



MINTURN PLANNING COMMISSION

Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645

Wednesday April 12, 2017

Regular Session – 6:30 pm

COMMISSION MEMBERS:

CHAIR – Lynn Teach
Greg Gastineau
Jeff Armistead
Burke Harrington

Planning Director Janet Hawkinson

AGENDA

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

3. Approval of Minutes

- March 22, 2017

4. Public comments on items, which are NOT on the agenda

*When addressing the Commission, state your name and address for the record, prior to comments.
All supporting documents are available for public review in the Town Offices.*

5. Planner Report

6. Presentation: Brynn Grey – Wellington ‘Local Housing’ Project – comparison with Battle Mountain, Crave, Bolts Reservoir Neighborhood

7. Work Session: Vacation Home Owners Ordinance

8. Next Meeting – May 10, 2017

9. Adjournment



Official Minutes

MEETING OF THE MINTURN PLANNING COMMISSION
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Wednesday March 22, 2017

Regular Session – 6:30 pm

CHAIR – Lynn Teach

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Greg Gastineau

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These minutes are formally submitted to the Town of Minturn Planning Commission for approval as the official written record of the proceedings at the identified Meeting. Additionally, all Planning Commission meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Planning Office at 970/827-5645 302 Pine St. Minturn, CO 81645.

Regular Session – 6:30 pm

1. Call to Order

Chair L. Teach called the meeting to order at 6:45pm

- Roll Call

All Present

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by Bobby H., second by Burke H. to approve the agenda as presented. Motion passed 5-0.

3. Approval of Minutes

- March 8, 2017

Motion by Jeff A., second by Bobby H. to approve the minutes of March 8, 2017 as presented. Motion passed 5-0.

4. Public comments on items, which are NOT on the agenda (5-minute time limit per person)

No public comment

**WORK SESSION
FUTURE AGENDA ITEMS**

- 5. Bolts Reservoir:** History of Bolts Reservoir, the Ginn/Battle Mtn PUD Plans, and the new Crave Proposal – text amendment being drafted in spring 2017
- 6. Elect Planning Commission Chair**
Planning Commission elected Lynn Teach as the chair. All in favor.

STAFF REPORTS

- 7. Town Planner (5min)**

FUTURE AGENDA ITEMS

- 8. Next Meeting – April 12, 2017**
- 9. Adjournment**

Motion by Bobby H., second by Jeff A. to adjourn the meeting at 8:40pm. Motion passed 5-0.

Lynn Teach, Chair

Janet Hawkinson, Planning Director

March 10, 2017

Janet Hawkinson, Minturn Planning Director Report



Ordinance: Vacation Home Rentals (also termed VRBO & AirBnb)

Purpose: management of Vacation Home Rentals in Minturn in regards to: licensing, parking, number of guests, noise, taxes, zoning

Direction from the Minturn Community Plan:

‘keep Minturn a local working class town,’ – ‘minimize the impact of vacation - second home owners and lack of long term rentals’ - ‘To keep Minturn a local, residential town, and not a 2nd homeowner community to Vail.’

Vacation Home Rentals Impacts:

Colorado communities have experienced negative impacts from Vacation Home Rentals. It takes local residents to build & create a community. There has been a significant loss in the long term rental market. This is directly affecting the work force and the ability for people to work in communities that lack work force housing. It is difficult for businesses to employ qualified staff and retain them, which affects the economy. Many communities from Denver to Telluride to Crested Butte have made Vacation Home Rentals illegal in many residential zone districts because of the negative effects on the community, employment, homelessness, business growth and retention and vitality of an area.

Research on Vacation Home Rental Impacts includes:

- “*Vacation Home Rentals: Issues, Emerging Trends and Best Practices*”, June 2015 Report Created for: Colorado Association of Ski Towns
Report by: Rees Consulting, WSW Consulting, RRC Associates.
- “*Short-Term Rentals: Municipal Best Practices in Colorado*” By CML-Colorado Municipal League, November 2016 Issue.
- Vail Planning Department Interviews
- Basalt Planning Department Interviews - Basalt made VHR’s illegal in 2013 – decision overturned

How the Ordinance was Developed:

- Research of other Colorado Communities managing Vacation Home Rentals, documents reviewed by staff, Planning Commission & Council – to determine best management for Minturn
- The Planning Commission held 2 work sessions – 4 hours - analyzing data and study other communities approaches to the management of short-term rentals.
- Staff held multiple work sessions in drafting the ordinance.
- Council held 1 work session from 5-6:30 to review Planning Commission & Staff recommendations and to add/change proposed ordinance.

Historic Houses and VHR:

*******The Minturn Code being used today was adopted in 1986

*******The parking code was revised in 2015.

*******Historic houses built before 1986 were not required to have on-site parking – although most homes in Minturn do have on-site parking – those requesting a VHR license and lack on site parking because of historic site plan - can be reviewed on **a case by case basis by town for approval for a VHR** - this is very limited number – maybe under 10 homes total – 1 as a VHR – this is an estimate

Agree???? Or Disagree????

Outline form of the VHR Ordinance:

1) Regulating short term rentals – VHR’s (vacation home rentals)

- Specific VHR Business License: all short term rentals need to obtain a business license with the Town and pay the appropriate fees, and post the license in the residence. License is \$500.00 – to include the cost of the building inspection for CO2 & Fire Alarms by the building inspector and Code Enforcement site visit of bedrooms & usable parking (garage is clean & can be used if part of parking plan).
- At time of Annual Business License - Applicant must submit:
 - 1) Building Inspection Approval of CO2 & Fire Alarm working (cost included with \$500 application fee)
 - 2) Evidence of Contract with a Property Manager in Eagle County or proof of full time residents in Eagle County of owner.
 - 3) Site Plan of property showing number of on-site, usable parking spaces & number of bedrooms in compliance with existing parking codes Section 16-16-10 & 16-16-20 – on site inspection to verify usable parking by Code Enforcement Officer (fee part of the \$500 application).

Description of Approval to Operate VHR:

- Property Manager: all short term rentals must list on their business license a property manager that lives in Eagle County and who is responsible for snow removal, complaints, maintenance and renters of the property, who the town can contact to resolve any problems immediately
- Lodging Tax: the short term rentals will pay the lodging tax of 1.5% to the town.
- Sales Tax is Percentage of gross sales as follows:
4% Town – 1.5% County – 2.9% State – Total: 8.4% sales tax + 1.5% lodging tax = 9.9% tax
- Building Code - Safety Inspections Required and approval submitted at time of Business License – showing approved: fire alarms, CO registers, and fire escape windows and doors – code enforcement parking approval.
- Need to have business license number on house and on advertising website.

Continue.....

2) **Zoning of short term rentals – VHR’s**

- The VHR’s rentals are not limited to commercial or mixed-use zoning
- The property owner needs to have owned the home for 2 or more years before a short term rental business license can be issued for the VHR entire house – if renting a room out of house being lived in by owner – this does not apply: (protects town from brokers buying long term housing for investment speculation)
- Restriction of the number of VHR’s in town is 5% of the total number of residential units in town.

3) **Managing VHR’s – Code Enforcement**

- Neighborhood impacts: trash, too many occupants, noise, snow removal – manager in county to contact if any of the situations violate the municipal code, can be immediately handled and fines placed as necessary.
- Parking – only allowed to advertise and rent number of bedrooms with required parking available on site per municipal code. Must submit number of bedrooms and parking at time of Business License approval.
- 3 Strikes Policy: if there have been 3 code enforcement reviewed & accepted complaints by the Minturn Code Enforcement Officer against the VHR in regards to code violations and parking, the VHR Business License will be revoked for 5 years.
- Code does allow on street parking for guests, over-flow to businesses and places for the few historic homes that lack on-site parking - it does not allow homes and businesses to be developed without on-site parking and including street parking.

*****Council Direction on 5 Issues – Detailed on Following Pages:**

1. VHR Ordinance include only entire house and one room rentals?
2. Parking Requirements
3. Amount of Guests – Occupancy Allowed/ Restricted
4. Business License Fee

See Below:

Issues of VHR to be Voted on A. B. or C. - The Vote will give Direction to the Code:

ISSUE 1: What rental is included in code:

1. A- Vacation Home Rental Ordinance **only** includes homes that the entire house is rented. The owners do not live full time in the house.

OR

1. B- Vacation Home Rental Ordinance includes homes that the entire house is rented and includes homes where 2 or more bedrooms are rented out on a short term, under 90 day basis and owner lives in house.

OR

1. C- Vacation Home Rental Ordinance includes all short term rentals: entire house, 1 bedroom, multiple bedrooms, couch, etc....

ISSUE 2: Parking Management:

2. A- Follow the existing code Article 16 – Section 16-16-10 & 16-16-20

Required by code – on-site parking:

Residential Parking Required:

- 1 parking space per 1 bedroom house
- 2 parking spaces per 3 bedroom house
- 3 parking spaces per 4 bedroom house
- 5 parking spaces per 5 bedroom house

Commercial Parking Required for Lodging – Hotel – Rooming/Boarding House:

- 1 space per guest room

NOTE: Section 16-16-60 Main Street (Highway 24) Parking Code:

For any business located in a **commercial zone** in the **Old Town Character Area**, off-site parking on Main Street (Highway 24) may be counted toward the required number of parking spaces, provided that the off-site parking shall not exceed six (6) spaces nor shall off-site parking exceed fifty percent (50%) of the total required parking, whichever is less. Off-site parking for multiple businesses on a single property on Main Street (Highway 24) shall be determined by the length of business frontage for each individual business that borders Main Street (Highway 24). Off-site parking for an individual business on a single property shall be determined by the length of the property frontage that borders Main Street (Highway 24).

***most Vacation Home Rentals are in residential zoning and are a home not a business as classified under commercial uses *** the above code should not apply to VHR – the parking should remain open for downtown commercial and restaurant businesses use - guest

OR

2. B- Only need to provide parking that is existing on site at present day conditions – parking spaces do not need to match bedroom count as required by code, do need to use garage spaces

ISSUE 3: Guest Occupancy Restrictions:

***Bedroom Definition: Bedrooms are defined by the Number of Bedrooms as recorded on the Eagle County Assessors office

3. A - Whichever is more restrictive: maximum number of guests is 2 times the number of on-site parking spaces or 2 times the number of bedrooms

-OR-

3. B. – No restriction on number of guests

-OR-

3. C. - Allowed maximum 2 gets per bedroom, not including children under the age of 15 years

ISSUE 4: Business License Fee

\$500.00 for VHR entire house rental

– this license fee includes the building inspector to inspect fire & CO2 alarms and includes on-site parking inspection by the town code enforcement officer

-OR-

\$300.00 for VHR entire house rental

– this license fee includes the building inspector to inspect fire & CO2 alarms and includes on-site parking inspection by the town code enforcement officer

-OR-

Separate out 1 bedroom application rate: \$125.00 for VHR - 1 bedroom rental

– this license fee includes the building inspector to inspect fire & CO2 alarms and includes on-site parking inspection by the town code enforcement officer

NOTE: One Stop Building Inspection costs \$75.00 – Code Enforcement: \$50.00