are happy to provide both their contact information as well as the property manager's contact information to their neighbors.

Ms. Houston relayed to the Board that she and her husband has visited Estes Park and fell in love with the area. They decided to purchase what they hope to one day make their retirement home. She also noted that in the interim they do hope to both utilize the home as a short-term rental and as a place for them to visit. Ms. Houston also stated that the property manager hired to manage the site lives just a few miles away.

There was a discussion between the Board and the applicant regarding parking spaces. Additionally, the Board expressed concern regarding complaints from surrounding neighbors about guests trespassing on their property. Ms. Houston noted that they will clearly mark the boundary lines of the property to prevent further trespassing. Additionally, there was a discussion between the Board and the applicant regarding the outdoor fireplace and fire prevention.

Chair Kefalas opened the meeting to public comment. Alex Gibson, Nick Malle, Deborah Gibson, and Patty Glasgow addressed the Board in opposition to this application. Their collective concerns include safety issues relating to an increased population from renters in an area with one access point in and out of the neighborhood, dangers of fire, access for emergency vehicles, trespassing by renters on private property, and a fundamental shift to the character of the neighborhood. Robert McCauley spoke in favor of the application and noted that he would be the local contact for the short-term rental.

Chair Kefalas closed public comment.

The applicants returned to address some of the concerns raised during public comment. Mr. Houston addressed the Board. He relayed to the Board that when he and his wife were looking for property they passed on multiple homes because the roads in the neighborhood were significantly more narrow and much harder to navigate. Also, he noted that the Estes Park Fire Protection District has not issued any specific recommendations for the property. Lastly, Ms. Houston reported that they will clearly mark the boundaries of the property to ensure that guests do not crossover into neighboring homes.

There was a discussion between the Board and staff regarding evacuations in the area as it relates to the review of the criteria. The Board also expressed concern about the size of the rental and evacuating guests from the home in case of an emergency. The Board discussed with staff the outdoor fireplace and prohibiting the use of the fireplace when the home is being used as a short-term rental.

There was a discussion between the Board and Mr. Haug regarding the possibility of tabling the decision until a date certain.

In deliberation, the Board discussed implementing the following additional conditions for approval of the Peters Short-Term Rental Administrative Special Review, File No. 21-Zone3019.

1. The fireplace shall not be used while the property is functioning as a short-term rental.
2. The applicant or the property manager provides contact information for the property manager and/or the applicant to neighbors within 500-feet of the property line.
3. The applicant must work with the fire district to establish and implement an evacuation plan in case of an emergency.

MOTION

Commissioner Stephens moved that Board of County Commissioner approve the Houston Short-Term Rental, File No. 21-ZONE3029, subject to the conditions outlined above and the additional conditions agreed to by the Board of County Commissioners regarding the prohibition on the use of the fireplace by short-term-renters, notification of neighbors, and to work with Estes Valley Fire Protection District to develop an evacuation plan.

Motion carried 2-1, with Commissioner Shadduck-McNally dissenting.

With there being no further business, the Board adjourned at 10:05 p.m.

TUESDAY, SEPTEMBER 21, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided, and Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were: Austin Harvill, Commissioners' Office; and Elizabeth Carter, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: No members of the public addressed the Board. Chair Kefalas closed public comment

2. APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 13, 2021:

MOTION

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the minutes for the week of September 13, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF SEPTEMBER 27, 2021: Mr. Harvill reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. AMENDMENT #1 CONTRACT B21-11, PROJECT NO. 9083, 2021 RESURFACING PROGRAM

2. RELEASE AND SETTLEMENT AGREEMENT

LIQUOR LICENSES:

Cherokee Park and Dude Ranch-Hotel and Restaurant-Livermore; Columbine Lodge Liquors-Fermented Malt Beverages Off Premise; Ellis Ranch Event Center & Wedding Park-Tavern-Loveland.

MISCELLANEOUS:

1. LARIMER AREA LOCAL WORKFORCE PLAN UPDATED FOR PROGRAM YEAR 2021

2. REGIONAL WORKFORCE PLAN UPDATED FOR PROGRAM YEAR 2021

RESOLUTIONS:

1. RESOLUTION AUTHORIZING SIGNATURE ON STATE AND FEDERAL FORMS FOR CONSERVATION EASEMENTS

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for September 21, 2021.

Motion carried 3-0

5. **COMMISSIONERS GUESTS:** The Commissioners did not have any guests.

6. **REQUESTING BCC APPROVAL OF THE 2021 IMPACT FUND GRANT AWARD RECOMMENDATIONS FOR FUNDING:** Laurie Stolen, Behavioral Health Services Director. Ms. Stolen reported to the Board that this is the annual approval request for funding of the Behavioral Health Services grant program which directs revenue to support behavioral health needs in Larimer County. The program is designed to address critical gaps in community behavioral healthcare. Ms. Stolen reviewed with the Board the 2021 grant applications which were presented to the Behavioral Health Policy Council on September 13, 2021. The applications presented to the Board today received unanimous support from the Behavioral Health Policy Council.

Ms. Stolen relayed to the Board that 38 applications are being recommended for funding with a total allocation of \$2,025,505. She noted that the funding is targeted at six key areas including a special emphasis on youth services and support programs for young people. Ms. Stolen also reported to the Board that at the end of the process, the Behavioral Health Services Team distributed a survey to both applicants and reviewers for feedback on the process. She was pleased to report to the Board that both applicants and reviewers found the systems easy to navigate and that it provided ample information and direction.

There was a discussion between the Board and staff regarding the process and any potential improvements that can be made to the submission process. The Board also had questions regarding those applications which were not selected for funding and if feedback is provided to the submitters. Additionally, the Board asked Ms. Stolen for clarity on applications submitted to fund staff and if these applications are ongoing requests. The Board also had questions regarding the epidemic of suicide among youth in the community and funding for crisis stabilization. Lastly, the Board asked Ms. Stolen to comment on funding to support those transitioning from emergency rooms because of a suicide attempt as well as those individuals who are transitioning out of incarceration.

The Board thanked Ms. Stolen and her team for their hard work. The Board also offered thanks to all the community partners, as well as those community members who serve on the various review committees who are working to fill the gaps in the community as it relates to behavioral health services.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the recommendations for the 2021 Impact Fund Grant directing funding from the Gary A. Darling Grant, Targeted Projects 1-6 and Responsive grants to support behavioral health needs in Larimer County.

Motion carried 3-0

7. **COUNTY MANAGER UPDATE:** Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.
8. **COMMISSIONER ACTIVITY REPORTS:** The Board detailed their attendance at events during the previous week.
9. **LEGAL MATTERS:** None requested

With there being no further business, the Board adjourned at 9:55 a.m.

WEDNESDAY, SEPTEMBER 22, 2021

EXECUTIVE SESSION

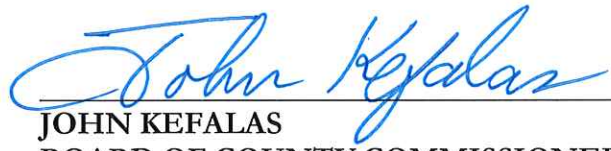
The Board of County Commissioners met at 1:30 pm with Linda Hoffmann, County Manager. Chair Pro Tem Stephens presided. Commissioner Shadduck-McNally was present. Commissioner Kefalas was excused. Also present were Laurie Kadrich, Community Planning, Infrastructure, and Resource Director; David Ayraud, Deputy County Attorney; and Elizabeth Carter, Deputy Clerk.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(e) - Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators at the Ranch.

Motion carried 2-0.

With there being no further business, the Board adjourned at 1:35 p.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Carter, Deputy Clerk



