



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 22, 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 Shadduck-McNally were present. Also present were Traci Hicks, Tawn Hillenbrand, Allyssa Martin, Community Development; Devin Traff, Engineering; joining remotely were: Samantha Mott, and Michael Whitley, Community Development; Connor Sheldon, Traci Shambo, and Steven Rothwell Engineering; Jeannine Haag, County Attorney; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the hearing with the Pledge of Allegiance.

TABLED ITEM FROM PREVIOUS MEETING:

1. AMENDED PLAT FOR GLEN HAVEN SUB L4,18 AND 19 BLOCK 4, FILE NO. 21-ZONE4070: This is a request for an amended plat/lot consolidation for two parcels in the Glen Haven subdivision. The properties in question are 55 and 61 Fox Creek Road, located in the Glen Haven Subdivision originally platted in 1887. Currently, 61 Fox Creek Road (Lots 18 &19, Block4) has a portion of the existing residence that encroaches over the northern property line of 55 Fox Creek Road (E 1/2 of Lot 5 & Lot 4, Block 6). The existing sanitary sewer septic tank serving the property at 61 Fox Creek Road is also located within the property boundary of 55 Fox Creek Rd. The lot line adjustment between E 1/2 Lot 5, Block 4, and Lot 18, Block 4 will remove the encroachments, increase the property acreage of 61 Fox Creed Rd, and reduce the property acreage of 55 Fox Creek Rd. In addition, this Plat Amendment will combine the lots contained within Parcel 2627305018: lots 18 & 19, Block 4 into one lot. It will also combine the lots contained within Parcel 2627305005: The East 1/2 of Lot 5, Block 4 with Lot 4, Block 6 of the proposed amended plat of the east 1/2 of Lot 38 and the west 1/2 of Lot 38 is to fix an encroachment issue with a home and well so they are both entirely on the west 1/2 Lot 38. Currently, the existing home is located on both the west 1/2 and the east 1/2 of Lot 38. The well that serves west 1/2 of Lot 38 is located on the east 1/2 of Lot 38. Both lots are legal lots verified by legal lot research.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.

- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.
- E. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and the amended plat does not adversely affect access, drainage, or utility easements or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the amended plat for Glen Haven Subdivision Lot 4, 18 and 19, block 4 File No. 21-ZONE4070 with the following conditions:

- 1. All conditions of approval shall be met, and the final plat recorded by September 22, 2021, or this approval shall be null and void.
- 2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
- 3. Before recording, the plat must include a signature line for both Cynthia and Michael Begley, as well as any applicable lienholders.
- 4. Before recording, an Ownership and Encumbrance report for the current owners of 61 Fox Creek Road must be provided.

PUBLIC HEARING CONSENT ITEMS:

- 1. **TERRA VISTA PLANNED LAND DIVISION, LOTS 1 AND 3 AMENDED PLAT AND LAUER BOUNDARY LINE ADJUSTMENT, FILE NO. 20-LAND4015:** This is a request of an amended plat and boundary line adjustment to adjust the lot lines between three parcels- two platted lots and one metes and bounds parcel.

This combined Amended Plat and Boundary Line Adjustment are regarding Lots 1 and 3 of the Terra Vista Planned Land Division and a metes and bounds parcel to the south. The purpose of this Amended Plat/Boundary Line Adjustment is to adjust the lot lines between the three adjacent lots to

simplify the individual lots for land management reasons. No easements or rights-of-way are being vacated in conjunction with his request.

The Amended Plat process is required when the property lines of an approved land division are amended, and the Boundary Line Adjustment process is used to adjust the property lines of a metes and bounds parcel. The Board of County Commissioners approves amendments to approved Planned Land Division lots. The Boundary Line Adjustment process is an administrative process. Since this plat involves both platted lots and metes and bounds parcel, both the Amended Plat process and the Boundary Line Adjustment process are required.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot. The resultant lots will not be divided by a municipal or county boundary line, road, alley or another lot.
- E. The amended plat will not adversely affect access, drainage, or utility easements or rights-of-way serving the property or other properties in the area and the amended plat proposal will not adversely affect access, drainage, utility easements, or rights-of-way. There are no easements or rights-of-way proposed to be vacated with this request.
- F. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The Board of County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Terra Vista Planned Land Division, Lots 1 and 3 amended plat and Lauer boundary line adjustment, File #20-LAND4015, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met and the plat is presented for signature:

1. All conditions of approval shall be met, and the final plat recorded by September 22, 2021, or this approval shall be null and void.
2. Prior to the recordation of the final plat the applicant shall make the technical corrections required by Ron Perkins, Land Surveyor of the Larimer County Engineering Department.
3. Prior to the recordation of the final plat provide updated Ownership and Encumbrances as well as an updated application form. All the current owners must sign the application form and the plat must include signature blocks for all the property owners and lienholders.
4. Revise the title of the plat to read "Terra Vista Planned Land Division, Lots 1 and 3 Amended Plat and Lauer Boundary Line Adjustment, File #20-LAND4015." Update the Surveyor's Certificate and the Certificate of Ownership and Dedication to reflect the same title.
5. Prior to recordation of the final plat, the applicant must provide confirmation that the Division of Water Resources has received and accepted the Abandonment Report for the well indicating it was property plugged and abandoned.
6. The resultant lots are subject to any and all covenants, deed restrictions, or other conditions that apply to the original lot.

2. MOUNTAIN SUNSET TOWNHOMES SUBDIVISION PRELIMINARY PLAT AND LOT SIZE APPEAL, FILE NO.20-LAND3984: This is a request of a preliminary plat approval of a townhome subdivision to divide two parcels to accommodate four detached townhome units and an appeal to table 7-1 in the Estes Valley Development Code to allow lot sizes of 0.158-acres, 0.198-acres, 0.185-acres, and 0.148-acres when the minimum lot size is 1.528-acres (66,560 square-feet).

The subject properties are Lots 10A and 10B of an Amended Plat recorded in 1998. The parcels are undeveloped and are zoned EV E-1 – Estes Valley Estate.

One lot is addressed 1481 Saint Moritz Trail, Estes Park. The other lot does not yet have an address assigned. The parcels are located on the west side of Saint Moritz Trail approximately 450 feet south of the intersection of Saint Moritz Trail and Cedarcliff Drive.

Private open space owned by the Alpine Meadow Homeowners Association is adjacent to the parcels on the north, south, and west. The Homeowners Association also owns the parcel on the east side of Saint Moritz Trail. There are several single-family homes in the vicinity.

The applicant has applied to divide the two parcels, resulting in four lots with one detached townhome on each lot. The plat would also vacate several utility and setback easements and dedicate new access and utility easements.

The application was received by the Town of Estes Park prior to the expiration of the intergovernmental agreement (IGA) between Larimer County and Estes Park on April 1, 2020.

Land use or division applications in the unincorporated portions of the Estes Valley Planning Area that were submitted on or before March 31, 2020, but not completed by that date, are now being processed by Larimer County staff. Those cases are subject to the standards and review procedures found in the Estes Valley Development Code.

Preliminary Plat applications in the Estes Valley Planning Area require a hearing with the Estes Valley Planning Commission and a hearing with the Board of County Commissioners.

The Estes Valley Planning Commission ceased as a Commission with the expiration of the IGA. The application is being presented to the Board of County Commissioners without recommendations by the Estes Valley Planning Commission and with recommendations of approval by the Larimer County Development Services Team.

According to the applicant's project description, the existing site has slopes of near 90% adjacent to the St. Moritz Trail and ranges from 30% to 50% on the rest of the subject parcel. These slopes create significant site constraints that have influenced the need for a setback variance and height variances for the four townhome buildings.

A setback and height variance request was on the Board of Adjustment's February 23, 2021, public hearing agenda. The Board of Adjustment approved a setback variance to allow a side setback of 2.5 feet for the dwelling on the proposed Lot 1 when 5 feet is typically required. The Board also allowed the four townhomes to be 37 feet, 34 feet, 34 feet, and 35 feet tall when the maximum building height is 30 feet. The variances were granted with a 5 to 0 vote.

Notice of this Preliminary Plat application was sent to property owners within 500 feet of the property. No comments have been received.

REVIEW CRITERIA:

No project shall be approved unless the plat is in conformance with the requirements of the zoning district within which it is located and all other applicable provisions of this (Estes Valley Development Code).

All subdivision applications shall demonstrate compliance with the standards and criteria set forth in Chapter 10, "Subdivision Standards," and all other applicable provisions of this code.

Section 10.57 Townhome Standards:

- A. Where allowed, townhome projects shall be allowed only in the R-1, R-2, RM, A, and A-1 zone districts.
- B. Outlot-Common townhome property and facilities shall be placed in platted outlots and shall be owned and maintained by the homeowners' association. This includes, but is not limited to, stormwater facilities, parking lots, private streets, open space, and acres protected by Limits of Disturbance.

- C. Minimum lot size-Townhome projects shall comply with the minimum lot size for the underlying zoning district; however, each individual townhome unit may be constructed on a smaller lot, subject to the approval of the decision-making body.
- D. Setbacks-All townhome projects shall include platted building envelopes. Minimum structure setbacks shall not apply to interior lots or building sites within a project that do not abut land uses located outside the project.
- E. Lot Coverage-Townhome projects shall be limited to a lot coverage not to exceed that established for the underlying zone district. A table delineating allowed lot coverage for each lot, including the outlot, shall be included for each townhome project plat. Individual lots shall be limited to no more than eighty percent lot coverage. There shall be no more than eight attached townhome units per single structure or building.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Mountain Sunset Townhomes Subdivision Preliminary Plat and Lot Size Appeal, File #20-LAND3984 subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Mountain Sunset Townhomes Subdivision Preliminary Plat & Lot Size Appeal, File #20-LAND3984 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 Mountain Sunset Townhomes Development.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Estes Poudre R-3 school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
3. Any new dwellings within the Townhome Development must be equipped with a residential fire sprinkler to comply with the fire protection standards.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soil investigation. The lowest habitable floor level shall not be less than 3-feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of

occupancy shall be submitted to the building department, as an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

3. GOODMAN APPEAL, FILE NO. 21-ZONE2881: This request is an appeal to Section 4.3.10.H.c of the Land Use Code to allow a detached accessory living area to exceed the maximum size of 800-square feet.

This request is an appeal to Section 4.3.10.H.c of the Land Use Code which limits the size of a detached accessory living area to 40% of the square footage of the single-family dwelling, excluding any garage or basement area, whether finished or not or 800 square feet, whichever is less.

The property is a 35.07-acre parcel located at 4400 Sedona Hills Drive, Loveland, CO. The property currently has a 5,389 square foot primary dwelling. The applicants are proposing an accessory living area of 1,193.5 square feet physically attached to the main dwelling. The proposed structure does not have acceptable interior passage between living areas to be classified as an addition, therefore the proposed building is considered an accessory living area. As noted above, the square footage of the accessory living area is limited to 40% of the primary residence or 800 square-feet. As proposed, the accessory living area is under the required 40% of the proposed primary residence but exceeds the 800- square foot maximum. The applicant's project description indicates that the accessory living area will be used for an elderly family member and a medical caretaker. The structure is proposed to be two-stories, with the accessory living area on the second floor and a garage/workshop/storage on the first floor.

The applicant submitted a Public Site Plan application and size appeal. If the size appeal is granted by the Board of County Commissioners, the Public Site Plan can be approved administratively by the Community Development Director.

Both dwellings will share the existing access point off Sedona Hills Drive. Adequate parking for the accessory living area will be provided within the existing driveway.

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.

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 Board of County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The Board of County Commissioners will consider each of the following factors 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.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Goodman Appeal, File #21-ZONE2881 with the following condition:

1. The Accessory Living Area shall be located as shown on the approved site plan. The Development Services Team notes that if the proposed appeal is approved, additional conditions will be placed on the Public Site Plan approval including the need for obtaining all applicable permits, septic system upgrade, and expiration of the Public Site Plan approval.

4. DOYLE PSP AND APPEAL, FILE NO. 20-ZONE2871: This is a request of a Public Site Plan for a 930 -square foot accessory living area, an appeal to section 4.3.10.H.c to exceed the maximum square footage a detached accessory living area is also included with this application.

The property is located at 1124 Meadowlark Drive in Berthoud, CO, and is 2.91 acres in size. The property includes one existing single-family residence that is a total of 2,335 square feet. The property also includes an existing detached garage that is 864 square feet. The owners would like to convert the existing detached garage into a 930 square foot accessory living area. As noted above, the square

footage of the detached accessory living area is limited to 40% of the square footage of the single-family dwelling, excluding the basement area, or 800 square feet, whichever is less. Thus, the detached accessory living area is limited to 800 square feet because 40% of the existing single-family home is 934 square feet ($2,335 \times .40 = 934$).

The applicant's project description indicates that the purpose of the proposed 930 square-foot detached accessory living area is to provide James and Deborah Doyle (owners) with a place to live during their retirement years and to be close to family. The owner's daughter and her family will move into the existing single-family home.

The property owners submitted a Public Site Plan application and size appeal. If the size appeal is granted by the Board of County Commissioners, the Public Site Plan can be approved administratively by the Community Development Director.

REVIEW CRITERIA

Review Criteria for appeals to deviate from standards or requirements other than minimum lot size.

- 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 public
- E. Approval of the appeal is consistent with the intent and purpose of the code.

DEVELOPMENT SERVICED TEAM RECOMMENDATION:

- 1. The accessory living area shall be limited to 930-square feet in size.
- 2. The use of the existing dwelling as an accessory living area shall be approved through the public site plan process.

5. GLEN HAVEN SUBDIVISION AMENDED PLAT, LOTS 49 AND 37A, BLOCK 14, FILE NO. 21-LAND4073: This is a request to amend Glen Haven subdivision lot 37A. lot 49, portions of lots 36,37,38,47 and 48. Block 14, portions of lots 31-34 and 45, and portions of lots 36-39 of the Glen Haven subdivision.

The proposed Amended Plat seeks to amend the boundary line between the Garno and Doherty properties to 1) increase the acreage of the Garno property to bring it closer to compliance with the current Larimer County Land Use Code standards; 2) increase the distance between the existing Garno residence and side lot line to bring the existing side setback into compliance.

The subject properties, consisting of two parcels (fifteen lots total), are located within the Glen Haven Subdivision in Glen Haven, Colorado. The properties fall within the E1- Estate Zoning District. The owners and applicants for the Amended Plat application are the Garno and Doherty, Families. The Garno Family owns Parcel Number 2627215003 which consists of Lot 3 of the Glen Haven Subdivision, in addition to portions of Lots 31 and 32, Lots 33-35 and portions of Lots 36-39. The Doherty Family owns Parcel Number 2627217037 which consists of Lot 49 and portions of Lots 36-38, 47, and 48, Block 14 in the Glen Haven Subdivision. The Garno Family would like to adjust the boundary line between their property and the Doherty Family's adjacent property to the southwest. The Garno Family residence is currently 12 feet from the side lot line. Larimer County's Land Use Code requires a minimum 25-foot building setback from the side lot line in the E-1 Estate Zone District. The proposed Amended Plat would bring the residence into compliance with the required side building setback and negate the need for a setback variance for future home improvements.

Additionally, the Garno Family property is currently 0.38 acres. Larimer County's Land Use Code requires a minimum lot size of 2 acres, if a well or septic system is used, in the E-1 Estate Zone District. The proposed Amended Plat would increase the acreage to 0.49 acres, bringing it closer to compliance.

REVIEW CRITERIA

The Larimer County Land Use Code allows for the approval of a lot consolidation if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the non-conformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley or another lot.
- E. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

Development Services Team recommends approval of the Glen Haven subdivision amended plat. Lot 49 and 37A. block 14, File #21-LAND4073 with the following conditions:

1. All conditions of approval shall be met, and the final plat recorded by September 22, 2021, or this approval shall be null and void.
2. The lot is subject to all covenants, deed restrictions, or conditions that apply to the original lots in the subdivision.
3. Prior to the recordation of the final plat the applicant shall make the following changes to the plat:

Please address and make all corrections as specified in the County Surveyor's redlines.

Please add the file number for this application to the title of the final amended plat.

Please make sure to add the additional plat note: "The new lots created by this action are subject to the same restrictions, covenants, and regulations as set forth in the plat of record of Glen Haven Subdivision."

Please update the Certification of Ownership and Dedication statement to read exactly as described in the amended plat application packet.

Please update the Surveyor's Certificate statement to read exactly as described in the amended plat application packet.

6. **CRYSTAL LAKES 13TH, LOTS 24 AND 24 LC/EV, FILE NO. 21-ZONE2767:** This is a request to consolidate and vacate the easement along the common lot line of lots 24 and 25 of Crystal Lakes 13th filing.

The applicant seeks to combine two contiguous lots, Lots 24 and 25 into one 3.16-acre lot. The purpose of this request is to consolidate Lot 24 and Lot 25, which are both comprised of vacant land. In addition to the lot consolidation, the applicants are requesting to vacate the 20' utility easement along the common lot line between Lots 24 and 25. There have been no previous land use approvals on these two lots prior to this lot consolidation. Both Lot 24 and 24 are undeveloped with no structures on either lot.

REVIEW CRITERIA

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of a lot consolidation if the following review criteria are met:

- A. No additional lots will be created by the lot consolidation.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.
- C. The lot consolidation will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a jurisdictional boundary line, road, alley or another lot.
- E. The lot consolidation will not adversely affect access, drainage, or utility easements or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the residual lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Crystal Lakes 13th, Lots 24 and 25 Lot Consolidation and Easement Vacation, 21-LAND4077 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by September 22, 2021 this approval shall be null and void.
2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

7. SNOW TOP RENTAL SPECIAL REVIEW, FILE 20-ZONE-2767: The applicant requests a Special Review approval for a Resort Lodge/Cottage in the O-Open zone district. Approval would allow for the property owners to continue to rent out an existing sleeping area located in the basement of the home to up to two guests at a time on a short-term basis. The request includes appeals to Sections 8.1.4 and 8.6.3.C of the Land Use Code regarding fire protection and paving.

This item was on the agenda for the February 17, 2021 Planning Commission public hearing at 6:00 pm.

At the hearing, Staff presented the Development Services Team report recommending approval of the Special Review.

Commissioner Dougherty asked to confirm the maximum number of trips generated per day.

Ms. Hillenbrand stated the residential number of trips was 10 per day and with the project being an addition to the current residents, the number of trips per day was doubled in the report.

Commissioner Dougherty asked if the permit that was pulled for a kitchenet area for appliances that are currently in the addition or will appliances be placed in the future?

Ms. Hillenbrand stated the addition does not include a stove, but it does contain a microwave. The previous owners had converted the sleeping area without applying for a permit causing the current owner to apply for an as-built permit and will have to complete a life safety inspection.

Chairman Choate wanted clarification if condition number eight: The maximum number of overnight occupants on-site shall not exceed two, includes the residents.

Ms. Hillenbrand stated clarification for condition number eight will be added to the staff report regarding the maximum number of overnight occupants on-site. The maximum number of guests applies only to the accessory use.

Commissioner Wallace recommended the motion to approve the review and the appeal.

There was no public comment.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Commissioner Best-Johnson moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommends to the Board of County Commissioners approval of the Snow Top Rental Special Review, File #20-ZONE2767, and appeals

to Sections 8.1.4 and 8.6.3.C of the Land Use Code regarding fire protection and paving, 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 Snow Top Rental Special Review, File #20-ZONE2767 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 Snow Top Rental 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 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. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees.
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 maximum number of overnight occupants in the accessory unit shall not exceed two.
9. The applicant may not imply, represent, or advertise the property as accommodating to persons with physical limitations, and/or ADA accessible.

Chair Kefalas asked if any of the Commissioners or members of the audience would like to remove any items from the Consent Agenda for a full public hearing.

Chair Kefalas did state for the record that the Board did receive several emails concerning item number two, Mountain Sunset Townhomes.

With no one objecting to the Consent Agenda, Chair Kefalas asked for a motion.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for March 22, 2021 subject to the conditions in the staff report and further authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:20 pm

TUESDAY, MARCH 24, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present were Alisha Jeffers, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the meeting with a request for a moment of silence to honor the victims and their families from the Boulder King Soopers tragedy including a police officer on March 22, 2021.

1. PUBLIC COMMENT: The following members of the public addressed the Board via email: Lisa Metzgar, regarding Oil and Gas regulations, and Stan Fenn, concerning a proposal for a resolution to protect Second Amendment Rights. The following addressed the Board in person: Kimberly Culp, CEO of Larimer Emergency Telephone Authority (LETA). Ms. Culp wanted to introduce herself to the Commissioners as well as give a brief description of the responsibilities of the 9-1-1 Authority in Larimer County. LETA oversees the administration of 9-1-1 which includes the infrastructure, programs, and equipment used by the 9-1-1 dispatchers and our first responders. Barry Feldman of The No pipe Dream concerning The Thornton Pipeline and Northern Integrated Supply Project; Sarah Johnson, Oil and Gas regulations specifically air and water quality, Gayla Martinez, Oil and Gas regulations.

Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 15, 2021:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of March 15, 2021.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 29, 2021:** Ms. Jeffers reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

ABATEMENTS:

RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES: D&N Houska Family LLC, R1692958 Tax year 2018

APPOINTMENTS:

1. **RECOMMENDED MID-TERM APPOINTMENT TO THE WORKFORCE DEVELOPMENT BOARD: JOHN ROBERTSON**

AGREEMENTS:

1. **A LITTLE HELP AMENDMENT**
2. **CARES ACT AWARD TRANSPORTATION SERVICES-VIA MOBILITY SERVICES**
3. **FIRST AMENDMENT TO RIGHT-OF-WAY CONTRACT NO. 2847 BOOK 28(104996)**
4. **CONSTRUCTION SERVICES AGREEMENT -PN335**

APPOINTMENTS:

1. **RECOMMENDED MID-TERM APPOINTMENT TO THE SOLAR RIDGE PID ADVISORY BOARD: David Dockstater**

LETTERS OF SUPPORT:

1. **FY 20-21 COSI COUNTY ALLOCATION -LETTER OF SUPPORT**

LIQUOR LICENSES: The following liquor licenses were approved/issued: Little D LLC -Tavern-Bellvue; American Legion Post Home Association – Club-Fort Collins.

POLICY:

1. NEW PLANNING DEVELOPMENT REVIEW FEES EFFECTIVE MARCH 31, 2021

Chair Kefalas stated that the abatement has been removed from today's Consent Agenda and will be re-submitted to next week's Consent Agenda.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for March 23, 2021, except for the Abatement.

Motion carried 3-0

5. COMMISSIONERS GUESTS: Chair Kefalas introduced Undersheriff John Manago. Undersheriff Manago addressed the tragic incident that happened in Boulder Colorado on Monday, March 22, 2021. He stated that all our hearts go out to the victims and their families as well as to the Boulder Police Department. The Undersheriff talked about training and equipment that is necessary for law enforcement.

The Commissioners wanted to thank the Undersheriff for his service and thanked him for comments today and had questions on peer support for those struggling. The Undersheriff explained that we are fortunate in Larimer County for all the resources that are available in the county. Chair Kefalas also mentioned the employee assistance program that is available to county employees including the Sheriff's Department and to express our appreciation to all law enforcement personnel.

6. DONATION FOR BACKUP EMERGENCY DISPATCH CENTER: Larimer County can contribute to realize the goal of a true regional emergency center by providing a one-time donation of \$250,000 to help Larimer Emergency Telephone Authority (LETA) complete the build out of a backup Public Safety Answering Point (PSAP) also known as a backup dispatch center, allocated with the Larimer County Emergency Operations Center currently under construction. If we have learned anything from the challenges presented to us in 2020, it is that we must have continuity in our critical systems and we must be able to adapt to a changing environment. Larimer County is rapidly evolving, and the population of Larimer County is expected to increase by 25% by the year 2040 for a total population of 480,126 (State Demographers Office). We have 5 PSAP's in Larimer County:

• Estes Park • Larimer County Sheriff's Office • Fort Collins 911 • Loveland • Colorado State University Police Department.

To ensure continuity of operations, each PSAP is currently connected by fiber and their operations are supported with shared equipment, i.e., they are on the same 911 phone system and same AutoCAD system so they can answer each other's calls, enter the call for service in CAD and even back each other up on shared radio channels. Larimer County Sheriff's Office is the backup for 911's services to Fort Collins, Loveland, and Estes Park PSAP's. Backup means taking each other's calls if call volume is too high for the current staffing to handle or to support an agency that evacuates their PSAP and answer calls and dispatches from the backup PSAP. With COVID in 2020, all PSAP's closed their

doors to outside agencies to minimize the threat of exposure to their staff. Also, in 2020, the East Troublesome Fire that threatened Estes Park caused Estes Dispatch to evacuate. Due to the call volume being managed by LCSO in their PSAP, Estes Park relocated to Fort Collins 911.

Manager Hoffmann introduces Laurie Hodges, Director of Emergency Management to address the Board.

Ms. Hodges explained that this is a unique opportunity for a fully operational 24/7 center. The backup PSAP will help support Larimer County Emergency Communications, our partners, and our citizens. Having a backup PSAP will allow continuity of operations and provide the citizens with a seamless experience when they dial 911. The request today for the Board is to provide \$250,000 to support the Backup Dispatch Center.

Chair Kefalas asked what the role of facilities and what is the current operations? Ms. Hodges stated that it has always been housed at the Sheriff's Office in two of their training rooms.

Ken Cooper, Director of Facilities spoke to the Board and explained that they are acting as the project manager for the project. They have selected an architect and stated that the City of Loveland will also be occupying a space in the facility. The intent is a regional effort, and we anticipate that other municipalities will also be joining in the future.

The Commissioners had questions on spacing, location, and the timeline of completion.

The completion of construction is scheduled for May/June 2021.

MOTION

Commissioner Shadduck-McNally moved that the Board negotiate an Intergovernmental Agreement with the Larimer Emergency Telephone Authority to provide a one-time donation of \$250,000 for the build of a backup Public Safety Answering Point using funds redirected from the Larimer County Regional Emergency Operations Center Project.

Motion carried 3-0

8. **COVID-19 UPDATE AND DECISIONS:** Linda Hoffmann, County Manager, introduced Public Health Director, Tom Gonzales to update the Board.

Director Gonzales gave an update on metrics and vaccinations. Director Gonzales went over the 7-day case rate per 100,000 and mentioned that it has been holding steady but due to the snowstorm many testing sites were closed. The Director spoke about the total hospitalizations and patients admitted by day. We currently have 18 patients hospitalized and continued to advise the public on continuing their preventive measures. Director Gonzales is excited to announce that we have now entered Phase 1B.4 which includes all of our front-line workers including restaurant staff, those 50 and above and those 16-49 years of age with one or more risk factors.

The total number of vaccines given is approximately 144,000 with 87,000 having had at least one dose given. The Director also mentioned the progress within demographics pertaining to ethnicity and the decline in case rates among older adults.

Director Gonzales updated the Board on upcoming vaccine clinics. As of today, March 23, 2021, we have received 1000 doses of Johnson & Johnson from the State Health Department. They will begin being distributed today at the Ranch and The Northside Aztlan Community Center will begin on Thursday, March 25, 2021. Moby Gym will begin in April as well as Conrad Ball Middle School in Loveland. There will also be a pop-up event at La Familia for eligible persons in groups 1.B.1 through 1.B.4 on March 28, 2021. The Ranch will now be a state-operated facility starting this week utilizing LCPHE's (Larimer County Public Health and Environment) registration system.

Director Gonzales mentioned that if you have signed up for the vaccine and have any questions you may call Larimer County at 970-498-5500 or text to 970-999-1770 or email publichealth@larimer.org.

Chair Kefalas asked about how folks are getting notified once they have received the first dose. The appointment for the second dose is automatically scheduled and can be adjusted to accommodate schedules.

The Commissioners had questions on registering employees of restaurants and stores and whether this is done at the management level or can individuals sign themselves up for the vaccine. Director Gonzales stated that it can be done either way and Jacob Castillo, Director of Economic and Workforce Center and his team are working with the Colorado Restaurant Association to make sure the word is getting out to all restaurants in the community.

Lastly, the Commissioners asked about Governor Polis' mask mandate to be possibly lifted on April 4, 2021, and how that will affect Larimer County. Director Gonzales mentioned it will depend on where each county is on the dial. The lifting of the masks will be up to the local municipalities. The schools and high-risk facilities will be excluded from the mask lift. The Director stated that Larimer County still has a mask mandate even if you are vaccinated and we will need to discuss this further once the mask mandate is lifted by the Governor depending on the dial.

The Commissioners thanked the Director and his staff for all their tireless efforts and information and asked for some clarification on the dial to be more quantitative on some of the terms.

8. COUNTY MANAGER UPDATE: Ms. Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

9. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week.

10. EXECUTIVE SESSION: Executive Session pursuant to C.R.S. 24-6-402(4)(a) regarding the purchase acquisition, lease, transfer, or sale of any real or personal property interest.

MOTION

Commissioner Stephens moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(a) regarding the purchase acquisition, lease, transfer, or sale of any real or personal property interest.

Motion carried 3-0

With there being no further business, the Board adjourned at 10:30 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk

