

*Town of Estes Park, Larimer County, Colorado, May 26, 2009*

Minutes of a Regular meeting of the Board of Trustees of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Town Hall in said Town of Estes Park on the 26<sup>th</sup> day of May, 2009. Meeting called to order by Mayor Pinkham.

Present: William C. Pinkham, Mayor  
Mayor Pro Tem Chuck Levine  
Trustees Eric Blackhurst  
Dorla Eisenlauer  
John Ericson  
Richard Homeier

Also Present: Greg White, Town Attorney  
Jacquie Halburnt, Town Administrator  
Lowell Richardson, Deputy Town Administrator  
Jackie Williamson, Town Clerk

Absent: Jerry Miller, Trustee

Mayor Pinkham called the meeting to order at 7:00 p.m. and all desiring to do so, recited the Pledge of Allegiance.

**PUBLIC COMMENT**

Ashley Murray/2009 Rooftop Rodeo Queen personally invited the Board to the Queens Luncheon on July 7<sup>th</sup> and invited all citizens to the award winning Rooftop Rodeo July 7<sup>th</sup> – 11<sup>th</sup>.

David Habecker/Town citizen requested the Board stop reciting the Pledge until the United States Congress removes the sinful use of God for political purposes. He stated a strict separation of church and state would be in everyone's best interest.

**TOWN BOARD COMMENTS.**

None.

**1. CONSENT AGENDA:**

1. Town Board Meeting Minutes dated May 12, 2009 and Town Board Study Session dated May 12, 2009.
2. Bills.
3. Committee Minutes:
  - A. Community Development, May 7, 2009:
    1. 2010 Visitors Guide - Publication Printers, \$46,368 – Budgeted.
  - B. Utilities, May 14, 2009:
4. Estes Valley Planning Commission Minutes April 21, 2009 (acknowledgement only).
5. Estes Park Urban Renewal Authority, April 15, 2009 (acknowledgement only).

It was **moved and seconded** (Levine/Eisenlauer) **to approve the consent agenda**, and it passed unanimously.

**2. REPORTS AND DISCUSSION ITEMS.**

**1. ROCKY MOUNTAIN NATIONAL PARK UPDATE.**

Superintendent Vaughn Baker stated the park has been in place for 94 years preserving the lands natural conditions and scenic beauties, its natural conditions and scenic beauties, its natural and historic objects and wildfire, and to provide the freest recreational uses. Superintendent Baker provided a brief overview of park issues, including: Omnibus Public Lands Management Act signed March 30, 2009 designating 95% of the park as Wilderness, Economic Stimulus funding, forest health (pine beetles, hazard tree removal, prescribe burns, updated Fire Management Plan, elk and vegetation management plan), CWD life test research ongoing, update on WildEarth Guardian lawsuit, east side projects (reroof of Alpine Visitor Center, Chasm Lake patrol cabin), west side projects (underground electrical power line up Kawuneeche valley, resurface the first 10 miles of Trail Ridge Road on the west side, reconstruct west side entrance station to resemble Beaver Meadow station), trail projects, increase in RMNP annual pass to \$40, McDonald Transit to expand Trail Ridge Road Tour to Alpine Visitor Center, new retail area at the Alpine Visitor Center, east side bike path study to determine feasibility of connecting to Town trail system, west side bike study to connect Grand Lake and Granby, assessing cardboard recycling project in conjunction with the Town and the League of Women Voters, draft plan of the Hwy 7 corridor planning complete with public hearings set for June, and Bear Lake Road reconstruction Phase II scheduled for 2011 or 2012 due to stimulus funding received for projects in the park.

**2. 1<sup>ST</sup> QUARTER FINANCIAL REPORT.**

Finance Officer McFarland reviewed the first quarter financial report including sales tax. He stated the revenues (12%) and expenses (21%) are within the average for this time of year; however, the revenues are behind 1.3% of budget and 2% from 2008. Compared to other mountain communities that have seen double digit declines in revenue, Estes Park has managed to maintain a generally flat first quarter. Sales tax rates of change on a 12-month moving average have dropped to a -1.71%, and if the rate continues to trend downward the Town may face a budget shortfall.

**3. PLANNING COMMISSION ITEMS.** Items reviewed by Planning Commission or staff for Town Board Final Action.

**Mayor Pinkham Open the Public Hearing for all Consent Agenda Items.**

**1. CONSENT ITEMS:**

**A. AMENDED PLAT**

1. Schwery Amended Plat of Lots 1 & 2, Block 4, 2nd Amended Plat, Town of Estes Park, and Metes and Bounds Parcel located on East Elkhorn Avenue, Estes Park, Abundant Properties of the Rockies, LLC/Applicant.

As there were no comments, Mayor Pinkham closed the public hearing and it was **moved and seconded (Levine/Homeier) the Consent Agenda be approved with Staff conditions of approval**, and it passed unanimously.

**2. ACTION ITEM:**

- A. Public Hearing of Estes Valley Development Code Block 12 Amendments – Accessory Dwelling Units. Mayor Pinkham opened the public hearing. Planner Shirk reviewed the Planning

Commission's proposed code amendments for Accessory Dwelling Units as reviewed at the April 28, 2009 meeting. These changes include a new definition, review, ownership clarification, utilities, access, site design, architectural requirements, land use affidavit, and fees (building permits, utility fees, and review fees). Approval of this proposal would alleviate non-conformity of attached/integrated units, provided they were originally permitted; however, unpermitted units would have to be inspected through a permit process in order to come into compliance.

**Public Comment:**

Those speaking in support of ADU code changes: Don Sellers/Town citizen; Tom Griesen/Town citizen, Sandy Lindquist/Town citizen, Joanna Darden/Town citizen, Kevin Schwery/Town citizen, and Sandy Osterman/Town citizen. Comments included: no rentals and no detached units causing a doubling of the number of dwelling units in the valley; detached units would led to defacto rezoning of the valley; and concern with parking and wildlife conflicts for detached units.

Those speaking in opposition of ADU code changes: Ken Schwarz/County resident, Rita Kurelja/Estes Park Housing Authority Director, Adam Kelly/Town citizen, Peter Plaut/County resident, Michael Menard/Estes Valley Contractors Association, Betty Nickel/County resident, David Habecker/Town citizen, Steve Nickel/County resident, Matthew Heiser/Town citizen, John Spooner/County resident, Tom Ewing/Town citizen, Paul Brown/County resident, and Harold Haunschild/ County resident. Comments included: infringing on property rights by limiting ADUs to attached; HOA can limit ADUs within their association; rentals should be allowed; detached ADUs should be allowed in the same manner as detached garages; the proposed definition of an ADU should be clarified (too vague); questioned the need for Planning Commission to approve each ADU permit and the land use affidavit; ADUs should not be rented on a short-term basis; garage space should not be sacrificed for ADUs; the valley needs more housing options; property that can be subdivide should be allowed a detached unit; the current EVDC language works with some minor refinements; and the proposed language contains criteria that is not necessary for attached ADUs and goes beyond the requirements for a single-family residence.

John Tucker/Town citizen and EVPC Commissioner stated the original intent of an ADU was to provide for in-home caregivers, not additional rental units/income. He also stated the larger acreage lots are limited by the availability of water and would not meet the standards for an additional ADU.

Frank Theis/County resident commented the Town lacks long range planning that would guide the issue of ADUs and other future code regulations.

Mayor Pinkham closed the public hearing. Board comments are summarized: there is a need for diversity of housing in the valley; a use by right should not require Planning Commission review; ADUs should be rented on a long term basis (more than 30 days) in the same manner a room in a home can be rented; property rights need to be protected; detached units need to be addressed in the revised code language; the proposed language needs to be reviewed to remove unnecessary requirements pertaining to detached units, and

ADUs already exist in the community and have not proven to be an issue.

Attorney White read the Ordinance. It was **moved and seconded** (Blackhurst/Levine) **to deny Ordinance #03-09 and remand the issue back to the Estes Valley Planning Commission to address 1) review process; 2) affidavit ; 3) limit on tenancy (no short term rentals); 4) define onsite sewage system; 5) define cumulative accessory square footage for parking; 6) architectural standards to determine necessity; 7) clarify Section 6.3 addressing non-conformity, 8) clarify definition of kitchen in a living area 9) detached units**, and it passed unanimously.

**4. ACTION ITEMS:**

**1. OLD MEXICO DAYS, BOND PARK.**

Mgr. Winslow stated in an effort to increase participation in the award-winning Rooftop Rodeo, the Rodeo Committee has partnered with the Hispanic community through the Lifelong Learning of Estes Valley to hold a traditional fiesta in Bond Park on July 9, 2009 from 10:00 a.m. – 2:00 p.m. The event would move to the fairgrounds during the evening hours. The proceeds from the event would be used for tuition assistance for the school. The event would be similar to other cultural events currently held in Bond Park and the fees associated with the use of the park would be collected. It was **moved and seconded** (Eisenlauer/Ericson) **to approve Old Mexico days in Bond Park on July 9<sup>th</sup>**, and it passed unanimously.

**2. ORDINANCE #04-09, AMENDMENT TO THE MODEL TRAFFIC CODE-PARKING.**

Chief Kufeld stated the Police Department and Public Works reviewed the appendix to the Model Traffic Code to assess all parking signage and ensure the proper signage was in place. Staff recommends the following changes to the appendix: 1) creation of Alternative-fuel parking spaces along MacGregor Avenue (3 spaces) and Park Lane (2 spaces) for all day parking; 2) creation of a loading zone on Moraine Avenue in front of 242 Moraine (east side); 3) 3-hour parking restriction for the East Riverside Lot; 4) 3-hr parking on MacGregor Avenue along the east side of Bond Park; and 5) all day parking at the north end of the West Riverside lot. The changes would require the purchase of signage at a cost of \$350 from the Public Works budget account #101-3100-431-25-25.

Discussion followed amongst the Board on the need to restrict the Alternative-fuel parking spaces to 3-hours for consistency. Attorney White read the Ordinance. It was **moved and seconded** (Eisenlauer/Blackhurst) **to approve Ordinance #04-09 with the correction to the appendix to limit the Alternative-fuel parking spaces to 3-hours**, and it passed unanimously.

**3. TOWN ADMINISTRATOR REPORT.**

- Introduced the Town's new Public Information Officer Kate Rusch and stated she will be attending the Mayor's Coffee Chat on Wednesday, June 3<sup>rd</sup> at the Senior Center.
- A joint meeting of the County Commissioners, Town Board and the Estes Valley Planning Commission has been scheduled for June 4<sup>th</sup>, 9:00 a.m. at the Holiday Inn to discuss development code issues including open space, wildlife and vacation rentals.

Whereupon Mayor Pinkham adjourned the meeting at 10:12 p.m.

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William Pinkham, Mayor

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Jackie Williamson, Town Clerk