

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, July 14, 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 14th day of July, 2009.

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

Commission Commissioners Fraundorf, Hull, Klink, Lane, Norris, Poggenpohl 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: Commissioner Lane

Mayor Pinkham called the meeting to order at 5:05 p.m.

CODE CHANGE PROCESS AND PROBLEM STATEMENT.

Planning Commissioner Norris stated the meeting would define how the Trustees, Commissioners and staff would work together to define for, and implement, future changes to the Estes Valley Development Code, and more specifically, to come to agreement on the work process and the problem statement template to be used in the process.

The following process was proposed:

- A perceived need arises and brought to the attention of the Trustees or County Commissioners.
- The elected officials make a decision if a code change is needed or other action is required.
- If a code change is needed, develop and agree with a written problem statement that is sent to the EVPC defining the policy issue being addressed, the problem to be solved, and the boundaries or constraints.
- EVPC would review the problem statement and identify questions or issues that need further discussion or clarification, develop initial thoughts, and send a revised problem statement and questions to the elected officials.
- Elected officials to review EVPC input and reach final agreement on the problem to be solved. Complex issues may need to be discussed with joint study sessions with the elected officials and the EVPC.
- EVPC would provide staff with final problem statement and specific guidelines to be addressed in the draft changes.
- Draft changes to be reviewed by EVPC.
- EVPC would hold public hearing and make final recommendations to the elected officials for final decision.

Discussion followed on the proposed process: the process is one way and should be a two way process; the EVPC should also identify issues that should be brought forward to the elected officials; any individual or group should have the ability to write a problem statement to bring forward to staff, EVPC, or an elected official; a more informal process should be used at the beginning to identify the problem and the scope; the process would help the public understand why the code changes are being considered; questioned where the bulk of the concerns come from initially; questioned if the process

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would work for larger issues; and the problem statement provides boundaries on the issue.

Changes to be made to the process include: clarifying the initiator could be anyone that perceives a need for a code change and would write a problem statement to be reviewed by the Community Development Committee for consideration and recommendation to the Town Board; elected officials to clarify and revise the initial problem statement before sending onto the EVPC; steps four and five should be iterative and allow all parties the chance to discuss and identify concerns including staff; and timeframes placed on the different steps of the process.

Director Joseph stated planning staff becomes a conduit for code changes through issues that develop during the review of development applications. An issue must present some weight or magnitude before it would be brought forward to the EVPC or the elected officials.

Commissioner Norris would make the changes discussed and forward a revised process for review and comment by both boards. Trustee Blackhurst requested the process be reviewed in September of 2010 to assess whether it has been productive.

The template for the problem statement was reviewed and discussed with the following comments: the headings To and From should be left blank; the constraints should be removed from the scope and placed in a separate line item; add priorities and boundaries; and the heading Policy Issue should be changed to Issue.

VACATION HOMES AND BED & BREAKFAST CODE AMENDMENT – PROBLEM STATEMENT.

Trustee Blackhurst stated the recommended code changes do not address the issues raised by the Town Board and contain changes that cannot be enforced. The Town Board requested the EVPC develop definitions for small hotel, bed and breakfast and vacation homes. He expressed concern with the number of unlicensed vacation homes and how to deal with the issue.

Attorney White stated vacation home uses are addressed through the Municipal Code and do not regulate the homes in the county. The recommended code changes would bring the regulation under the EVDC in order to enforce them throughout the planning area. Director Joseph added the Municipal Code does not address whether or not a vacation home is a principle use in residential areas.

The Town Board tabled the recommended changes by the EVPC on vacation homes because of the new process. A new problem statement should be developed and reviewed prior to moving forward with any new code changes for vacation homes.

WILDLIFE CODE CHANGE.

Director Joseph stated the EVPC approved recommended changes to the wildlife code and questioned whether or not to move forward to the Town Board. It was agreed the change should move forward for the Town Board's consideration.

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

Jackie Williamson, Town Clerk