

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, March 10, 2009

Minutes of a Joint Study Session meeting of the **TOWN BOARD AND ESTES VALLEY PLANNING COMMISSION** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in Rooms 202 & 203 in said Town of Estes Park on the 10th day of March, 2009.

Board: Mayor Pinkham, Trustees Blackhurst, Eisenlauer, Ericson, Levine, Homeier and Miller

Commission Commissioners Amos, Fraundorf, Hull, Klink, Lane, Norris and Tucker

Also Attending: Town Administrator Halburnt, Deputy Town Administrator Richardson, Town Attorney White, Town Clerk Williamson, Director Joseph and Planners Shirk and Chilcott

Absent: Trustee Eisenlauer & Commissioner Amos

Mayor Pinkham called the meeting to order at 4:30 p.m.

ACCESSORY DWELLING UNITS

Director Joseph reviewed the list of nine meetings held with the Planning Commission to review Accessory Dwelling Units (ADU's). Other meetings were also held with local builders, architects/designers, Homeowner Associations, Board of Realtors, Estes Park Housing Authority, Sunrise Rotary and the League of Women Voters. At the February 17, 2009 Planning Commission meeting, the Commission gave staff directive to address the following specific issues: no detached, no minimum lot size, no rental, owner occupancy, cannot exceed 49% of principal building and require Planning Commission review for all applications.

No Detached/No Minimum Lot Size

Estes Valley Planning Commission (EVPC) has requested staff remove detached ADU's from the proposed code, allowing only integrated and attached units. This would prohibit a unit above a detached garage. The inclusion of the unit to the main dwelling would help to maintain the character of the residential neighborhoods. The EVPC has received public comments in support of attached units. Other issues discussed by the EVPC included: annual permitting, noticing the neighbors, wells on larger lots limit the addition of detached units, and allowing ADUs as a use by right would jeopardize the character of single-family zoning districts.

Commissioner Norris noted the most frequent public comment was related to the lack of control and the second most frequent was the need for caregiver quarters and a separate space for visiting family.

Dir. Joseph stated the proposed code would require minimum lot sizes based on the type of unit (attached, integrated or detached) and would be available to approximately 25% of the properties in the valley. The elimination of a minimum lot size would allow additional properties the option of an ADU.

Trustee Miller commented an AUD request should be a special review process to review site location and neighborhood concerns. He stated criteria should be developed that would allow an ADU on a single-family lot.

No Separate Rental/Owner Occupancy

EVPC has reviewed the option to allow the rental of ADUs and concluded short term rentals should not be allowed. However, the entire property could be rented and enforced through the use of an annual affidavit completed by the property owner.

Town Board Study Session – March 10, 2009 – Page 2

Trustee Blackhurst stated concern with enforcement. The Commission recommends the code require the owner to occupy the principal dwelling in order to allow long term rental of the ADU. Trustee Blackhurst stated the definition of owner occupancy should be clearly defined and address the seasonal nature of the town's population.

Maximum Size of an ADU

The proposed code language would limit an ADU to 49% of the principal dwelling, with a cap at 1,000 sq. ft.

The Board expressed general approval of the proposed code language for ADUs; however, they requested the Commission avoid recommending code changes that are not enforceable. The proposed codes should be as specific as possible.

WILDLIFE STUDY

Director Joseph stated the current code contemplates a wildlife study for any development on property where elk calving or fawning may occur. The code also requires CDOW to determine when a wildlife study would be required. Proposed revision to the code would remove the CDOW from the process and clearly identify the types of properties or triggers for a wildlife study. Director Joseph reviewed the wildlife map developed by EDAW to establish the types and quality of habitat. The urbanized areas have been altered significantly and are not high value habitat; however, the riparian areas within the urbanized corridor still hold significant value. The study completed by EDAW has identified the riparian areas in the valley that should be protected, and therefore, would require a wildlife study for new development and redevelopment. River setbacks protect the riparian areas and could be increased to better protect the habitat. The current code requires 30 foot setbacks from the river. Discussion followed on increasing the setback to 50 feet: Commissioner Hull suggested all new development be setback 50 feet and existing development remain at 30 feet with no new development approved beyond the current footprint; additional data is needed to quantify the benefits of increasing the setback; increasing the setback would be a taking of personal property; the EDAW study identified critical habitat in the valley and perhaps the code should address these areas; an increase setback would create non-conforming properties in the valley and require a study for existing structures; and there needs to be a balance when addressing the wildlife concerns without adversely impacting existing property rights.

OPEN SPACE STUDY

Dir. Joseph presented a map illustrating approximately 30% of the valley is protected open space through conservation easements, federal land, Larimer County, Town of Estes Park and private property. He stated communities have taken different approaches to addressing open space; however, most communities protect lands through a combination of regulation and acquisition.

The Town Board thanked the Planning Commission for its efforts and requested the Board and Commission meet on a more regular basis, i.e. quarterly or twice a year.

The Planning Commissioners appreciated the discussion and input provided by the Board and agreed regular meetings would be beneficial.

There being no further business, Mayor Pinkham adjourned the meeting at 6:42 p.m.