

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF JULY 14, 2015 MINUTES
- V. OLD BUSINESS
 - a. Continue Discussion – Retail Marijuana Location Possibilities w/
Federal Restrictions, Zoning & Comprehensive Plan
 - b. Schedule Public Hearing CDC September 8, 2015
 - c. Simon Property Agreement
 - d. Vacation Rentals
- VI. ADJOURN

POSTED 8/7/15

PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
July 14, 2015

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede - a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Kay Wyley, Frank Freer, Lauri Jordan, Eric Grossman
COMMISSIONERS ABSENT: Rex Sheppard

Commissioner Jordan, presiding, declared a quorum present:
Those members of staff also present were as follows: Clyde Dooley, Town Manager
Randi Snead, Town Clerk/Treasurer

AGENDA

Commissioner Wyley moved and Commissioner Freer seconded to approve the agenda as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF MAY 12, 2015 MINUTES

Commissioner Freer moved and Commissioner Wyley seconded to approve the June 9, 2015 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

OLD BUSINESS

CREEDE DEVELOPMENT CODE

Manager Dooley updated the Commission about answers he had received regarding the Floodplain Regulations. He is still waiting for clarification on a few things from CIRSA, but should be ready to schedule the public hearing during next month's meeting.

NEW BUSINESS

SCHEDULE PUBLIC HEARING FOR LAGOON ZONING

Commissioner Grossman moved and Commissioner Freer seconded to schedule a public hearing to recommend zoning on the lagoon annexation for September 8th, 2015. The vote was unanimous. Commission Chair Jordan declared the motion carried.

SCHOOL GYM UPDATE

The commission was informed about the City-County joint purchase of the old school gym. Changes to zoning and other land use requests could be expected from all new property owners.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Freer moved and Commissioner Wyley seconded that the meeting be adjourned at 6:18 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/
Randi Snead
City Clerk/Treasurer



MEMO

City of Creede

DATE: July 17, 2015
TO: Mayor and Board of Trustees
FROM: Randi Snead, Town Clerk
SUBJECT: Short Term Rental Research

Hello all:

An audience member asked that we discuss prohibiting vacation rentals in residential areas at the next PZC meeting. We have gathered some information on what other towns are doing and the pros & cons of short-term rental. Short-term rentals are defined as less than 30 days of ongoing occupancy of a property. We do not currently regulate short-term rentals (STRs).

Some information about short-term rentals:

- The majority of Creede/Mineral County STR properties are managed through a realtor.
- There are currently 4 rentals in city limits on VRBO, 6 rentals on AirBNB, 3 on HomeAway, none on FlipKey, and 9 on various area realtor websites. STR listing companies such as VRBO are required to collect lodging owner's taxpayer ID info before listing.
- STRs in the area are typically booked solid during the summer months.
- A property use is prone to changes according to the individual property owners needs: some vacation rentals are being used until the owner is able to retire, some may switch back and forth from long to short term.
- STR users are likely to spend as much as an average hotel visitor throughout town. They are likely to go out for nearly all their meals, shop, attend shows, thus increasing our sales tax revenue significantly with each visitor.
- STRs fill a need for visitor lodging that would otherwise in town be met by just one establishment, incapable of completely fulfilling lodging needs for most high traffic events.
- There is no evidence that local STRs consume more water, create more trash, or act in any way differently from a month-to-month or year-to-year tenant. Short term rentals do not substantially alter the use of a residential property.
- There is no evidence that STR owners in our area are more likely to commit tax evasion than business owners in other industries. Sales tax and lodging tax are collected from STRs. There are mechanisms in place to ensure tax compliance at the county and municipal level.
- Some communities restrict or prohibit STRs in response to complaints about increased traffic, trash or noise from renters. So far, no complaints have been received by town hall related to any vacation rental. A recent CML article suggested that complaints could be resolved in the same manner as provided with existing residential nuisance codes.
- There's also a concern for the loss of long-term rentals. Should more properties switch to STR rental this could definitely become a problem. If the census is accurate, we currently have many more vacant non-residence homes than rentals, long or short term.
- Prohibiting STRs will effectively shut down a fairly well-established industry in town, creating sales tax revenue loss and personal income loss within city limits. Prohibiting short-term rentals in R-1 and R-2 will effectively shut down all but one property currently being used for vacation rentals.

Our current options seem to be:

1. Prohibit STRs in residential zoning areas or all zoning areas.
2. Collect business license registration information from STRs (Breckenridge is leading the state with his practice).
3. Develop regulations for STRs and include in the new development code.
4. Continue to be vigilant of changes created by this quickly-moving industry within city limits. Add an STR FAQ to the Business Center on the website detailing tax obligations to help business owners comply with the law.

Prohibition seems antithetical to the current pro-business culture being promoted by local governments. The city doesn't currently require business licensing or have a system for regulating it, so tracking STRs specifically without the benefit of lodging tax revenue would be administratively burdensome and expensive. Inclusion in the development code would only be necessary if we felt that STR regulations needed to be different from other rentals and residential regulations, i.e., requiring a different number of tenants, different parking regs, etc, or if we chose to cap the percentage of STRs in city limits (Durango went this route). Therefore, option 4 seems to be the best option at this juncture.

Here are some additional resources:

CML Article <https://www.cml.org/Resources/CML-Newsletter/Share-Your-Story!/>

Best Practices in Short-Term Rental Regulation <http://www.stradvocacy.org/media/STRAC-Best-Practices1.pdf>

Short Term Rental Housing Regulations White Paper
http://arlingtontx.granicus.com/MetaViewer.php?view_id=2&clip_id=1188&meta_id=140526

Short Term Rental Tax Requirements <https://www.colorado.gov/pacific/sites/default/files/Sales11.pdf>

Colorado Mountain Towns & STRS http://www.denverpost.com/business/ci_27571002/mountain-towns-learn-love-and-regulate-short-term

Boundary Line Agreement

This Boundary Line Agreement is made by and between Caleb and Rebecca Simon hereafter (“**Applicants**”) and the City of Creede, a Colorado Town hereafter (“**City**”). The Applicants and City are sometimes referred to individually as (“**Party**”) and collectively as (“**Parties**”).

RECITALS:

- A.** Caleb and Rebecca Simon are the owners of record & have a warranty deed for Lots 31, 32, & 33 in Block 44, North Creede in Mineral County, Colorado they purchased June 14, 2013. The Southeast portion of these lots are encumbered by approximately twenty-five (25) feet of U.S. Forest Service Road No. 502.
- B.** The City is desirous of clarifying Forest Service Road No. 502 as a public right-of-way while working with all property owners in the North Creede subdivision in clarifying titles and replatting developable property.
- C.** The Parties have been discussing their desire to clarify their titles through a boundary line adjustment and replat of the parcels of property’s they’ve occupied and used over the years.
- D.** Caleb and Rebecca Simon received a building permit from the City of Creede to build a new home on lot 33 and portions of lot 32 and lot 34, Block 44, North Creede because their neighbor’s house encroached onto lot 31 and a portion of lot 32.
- E.** The intent of this Agreement is to facilitate the “Parties” abilities to evaluate and execute the steps necessary to adjust their property boundaries according to provisions provided in Colorado State Statute (C.R.S. 38-44-112).

The Parties agree to the following steps.

- 1.** The Applicants had their property surveyed to help identify the property they own and have used and will provide a survey replatting the property no less than 25 days prior to the August 5th, 2014 meeting with the Board of Trustees.
- 2.** The Planning Commission and Board of Trustees began reviewing, and discussing adjusting these property boundary lines, the Boundary Line Agreement and the replatting of the properties in April, 2014
- 3.** Once this agreement is signed by all Parties, the City will prepare and send certified return receipt requested letters to adjacent property owners and put a notice in the local paper announcing a public hearing, no less than 15 days

prior to the next regularly scheduled Board of Trustees meeting for the ordinance authorizing the vacation of a portion of a platted [but never established] street, property transfers, and replat documents.

4. The City will prepare an ordinance and Quit-Claim deeds authorizing the Board of Trustees to vacate and convey by quit-claim deed a portion of the platted, but never established Creede Avenue in North Creede (Exhibit "A") to Caleb and Rebeca Simon.
5. Caleb and Rebecca Simon will convey by quit-claim deed the southeast portions lots 31,32, and 33 in Block 44, North Creede to the City as described in (Exhibit "B").
6. The City will prepare a resolution for replatting the properties for the Board of Trustees approval following the approval of the ordinance establishing proper ownership.
7. Once the Ordinance & Resolution are approved, the ordinance and deeds will be signed and recorded and then the resolution and maps (one Mylar and three 24" x 36" paper maps plus one 11" x 17" paper map) will be signed and recorded by the Mineral County Recorder.
8. All the steps of this agreement are contingent on prior steps being approved by the Board of Trustees.
9. This agreement supersedes all prior negotiations between the Parties concerning matters addressed herein and shall not be modified except in writing executed by each of the Parties.

THIS AGREEMENT is approved by the Board of Trustees this 19th day of August 2015.

Caleb Simon

Rebecca Simon

Caleb Simon

Date

Rebecca Simon

Date

CITY OF CREEDE:

ATTEST:

Eric Grossman, Mayor

Date

Randi Snead, City Clerk

Date

EXHIBIT A

(portion of Creede Avenue, North Creede to Simons)

A parcel of land being a portion of the platted, but never established, Creede Avenue in North Creede, City of Creede, [Keith will supply] _____ to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

EXHIBIT B

(Southern portion of lots 31, 32, 33, Blk. 44, North Creede to City)

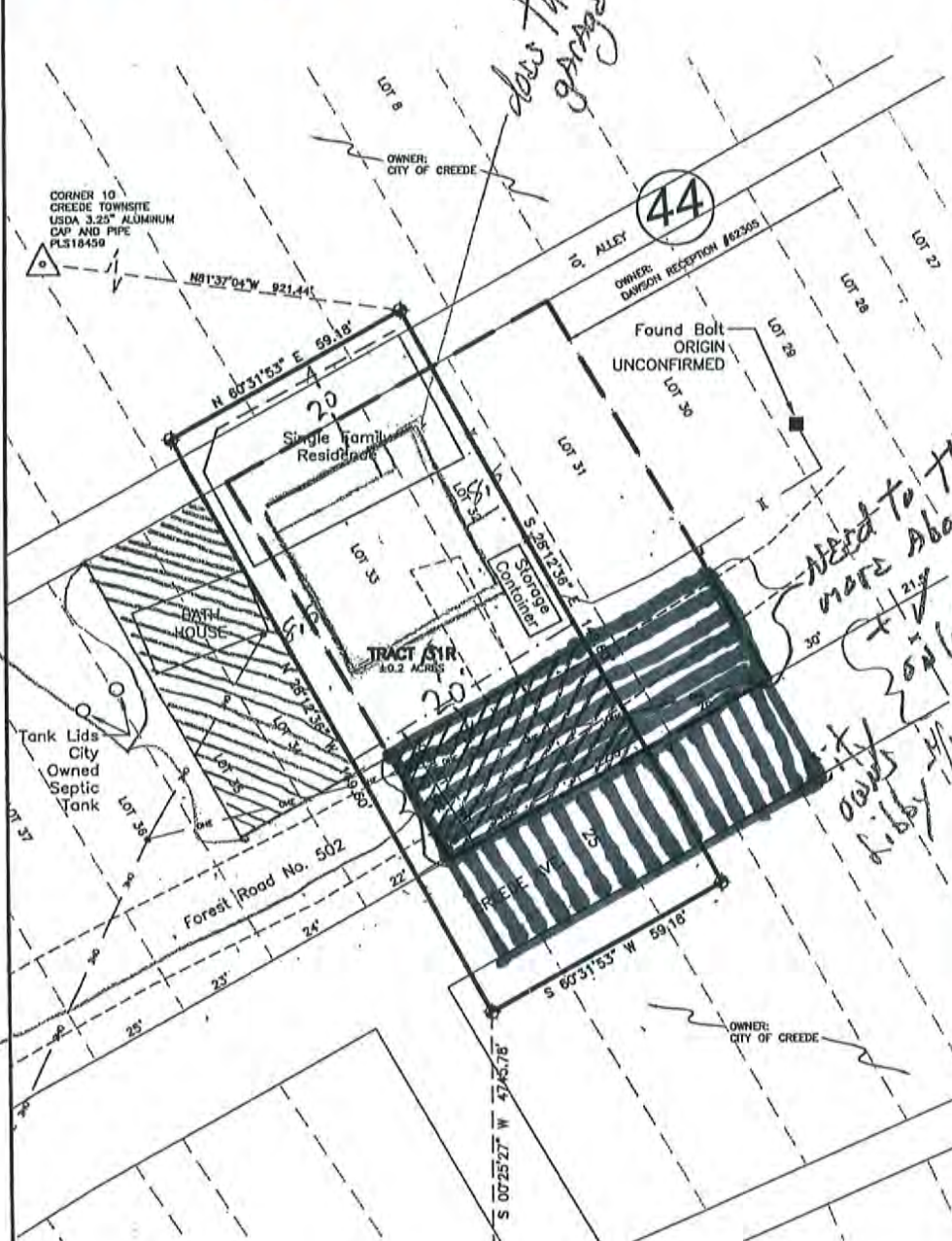
The southern portions of lots 31, 32, and 33, in Block 44, North Creede, City of Creede [Keith will supply] A parcel of land being a fraction of Cliff Street, Creedmoor, City of Creede, situated in the S½SE¼ Section 25, T.42N., R.1W., N.M.P.M., Mineral County, Colorado, which fraction contains 1196.7 square feet, more or less, being more particularly described by metes and bounds as follows: Beginning at the NW corner of the Brenman Tract, identical to the SW corner of the Schaaf Tract, a pin and red plastic cap, RLS 5442, whence the S¼ corner for said Section 25, a BLM brass cap, bears S69°27'48"W a distance of 1620.01 feet; thence N60°54'51"E a distance of 18.80 feet; thence S26°01'20"E, along the Easterly limit of Cliff Street, a distance of 67.40 feet; thence S60°55'31"W a distance of 16.76 feet to a pin and alum. cap, PE-LS 2281; thence N27°45'24"W a distance of 67.32 feet to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

Original Thoughts
7/21/15 thoughts

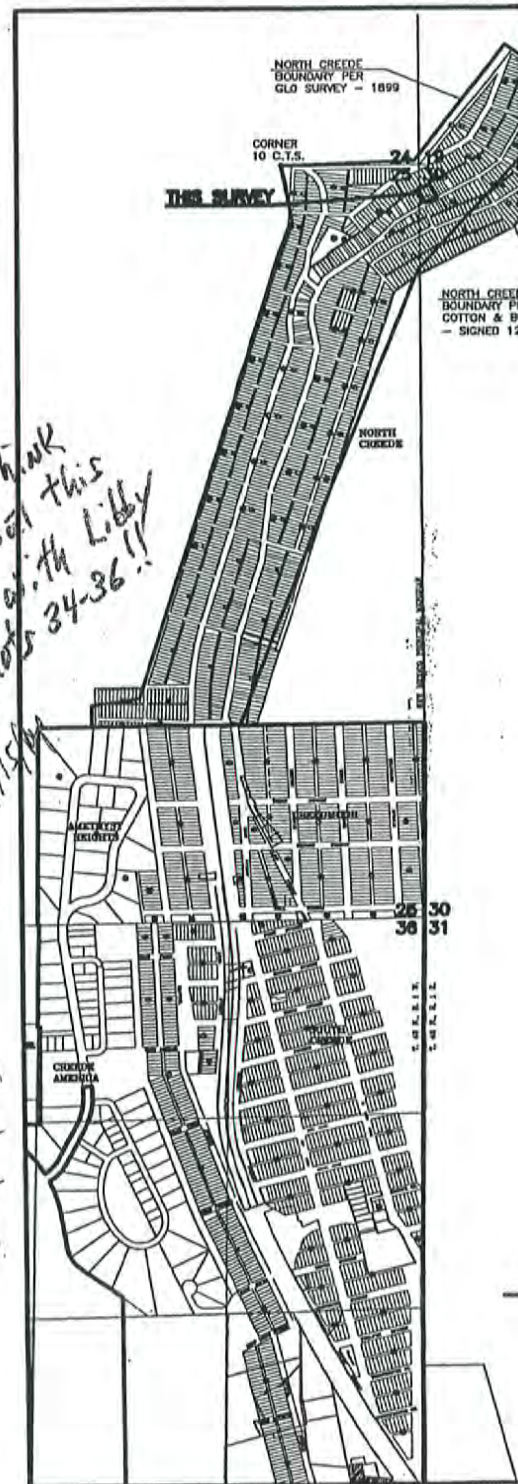
✓ per Caleb 12/9/13

does this include
garage?

City To Caleb
Caleb To City



Need to think
more about this
+ 21.9
on lots 34-36!!



VICINITY MAP
SCALE: 1" = 600'

LEGEND

1.5 INCH ALUMINUM CAP
AFFIXED TO # 5 REDBAR FIRMY SET

IF Caleb wants to purchase
more property on the
south side of R5502
I recommend he have
it surveyed & approved
& ask the Trustees.