

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

October 20, 2009, 6:00 p.m.

Board Room, Estes Park Town Hall

Commission: Chair Doug Klink; Commissioners Alan Fraundorf, John Tucker, Betty Hull, Steve Lane, Ron Norris, and Rex Poggenpohl

Attending: Chair Doug Klink, Commissioners Alan Fraundorf, Betty Hull, Steve Lane, Ron Norris, Rex Poggenpohl, and John Tucker

Also Attending: Director Joseph, Town Attorney White, Planner Shirk, Town Board Liaison Homeier, and Recording Secretary Thompson

Absent: Planner Chilcott

The following minutes reflect the order of the agenda and not necessarily the chronological sequence.

Chair Klink called the meeting to order at 6:00 p.m.

1. PUBLIC COMMENT

George Hoffman/Town Resident appreciated having the study session in the Board Room where listening devices are available. He would like to see all public meetings in locations where microphones and listening devices are available.

Cori LaBianca/Town Resident is a proponent of wind energy but concerned about allowing wind turbines in the Estes Valley. Her concerns are noise and safety levels as well as the potential destruction of the natural beauty of the area. She urged caution when regulating wind turbines.

2. CONSENT AGENDA

Approval of minutes from September 15, 2009 Planning Commission meeting.

It was moved and seconded (Hull/Fraundorf) that the consent agenda be approved as presented, and the motion passed unanimously.

3. AMENDMENT TO ESTES VALLEY DEVELOPMENT CODE – SHORT TERM RENTALS

Revisions to vacation home regulations, including revisions to the definition of accommodation use, guest room, guest quarter, household living, and nightly rental in EVDC Chapter 13, and revisions to distinguish between B&Bs and vacation home uses and the districts in which these uses are permitted.

Director Joseph stated today's draft is very similar to what the Planning Commission approved in May, 2009. Town Trustees returned that approved draft back to the Planning Commission with a request to have fewer regulations and less text. The main purpose of this code revision is to reconcile the code language currently in the Municipal Code with the Estes Valley Development Code (EVDC). The EVDC would then become the primary regulatory document for vacation homes and B&Bs. In the process of merging the codes, it was determined a vacation home and B&B should be considered a principle use. This principle use is a key feature of this new draft, and allows someone to purchase a home in a residential neighborhood with the specific intention to use it strictly as a vacation home. In response to public comment at the Town Board meeting, changes were made to allow housekeeping services in both vacation homes and B&Bs. Director Joseph pointed out the differences between vacation homes and B&Bs; a B&B can have rooms rented out to separate parties at the same time, while vacation homes are rented to one party at one time; vacation homes cannot be used as hotels, meaning rooms cannot be rented individually. Town Board Liaison Richard Homeier believes the Town Board's main desire is to allow people to use vacation homes as a principal use.

Commissioner Lane suggested changing the language in Section 5.1.B.3(2) to read: "Number of Parties. Vacation homes shall be rented, leased, or furnished to no more than one (1) party, occupying the vacation home as a single group. Owners of the vacation home shall not be permitted to occupy the vacation home while a party is present." Discussion between staff and Planning Commissioners revolved around when the owner can and cannot be present, with Director Joseph reviewing the history of how the current code revisions evolved. It was agreed upon by the Commission to keep the language requiring the owner to not occupy the home at the same time renting it as a vacation home.

Owners will be required to have a sales tax and business license (within Town limits) to operate, which is an administrative policy handled by the Town Board.

Commissioner Norris suggested changing the code language in Section 5.1.B.3.a(1) to delete the last two sentences. Commissioner Poggenpohl suggested removing the redundancies concerning use on the ground floor fronting Elkhorn Avenue and also removing the duplicate language concerning the prohibition of home occupations in a vacation home.

Public Comment: None

It was moved and seconded (Norris/Hull) to recommend approval of the code revisions for vacation homes and B&Bs, which includes minor changes suggested by the Planning Commissioners, and the motion passed unanimously.

- 4. AMENDMENT TO ESTES VALLEY DEVELOPMENT CODE SECTION 5.2 ACCESSORY USES – KITCHENS** The proposed amendments include revisions to Section 5.2 of the Estes Valley Development Code, to allow accessory kitchens in single-family residential dwellings. Proposed code changes include a definition of an accessory kitchen, a clarification that an accessory kitchen is not considered a second unit and the dwelling is bound by the definition of household living, a provision that interior access shall be maintained, and warrants for when a land use affidavit would be required.

Director Joseph stated these proposed code revisions have evolved due to today's trend to design single-family dwellings with more than one kitchen for personal use. This code accommodates that change, while also clarifying a second kitchen does not constitute approval of an accessory dwelling. The language relies heavily on a land-use affidavit as the mechanism to keep the original intent clear for the record as the property changes hands in the future.

Discussion occurred among Commissioners about Table 5-1 and permitting accessory kitchens in R-1 and R-2 zoning districts. It was the general consensus that accessory kitchens will be allowed in all zoning districts except RM–*Multi-Family*. Commissioner Poggenpohl disagreed. There was also general consensus that the land-use affidavit should be included in the code.

Public Comment: None

It was moved and seconded (Tucker/Norris) to recommend approval of use and development regulations for Accessory Kitchens with the changes that were made by the Planning Commissioners on Table 5-1, and the requirement of a Land Use Affidavit. The motion passed with 6 in favor and 1 abstention. Commissioner Poggenpohl was the abstaining vote.

Commissioner Poggenpohl disagrees with allowing accessory kitchens in R-1 and R-2 zoning districts.

5. REPORTS

Commissioner Klink mentioned the Special Planning Commission Meeting on November 12, 2009, to discuss wind turbines. The intent of this meeting is to hear public comment.

Wind turbines will also be an agenda item for the regular meeting on November 17, 2009. Director Joseph stated he would like to forward a recommendation to the Town Board at the December 8, 2009 meeting prior to the expiration of the moratorium on December 9, 2009. Commissioner Norris noted the survey results indicated a consensus that wind turbines should be regulated but not banned. Commissioner Klink asked Commissioners for comments and direction in order to prepare for the special meeting: 1)Setbacks at least three times the height of the tower with a maximum blade height of 50 feet; 2)Compliance with international standards; 3)Repaired or removed if inoperable; 4)Ridgeline protection and noise standards referenced; 5)Setback from structures as well as setbacks from property line; 6)No design restrictions to allow for improved technology; 7)Director Joseph advocated for a formula to determine the setback in relation to the height of the wind turbine, which would eliminate the need for lot size restrictions. This formula should include an ultimate maximum height; 8)Only one turbine per lot; 9)10-foot minimum height from ground for moving parts.

Director Joseph reported the YMCA Signage Master Plan was approved by the Board of County Commissioners on September 21, 2009. Supplemental Condominium Map #3 for Wonderview Village is scheduled to be heard by Town Board on October 27, 2009.

EVDC Wildlife Habitat Code Revisions were approved by the Town Board and are scheduled to be heard by the County Commissioners at a special meeting in Estes Park on November 9, 2009 at 6:30 p.m. in the Town Hall Board Room.

The Community Development Department has a book titled Wind Energy Basics, which is available for checkout from the Community Development Department.

Commissioner Poggenpohl made an announcement about the County Commissioners breakfast at the Senior Center on October 21, 2009. The Larimer County Director of Natural Resources will be in attendance. The Larimer County Open Lands Advisory Board meeting is October 22, 2009 at the Loveland library at 5:00 p.m.

There being no further business, Chair Klink adjourned the meeting at 7:35 p.m.

Doug Klink, Chair

Karen Thompson, Recording Secretary