

Planning Commission Minutes

September 19, 2023

Chair Cary Aloia called the meeting called to order at 2:52pm.

Member Present and seated as Board: Chair Cary Aloia, Mike Mitchell, Charles Stillings, Travis Cross, Martha Williamson and Russel Pratt. Dixie Diltz – Secretary.

Members Absent: Leonard Brown, Jerry Gallegos and Will Hathaway.

Others Present: None

Mike Mitchell made a motion to accept the agenda with addition of Saguache County DOLA training report. Martha Williamson seconds.

Travis Cross made a motion to approve the minutes of the July 18, 2023, meeting as corrected, Mike Mitchell seconded, minutes approved.

Chair Aloia calls forth the discussion of short-term rental fee schedule recommendation to Board of County Commissioners. Secretary Diltz reminds the P&Z Board that they had previously made recommendation of a \$1,500.00 new application fee and a \$1,000.00 renewal application fee. This recommendation was tabled by the BOCC and returned to the P&Z Board for reconsideration. Diltz states that the BOCC had felt that the \$1,000./\$1,500. recommended fee was a large increase from what is currently charged and may be amicable to a compromised “middle”. There were a few community members present at the BOCC meeting who were opposed to the fee increase.

Cary Aloia says she had mentioned in one of the prior meetings a “grandfathered, over three-year increase” and it seemed like there may be some support for this type of increase. It would be a step increase, any new applications would be at the \$1,500.00 fee and \$1,000.00 annual renewal, but any existing short-term rentals would be stepped up over three years to the \$1,000.00 fee. Russell Pratt questions if it would require a lot of paperwork to track? Cary Aloia states that all applicants would be on the same schedule in three years. Secretary Diltz states that she feels the Land Use Department, with the addition of a new employee, would be able to manage the tracking of this type of fee platform. Martha Williamson states she likes the idea of a ramp up approach, which would give people time to plan. Russell Pratt questions if currently the fee is covering the cost to the county to manage these applications. Secretary Diltz explains the process that staff go through on each short-term rental application and how the staff has been trying to reduce time and expenses associated with managing them. She estimated 1-1/2 hours staff time average for each short-term rental plus fuel, paper, printing, and postage. Russell Pratt questions how many of the short-term renters are out of state owners? Diltz says she doesn't know exactly right now; however, it would be a large majority of them.

Martha Williamson says she remembers that a couple of the things the P&Z Board was trying to solve for when setting fees was; one, covering staff time and obtaining an enforcement staff member to do the enforcement. Then there was the question about the disparities with South Fork and the fees they charge, and then the question about fairness with local lodging owners who are paying the commercial taxes. She feels that having the higher fees solves for what we were trying to address and having the ramp to get there would help the existing people. Secretary Diltz says that this approach or just going with a split on the original recommended fee and then trying again at a later time could be approaches the P&Z takes. Cary

Aloia feels that we would always be running behind if we did a fee now with the plan to increase it again later. She is in favor of the step-up schedule.

Charles Stillings states that the steps could be \$400.00, \$700.00, and then \$1,000.00. Cary Aloia agrees that these numbers sound good.

Secretary Diltz clarifies; what she will propose to the BOCC is \$1,500.00 for new applications, \$1,000.00 for renewal applications each year after. Existing short-term rentals will be \$400.00 renewal the first year, \$700.00 renewal the second year and \$1,000.00 renewal the third and subsequent years.

Russel Pratt asks if a \$1,000.00 and \$500.00 fee would be approved? Mike Mitchell states that he doesn't think that covers the costs. Travis Cross questions if other jurisdictions are putting this much thought into it. It is stated that many other jurisdictions have these types of fees.

Secretary Diltz says she feels this is a good proposal, she can take it to the BOC and the worst that can happen is they send it back to the P&Z for more discussion. Cary Aloia requests that if the BOC returns it again, they give explanation of why they don't feel the fees need to be that high.

Travis Cross reads Pagosa Springs fees. The other fees that Pagosa and Salida both charge, the per month and per nights fees. Discussion on how those fees could be enforced is held. Cary Aloia reiterates that our proposed is still less than the Town of South Forks.

Charles Stillings makes a motion to recommend the step-up fee schedule to the Board of County Commissioners. Mike Mitchell seconded the motion; the motion passed unanimously.

Cary Aloia gives the Board a review of the DOLA Training that Saguache County invited other P&Z members too. Martha, Cary and Dixie attended. The DOLA presenters covered one of the questions that Cary had which was how much the P&Z Board should "help" an applicant to get through the process or "make it work"? The presentation made it clear that we should not be delving into that kind of activity. We should focus on what the application is and not help them solve a problem. Martha Williamson agreed with Cary. Secretary Diltz said one thing she has talked with other County staff about as well as the DOLA group and something that this board needs to stay focused on is the difference between a quasi-judicial action and a legislative action. Quasi-judicial actions are when they are sitting as a "judge" and deciding if someone should be allowed to do something on their land that isn't a "by right" activity. At this time the decisions should be based on what the code book says and not on what we would like or want. Then the legislative action is when the Board makes amendments to the Code book. This is when you talk about what you would like the codes to say.

Cary Aloia questions if CPS's suggestion would be to model any new campground regulation on the current regulations of the State of Colorado. Secretary Diltz informs the Board that CPS will be coming back in and working with the Boards the dates have not been set yet. But hopefully will be on the October meeting agenda.

There are two pending applications that may make it to the October meeting,

No public in attendance to comment. Travis Cross makes motion to adjourn meeting, Martha Williamson seconds. Meeting adjourned at 3:26 pm.