

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Planning Commission

July 15, 2008, 1:30 p.m.

Board Room, Estes Park Town Hall

Commission: Chair Ike Eisenlauer; Commissioners Wendell Amos, Bruce Grant, Betty Hull, Joyce Kitchen, Doug Klink, and John Tucker

Attending: Chair Eisenlauer; Commissioners Amos, Grant, Hull, Klink, and Tucker

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

Absent: Commissioner Kitchen, Planner Chilcott

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

Chair Eisenlauer called the meeting to order at 1:30 p.m.

1. PUBLIC COMMENT

None.

2. CONSENT AGENDA

a. Approval of meeting minutes dated June 17, 2008.

b. SPECIAL REVIEW 08-01, Cricket Communication Tower, A Portion of S36-T5N-R73W of the 6th P.M., 1435 Prospect Mountain Drive, Cricket Communications/Applicant—Withdrawn by staff

c. AMENDED PLAT, Lot 1, Horse Creek Ranch Subdivision, 3537 Little Valley Road, Gail & Russell Nehrig/Owners, Van Horn Engineering/Applicant—Request to amend the platted limits of disturbance area

It was moved and seconded (Hull/Klink) to accept the consent agenda, and the motion passed unanimously with one absent.

3. SPECIAL REVIEW 08-02, HORSE-DRAWN CARRIAGE CONCESSION, Downtown Estes Park, John Jaros/Applicant

Staff Presentation:

Planner Shirk summarized the staff report. This is a request to allow horse-drawn carriage rides within the Town of Estes Park along a fixed route. There is typically a special review application for horse-drawn carriage concessions each year; the proposed route is identical to the route reviewed in the past. The applicant had originally requested to use Highway 7 but, following discussions with staff, agreed to limit the route to the previously approved route. The applicant proposes hours of operation from 1:00 p.m. until 9:00 p.m. daily. Pick-up and drop-off points are proposed at the Town Hall transit center, Tregent Park, and the Stanley Hotel.

The applicant's request was routed to the Colorado Department of Transportation and to Town of Estes Park Police and Public Works departments; none had comments. Staff recommends approval of Special Review 08-02 with six recommended conditions of approval, which include the requirement that staging areas comply with Estes Valley Development Code standards and the requirement that the applicant obtain approval from the Chief of Police.

Public Comment:

None.

It was moved and seconded (Tucker/Hull) to recommend approval of Special Review 08-02, Estes Park Carriages Horse-Drawn Carriage Rides, Downtown Estes Park, to the Town Board of Trustees, with the findings and conditions recommended by staff, and the motion passed unanimously with one absent.

CONDITIONS:

1. Applicant shall keep a copy of the route map, business license, and insurance certificate on board the carriage at all times of operation.
2. Applicant shall obtain a business license from the Town Clerk.
3. Provide a copy of a Certificate of Insurance for \$1,000,000 to the Town, with the Town to be named as an additional insured.
4. Obtain written permission from property owners for specified stops on private property.
5. Staging areas shall comply with zoning requirements of the Estes Valley Development Code and shall be identified prior to issuance of a business license.
6. Submit a revised route map including the following notes:

- Signature block:

APPROVAL:

Approved by the Town of Estes Park Police Department this _____ day of _____, 20__.

Wes Kufeld, Police Chief

APPROVAL:

Approved by the Town of Estes Park Board of Trustees this _____ day of _____, 20__.

William Pinkham, Mayor

- Hours of operation for the standard route shall be limited to 1:00 p.m. to 9:00 p.m. Exceptions to this timeframe are allowed for special events with written approval from the Community Development Department.
- Routes shall be limited to those shown on the route map. Alternate routes allowed with written approval from the Community Development Department.
- Any future additions or revisions to the routes or stops to be approved by Town staff.
- No signage shall be allowed on public property.
- If traffic conflicts or other use conflicts occur on the streets or at the public stop locations, Town staff are authorized to restrict operations until the problem is corrected. This is intended to account for accidents, parade routes, periods of heavy traffic, or other instances of traffic hazards or congestion.
- All horses shall be diapered during times of service.
- Public drop-off shall be limited to the Transit Center and Tregent Park.

4. REZONING, ELK MEADOW R.V. PARK, Metes and Bounds Property Located at 1665 W. Highway 66, Chuck Jones, Regional Director/Applicant

Staff Presentation:

Planner Shirk summarized the staff report. This is a request to rezone the Elk Meadow R.V. Park property from RM–*Multi-Family Residential* to A–*Accommodations*. The property owners provide an outdoor evening dinner and musical entertainment and did so under a temporary use permit in the summer of 2007. However, a temporary use permit is only valid for 30 days. The property owners would like to make this entertainment a permanent part of the activities offered to guests and the general public. This accessory use is permitted in the accommodations zoning district but not allowed in the multi-family residential zoning district, thus the request for rezoning.

The property was zoned RM–*Multi-Family Residential* during the valley-wide rezoning in 2000. The current use of the property is an allowed use in both the RM district and the accommodations zoning district. The two zoning districts are nearly interchangeable in terms of allowed density, impervious coverage, and other standards, although the

accommodations district does not have a floor area ratio (FAR), which limits building bulk. Future condominium development could occur under either zoning designation.

The applicant's request has been submitted to all applicable reviewing agency staff and to neighboring property owners for consideration and comment. No written comments were received. Planning staff recommends approval of this rezoning request. There are no recommended conditions of approval.

Public Comment:

None.

It was moved and seconded (Tucker/Klink) to recommend approval of the Rezoning Request for Elk Meadow R.V. Park, a Metes and Bounds property located at 1665 W. Highway 66, to the Town Board of Trustees, and the motion passed unanimously with one absent.

5. ESTES VALLEY COMPREHENSIVE PLAN, 2008 STATISTICAL UPDATE

Director Joseph stated that a statistical update to Chapter Three and Appendix 1 of the Estes Valley Comprehensive Plan (EVCP) has been prepared at the request of the Town. This is a statistical update only; no policy revisions or changes to the goals outlined in the EVCP are proposed.

Research for the current EVCP was completed in the mid-1990s; it has been a decade or more since the statistics have been revised. The data for the statistical updates was taken from U.S. Census information, federal and state statistics, and statistics kept by the Town of Estes Park, and include the 2007 Estes Valley Housing Needs Assessment completed by the Estes Park Housing Authority.

The Estes Park Town Board of Trustees and the Larimer County Board of County Commissioners are recommending bodies; the Estes Valley Planning Commission is the adopting body. During its review of the proposed update, the Town Board recommended that the 2007 Estes Valley Housing Needs Assessment be adopted in its entirety by reference. Both the Town Board and the Larimer County Commissioners have recommended adoption of the update. Planning staff recommends adoption of the statistical update and the entirety of the housing needs assessment by reference.

Staff and Commissioners' Discussion/Comments:

Commissioner Hull commended the thoroughness of the proposed update. Commissioner Grant stated inclusion of the housing assessment is absolutely essential. Discussion followed regarding the build-out potential of the Estes Valley. Director Joseph stated this information is part of the proposed statistical update, with data produced through a robust data-processing effort and the use of a GIS computer program. There is an existing inventory of 8,700 residential units. Build-out information indicates the Valley could have as many as 12,000 units, although it is his opinion that the Valley will never reach the full theoretical capacity for a variety of reasons. The existing units represent 73% of the theoretical build-out total, which provides a good gauge for estimating how close to capacity the Valley is currently. In terms of population totals, because Estes Park is a resort community, a significant portion of the housing inventory is not declared as principal residences and, as such, is not counted in census totals.

Public Comment:

None.

It was moved and seconded (Hull/Klink) to adopt the statistical update as a revision to applicable chapters of the Estes Valley Comprehensive Plan and to adopt the 2007 Estes Valley Housing Needs Assessment in its entirety by reference, and the motion passed unanimously with one absent.

6. REPORTS:**Estes Valley Habitat Assessment:**

Director Joseph stated the Town contracted in May with EDAW, an environmental design and planning firm with offices in Fort Collins, to conduct a wildlife habitat inventory in the Estes Valley. This study is nearing completion. Their work has entailed gathering all the best available existing data on wildlife habitats and vegetative covers. Sources include the Colorado Natural Heritage Program and direct input from Rick Spowart, Colorado Division of Wildlife Estes Park District Wildlife Manager, and Mary Kay Watry, Rocky Mountain National Park Fish and Wildlife Biologist. Beyond the basic data specific to the vegetative community in the Estes Valley, EDAW also used criteria to rank the value of habitats to better inform the process of review of future land-use proposals. One of the key concepts is that habitats that support a greater variety of wildlife are the most valuable due to their associated species diversity. In general, riparian areas (stream and river corridors and wetlands) support the highest diversity in the Valley and provide the highest-value habitat. The information provided by EDAW will also include wildlife movement corridors and corridors for connectivity of habitat.

The wildlife habitat inventory map and a narrative explaining the methodology and metadata behind the mapping are anticipated from EDAW in final draft form by the end of July. Staff anticipates release of the final draft for public comment the first week of August and presentation of the study to the Planning Commission at the regular meeting on August 19, 2008. This would allow for two to three weeks of public comment, as well as the opportunity for public comment at the Planning Commission hearing in August.

If the study is adopted, it would be an update to the existing wildlife habitat map found in the Estes Valley Development Code. The next step would be to determine how to interface the regulatory process with the new wildlife habitat map. The map would provide a general guideline; future development proposals could be subject to site-specific verification.

Public Comment Regarding Accessory Dwelling Units:

Director Joseph stated town resident Paul Brown had attended the June 17, 2008 Planning Commission meeting in order to provide comments on possible changes to the Estes Valley Development Code regarding accessory dwelling units (ADUs). As no public comment on ADUs was taken at last month's meeting, Director Joseph offered Mr. Brown the opportunity to address the Commissioners on this subject.

Paul Brown/Town Resident stated he is an architectural designer and contractor specializing in residential projects. Having lived in Estes Park since 1983, he indicated he is very familiar with past and current town and county codes, including the EVDC. He stated that prior to EVDC adoption in 2000, all in-town property owners were allowed an ADU by-right in the E, RS, RM, CD, and CO zoning districts, while ADUs were prohibited in all zoning districts in the county. With adoption of the EVDC, all in-town property owners lost their right to an ADU in the RM, CD, and CO zoning districts, as well as most property owners whose property was formerly zoned RS due to substandard lot sizes in the newly assigned E zoning district. On the other hand, county residents within the Estes Valley planning area gained the right to an ADU, although few met the adopted minimum lot-size requirement. At the time the EVDC was being adopted in 2000, Larimer County adopted revisions to their land-use code to allow attached ADUs for guests of occupants of single-family residences in all zoning districts in which single-family dwellings were permitted. Furthermore, Larimer County adopted additional revisions in 2005 to allow detached ADUs on all residential properties regardless of lot size or zoning district, provided single-family dwellings were permitted. Mr. Brown stated Larimer County is following a statewide trend responding to public demand for detached ADUs. He urged the Commissioners to consider changes to the EVDC to allow by-right integrated, attached, and detached ADUs in all residential zoning districts on existing and future legal lots, regardless of lot size, stating it would help fulfill the goals of the Estes Valley Comprehensive Plan. He also stated there are many property owners who would like to have an ADU for their personal use and provided his opinion that homeowners willing to

pay the cost of construction for an ADU would not rent the ADU to seasonal, minimum-wage workers. The ADU would be used for guests of the homeowners and would not help solve the rental-housing-shortage problem.

Director Joseph stated that unlike unincorporated Larimer County, Estes Park is a resort community, which could create unique regulatory concerns in terms of the use of ADUs. Town Attorney White noted that Larimer County regulations regarding ADUs represent a 180-degree shift from the County's position at the time the EVDC was adopted in 2000. One reason the EVDC regulations regarding ADUs were adopted was due to Larimer County's opposition to ADUs at that time.

Planner Shirk stated his intention to meet with affected agencies, realtors, home designers, and homeowners' association representatives regarding ADUs during August, and to meet with the Estes Park Housing Authority in early September, with the goal of providing proposed Code amendments at the September 16, 2008 Planning Commission meeting. He indicated he would provide a copy of the Larimer County Code regulations regarding ADUs to the Commissioners at the August meeting.

Chair Eisenlauer adjourned the meeting at 2:33 p.m.

Ike Eisenlauer, Chair

Julie Roederer, Recording Secretary