

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, OCTOBER 25, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Stephens and Commissioner Shaddock-McNally were present. Also, present were, Samantha Mott, Community Development; Lesli Ellis, Community Development Director; Amy White, Code Compliance Supervisor; Connor Sheldon, Engineering; Lea Schneider, Health and Environment; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the hearing with the Pledge of Allegiance.

FIRST READING OF THE LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF SHORT-TERM RENTAL REGULATIONS: Frank Haug, Assistant County Attorney, explained the process of adopting an ordinance within Larimer County stating that the reading of the proposed ordinance will be read in full today, but no action will be taken. The second hearing will take place on November 8, 2021, and at that time the Board of County Commissioners will deliberate and decide on adoption of the ordinance.

Amy White, Code Compliance Supervisor read the seven-page ordinance including but not limited to the purpose and intent, approval and compliance, violations, enforcement, and revocation. The conversion of residential properties to short-term rental units has a variety of effects on the neighborhoods in which such units are located, as well as on the community. These issues would include noise, traffic, potential for trespassing, fire-safety concerns and trash not being disposed of properly. The Board of County Commissioners desires to effectively implement and enforce the regulations while providing additional regulations addressing the granting, enforcement, and revocation of a short-term rental approval and other code compliance measures. Following the November 8, 2021 hearing, the ordinance, if adopted, shall be published in a newspaper by title only and shall take effect thirty days after the date of publication.

PUBLIC HEARING CONSENT ITEMS:

1. BUSBY APPEAL, FILE NO.21-ZONE2968: This is an appeal to article 3.4.5.A.3.b of the Larimer County Land Use Code to allow a detached accessory living area to exceed the required size maximum of 40% of the square footage of the single-family dwelling, excluding any garage or basement area, or 800 square feet, whichever is less. The property is a four-acre parcel located approximately 300-feet north of the intersection of South Saint Louis Avenue and 4th Street Southeast. The property includes a single-family dwelling, a detached home occupation office building, multiple outbuildings, and an existing accessory living area. The existing accessory living area is currently the subject of an active code compliance case.

The applicant is seeking approval through a concurrent Administrative Special Review process

for an existing accessory living area and is requesting an appeal to the size limit. The main home on the property is approximately 2,200-square feet (excluding the garden level basement). The size of the existing accessory living area is 1,014 square feet. The applicant, who is also the adult child of the property owners, has indicated that he and his family currently reside in the accessory living area. The accessory living area provides an opportunity for the applicant to reside onsite in order to assist in maintaining the property while also caring for his aging parents.

Excluding the basement, as required by Article 3.4.5.A.3.b, the proposed accessory living area would exceed both the 40% of the square footage of the main home as well as the maximum 800-square feet requirement; however, the request is minimal. The requested 1,014-square foot accessory living area would be approximately 46% of the square footage of the main home and 214-square feet over the 800-square feet maximum. If the size appeal is granted by the Board of County Commissioners, the Administrative Special Review can be approved administratively by the Community Development Director.

The existing single-family dwelling and existing accessory living area are currently served by City of Loveland Water. Although both dwellings are currently served by an on-site septic system, the applicant has made arrangements with the city to connect both dwellings to City of Loveland Sanitation. Both dwellings will share the existing access point off South Saint Louis Avenue. Adequate parking for the residence and accessory living area are provided on the property.

The Development Services Team evaluates each request on its own merits but historically has supported accessory living areas up to 1,200-square feet in detached buildings that have unique circumstances and adequate public facilities.

REVIEW CRITERIA

22.2.3 REVIEW CRITERIA FOR APPEALS TO DEVIATE FROM STANDARDS OR REQUIREMENTS OTHER THAN MINIMUM LOT SIZE

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following review criteria. The County Commissioners will consider each of the following criteria and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.
- B. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- C. Approval of the appeal is the minimum action necessary.
- D. Approval of the appeal will not result in increased costs to the general public.

E. Approval of the appeal is consistent with the intent and purpose of the Code.

The general intent and purpose of the Larimer County Land Use Code is to “preserve, protect and improve the health, safety and general welfare of Larimer County residents and to implement the Larimer County Comprehensive Plan adopted July 17, 2019, and any future amendments.” Both the Master Plan and the Land Use Code are intended to provide flexibility in circumstances that are reasonable while still maintaining the health, safety, and general welfare of the community.

The intent of the detached accessory living area regulations is to allow guest quarters that are secondary to the principal single-family home on the property and compatible with uses in the surrounding area.

Staff has made the assessment that the proposed appeal meets this intent since there will be no impacts to the general welfare of Larimer County and it does not change the existing character of the property.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Busby Appeal, File #21- ZONE2968, subject to the following conditions:

1. The Accessory Living Area shall be located as shown on the approved site plan.
2. The use of the building as an Accessory Living Area must be approved through the Administrative Special Review process.

The Development Services Team notes that if the proposed appeal is approved, additional conditions will be placed on the Administrative Special Review approval including meeting all development standards, obtaining all applicable permits, and noting an expiration of the Administrative Special Review approval.

2. OLANDER FARMS SPECIAL REVIEW FILE NO 21-ZONE2691: The applicant requests a Special Review approval for a value-added agricultural processing operation. (This is an expansion to the Olander Farms Minor Special Review, File#15-Z1994.) This item was on the consent agenda for the September 22, 2021, Planning Commission public hearing at 6:00 p.m.

The applicant seeks Special Review approval for an agricultural processing facility to malt barley that is grown and harvested from the applicant’s farm. The existing 12,420-square-foot building was approved for a 2,950-square-foot malting facility in 2015, however the malting operations currently occupy 6,480-square feet of the building. The application seeks to legalize the existing configuration of the malting facility. The application also seeks to add four full-time employees and four part-time employees in addition to the two employees currently permitted. The 72.75-acre property also contains a single-family dwelling, a pivot-irrigated agricultural field, and an oil & gas well. There are no new buildings proposed with this request.

The property is located on the north side of Highway 60 approximately three-fourths mile east of County Road 11. It is just north of Weld County, and it is located outside of, but adjacent to the Loveland Growth Management Area. It is approximately 72.75-acres in size, and it is currently zoned RR-2 Rural Residential.

In 2015, the Board of County Commissioners approved the Olander Farms Minor Special Review, File #15-Z1994, for an indoor agricultural value-added agriculture facility for barley malting on the subject property. The use has expanded beyond what is allowed through the Minor Special Review process and the applicant is now seeking approval for the expanded use.

The original Minor Special Review allowed the use of 2,950-square feet of the existing barn for the value-added agricultural process. The applicant proposed a malting operation to use barley grown on a part of the 1,500-acres farmed by Olander Farms LLC. The remainder of the building was to be used for equipment and product storage. The applicants have now expanded to use a greater portion of the building for the value-added agricultural processing. According to the attached Building Project Information Sheet the building is approximately 12,420-square feet. Approximately 6,480 square feet is used for manufacturing and 5,440 square feet is used for storage. This new request also includes additional employees and therefore the number of vehicle trips per day has gone up.

Converting barley to malt is considered a Value-Added Agricultural Processing Use. The review process required for such uses depends on a combination of property size, percentage of the product grown on-site, the building size and vehicle trips per day generated. In this instance, the Special Review process is required because the building use area is greater than 4,000-square feet, the use may generate more than 20 trips per day, and less than 50% of the product is grown on site.

Value added agricultural processing is defined as: The processing and/or packaging of agricultural products, excluding the processing of fish, meat or game. Examples include but are not limited to: the making of alfalfa pellets, herbal products, food products, wreaths, woolen products, cheese, and candles. Value added processing may include the sales of value-added agricultural products produced on the site.

REVIEW CRITERIA:

To approve a Special Review application, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- A. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood.
- B. Outside a Growth Management Area (GMA) district, the proposed use is consistent with the County Master Plan. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the County Master Plan or county adopted sub-area plan.
- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code.

D. The proposed use will not result in a substantial adverse impact on property in the vicinity of the subject property.

E. The recommendations of referral agencies have been considered.

F. The applicant has demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Olander Farms Special Review, File #20-ZONE2691 subject to the following conditions:

1. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Olander Farms Special Review, File #20-ZONE2691 except as modified by the conditions of approval or agreement of the county and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Olander Farms Special Review.
3. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of County Commissioners.
4. This application is approved without the requirement for a Development Agreement.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to county, county may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the county's election to use one shall not preclude use of another.
6. County may conduct periodic inspections to the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.

8. The applicant must complete the Site Plan Review process.
9. The owner must obtain building permits for all unpermitted buildings and pay the applicable fees associated with the building permits.
10. The buildings will need to comply with the height and setback requirements for the zoning district unless they receive approval for variances through the Board of Adjustment.
11. The applicant shall maintain and keep current all licenses required by Larimer County, the State of Colorado, and the Federal government for this use.
12. The applicant must obtain a new Access Permit from the Colorado Department of Transportation.
13. Additional right-of way must be dedicated and shown on the site plan.
14. The applicant must comply with the requirements of Loveland Fire Protection Authority.

MOTION

Commissioner Stephens moved that the Board approve the Consent Agenda for Monday, October 25, 2021, subject the conditions in the staff report and further authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0

With there being no further business, the Board recessed until 6:30 p.m.

MONDAY OCTOBER 25, 2021

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Matt Lafferty, Principle Planner. Chair Kefalas presided, Commissioner Stephens and Commissioner Shadduck-McNally were present. Also, present were Jenn Cram, Community Development; Lesli Ellis, Community Development Director; Matt Goebel and Gabby Hart, consultants from Clarion Associates; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

1. LAND USE CODE AMENDMENTS TO ARTICLE 2.0 ZONING DISTRICTS, ARTICLE 3.0. USE REGULATIONS AND REGULATIONS AND ARTICLE 20.0. RULES OF INTERPRETATION AND DEFINITIONS, FILE NO.21-CODE0257 RELATED TO URBAN AGRICULTURE AND THE KEEPING OF LIVESTOCK: This request for code amendments related to agriculture operations, including the keeping of livestock, was heard by the Planning Commission at their hearing on October 13, 2021.

At the hearing, staff from Community Development provided a brief overview of the proposed amendments. Following the staff presentation, the hearing was opened for public input, but no public comment was received. Having received no public comment, the public comment was closed.

Matt Lafferty, Principal Planner, presented a brief presentation beginning with the background and review criteria and recommendation to the Board. Mr. Lafferty stated that they will be amending three portions of the code. The first is to amend article 2.0 by expanding the definition of the agricultural zoning district to identify that Larimer County is a right to farm community. The second is to amend article 3.0 regulations related to agriculture by aligning and adding new uses in the use tables, adding new uses and descriptions for the keeping and processing of livestock and adding new specific standards for expanded uses. The third is to amend article 2.0, rules of interpretation and definitions by modifying and adding new use definitions related to proposed amendments related to agriculture.

Mr. Lafferty stated that agricultural uses help promote and preserve a rural, agricultural economic base and lifestyle in unincorporated Larimer County. Development of agricultural uses should respect and respond to the county's unique agricultural and rural character, as well as its topography.

BACKGROUND

Adoption of the 2019 Larimer County Comprehensive Plan emphasized that agriculture continues to be a viable and necessary land use in Larimer County. This premise was reinforced with the adoption of Phase 1 of the Larimer County Land Use Code rewrite, which included substantial amendments directed at simplifying and eliminating existing regulations considered to be obstacles to new and on-going agricultural uses across the county. Some of the most significant changes included:

- Creation of new zone districts supportive of agricultural uses,
- Addition of intent and purpose statements for base zone districts,
- Elimination of unintended use limitations, and
- Adding allowances for agricultural operations in all zone districts (both urban and rural).

Not all the potential code modifications related to agriculture were accomplished during the Phase 1 adoption process; thus, specific code amendments were carried forward with the expectation of being resolved during Phase 2.

Amendments attended to during this second phase include:

- identifying agricultural operations as the primary land use in the Agricultural zoning district,
- refining of urban agriculture activities,
- clarifying allowances and rules for keeping of animals, and
- aligning the land use tables with new and existing zoning districts.

To establish the relevance of agricultural land uses in the County, the intent and purpose statement for the Agriculture (A) zoning district in Section 2.2.2.C. is proposed to be expanded to reference the "Right to Farm" policies of the County and State and, additionally emphasizing that primary use of

lands in this district is agricultural in nature. Another expectation of this emphasis of agriculture as a primary land use is to lessen nuisance concerns of new housing being developed adjacent to existing agricultural activities.

While the keeping of livestock/animals was carried forward as a larger topic for Phase 2, the real issue with livestock keeping was revealed during the public outreach effort as the keeping and processing of poultry. Until the recent adoption of the Land Use Code, the raising of poultry for the sale of their byproducts, regardless of the number of birds being kept and processed, constituted a commercial poultry farm, which use was subject to the full body of regulations and the special review process. Having such tight regulatory limits has restricted such operations from establishing within Larimer County, leading to non-compliant uses. To alleviate concerns with the limits of the past code, changes during Phase 1 added minimum provisions for the keeping and processing of poultry; however, most poultry farmers believed the allowances were still overly restrictive, especially on small poultry operations. Research of the issue, including dialogue with poultry farmers and the Agricultural Advisory Board, has provided proposed regulations based upon the size and context of a property. These new provisions acknowledge that smaller properties in urban areas are subject to higher standards as the result of greater property constraints and compatibility issues, whereas rural locations with larger properties are subject to lesser standards as impacts and compatibility are less prevalent with larger properties.

Additional amendments addressed during Phase 2 have taken into consideration that urban farming is playing a more significant role in the agricultural market, especially with regard to access to locally grown food. To support urban agriculture the code has been updated to align with the Cottage Food Act by acknowledging “Farm Stands” as an accessory use of any farming operation. The amendments regarding farm stands include minimum parking provisions and avoidance of building permits for farm stands under 200 square feet. Additionally, the keeping of poultry, as outlined earlier in this report, was greatly expanded in the urban area to respond to the growing need for smaller agricultural operations.

Finally, updated definitions related to the agricultural code amendments have been added to Article 20.0. of the Code.

Mr. Lafferty stated that they did revise the agriculture zoning district statement to include, “Residential uses are secondary in agricultural areas and should be developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. Residential development adjacent to existing agricultural uses should have no significant, adverse impact on the continued operations of any adjacent agricultural use and should comply with any applicable ‘right to farm’ provisions in state statutes.”

Mr. Lafferty went into some detail describing the three classifications of poultry: Poultry Keeping-Rural, Poultry Keeping-Urban and Backyard Poultry.

Backyard Poultry:

- Accessory use in Urban character area and GMA’s only
- 50-bird maximum per lot
- Roosters are prohibited
- No On-site commercial processing

- On-site retail sale of eggs allowed as home occupation
- Not a principal agricultural use, no farm stands

Poultry Keeping-Urban

- Maximum of 50 birds per acre
- Roosters allowed
- Egg production allowed
- Allowed to process up to 1,000 birds raised on the premises per calendar year
- On-site processing can occur (100-foot setback)
- Products sold at on-site farm stand limited to birds raised and processes on site

Poultry Keeping-Rural

- Principal and accessory agricultural use in Conservation & Agricultural, rural, and mixed center character areas.
- Allowed by right
- Maximum of 50 birds per acre
- Roosters allowed
- Egg production allowed
- Allowed up to 1,000 birds raised on premises per calendar year.
- On-site processing can occur in either enclosed (50-foot setback) or screened space (100-foot setback)

The Farm Stand section has also been updated to allow the sale of agricultural products from any other property that maintains an agricultural use.

RECOMMENDATION

The Community Development Department recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code Amendments by:

1. Amend Article 2.0 Zone Districts by expanding intent statement for the agriculture (A) zoning district in Section 2.2.2.C. Intent Statement for Base zoning Districts.
2. Amend Article 3.0 Use Regulations related to agriculture by aligning and adding agricultural uses in the use tables, adding new uses and descriptions related to the keeping and processing of livestock (poultry) and adding uses specific standards for new and expanded uses.
3. Amend Article 20.0 Rules of Interpretation and Definitions by modifying and adding new use definitions related to proposed amendments related to agriculture.

The effective date of the regulations shall be November 1, 2021.

The Commissioners thanked staff and appreciated the changes that were made to the poultry section and announced that they would be supporting these changes. Chair Kefalas did have a question on

why the Red Feather Lakes community planning area is not included. Mr. Lafferty stated that the Red Feather area is not an urbanized area.

Public Comment: Kristin Ramey from Long Shadow farm joined via telephone. Ms. Ramey had questions on page 22 of the packet asking for clarification on the 50-100 foot setback as well as asking the county to consider 100 birds instead of 50. She also had a question on the Administrative Special Review process.

Chair Kefalas closed public comment.

Mr. Lafferty explained the difference between 50 and 100-feet as this pertains to the difference between Urban and Rural. He also spoke about the per acre birds allowed.

The Commissioners again thanked staff and consultants for their hard work and the statement of intent.

MOTION

Commissioner Shadduck-McNally moved to approve the Land Use Code Amendments presented by staff and recommended by the Planning Commission to:

1. Amend Article 2.0 Zone Districts by expanding intent statement for the Agriculture (A) zone district in Section 2.2.2.C. Intent Statement for Base zoning Districts.
2. Amend Article 3.0 Use Regulations related to agriculture by aligning and adding agricultural uses in the use tables, adding new uses and descriptions related to the keeping and processing of livestock (poultry) and adding use specific standards for new and expanded uses, and
3. Amend Article 20.0 Rules of Interpretation and Definitions by modifying and adding new use definitions related to proposed amendments related to agriculture, which Amendments are found in File 21-CODE0257 – Agricultural Code Amendments and Attachments B (redline version) and C (clean version) and attached to the Board of County Commission hearing packet subject to the following:
 1. The effective date of the regulations shall be November 1, 2021.
 2. Amend 3.3.2.I. Poultry Keeping, Rural to read “Rural poultry keeping operations shall be located outside of established GMA's, the Laporte Plan Area and the Estes Valley Planning Area, and shall comply with the following standards:”
 3. Amend 3.2.2.J. Poultry Keeping, Urban to read “Urban poultry keeping operations shall be located within established GMA's, the Laporte Plan Area, or the Estes Valley Planning Area, and shall comply with the following standards:”

4. Amend 3.4.4.D. Backyard Poultry to read “Backyard Poultry uses shall be located within established GMA's, the LaPorte Plan Area, or the Estes Valley Planning Area, and shall comply the following standards:”

5. Amend 3.4.4.D.1.a. to read “No more than 50 birds shall be kept on one lot.”

Motion carried 3-0

2. LAND USE CODE AMENDMENTS TO ARTICLE 2.0. ZONING DISTRICTS, ARTICLE 3.0. USE REGULATIONS AND ARTICLE 20.0. RULES OF INTERPRETATION AND DEFINITIONS, FILE NO. 21-CODE0259 RELATED TO HOUSING TYPES AND AFFORDABILITY: The proposed amendments related to housing types and affordability were discussed at the October 13, 2021, Planning Commission public hearing at 6:00 p.m. Staff gave a brief presentation that highlighted the proposed amendments.

Jenn Cram presented the Land Use Code amendments related to housing types and affordability including amendments to article 2.0 zoning districts by expanding the intent statement for the Manufactured Housing Park (MHP) zone districts in section 2.5 urban districts. Also, amendments to article 3.0 use regulations by amending section 3.2 tables of allowed uses for residential uses in the rural and urban districts, amending 3.3 use specific standards for agricultural labor, housing, manufactured homes, and manufactured housing parks, amending sub-section 3.4.5 additional standards for accessory dwelling units. Also, amendment to article 20 rules of interpretation and definitions.

Some of the proposed changes include new definitions for agricultural labor housing which states, housing occupied by individuals that are primarily engaged with and/or employed by an agricultural operation. Family members of such individuals may also live in the same unit. The MHP zoning district intent statement has also been revised. Adding to the statement, “Other residential use types may be allowed through a site plan review process provided that are consistent with the adopted goals in the Comprehensive Plan for housing options and affordability.” The use tables have been revised to allow principal and accessory uses in the MHP zoning district. The revisions also include clarified setback requirements and 15% outdoor recreation area equipment for MHP’s.

Ms. Cram also detailed changes to the accessory living area portion of the amendments. This includes long-term renting allowed, short-term rentals prohibited in accessory living area only (principal can be rented either short or long-term.) as well as the maximum size by lot area.

BACKGROUND

Phase I of Land Use Code amendments effective March 31, 2021, introduced a few new housing types and carried forward the development standards from the previous Land Use Code. The intent of proposed Phase II amendments to the Land Use Code are to further align with the Comprehensive Plan adopted in 2019 that emphasized the importance of providing a diversity of housing types and to provide contemporary standards for the development of housing in Larimer County to support affordability and other housing goals.

Housing affordability in Larimer County and the region is an important and complex topic. The Land Use Code can influence the types of housing, location of housing types, density of housing, and development standards associated with each type. Currently, the Land Use Code already allows for a diversity of housing types. The location and/or density of housing types is also based logically on the availability of public facilities and services.

Another topic being actively discussed and possibly addressed legislatively are Tiny Homes on Wheels as dwellings. A definition of a Tiny House on Wheels is proposed as a placeholder so that when State statute and building codes allow, a Tiny House on Wheels may be permitted as a dwelling type in the future and the Land Use Code can easily be updated. This definition can be found in Article 20, Section 20.3. other terms defined.

Other proposed amendments are focused on use specific standards for Agricultural Labor Housing, Manufactured Homes, Manufactured Housing Parks and Accessory Dwelling Units. Proposed amendments to Agricultural Labor Housing found in Section 3.3. allows for greater flexibility with the type of housing proposed related to the context of the property and surrounding uses. Proposed amendments to Manufactured Housing Parks also found in Section 3.3. update the design standards related to setback requirements, site conditions, streets, connectivity, parking, outdoor storage, screening, outdoor recreation areas, landscaping, and maintenance. Proposed amendments to Accessory Dwelling Units found in Sub-section 3.4.5. increase the maximum allowable square footage for accessory living areas based on the lot area and allow them to be rented long-term with short term rentals being prohibited. Minor revisions are also proposed to Extended Family Dwellings and Farmsteads.

Lastly, modified, and new definitions are proposed in Article 20 to provide further clarification on terms and uses related to housing.

REVIEW CRITERIA

Amending the text of this Code is a matter committed to the legislative discretion of the Board of County Commissioners. Per Section 6.6.2.D. to approve a change in the code text, the Planning Commission in their review and recommendation, and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code.

As noted above, the intent of these proposed amendments is to better align the Land Use Code and its standards with the Comprehensive Plan adopted in 2019. Staff believes that the proposed amendments have taken into consideration the Principles and Policies of the Comprehensive Plan including supporting the development of safe, decent, and attainable housing types to meet the needs of its residents through a diversity of housing types (Housing, H1. Housing Needs and H2. Housing Diversity) and promoting responsible growth that maintains compatibility with adjacent uses and promotes a sense of community (Housing, H3. Land Division and Residential Planning).

RECOMMENDATION

The Community Development Department recommends that the Board of County Commissioners approve the Land Use Code Amendments related to housing as summarized above in the staff report, attached memo from Clarion and as detailed in File #21-CODE0259. Proposed amendments will be effective November 1, 2021.

There were some questions for staff on allowed uses within the MHP district for new and existing MHP's as well as re-zoning MHP's and tools to achieve affordability. There was also discussion on the accessory living unit's square footage. The Commissioners had questions on the definition of "Family" and the changes that were made to the definition. Ms. Cram explained this is to allow for greater diversity of someone may identify as a family. This will also allow for owners to rent out a room for long-term up to two unrelated individuals.

Chair Kefalas opened the hearing for public comment.

There was no public comment.

Chair Kefalas closed public comment.

The Commissioners thanked staff and consultants from Clarion Associates for their hard work and are glad to see this moving forward as part of the county's' strategic goals. They appreciate that the work is reflective as part of the Comprehensive plan. This is a visionary document of how we want to see Larimer County in the future and will address some of the needs in the community

MOTION

Commissioner Stephens moved that the Board approve the Land Use Code amendments related to housing as presented by:

1. Amending article 2.0 Zoning Districts to expand the intent statement for the manufactured housing park (MHP) zone district in section 2.5 urban districts.
2. Amending article 3.0 use regulations by:
 - a. Amending section 3.2 tables of allowed uses for residential uses in the rural and urban districts
 - b. Amending section 3.3 use specific standards for agricultural labor, housing, manufacture homes and manufactured housing parks.
 - c. Amending sub-section 3.4.5 additional standards for accessory dwelling units
3. Amending article 20 rules of interpretation and definitions by modifying and adding new use definitions for proposed amendments related to housing

These amendments are found in File #21-CODE0259, and attachments B (redline version) and C (clean version) attached to the Board of County Commissioner hearing packet subject to the following:

1. The effective date of the regulations shall be November 1, 2021.

Motion carried 3-0

The Board adjourned at 8:15 p.m.

TUESDAY, OCTOBER 26, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also, present were Austin Harvill, Commissioner's Office, and Deirdre O'Neill, Deputy Clerk.

1. PUBLIC COMMENT: The following members of the public addressed the Board pertaining to their opposition to the public health mask mandate and proposed vaccine facility program: Jim Winebrenner, Brycen Smith, Lisa Maclean, Katie Hoffman, Peter Schultz, Melanie Stockton, Nancy Eason, Kevin LaRusso, Lisa Hecker, Nick Lance via phone. Karen Artell spoke in support of the mask mandate. Joseph Flanagan spoke via phone about public improvement districts and Chris Eikenberg also spoke via phone about issues in her apartment complex. There was one email received from Neil Spooner in opposition to the mask mandate.

Chair Kefalas closed public comment and thanked the public for engaging in this process.

2. APPROVAL OF THE MINUTES FOR THE WEEKS OF OCTOBER 18, 2021.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the weeks of October 18, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF NOVEMBER 1, 2021: Mr. Harvill reviewed the upcoming schedule with the Board. Commissioner Stephens stated that she will be attending a North I-25 Coalition meeting at 6:30 p.m. on Wednesday November 3, 2021.

4. CONSENT AGENDA:

ABATEMENTS: Recommended Denial of Petition for Abatement or Refund of Taxes: Remington Annex, LLC, R1654886; Recommended Denial of Petition for Abatement or Refund of Taxes: Prenzlows Enterprises II, LLC, R1530739.

AGREEMENTS:

- 1. GRANT AGREEMENT-LCBHS GRANT AGREEMENT 21-TP4-8JD**
- 2. GRANT AGREEMENT-LCBHS GRANT AGREEMENT 21-RES-DRM**
- 3. DRAINAGE AGREEMENT BETWEEN LARIMER COUNTY AND ZURICH FLEX OZ, LLC**
- 4. NON-EXCLUSIVE REVOCABLE LICENSE (STORMWATER DRAINAGE IMPROVEMENTS)**
- 5. DRAINAGE AGREEMENTS BETWEEN LARIMER COUNTY AND POUDRE FIRE AUTHORITY**

APPOINTMENTS:

- 1. RECOMMENDED APPOINTMENT TO THE COMMUNITY CORRECTIONS ADVISORY BOARD**

DEEDS:

- 1. DEED OF CONSERVATION EASEMENT-HAWK CANYON RANCH**

POLICIES

- 1. HUMAN RESOURCES POLICY AND PROCEDURE 331.6.24I: FAMILY AND MEDICAL LEAVE**
- 2. HUMAN RESOURCES POLICY AND PROCEDURE 331.6Q: BENEFITS**

MISCELLANEOUS: Scott-Haven Administrative Subdivision Development Agreement; Scott-Haven Subdivision File #20-LAND4055; Sixty-Foot-Wide Road-of-Way Dedication

M O T I O N

Commissioner Shadduck-McNally moved to approve the Consent Agenda for Tuesday, October 26, 2021.

Motion carried 3-0.

5. COMMISSIONERS GUESTS: Matt Canaga, Chief Deputy Coroner, presented details about a recent national accreditation for the coroner's office. Mr. Canaga announced to the Board that they have been re-accredited through the National Association of Medical Examiners. This program is quite extensive and considered the "gold standard" internationally for death investigations and forensic pathology procedures. There is a 300-point inspection that the coroners' office must submit to and pass. The process is very rigorous and only four counties in the state of Colorado have secured this name accreditation. Only one in one hundred counties in the United States are accredited.

Mr. Canaga also wanted the public to be aware that Dr. Wilkerson, our elected Coroner, is triple board-certified forensic pathologist and there are only about 460 of this type of doctor in the Country and how lucky we are to have Dr. Wilkerson.

The Commissioners congratulated the coroners' office on this prestigious accreditation and keeping up with their standard of excellence.

DISCUSSION ITEMS

6. 2021 STARBURST AWARD WINNER RECOGNITION- LARIMER NATURAL RESOURCES: Daylan Figgs, Department of Natural Resources Director joined by Meegan Flenniken, Justin Core, Zoe Shark and Daniel Bewley, Colorado Lottery Outreach Manager; presented information to the Board on their recognition. In April 2021 and more recently at the Colorado Open Space Alliance annual conference held earlier this month, Larimer County Natural Resources was recognized for excellence in the use of lottery funds with a 2021 Starburst Award from the Colorado Lottery for its Laramie Foothills Mountains to Plains Expansion project. Great Outdoors Colorado (GOCO) contributed \$668,000 toward the project.

The 2020 expansion weaves together nearly 2,000 additional acres that connect to an already vast collection of conserved lands in the Laramie Foothills. An important regional conservation site approximately 25-miles north of Fort Collins, the project helped preserve two adjacent properties, the West Red Mountain Ranch and the Hawk Canyon Ranch, which provides a critical buffer to existing protected and publicly accessible lands at Red Mountain Open Space and Soapstone Prairie Natural Area.

Mr. Figgs and guests spoke about the great partnerships and collaboration with the City of Fort Collins.

The Board congratulated staff on their stellar work to conserve lands in our community as well as their forward-thinking on the protection of open spaces for generations to come.

The Board took a brief recess for a photo opportunity with the recipients.

The Board returned to session.

County Manager Linda Hoffmann joined the meeting.

7. INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF LOVELAND: Discussion and request for adoption of the Intergovernmental Agreement with the City of Loveland for the expansion and development of the Ranch, including construction of buildings, utilities, and improvements, public and private roads, pedestrian access, planning and code compliance, permitting, building plan review and inspections, and fee obligations. Laurie Kadrich, Community Planning, Infrastructure and Resources Director, approached the Board stating that this agreement was passed unanimously 7-0 by the City of Loveland. This document allows us to have predictability about the planning process, building inspection process, design, and fee structure. A longer vesting period was negotiated for 25-years with an opportunity to renew.

A dispute resolution process was also negotiated in the agreement. In the unlikely event that the city and county cannot agree for example on the design, the decision will be made by the county and city managers.

The Ranch was developed and constructed in 2003 as a fairgrounds and events facility for purposes of conducting county fairs. The property is located entirely within the city of Loveland. In 2017, the Larimer County electorate voted to approve an extension of a dedicated sales tax for purposes of continuing operations and expanding and constructing facilities at the Ranch.

The City of Loveland approved modifications to the 2002 Fairgrounds Plan documents to simplify them, cause them to be more commensurate with the city's current Planned Unit Development (PUD) regulations, and address the new expansion and development of the Ranch consistent with the Implementation Plan.

The city and county have undertaken a collaborative planning process which resulted in preparation and adoption by city of "The Ranch Events Complex PUD Zoning Document" on April 6, 2021. City and county will continue to collaborate for development and construction of public improvements.

This agreement is intended for further implement the Ranch PUD and define city and county's roles and responsibilities in expansion and development of the Ranch.

The Commissioners and County Manager thanked Laurie Kadrach and the City of Loveland for their hard work and collaboration on this project. This facility will continue to be a serious economic driver as well as enjoyment of activities. This was a stakeholder driven process and Ms. Kadrach did let the community know that there will be another work session on November 1, 2021, at 10:00 am for updates on construction.

M O T I O N

Commissioner Shaddock-McNally moved to approve the Intergovernmental Agreement with the City of Loveland for Expansion and Development of the Ranch.

Motion carried 3-0

6. COUNTY MANAGER UPDATE: Ms. Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities specifically mentioning The American Rescue Plan Act meeting she attended.

7. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week but kept it brief due to time constraints.

8. EXECUTIVE SESSION: Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with an attorney for the purpose of receiving legal advice on specific legal questions regarding the state-wide Opioid Litigation Settlement Memorandum of Understanding (MOU).

M O T I O N

Commissioner Stephens moved that the Board enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with an attorney for the purpose of receiving legal advice on specific legal questions regarding the state-wide Opioid Litigation Settlement MOU.

Motion carried 3-0

With there being no further business, the Board adjourned at 11:00a.m.

EXECUTIVE SESSION

The Board of County Commissioners met at 1:30 p.m. to enter into Executive Session pursuant to 24-6-402(4)(f), personal matters, Annual Evaluation for the County Manager.

MOTION

Commissioner Stephens moved that the Board of County Commissioners enter into Executive Session pursuant to 24-6-402(4)(f), personal matters, Annual Evaluation for the County Manager.

Motion carried 3-0

The Board adjourned at 1:35 p.m.

JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Deirdre O'Neill, Deputy Clerk