

## RECORD OF PROCEEDINGS

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*Town of Estes Park, Larimer County, Colorado, September 2, 2004*

Minutes of a Regular meeting of the **COMMUNITY DEVELOPMENT COMMITTEE** of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Municipal Building in said Town of Estes Park on the 2<sup>nd</sup> day of September, 2004.

Committee: Chairman Doylen, Trustees Habecker and Levine

Attending: All

Also Attending: Assistant Town Administrator Repola, Attorney White, Staff Members Joseph, Kilsdonk, Pickering, Hinze, Chilcott, Birchfield, Clerk O'Connor

Absent: None

Chairman Doylen called the meeting to order at 8:00 a.m.

### **COMMUNITY DEVELOPMENT.**

1. **Business Licensing & Short Term Rentals (Intensity of Use) – Proposed revision to the Municipal Code.** From the May 5, 2004 Town Board Study Session, Staff was directed to clarify language that requires individual business licenses for all properties operating as short-term rentals.

Community Development Director Joseph and Town Attorney White presented staff's proposed revision to the Municipal Code. Town Attorney White noted that short-term rental terminology has been problematic as accommodations are also operated as short-term rentals. A solution is to use the term 'vacation home' which means a residential style accommodation contained in a residential setting. Proposed revisions and/or clarifications are as follows:

- *Accommodation* means the leasing, rental or furnishing of any room, mobile home site, recreational vehicle site, camp site or other area in any hotel, motel, guest house, bed and breakfast, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single-family dwelling, duplex, multiple family dwelling, condominium unit or any such similar place to any person who, for a consideration, uses, possesses or has the right to use or possess such dwelling, room, single-family dwelling, duplex unit, multiple-family unit, condominium unit, site or other accommodation for a total continuous duration of less than thirty (30) days.
- *Accommodation unit* means each individual room, set of rooms, site, single-family dwelling, duplex unit, multiple-family unit, condominium unit or divided area rented, leased or occupied on a unit basis in an accommodation.
- Each individual accommodation unit, which is separately owned, including, but not limited to, a condominium unit, shall pay a business license fee for the individual unit. An entity or company managing one or more accommodation units, including but not limited to, condominium units, shall also pay a business license fee for the management business separate from the business license fee paid by the owner of the individual accommodation unit.
- Every person who is the owner of any business, profession, occupation or accommodation unit including owners of multiple businesses at separate physical locations, which is subject to the business license fee set forth in this

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Chapter, shall obtain a business license from the Town prior to engaging in any business, profession, occupation or accommodation within the Town.

- Includes language that does not permit pro-ration of a license if a business license is not renewed in the subsequent calendar year.

Restrictions accompanying vacation homes in residential zoning districts are listed below, and these restrictions have no impact on accommodations in commercial districts:

1. No accommodation unit shall be rented to more than one individual group with a maximum of eight (8) individuals comprising the group. In the event that full-time on-site management manages the accommodation, more than one party may rent each individual accommodation unit up to a maximum of eight (8) individual guests occupying the entire accommodation.
2. In residential zoning districts, accommodation units shall not be operated in manner that is out of character from residential uses. This includes vehicular traffic and noise levels that are out of character with a residential use. Accommodation units shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential setting. Guest rooms shall be integrated within the accommodation unit. Kitchen facilities shall be compatible with single-family residential use.
3. Only one vacation home shall be permitted per lot in single-family residential zoning districts.
4. No changes in the exterior appearance to accommodate each accommodation unit shall be allowed, except that one (1) wall-mounted identification sign no larger than four (4) square feet in area shall be permitted.
5. No recreational vehicle, as the same is defined in Chapter 13 of the Estes Valley Development Code, tent, temporary shelter, canopy, teepee, or yurt shall be used by any individual for living or sleeping purposes.
6. Each accommodation unit is permitted a maximum of three guest vehicles on site at any one time.
7. Accommodation units shall be subject to commercial utility rates and sales tax.
8. The application for a business license for any vacation home shall designate a local resident or property manager of the Estes Valley who can be contacted by the Town with regard to any violation of the provisions of this Section. The person set forth on the application shall be the agent of the owner for all purposes with regard to the issuance of the business license, the operation of the vacation home and revocation of the business license pursuant to the terms and conditions of this Section.

Audience comments were heard from Judy Anderson/Anderson Realty & Mgmt. who requested and received clarification on the grounds for revocation of a license and vacation home restrictions apply to residential zoning districts, not commercial. David Crockett/Riverstone Resort-Condos questioned the reasoning in licensing individual condominium owners and managing companies. Staff stated that the proposed language clarifies existing regulations and the Town Board's initial intent in said licensing was to level the playing field between commercial accommodations and vacation homes/condominiums in residential zoning districts.

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Following discussion, **the Committee recommends Town Attorney White be authorized to prepare an Ordinance, to include staff revisions, for consideration by the Town Board.**

Chairman Doyle expressed the Committee's appreciation to the audience for their participation. Director Joseph will review County Assessor records to verify commercial rate property taxes are being appropriately applied on residential properties that are operating as accommodations.

2. **Building Permit Fees – Proposed Increase.** Since 1998, Bldg. Dept. revenues have increased by approximately 20%. During this same period, the cost of delivering the service has nearly doubled due to an improved level of service. Fees no longer cover costs and staff is recommending a 15% fee increase effective January 1, 2005. The proposal would allow building permit fees to cover approximately 99% of the Bldg. Dept.'s cost to deliver services. Additionally, staff is recommending building permit fees be reviewed annually and increased if necessary to ensure that fees keep pace with the cost to deliver services.

A spreadsheet comparing 1998-2005 building permit revenue and Bldg. Dept. expenditures was reviewed. The Town made a decision to be more assertive to ensure the quality of construction met the Building Code, and performance standards were established to improve service. Chief Building Official Birchfield commented on past and current levels of service and the improvement thereof. Additionally, copies of sample valuation worksheets were distributed, and staff noted that the construction market fluctuates; however, staff does have control over how individual permits are calculated. The valuations need to be adjusted, not the fee schedule.

Discussion followed, with **the Committee recommending staff prepare a fee schedule that balances revenues and expenses, to include simplification of the process for the lay person. Staff will prepare a draft by the week of 9/27/04 for Community Development Committee members. Should the Chairman determine the subject requires additional consideration by the Committee, staff will re-submit in October. Otherwise, this issue will be included in upcoming Town Board Budget Study Sessions.**

Chief Building Official Birchfield noted that should the Town adopt the 2003 International Codes, a fee schedule must also be adopted as fee schedules are no longer contained in the Codes.

3. **Electric Fencing Regulations – Proposed revision to the Municipal Code, to include Refuse Containers.** Staff is proposing that Section 8.04.070(a) be amended as it conflicts with the EVDC Section 7.5 Landscaping – Protection of Wildlife Damage. Also, EVDC Section 7.8.G.1.e Refuse Disposal states "developments on sites containing important wildlife habitat, such as black bear, must be approved animal-proof refuse disposal containers." The proposed is as follows:

No electrically charged fences, except those approved through site-specific development plans in compliance with the Estes Valley Development Code shall be installed on any property within the Town. With Division of Wildlife approval, refuse disposal containers and enclosures may be electrified.

Staff has discussed the conflict between dumpsters and bears with DOW Representative Spowart and Waste Management Mgr. Hurt, and both agree that electrified refuse disposal containers should be available to residents as a tool to potentially avoid killing bears. The voltage is not life threatening. **The Committee**

**recommends protocol for DOW approval be clarified prior to submittal of the Ordinance to the Town Board for approval.**

- 4. Policy Manual Development Fee Schedule – Proposed Implementation of Phase II.** In 2003, staff submitted a 2-yr. implementation schedule (2004-2005) for development fee increases. On December 9, 2003, Phase I was approved and staff was to re-submit Phase II to the Community Development Committee. 2005 budget projections assume a \$25,000 revenue increase. The objective is to achieve a 50% recovery of direct costs. **The Committee recommends approval of Phase II as presented.**

#### **Reports.**

- **Monthly Building Permit Summary.** The Committee reviewed the summary that indicated a 10% decrease in valuation through July, 2004. Staff predicts a strong finish in 2004 due to large projects nearing startup.
- **Personnel:** Ben Espinosa has been hired to fill the vacant Bldg. Inspector position; he will serve as a combination inspector to include electrical inspections currently being performed by the State Electrical Inspector. Electrical inspections are now being provided three days/week and this new hire will increase inspection availability to five days/week.

#### **SPECIAL EVENTS.**

**Surprise Sale Days, October 9 & 10, 2004 – Approval.** The Committee reviewed the standard Resolution that cites established guidelines, naming October 9 & 10, 2004 as Surprise Sale Days from 9:00 a.m. – 6:00 p.m. **The Committee recommends approval.**

#### **MUSEUM/SENIOR CENTER.**

- 1. Senior Center Meal Contract.** The one-year Food Contract with Catering for All Occasions (CAO) expires 8/31/04. Under the new one-year contract, the Town would continue paying a \$2/meal subsidy to CAO not to exceed \$25,000 and there would be no change in the level of Town support for each Meals on Wheels client. A new item states that CAO would assume all expense and revenue from the coffee program and this will result in a cost savings to the Town of \$1,000 in 2005. Additionally, staff is proposing members pay a \$4 meal fee and non-members pay a \$6 meal fee. **The Committee recommends approval of the Food Contract as presented and proposed meal fees, with staff to negotiate a 3-mo. extension for the remaining year, moving toward a full year contract in the future.**
- 2. Museum Admission Fees.** Admission fees were last increased in 1995, and the Museum Advisory Board is recommending an increase in 2006 from \$2.50/adult to \$3.00, and adults 60 & over from \$2.00 to \$2.50. Staff is recommending the increase be effective in 2005; schedules indicate a “no maximum” with the \$1.00 maximum/family fee. The rates offer incentives for memberships and Estes Park school children. The proposed increase in revenue is \$1,100. Discussion followed on eliminating the fees as administrative costs and relative insignificant income. **The Committee recommends eliminating Museum Admission Fees.**

#### **Reports.**

- **Senior Center Bi-Monthly Report.** Overall, thus far, the Center has increased revenues from 2003. Miscellaneous Senior Center Board activities, buildings and grounds, and programming were also highlighted.
- **Museum Bi-Monthly Report.** Attendance at the Museum, Fall River Hydroplant, and programs were reviewed.

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**MISCELLANEOUS.**

Chairman Doylen requested Directors Kilsdonk and Mitchell provide the Committee a conclusive report of all municipally owned public meeting space (fees—amount and how same is applied, amount of meeting space, amenities, etc.).

There being no further business, Chairman Doylen adjourned the meeting at 9:51 a.m.

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Vickie O'Connor, CMC, Town Clerk