

ORDINANCE NO. 06-24

AN ORDINANCE AMENDING SECTION 5.3 OF THE ESTES PARK DEVELOPMENT CODE REGARDING VEHICLE BASED ACCOMMODATIONS FOR SEASONAL EMPLOYEES

WHEREAS, housing related costs in the Town of Estes Park have escalated rapidly in recent years, as evidenced by median home sales prices rising from \$392,000 in March 2020 to \$585,000 in September 2022—a 50% increase in two and a half years;

WHEREAS, affordability has declined in the rental market as rent hikes outpaced income growth and levels of cost burden for renters rose from 41% in 2010 to 63% in 2020 in Estes Park according to the 2023 Estes Valley Housing Needs Assessment & Strategic Plan (Assessment);

WHEREAS, the rental vacancy rate in Estes Park is currently approaching zero while a balanced rental market typically has vacancy rates of 5-10%. There is a need for approximately 132 units to accommodate seasonal workforce according to the Assessment;

WHEREAS, Estes Park relies on a tourism-based economy that is seasonal in nature with approximately 5,250 summer seasonal jobs compared to approximately 4,860 year-round jobs according to the Assessment;

WHEREAS, with little available work force housing, businesses face difficulty hiring adequate staff to deliver services. In 2021 there were 740 unfilled jobs in the Estes Valley, a 30% increase since 2015 according to the Assessment;

WHEREAS, the Board of Trustees desires to pass this ordinance to allow a one-year pilot program to permit Vehicle Based Accommodations for Seasonal Employees on private property in limited situations as defined herein;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: In this ordinance, ellipses indicate material not reproduced as the Board intends to leave that material in effect as it now reads.

Section 2: Section 5.3(D) of the Estes Park Development Code is hereby amended by the addition of underlined material, to read as follows:

§ 5.3 – TEMPORARY USES AND STRUCTURES

...

D. Temporary Uses Allowed.

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7. Vehicle-Based Accommodations for Seasonal Employees (VBASE)

a. **Definitions.** For the purposes of this paragraph (7), the following terms have the following meanings:

(1) *Affiliate* means a person (e.g., firm, company, entity, natural person) who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the specific person, as determined explicitly in a temporary use permit. “Control”, including the terms “controlling”, “controlled by”, and “under common control with”, means the

possession, direct or indirect, of the majority power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than commercial contract for goods or non-management services, or otherwise.

- (2) Qualified Occupant means any person who resides in a VBASE unit and is employed as an employee or independent contractor for more than 30 hours per week, on the same site as the property where a VBASE unit is located, or on another site owned either by the person who owns the property where the VBASE unit is located or by an affiliate of the owner.
- (3) Vehicle-Based Accommodations for Seasonal Employees (VBASE) Unit means a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, motor homes, or slide in truck campers which may be used as a temporary dwelling or sleeping place for Qualified Occupants. The following do not qualify as VBASE Units: tiny homes, passenger vehicles, and truck toppers.

b. Permit Required; Term; Fees.

- (1) Any owner may, upon receipt of a temporary use permit for such purpose, enter into a private agreement with any Qualified Occupant to allow VBASE parking on the owner's private property for use as a temporary dwelling or sleeping quarters.
- (2) This VBASE permit shall issue and automatically renew monthly until such time as owner terminates the permit in writing or on the following November 1, whichever comes first.
- (3) The permit application fee shall be \$50.00.
- (4) The monthly permit fee shall be \$100.00 paid to the Town without proration. The fee is for each calendar month. The permit fee is owed by each permittee whether a permitted spot is in use or not, and fees will not be reduced on a pro rata basis. For continuing permits, the permit fee is due and payable on the last business day of the prior month.
- (5) The Town may accept advance payment of the monthly permit fees, but acceptance of such payment does not change the month-to-month permit status. The Town will not provide refunds on any advance payments.
- (6) This permit does not allow any material change to the interior or exterior of any premises to accommodate the VBASE unit that would require a building permit.

c. Eligibility For Temporary Permit.

- (1) **Permit Required.** An owner shall submit a completed permit application to the Town along with payment of the permit application fee. The permit application shall include a drawing showing the proposed location of the VBASE Unit on the site to demonstrate conformance with all applicable regulations.
- (2) **On-Site Employment Required.** The Qualified Occupant must either be employed on the same site as the owner's property or on another site owned by the owner or the owner's affiliate.
- (3) **Location.** The VBASE Unit must be placed entirely on private property and meet all setback requirements of the zoning district or any setback established by an approved variance. The VBASE Unit shall not be located in any of the following places:
 - (a) Within the extended boundaries of a crosswalk;
 - (b) Within ten (10) feet of the extension of any primary building entranceway, and or doorway;
 - (c) In a location in which it may impede or interfere with or visually obstruct :
 - i. The safe movement of vehicular and pedestrian traffic;
 - ii. Parking lot circulation;
 - iii. Required parking spaces;
 - iv. Access to any public street, alley or sidewalk; or
 - v. Fire lanes
- (4) **Zoning and Land Use.** The VBASE Unit is only permitted to be located on properties zoned Accommodations (A and A-1), Commercial (CD, CO, CH, or O), or Industrial (I-1). A VBASE Unit shall not be permitted on properties zoned

Residential (R, RM, E, or E-1) or on properties on which the principal use is residential, regardless of zoning.

- (5) **Season.** The VBASE Unit is only permitted to be occupied from May 1 to October 31. The VBASE Unit may be parked and/or stored on-site outside these dates in accordance with all requirements of the Municipal Code and Development Code.
- (6) **Surface.** The location of the VBASE Unit on the owner's private property must be on a rigid surface consisting of concrete, asphalt, chip seal, or pavers. A gravel surface is also acceptable provided it is designated and reserved for parking, but in no case shall a VBASE Unit be placed upon any dirt, grass, landscaping, or other permeable surface.
- (7) **Electric.** The Qualified Occupant must have a supply of electricity from a source on the same parcel. The use of a generator is not allowed at any time. No air-conditioning or any other mechanized unit to cool air in a VBASE Unit may operate after the hours of 8:00 p.m. or before 8:00 a.m.
- (8) **Water.** The Qualified Occupant must have access to potable drinking water by a food grade hose or other means of delivery from a structure located on the same parcel with an approved Town water tap or permitted well.
- (9) **Hoses and cords.** Hoses and cords which cross real property lines or public property are prohibited. All hoses/cords need to be securely placed and covered as needed, to avoid being a trip hazard.
- (10) **Restroom.** If the VBASE Unit does not contain restroom facilities, the owner shall make restroom facilities available to the Qualified Occupant 24 hours per day. Portable restroom facilities are not permitted.
- (11) **Sewer.** No sewer hook-up for a vehicle is required; however, any black water holding tank in use must be regularly dumped at a permitted RV dump station. The owner is responsible for the appropriate management of a black water system if used on the property.
- (12) **Dumping of Black or Grey Water.** In no case shall black or grey water tanks be dumped into any sewer system located on the premises unless an approved RV sewer connection is available.
- (13) **State of Good Repair.** The VBASE Unit must be maintained in a state of good repair and be equipped and licensed for travel on public roads.
- (14) **Life Safety.** The VBASE Unit must be equipped with an operable fire extinguisher, smoke detector, and carbon monoxide detector.
- (15) **Number of VBASE Units.** No more than one VBASE Unit per parcel shall be permitted.
- (16) **Maximum Occupancy.** No more than three adults over the age of 18 and no more than six people total may dwell or sleep in any VBASE Unit.
- (17) **Term of Tenancy.** The term of the tenancy between the owner and the Qualified Occupant shall end on the last day of each month at 11:59 p.m. This rental term shall be contained in a written agreement signed by the owner and the Occupant with a copy provided to Town Staff prior to approval of the permit.
- (18) **Display of Permit.** The Permit shall be affixed to the VBASE Unit so it is visible.
- (19) **Inspection.** The owner and Qualified Occupant shall grant permission to Town staff to enter the property as an invitee to inspect the VBASE Unit for permit compliance or to respond to complaints.
- (20) **Other Requirements.** The permitted VBASE Unit shall comply with all other restrictions and requirements imposed by local, state, or federal laws.
- (21) **Other Structures.** Except for the VBASE Unit, no permanent or temporary structures, including but not limited to decks and shade structures, shall be erected in connection with this Permit.
- (22) **Insurance.** Property owner must file with the Town a certificate evidencing valid and effective policies for real and personal property liability insurance at least to the limits required with minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence, One Million Dollars (\$1,000,000.00) in the aggregate.
- (23) **Signage.** No temporary or permanent signage is permitted in conjunction with this permit.
- (24) **Businesses Prohibited.** No business may be operated out of a VBASE Unit.

c. Factors For Grant Of Temporary Permit. No temporary use permit for a VBASE unit shall be granted unless the Town finds that the following criteria have been met:

- (1) Compliance with all eligibility requirements contained herein.
- (2) No current nuisance or other continuing code violation as set forth under the Municipal Code exists on the real property where the VBASE Unit will be located.
- (3) The VBASE Unit location does not significantly adversely impact the surrounding area.
- (4) The real property parcel complies with all applicable Town zoning, development code, and building regulations and there no open or continuing code violations.
- (5) The issuance of the permit balances the safety of patrons, pedestrians, and traffic such that no group shall be subject to an unreasonable risk of harm if the permit is granted.

d. Repeal. This paragraph (7) on vehicle-based accommodations for seasonal employees shall automatically be repealed effective April 30, 2025. No temporary use permits for VBASE units shall be issued which would authorize any such use to occur after that date. The Board of Trustees may alter this repeal by ordinance.

Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this 9th day of April, 2024.

TOWN OF ESTES PARK, COLORADO
/s/Wendy Koenig, Mayor

ATTEST:
/s/Jackie Williamson, Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the 9TH day of APRIL, 2024 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 12TH day of APRIL, 2024, all as required by the Statutes of the State of Colorado.

/s/Jackie Williamson, Town Clerk

APPROVED AS TO FORM:
/s/Dan Kramer, Town Attorney