

# PITKIN TOWN WORK SESSION     June 27<sup>th</sup> 2019 at 7:00pm

Newcomb Community Center

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## MINTUES

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Full and timely notice of this meeting was provided pursuant to C.R.S. 24-6-402(2)(c).

1. **Call to Order/Roll Call:** Mayor Rachel New called the meeting to order at 7:05pm. Trustees John Rowan, Suzy Metzler, Cory Nasso, Brad Wick and Lois Sharpton were present. Minutes taken by Clerk Sara Gibb.

2. **For Council Discussion:**

- Discuss short-term rentals in the Town of Pitkin

Mayor Rachel New reminded those present that each trustee was tasked with providing a list of what would be necessary to pass the short-term rental (STR) ordinance. There are concerns that too much energy is focused on this ordinance with not enough progress. As a result, other priority items such as snow plowing are being neglected. She would like to take a broader look at timelines, expectations of the Board, and the current realities in Pitkin. Then, there will be Board discussion regarding whether to address the final three items on the STR ordinance.

Trustee Lois Sharpton stated that in order to implement the ordinance, multiple additional supporting documents that are mentioned in the ordinance are required (application, renewal application, fee schedule, safety certification form, enforcement policy, municipal court). If the ordinance is passed, then does the Board move on to the supporting documents and resolutions? Or does everything need to be in order prior to passing the ordinance? She would like to get the ordinance passed so people who are doing business in town know the expectations.

Trustee Brad Wick believes the ordinance needs to cover five areas. He provided a printout for Board members and constituents (see attached) and discussed his areas of concern which include: STR is a business, spot zoning, risk to residential neighbor, impact on residential neighbor, compliance with OWTS.

Mayor New listed aspects of the municipal court that have been presented but not pursued by the Board. She asked the Board to identify the process for coming to consensus on the content of the ordinance.

Trustee Suzy Metzler would like the ordinance to go on a ballot. She listed areas she would like to see addressed within the STR ordinance: quiet hours, shared OWTS disallowed, six occupants regardless of septic, and a cap on the number of rentals. Trustee Cory Nasso stated that there are still a lot of items in the current draft that he is undecided on. He would like to see a final version of the ordinance.

Trustee Brad Wick does not know if the Board is showing compromise. He wants the Board to consider allowing every homeowner to rent for a maximum of two weeks per year.

Mayor New stated that one of the objects to the current ordinance is that it is excessively complicated. There have been suggestions to have an ordinance, which coordinates with zoning in the form of a special use permit.

Trustee Lois Sharpton suggested a special use permit that applies to anyone who provides lodging, including hotels and lodges. The application would be reviewed by the Zoning Board before being present to the Board of Trustees. This would apply to everyone, not just STRs. The Board would need to decide if inspections would be required. Trustee Suzy Metzler stated that this idea sounds fair. Trustee Sharpton believes this would simplify the process.

Public comments: Jerra Garetson, Kathy Dardio, Marie Rossmiller, Sterling Padilla, Chris Nasso, Kandy Nasso, Mike Rupp, Ramon Reed

Discussion was held regarding the final 3 sections of the draft STR ordinance, beginning with Section 11. Trustee Brad Wick stated that a performance bond was his idea. He wants the business owner to be engaged and vet the rental. He wants the business owner to have something at risk so he takes a second look at who he is putting in the house. The Board was polled on the idea of a performance bond:

Trustee Brad Wick – remove

Trustee Lois Sharpton – abstained

Trustee John Rowan – remove

Trustee Suzy Metzler – keep

Trustee Cory Nasso – remove

Public comments: Tom Gibb, Jerra Garetson

Discussion regarding section 12 began with public comments.

Public comments: Pete Olson, Ramon Reed

Mayor Rachel New stated that the footnote should have read “the suggestion of caps *could* negate this issue” for footnotes 30, 31, and 32.

The Board is in agreement with footnote 29 (add introduction to section 12).

Trustee Brad Wick stated that the requirement of having an STR property in a personal name helps to solve the spot zoning issue. He said a trust can be confusing because you don't know what the trust documents say.

Trustee Suzy Metzler believes this idea is prudent.

Cory Nasso asked about the intent of this section. He believes the intent is relevant.

Trustee Brad Wick stated that if there is damage and a neighbor needs to litigate, it can be hard to find out who owns the property if it's in a trust. Trustee Nasso asked if it would be legal to treat at trust differently from a home in an individual name. He would like Attorney McDonald's input regarding this idea.

He stated that the Town wants to say STRs are a business, but we are not going to afford you the legal structure to run your business.

Trustee Wick states he wants to the Town to figure out how to allow STRs without spot zoning. He states that Pitkin may become more viable for winter activity in the future and the Town would be prudent for thinking about that.

Mayor New stated that the Board needs to understand the true definition of spot zoning. She suggested obtaining legal counsel for this understanding. Trustee Wick agrees. He stated that he has no problems with a trust operating a short-term rental in residential if there was full disclosure of the trust ownership. He is against corporations and LLCs.

The Board will request a discussion on spot zoning from Attorney McDonald in his attorney's report.

Trustee Wick stated that a time limit requirement may be needed to prevent an interpretation of spot zoning.

There was discussion regarding enforcement.

The purpose of Section 12, item C is to determine that sales tax is being remitted. Trustee Nasso asked if it has been verified that an agent can pay sales tax on behalf of a property owner. Trustee Brad Wick stated that sales tax remission is completed online and a management company can complete this task.

At past meetings, the Board has discussed replacing the safety certification checklist with a written certification that confirms an egress plan, fire extinguisher, and smoke and carbon monoxide detectors. Trustee Wick stated that item F is redundant and should be struck. The Board agrees.

Trustee Wick does not believe it's the Town's job to protect the STR owner. Trustee Sharpton asked if any other business in town is required to have insurance. Trustee Nasso would like to strike item G. The Board agrees.

Item I is an attempt to address the lack of a host at an STR business.

Trustee Sharpton believes the Town could post quiet hours in the designated posting locations. Trustee Nasso states this idea can be added to item J (posting requirements). He also states that the quiet hours should not be defined and designated in the STR ordinance. The statement should read "quiet hours as determined by the Board of Trustees." A separate resolution or ordinance should be created to designate quiet hours. Trustee Brad Wick stated that the intent of this section is to stop late-night noise. Trustee Nasso states this should be addressed Town-wide. The Board agrees to strike the designated quiet hours.

Public comments: Jerra Garetson, Pete Olson, Cindy Houtwed, Chris Nasso, Todd Adams, Ramon Reed, Sara Gibb

There was discussion regarding sales tax licenses, remitting payment, and how this would work for individual properties.

Trustee Lois Sharpton doesn't know how to assign caps without being accused of discrimination. Trustee Wick states that caps would limit competition because the currently operating STRS would likely obtain the permits. He does not know how to fairly implement caps. Trustee Cory Nasso does not want to discuss caps. Trustee Metzler likes the idea of only having a certain number of STRs in Town but she also believes this would be difficult to manage. Trustee John Rowan believes caps would cause things to go on under the radar. The Board will not pursue language for caps at this time.

Regarding section 13, Trustee Nasso suggested taking public comments and completing homework based on comments made.

Public comments: Ramon Reed, Mike Rupp, Cindy Houtwed, Kathy Dardio, Todd Adams

The Board will study enforcement and be prepared to discuss ideas at a future meeting. Trustee Brad Wick stated that the primary difficulty with enforcement is the cost. The Town does not have a way to pay for enforcement.

Mayor New stated that incentive-based enforcement is the most successful method for small communities.

- Discuss and prioritize upcoming projects and items for Board attention

Mayor New requests the Board to complete a priorities list at home.

Speed limit signs will be an agenda item.

### **3. Dismiss: Meeting adjourned at 9:29pm**

Approved minutes, ordinances, resolutions, future agendas, and other Town of Pitkin public notices can be found at <https://www.colorado.gov/pitkin>

*\*Public comment to the Board of Trustees is encouraged. Comments may be limited at the mayor's discretion*

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