

# PITKIN TOWN WORK SESSION

## At the Newcomb Community Center

April 11<sup>th</sup>, 2017 at 4:00PM

### Minutes:

1. **CALL TO ORDER**/Roll Call - Mayor Pro Tem Rachel New  
Mayor Pro Tem Rachel New called the work session to order at 4:05 p.m.

Trustees Eddy Balch, Matt Buchanan, Chris Nasso, Cory Nasso and Brad Wick were present.  
Attorney Jim McDonald was present.  
Minutes taken by Clerk Sara Gibb

2. **Discuss notes from the short-term rental committee:**

Eddy Balch requested a list of the members who made up this committee. Cory Nasso, John Wise, Brad Wick, Joe Grenawalt, Gwen Mataisz, Pete Olson,

#### Recommendation 1: Permits

The Board agrees that STRs should require permits.

Jesse James Garetson wonders what other businesses are being charged for permits.

#### Recommendation 2: Set occupancy

The Board agrees that occupancy is important and needs to be defined/set at 2 people/bedroom unless the property owner can prove that a different occupancy is supported by the current OWTS.

Rand Makowski states that the septic should be the sole defining point for occupancy. Jesse James Garetson would like the Board to consider opportunities for exception (i.e. extra family members in for 4<sup>th</sup> of July.)

#### Recommendation 3: Parking

The Board agrees that parking should be addressed within a separate ordinance that covered parking issues town-wide.

Jesse James Garetson pointed out that some side streets do not have the option for off-street parking or on-street parking that allows room for safe passing of moving vehicles. John Wise believes parking for STRs should be adjacent to the property. He would also like the Board to keep in mind that a lodging business is a 24-hour a day business. Ramon Reed believes STRs should have their own parking regulations because they are a different kind of business with different impacts compared to other types of businesses. Ralph Bush pointed out that there are separate parking requirements in the international residential and international business codes.

#### Recommendation 4: Local contact

The Board agrees that there should be a local contact but response time suggested is too restrictive.

Trustee Matt Buchanan suggested an hour response time.

#### Recommendation 5: Posting of information

The Board agrees that posting information most important to the Town is necessary.

Trustee Brad Wick suggests only posting what is most important to the Town. Trustee Cory Nasso believes that the suggestion is good but it should not be mandatory to post each item on the suggested list. Trustee Brad Wick suggests an appendix with recommended postings.

Jesse Garetson stated that his insurance policy has requirements and he posts to cover himself for insurance purposes as well as for the safety of his guests.

#### Recommendation 6: Property inspection

The Board agrees that inspections should not be required.

Trustee Matt Buchanan is opposed to a required property inspection. He believes the property owner should make this decision. Trustee Cory Nasso wondered if the Town is permitting an STR if the Town could be held liable for any damage. Attorney Jim McDonald believes putting a disclaimer on the permit which places the responsibility on the property owner would prevent the Town from liability.

Ralph Bush suggested that at minimum, the structure should be issued a certificate of occupancy. Rand Makowski wondered if the State has rules for rentals (i.e. requiring fire extinguishers, etc.)

#### Recommendation 7: Complaint procedure

The Board agrees there should be a procedure for complaint.

Trustee Brad Wick stated that the intent of the second part of this recommendation was to develop a file in the case of a property receiving repeated complaints. This would provide the Town grounds to not renew a permit. Mayor Pro Tem Rachel New pointed out that the Town's complaint procedure is slightly different than what is outlined in this recommendation document. Trustee Eddy Balch believes that "actions" should be more clearly defined, perhaps referring directly to the Ordinances of the Town.

Ralph Bush believes that the Town's complaint procedure should be referenced and that the nuisance ordinance should be enforced. John Wise believes that the Town should not be able to revoke permits, but rather should opt to not renew a permit for an STR that has been problematic. Jesse Garetson believes that invalid complaints should not be retained. He also believes STRs should have the same procedure as any other ordinance that has been violated.

#### Recommendation 8: Enforcement

Trustee Cory Nasso believes an ordinance violation should be handled according to the Town code. Trustee Eddy Balch suggested including that the revocation of the STR permit may be a result of violations.

### 3. Discuss Brad Wick's proposed short-term rental ordinance:

Trustee Brad Wick began by introducing the reason why he is proposing this ordinance. He wants processes to be defined within the ordinance so it can be enforceable. He would like the State to cease being concerned about Pitkin.

Trustee Eddy Balch suggests that the STR committee puts an ordinance together vs. the Board putting the ordinance together. Trustee Cory Nasso would like a draft ordinance that includes the suggestions that Board has agreed on for the Board to review. Trustee Brad Wick believes the Board should be the committee since ultimately the Board will decide on what to include in the ordinance.

#### Section 1: Declaration

Trustee Eddy Balch believes that this section should be omitted and that OWTS is addressed in its own ordinance. He does not believe the STR ordinance should be defined as being adopted to regulate OWTS.

The Board agrees to strike the last sentences in section 1.

#### Section 2: Purpose

Trustee Eddy Balch believes the declaration in section 2a should be removed. It is not true. He believes 2b addresses the purpose.

There was some discussion as to whether the State is specifically concerned about STRs. Trustee Eddy Balch maintains that the State does not look at STRs, long-term rentals, and permanent residences differently.

Trustee Brad Wick pointed out that the advertising ordinance currently up for approval doesn't define how "original number of bedrooms" will be established. He doesn't see how the advertising ordinance doesn't allow for enforcement. Trustee Eddy Balch pointed out that enforcement is defined in Reg. 43 and will be handled by the local Board of Health.

Trustee Cory Nasso believes the committee had defined the purpose of an STR ordinance.

Mayor Pro Tem Rachel New believes everything in the STR committee recommendation list is in the ordinance. Trustee Brad Wick stated that the posting of information is not included in his proposed ordinance. He also does not believe the ordinance addresses the complaint procedure. Parking is not addressed.

Trustee Cory Nasso stated that the transfer of permit should be addressed. The Board agrees with this.

Mayor Pro Tem Rachel New believes Jim should re-write the scope and purpose of the ordinance.

Mayor Pro Tem Rachel New would like the Board to compare the STR committee recommendations and Brad's proposed ordinance and list points they agree with and re-write points they do not agree with. The Board should also consider whether STRs be allowed in residential areas.

Suzy Metzler offered to provide the Board copies of the ordinance that she wrote in 2015.

Mayor Pro Tem Rachel New asked Suzy to send any points in her ordinance that have not been addressed in the STR committee recommendations or Brad's ordinance.

Rand Makowski believes the design of the septic should determine occupancy, not the number of bedrooms.

Ramon Reed wants STRs in residential areas to be discussed first and a consensus to be reached prior to drafting an ordinance. He emphasized several times that the words used in the ordinance should be carefully considered.

Kandy Nasso wonders if Attorney Jim McDonald had previously drafted an ordinance. Attorney Jim McDonald stated that Suzy wrote the ordinance and he made some adjustments.

Robbin King suggests a certificate of occupancy should exist for all buildings that can be occupied. She also suggests an all-day work session for drafting an ordinance to vote on. She does not agree with recommendations of 10 and 10 STRs because this would potentially hurt her business. She states that the average for CO is 3%. She suggests the Town adopting a "bed tax" if STRs are to be allowed in the residential district.

John Wise pointed out that business activity should not be limited in the business district. He believes that STRs in the residential district have an unfair advantage over businesses in the commercial district because they pay less taxes. John Wise believes in property rights and that every right has a responsibility.

Jesse Garetson stated that an STR in a residential area is not considered a change of use. He agrees that businesses in the commercial district should not be restricted. He wonders why the Board continues to discuss this issue. He offered to provide input on an STR ordinance if the Board would like it.

Ralph Bush stated that the Townspeople are looking to the Board to help create an environment to reunite the Town. He would like the Board to approach issues in an even-handed way. He encourages the Town to refrain from limiting businesses in the business district.

Mayor Pro Tem Rachel New would like the Board to review each point and plan to discuss STRs in the residential district. Please be prepared at the next work session to discuss...

The Board should be prepared to discuss viable solutions to revenue issues at a future work session.

Work session planned for 7:00p.m. April 17<sup>th</sup>. Attorney Jim McDonald will draft a scope and purpose.

Work session adjourned at 6:08