

PITKIN TOWN WORK SESSION

At the Newcomb Community Center

May 8th, 2017 at 7:00PM

Minutes:

Mayor Rachel New called the meeting to order at 7:00 pm

Trustees Eddy Balch, Chris Nasso, Cory Nasso & Ralph Bush were present.

Minutes taken by Clerk Pro Tem Renee Balch

The following topics were discussed:

Short-term Rental Ordinance

Ramon asked Mayor New to address conflict of interest issue. Rachel stated she is going to chair the meeting as mayor but will not vote or suggest policy or procedure regarding STR's as recommended by the state.

Goal of work session: Discuss 3 topics in the STR ordinance then take public comments.

Section 4. Short Term Rental Business Application (Trustee Brad's proposed ordinance)

Consensus is to Adopt STR application as presented with the following suggested additions:

1) Add a checklist and give examples of supporting documents needed to address proposed occupancy.

Process: Fill out application for permit and submit to town clerk for town council to review.

Application Fees: \$300-500 was recommended by Trustee Brad's proposed ordinance. Trustees suggested \$400.

Discussion:

Trustee Cory doesn't think fees should be a revenue generator rather they should cover the costs of the town clerk's time. Sales tax is the revenue generator.

Trustee Ralph agrees fees should offset costs but he's not sure how much that should be?

Trustee Eddy suggested fees go toward compliance – are taxes being paid?

Section 6. Short Term Lodging Business Operating Permit (Trustee Brad's proposed ordinance)

Operating permit valid for a period of 3 years, renewable for another 3 years if there are no major violations.

Consensus of the Board was that a review would be made after 2 years with a final review in year 3 to address any problems that may have arisen after the initial review. They believe the Board must retain the right to revoke a permit if there is a major violation after renewal has been granted.

Renewal fees of \$30-\$50 per year suggested by committee. Trustee Ralph suggested permit can be revoked if after 30 days the fee has not been paid.

Application Fees: Trustee Ralph wants to collect permit fees annually in case there are problems. Consensus of the Board was that if a permit is revoked application fee would be forfeited.

Trustee Cory suggested that the application fee would not be collected until the application has been approved by the Board.

Rather than the proposed requirement of 2/3rd's favorable vote (4 of 6 trustees). Trustees agreed majority vote would suffice.

Trustee Ralph suggested adding to the application a place for the environmental health commissioner to sign off that the property owners are in compliance with OWTS.

Trustee Ralph suggested applicant would need to provide documentation proving OWTS has design capacity to allow more than 2 persons per bedroom.

Trustee Brad suggested kids under the age of 5 not be counted in the 2 persons per bedroom stipulation. Trustees decided all persons be counted despite their ages.

Suggestion 3 STR committee – Guest Parking

Trustee Ralph stated property owners must submit a parking plan. Trustee Chris noted that parking is addressed in the zoning code.

Trustee Ralph suggested the town provide a “fee lot” to park toy haulers/trailers/vehicles. This could be a revenue generator for Pitkin.

Property Manager (Section 4, subsection e Trustee Brad’s proposed ordinance)

States property owners must have a local contact who will be able to travel to the property in 40 minutes. Trustees discussed having 2 local contacts (primary & secondary) and extending response time to 60 minutes.

Information posted on STR premises:

- Maximum number of occupants
- Education about septic systems
- Local contact information
- Emergency 911 contact information
- Approved parking plan

Mayor New suggested putting ordinances into a code book that can be given to new property owners, chamber of commerce, etc.

Trustee Ralph suggested a 3-ring notebook with pertinent information such as a menu from the local establishments, Alpine tunnel, do’s & don’ts, etc.

Section 4. Short Term Rental Business Application

Affidavit section should also be added – signify everything on the application is true. By signing you are affirming the STR property is in compliance with state law regarding safety regulations.

Complaint Procedures

If a complaint is not addressed within an hour, the complainant may contact the local contact person again or zoning officer or the enforcement officer.

Enforcement officer may issue citation – Mayor New stated the need to work on a fine schedule.

Trustee Brad's proposed ordinance stipulates that the operating permit must be displayed inside front door of property. It was noted we can also include other information we want to convey to the renters at this same location.

Section 7. Violations of this Ordinance and Fines Imposed.

Trustees present agree with Trustee Brad's proposed ordinance in section 7.

Suspension & revocation:

Trustee Ralph stated the need to be consistent in enforcement of ordinances and regulations. STR's and all properties within Pitkin need to comply with town ordinances.

Section 8. Suspension and Revocation of STR Lodging Business Operation Permit

1st violation results in a warning

2nd violation results in a hearing before the Board

3rd violation results in revocation of the operating permit

There was discussion regarding major versus minor violations.

Violation of Colorado state law or submission of fraudulent information on the application both would result in immediate revocation of STR permit.

Each complaint will be documented and include details of the incident and the resolution.

Section 9. Transfer and/ or Assignment or Surrender of STR Lodging Business Operating Permit

Trustees agree permits are not transferable

Public comments (see below)

Schedule follow up meeting to be determined. Need input from Jim.

Meeting adjourned at 9 pm

Public comments:

Jerra Garretson – Concern that STR property owners would get “due process”

John Wise - complaints should be about behavior of the guests (not property owner issues – grass to tall).

-Every complaint should go into a property file. Then at renewal review Major/minor issues (burn ban/smoking example)

-Fireworks need to be addressed. They are against the law.

-Renewal is the only way to control STR owners. Review their files for complaints.

-Permit fee – make them pay \$50 up front. Town doesn't need to bear that cost. They lose \$50 if they back out.

Parking – has to be adjacent to the property. Good idea to use unused property to park vehicles and trailers.

Responsibility to do a safety inspection. We need an inspection process.

Rand – Smoke detectors/fire extinguishers. Enforcement procedures – fire marshall can't go into someone's house. Rules are state governed. But as a STR we can add that enforcement according to Rand. Owner violation should hold a lot more weight than renter violation. Can't control the renter's behavior completely.

Patrice – Observed people sitting in their guns, looking in other peoples windows, parking on corners – hard to see oncoming traffic. She is concerned about Bonfires.

Robin – There is protocol that must be followed with any business. Need to require proof of insurance – this covers many of the issues discussed. She is in favor of a booklet of what is required in Pitkin.

Jesse - -What do we charge for businesses to operate in residential areas? Sounds discriminatory that the fees are escalated for STR's.

Ralph's response – more regulatory hours required for enforcement of STR than wood carving or gift shop.

Could we charge a rate per hour for permits? Need to determine how many hours this should take.

John there is a difference – lodging is 24-hour business others are not.

Kandy – We don't need to be discriminatory. Example: Shooting guns by owners.

John – how are we going to enforce if someone tells you no?

Eddy's response - We can take someone to court in Gunnison if necessary.