

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, SEPTEMBER 25, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Justin Currie, Planning; David Pringle, Engineering; Jenny Axmacher, Planning Manager; Frank Haung, Assistant County Attorney; and Tessa Beaty, Deputy Clerk.

TABLED ITEMS FROM SEPTEMBER 11, 2023

1. ALVARADO SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3505: The subject property is located at 261 Hemlock Drive, Lyons, CO. The property currently contained an existing single-family residence and was zoned O-Open. The applicant requested Administrative Special Review approval for a small Short-Term Rental in the existing 1-bedroom single-family residence with one additional sleeping area for a maximum occupancy of four (4) total guests – two (2) guests per bedroom/sleeping area. No construction or modifications to the home proposed with this request.

Administrative Special Review for a short-term rental requires both Planning Division and Building Division approval. For this case, Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involved:

1. Staff and referral agency review;
2. Community notice and comment review;
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

A courtesy neighbor notification about the proposed project was mailed to properties 500-feet around the subject property with 145 neighbors being notified. Staff received emails from five neighbors voicing concern regarding the application and three neighbors in support of the application. The concerns ranged from noise, rule enforcement, resource conservation, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbor's concerns, the Community Development Director determined that the application be scheduled at a public hearing before the Board of County Commissioners per Section 6.3.6.D.3 of the Land Use Code.

Administrative Special Review requires General Review Criteria to be met for approval (Article 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small short-term rentals (Article 3.3.5.B.2 in the Land Use Code)

Staff finds the application and supporting materials may not have adequately met the following Administrative Special General Review criteria in Article 6.4.3.D of the Land Use Code:

Criteria 1: *The proposed use has minimal impacts on existing and future development of the area*

And

Criteria 2: *Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.*

Staff finds the application meets all other criteria in Article 6.4.3.D and all Short-Term Rental Use Regulations criteria located in Article 3.3.5.B.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The development Services Team was not making a specific recommendation on the Alvarado Short-Term Rental, File #23-ZONE3505, and has presented all information by with the Coard of County Commissioners may base their deliberation and decision.

STAFF PRESENTATION:

Mark Christensen, Ayres Associates, addressed the Board. Mr. Christensen gave a brief history of the property in question. Mr. Christensen explained that a short-term rental would be allowed after an Administrative Special Review due to the Land Use Code.

Commissioner Kefalas asked Mr. Christensen for clarification about the number of guests allowed in this proposed short-term rental and how this may have shifted during the approval process. Mr. Christensen explained that the building division decided that the loft area was not large enough to be an additional sleeping area. Therefore, the guest count was reduced from five to four.

Commissioner Kefalas asked about the proximity between this proposed property and its neighbors. Mr. Christensen explained that the lot sizes were noted to be about half an acre, though the home would be within 200 feet from the adjacent neighbors.

Commissioner Shadduck-McNally asked about the response time of the property manager. Mr. Christensen explained that the applicant would be willing to have a handyman act as the property manager who was closer to the property than previously stated. Mr. Christensen referred to the applicant to explain further.

APPLICANT PRESENTATION:

David Alvarado addressed the Board. Mr. Alvarado highlighted his contributions to the community and, specifically, the local fire department. Mr. Alvarado explained the requirements he would be looking for in occupants for this rental. Mr. Alvarado would not permit smoking or excessive noise in renting the property. A lake was in front of the property, and fishing would only be catch-and-release. The rules for the short-term rental would be included through property description, a confirmation email, and the user manual. Mr. Alvarado explained that water usage was important and believed that water use would be minimal. There is a sign at the front of the property to remind guests to maintain a slow speed while driving. Mr. Alvarado explained how trash would be managed.

Commissioner Kefalas asked about the intent for the community to be gated and how the applicant intended to address the two criteria that were up for debate through the Administrative Review. Mr. Alverado explained how he planned to create minimal impact on the neighbors. The lights are either motion-activated or have signs that remind guests to turn off lights. Additionally, Mr. Alverado explained that fire mitigation is important and outlined the steps that have been taken to manage the fire risk. A decibel monitor will also be installed. Video cameras have also been installed so that problems can be dealt with. Mr. Alverado explained that three neighbors have offered to help manage issues that may occur.

Commissioner Kefalas clarified that the decibel monitor had already been bought and the property had passed a fire safety inspection. Commissioner Kefalas asked about the operations manager and how recommendations from the planning commission were being handled. Mr. Alverado explained that he was working on corrections to abide by the recommendations.

Commissioner Shadduck-McNally asked about a property manager and whether there was a back-up to the situation. Mr. Alverado explained that neighbors contacted the applicant, who lived there full-time, to respond. Commissioner Shadduck-McNally asked about these individuals and whether the applicant has thought about back-up plans. Mr. Alverado explained that he would like to have his contact information posted. Commissioner Shadduck-McNally asked staff to explain how the complaint system currently existed.

Ms. Everette explained that there was a hotline to call to complain about the short-term rental, and there is additionally a website where property manager information is listed so people can call and complain.

PUBLIC COMMENT:

Tori Devore addressed the Board. Ms. Devore explained that the community in which the property is in a unique community. The community is concerned about short-term rentals and their prevalence of transients into the community. There have been issues of poachers and people dumping trash. Ms. Devore explained that the main issue was short-term rentals beyond the Alverado Rental.

Eric Wright, Castle Rock and resident of Big Elk Meadows addressed the Board. Mr. Wright explained that he would support this rental. Mr. Wright expressed the desire for this short-term rental to be allowed and explained he could be a back-up to any situation.

Alex Jacobson, Big Elk Meadows, addressed the Board. Mr. Jacobson explained that he had the other short-term rental in the neighborhood. Mr. Jacobson explained that there have been no issues with their short-term rental and supported Mr. Alverado's short-term rental application.

Corey Jakobson addressed the Board. Mr. Jakobson explained that he and Mr. Alverado have joined the short-term rental subcommittee of the Homeowners Association.

Commissioner Shadduck-McNally closed Public Comment.

Commissioner Shadduck-McNally asked staff to explain possible increased fees in the county. Ms. Everette explained that a fee increase took effect for all development projects to help cover staff

expenses. This fee increase was not tied specifically to short-term rentals. Ms. Everette explained how a new Land Use Code has taken effect and would likely inhibit additional short-term rentals.

REBUTTAL:

Mr. Alverado explained that in a recent homeowner's association meeting, he had signed up to be part of a committee for the homeowner's association. Mr. Alverado explained that he was interested in finding solutions to issues like the short-term rental issue. Mr. Alverado intended to have renters who respect the rules. Mr. Alverado explained that he and his family were committed to helping the community.

Commissioner Stephens asked the applicant if he had any conversations with the neighbors about their concerns. Mr. Alverado explained he has had many conversations with the community and will try to resolve issues as they might arise.

Commissioner Stephens asked about the water treatment and how limited the resources might have been. Mr. Alverado explained that the property only has one bathroom and believed that the property would have limited water use. Mr. Alverado explained his intent to install visual reminders to help people use less water. At the last homeowner's association meeting, there were jokes about water use and how this past year has been particularly good in conserving water.

Commissioner Stephens asked about swimming pool privileges. Mr. Alverado explained that the pool is only operational for a short period in the summer. The pool has an access gate; the rules are posted in the operations manual.

Commissioner Stephens asked about the committee that expressed concern about short-term rentals. Mr. Alverado explained that the concerns expressed by the committee were about large corporations buying up property to turn it into short-term rentals. There were concerns about additional short-term rentals being allowed and losing the community feel. Mr. Alverado explained that he supported a cap on the number of short-term rentals allowed in the neighborhood.

Commissioner Stephens asked whether the homeowners association allows short-term rental. Mr. Alverado explained that there was a recent vote on whether to allow short-term rentals in the area, and the homeowners' association decided that short-term rental would be allowed.

Commissioner Kefalas asked for clarification and asked if the homeowners association allowed short-term rentals. Mr. Alverado explained that there were issues with communication about whether the homeowner's association allows short-term rentals. Mr. Alverado explained that the committee was formed to help manage short-term rentals and possibly restrict the number of rentals in the area.

Commissioner Kefalas asked staff how the homeowners association decisions would affect today's decision. Mr. Haug explained that the county stays out of homeowner's association decisions, and the homeowner's association would have to enforce their rules. Mr. Haug explained that the county does not control the homeowner's association.

DELIBERATION:

Commissioner Kefalas expressed support for the short-term rental. Commissioner Kefalas recognized that there are issues with Short-Term Rentals. However, Commissioner Kefalas explained that the five review criteria for the administrative review had been met. Commissioner Kefalas explained that the mitigation, like a decibel monitor, was appropriate.

Commissioner Stephens expressed support for the application for a short-term rental. Commissioner Stephens wanted to add a condition of approval to install the decibel monitor. Commissioner Stephens explained that there were conflicting opinions, and as neighbors, people should hold the Short-Term Rental to the county standards. With three strikes, the license could be revoked.

Commissioner Shadduck-McNally expressed concern about approving this Short-Term Rental. Commissioner Shadduck-McNally explained that water was a specific concern and how to manage the water as a community. Additionally, Commissioner Shadduck-McNally expressed fire mitigation concerns. Commissioner Shadduck-McNally also voiced concerns about how remote the neighborhood was to other resources and the response time for guests and neighbors. Commissioner Shadduck-McNally believed this neighborhood was not appropriate for short-term rentals.

MOTION:

Commissioner Stephens moved the Board of County Commissioners to approve the Alvarado Short-Term Rental Administrative Special Review, File No. 23-ZONE3505 subject to the conditions listed below with the additional condition to install a noise monitor.

1. This approval shall automatically expire in two years if the use has not commenced and/or building permit and/or development construction permit are not issued.
2. This approval shall be automatically null and void in the event the applicant fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
3. The property owner is responsible for obtaining all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF).
4. Completion of the Life Safety Inspection and obtaining a Certificate of Occupancy after this approval is required.
5. No parking shall be permitted in the right-of-way.
6. Renters must have access to utility shut-off valves.

Commissioner Shadduck-McNally expressed that she did not feel that criteria one and two have been met.

Motion carried 2-1 with Commissioner Shadduck-McNally dissenting.

PUBLIC HEARING CONSENT ITEMS:

1. LITTLE VALLEY 2ND FILING LOT 27 AMENDED PLAT, FILE NO. 22-LAND4232: The Amended Plat regarded Lot 27 of the Little Valley Subdivision 2nd Filing, located at 407 Little Valley Road, Estes Park. The lot is zoned EV RE-Rural Estate and contains a single-family residence built in 1973.

The owner applied for a variance for a new garage, where it was found the existing residence was built within the right-of-way for Little Valley Road. The Amended Plat is to vacate only the portion of the right-of-way and utility easement that contains the footprint of the house encroaching and a 5-foot-wide area around the perimeter of the structure. The lot line would be adjusted to reflect with vacation. The right-of-way is 60' wide, with a traveled way of approximately 20 feet. The vacation of 17' will not impact the traveled way.

The attached plat is not the final version and there are some edits that will be made to labels and naming prior to final recording, per the County Surveyor. The Engineering Department has expressed no concerns about this request and recommends approval.

Once the Amended Plat is approved, the in-progress variance application may continue.

No neighbor comments were received.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Little Valley 2nd Filing Lot 27 Amended Plat, File No. 22-LAND4232 with the following conditions:

1. All conditions of approval shall be met, and the Final Plat recorded within 6 months, 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 Little Valley 2nd Filing.
3. Before recording, the plat shall be updated to reflect all edits requested by the County Surveyor's comments memo.

Ms. Everette addressed the board and outlined why this item needed to be tabled.

MOTION

Commissioner Stephens moved the Board of County Commissioners to table the Public Hearing Consent item, Little Valley 2nd Filing Lot 27 Amended Plat, File No. 22-LAND4232 until a meeting on October 23, 2023.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS:

1. JAKOBSEN SHORT-TERM RENTAL, FILE NO. 23-ZONE3448: The subject property is located at 564 Aspen Dr. The property currently contains an existing single-family residence and is zoned O-Open. The applicant requested Administrative Special Review approval for

a large Short-Term Rental (short-term rental) located in the existing two-bedroom single-family residence with one designated additional sleeping area for a maximum occupancy of six total guests.

Administrative Special Review for a short-term rental requires both Planning Division and Building Division approval. For this case, Planning Division review and Building Division Review were conducted concurrently. In general terms, the Planning review process involves:

1. Pre-application conference and application submittal;
2. Staff and referral agency evaluation and comment review;
3. Community notice and community comment review;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

County staff mailed a courtesy community notification about the proposed project to properties within 500-feet of the subject property. Staff mailed 145 notices on April 04, 2023. Staff received community comments from five community members noting concerns, and comments from three community members in support of the application, and two who had general questions via email.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D of the Land Use Code), in addition to supplemental review criteria for small short-term rentals (Section 3.3.5.B.2 in the Land Use Code).

As a note, this application was submitted prior to the short-term rental regulation update that went into effect June 1st, 2023, so the new standards do not apply to this submittal.

Staff finds the application and supporting materials have adequately met the Administrative Special Review General Review criteria in Section 6.4.3.D of the Land Use Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Jakobsen Short-Term Rental, File #23-ZONE3448 and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Mr. Currie addressed the board and gave a brief background of the application for the Jakobsen Short-Term Rental.

APPLICANT PRESENTATION

Corey Jakobsen addressed the Board. Mr. Jakobsen gave a brief history of himself and the property in question. Mr. Jakobsen explained the renovations that have been done since he purchased the property. Many trees have been taken out to help with fire mitigation. Mr. Jakobsen expressed concern about wildlife issues in the area and wanted to ensure proper communication with guests about being careful. Mr. Jakobsen also expressed the intent to install a decibel monitor.

Commissioner Kefalas asked the applicant if a wildfire mitigation inspection had taken place. Mr. Jakobsen explained that Larimer County has not inspected the property. Mr. Currie explained that the

referral was usual but has not taken place. Mr. Jakobsen explained that the Big Elk Meadows fire chief had inspected the property and found nothing concerning to the fire district.

Commissioner Shadduck-McNally asked staff about the possibility of this property already being a short-term rental illegally. Mr. Currie explained that the concern was about a different property.

PUBLIC COMMENT

Tori Devore, a Big Elk Meadows Resident, addressed the Board. Ms. Devore explained that there were four applications for short-term rentals in the process and four inquiries. Additionally, Ms. Devore explained that there wasn't cell service and that trails can be very dangerous. Ms. Devore explained that there was a vote about short-term rental but explained confusion about the voting itself. Ms. Devore explained that this community was not a place for short-term rentals.

Nancy Sterner, Big Elk Meadows, addressed the Board. Ms. Sterner explained her opposition to the proposed Short-Term Rental. Ms. Sterner explained that there is a lack of clear boundaries between the properties, raising safety concerns. Ms. Sterner continued to express concerns about the short-term rental in the community.

Big Elk Meadows property owner David Alverado addressed the Board and expressed support for the Jakobsen short-term rental. Mr. Alverado explained that Mr. Jakobsen had good character and would be a good property manager.

Commissioner Shadduck-McNally closed public comment.

REBUTTAL:

Mr. Jakobsen explained that he would want to mitigate issues, and they want to talk with his neighbors to mitigate concerns.

Commissioner Stephens asked staff whether a buffer zone was required for short-term rentals. Mr. Currie explained that there was no required buffer zone between a short-term rental and the neighbors.

Commissioner Stephens asked the applicant about swimming pool access and fishing. Mr. Jakobsen explained that the homeowner's association is charging each person, so fishing would be allowed through catch-and-release only.

Commissioner Stephens asked about the Homeowner Association fees. Mr. Jakobsen explained that the homeowner's association charges short-term rental fees.

Commissioner Kefalas asked the applicant about cellphone service. Mr. Jakobsen explained that there is Wi-Fi on the property but no cellphone service.

Commissioner Kefalas asked how the county handles emergency alerts in places that do not get cell service.

Alan Kee, Code Compliance, explained that people can sign up for the Larimer Emergency Telephone Authority and receive alerts over Wi-Fi.

Commissioner Shadduck-McNally asked staff about the density of short-term rentals. Mr. Haug explained that criteria one and two don't speak about density and how the commissioners must use the old code in place when the application was submitted. Mr. Haug explained that under the new code, an applicant would have to get an exception to apply for a short-term rental within 500 feet of another short-term rental.

Commissioner Shadduck-McNally asked the applicant whether he had addressed the neighbor's concerns personally. Mr. Jakobsen explained that he had not addressed specific neighbors.

DELIBERATION:

Commissioner Stephens expressed support for the application, though there were discrepancies between whether people want short-term rentals in the neighborhood. Commissioner Stephens asked staff how close the short-term rental applications are to each other. Mr. Currie explained that the property under consideration was far from the other applications. Commissioner Stephens asked for an additional condition of approval for a noise sensor and requested the applicant to speak with the next-door neighbor to help mitigate concerns.

Commissioner Kefalas expressed support for the application. Commissioner Kefalas explained that three short-term rentals in the neighborhood would not be a high density of short-term rentals. Additionally, Commissioner Kefalas explained that the review criteria are vague.

Commissioner Kefalas wanted to add a condition of approval that the Larimer County Fire Authority review the property standards.

Mr. Currie explained that the county did not receive any comments from the fire districts in the area. Commissioner Kefalas wanted to have Larimer County conduct a fire assessment.

Commissioner Shadduck-McNally expressed concern about the approval of this short-term rental. Commissioner Shadduck-McNally explained that the proximity of the neighbors would possibly create trespassing issues and other safety concerns. Commissioner Shadduck-McNally explained that wildlife and fire risks are high. Commissioner Shadduck-McNally expressed the belief that the neighborhood should not have to worry about additional short-term rentals in their neighborhood.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Jakobsen Short-Term Rental with Appeals, File No. 23-ZONE3448, subject to the conditions below and two additional conditions of approval to include the installation of a noise monitor and the requirement of home-ignition zone inspection by the county.

Conditions of Approval

1. The approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permit are not issued.

2. This Administrative Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
3. The property owner is responsible for obtaining all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
4. Prior to operation as a short-term rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division, and successfully pass the Life Safety Inspection.
5. The short-term rental is approved with 2 bedrooms plus 1 additional sleeping area for a maximum occupancy of 6 people. No additional guests are permitted as part of the short-term rental.
6. Re-certification shall be required upon notice by the county, which is approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department shall be cause for consideration of revocation of this approval.
7. No parking shall be permitted in the right-of-way and all parking for the use must be on-site.
8. Staff recommends the applicant reads and addressed all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.
9. The use must comply with the Larimer County Noise Ordinance which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines between 7 p.m. and 7 a.m.
10. Prior to operation as a Short-Term Rental, the applicant must lock, block, or remove the outdoor solid fuel fire pit.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 23-ZONE3448, on all advertising websites.
12. Short-Term Rental guests can park their Recreational Vehicles (RVs) on-site, but the RVs cannot be occupied by guests nor can the well and/or septic system on the property be used by the RV.
13. One designated accessible parking space is required. Prior to operation as a Short-Term Rental, the accessible parking space must be stripped.
14. Upon approval, the property owner shall mail the designated Property Manager's contact information to surrounding property owners within a 500-foot radius of the short-term rental. The owner shall also mail contact information to surrounding property owners whenever the designated Property Manger changes.

Motion carried 2-1 with Commissioner Shadduck-McNally dissenting.

With there being no further business, the Board adjourned at 5:10 p.m.

TUESDAY, SEPTEMBER 26, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Sarah Martin, Commissioners' Office; Michelle Bird, Director of Public Affairs; and Tessa Beaty, Deputy Clerk.

Chair Shadduck-McNally opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Larry Sarner, Loveland, addressed the Board. Mr. Sarner expressed concern about the property tax increase of this past year. Mr. Sarner believed that it was unconstitutional to overcharge property tax on the taxpayers. Mr. Sarner also expressed concern about the Centerra South development agreement.

Linda Rosa, Loveland, addressed the Board. Ms. Rosa discussed two voter initiatives that would be up for the vote in November 2023. Ms. Rosa explained the number of signatures and support for these initiatives. The initiatives showed that people did not want the Centerra South Development. Ms. Rosa expressed a want to get rid of the Urban Renewal Agreements. Ms. Rosa suggested that the county wait on decisions until after the Loveland voters could vote in the upcoming election.

Commissioner Shadduck-McNally closed public comment.

Commissioner Stephens explained that property rates went up this year, meaning that taxes increased. Commissioner Stephens explained that the county is waiting to see if Proposition HH passes because then taxes might go down without the county giving a mill-levy credit. Additionally, the county has worked to decrease the budget, and the county works to operate with as little funds as possible while still providing resources to the community.

Commissioner Kefalas explained Proposition HH and how important it was to research and understand the ballot proposals before voting. Commissioner Kefalas additionally thanked the public commentators.

Commissioner Shadduck-McNally explained that as property values have increased, so have taxes. Additionally, the county is only twenty percent of the tax bill.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 18, 2023:

MOTION:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of September 18, 2023.

Motion carried 3 – 0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 2, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES – CORRECTION

AGREEMENTS

1. AGREEMENT BETWEEN COLORADO DEPARTMENT OF HUMAN SERVICES AND LARIMER COUNTY OFFICE ON AGING

2. GRANT AGREEMENT – AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD FOR THE HEARTSIDE HILL PROJECT

3. OFFICE ON AGING (OOA) SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND ALMOST FAMILY CO, LLC

APPOINTMENTS

1. RECOMMENDED MIDTERM APPOINTMENT TO THE ESTES VALLEY PUBLIC LIBRARY DISTRICT BOARD – CYNTHIA MORRISS

2. RECOMMENDED MIDTERM APPOINTMENT TO THE ESTES VALLEY LIBRARY DISTRICT BOARD – MARLYS POLSON AND JOHN KIRTLAND

DEEDS

1. QUITCLAIM DEED FROM THE BUREAU OF RECLAMATION FOR PORTIONS OF COUNTY ROAD 18E

LETTERS OF SUPPORT

1. WORKFORCE OPPORTUNITY AND INNOVATION ACT; LETTER TO FEDERAL DELEGATION

2. MEDICAID ECLUSION POLICY LETTER FOR FEDERAL DELEGATION

3. CAPITAL PROJECT FUND GRANT LETTERS OF SUPPORT

4. LETTER OF SUPPORT FOR THE WELLINGTON SAFE ROUTES TO SCHOOL COMMUNITY PLANNING GRANT APPLICATION – RECONNECTING COMMUNITIES AND NEIGHBORHOODS PILOT (RCN) PROGRAM

LIQUOR LICENSES

1. FINDINGS AND ORDER – HORSETOOTH STORE AND GAS, LLC – FORT COLLINS, COLORADO

MISCELLANEOUS

1. STATEMENT OF AUTHORITY

2. CCI LEGISLATIVE PRIORITIES; VOTING MEMBER DESIGNATION

3. COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAM; 2024-2026 APPLICATION AND PLAN

RESOLUTIONS

1. FINDINGS AND RESOLUTION APPROVING CLOUDBREAK ENERGY PARTNERS (CBEP_ SOLAR 3, LLC 1041 PERMIT

2. COLORADO PARKS AND WILDLIFE GRANT RESOLUTION FOR THE LARIMER COUNTY'S 2024 PRIORITY TRAIL STEWARDSHIP AND MAINTENANCE CAPACITY SUPPORT PROJECT

3. RESOLUTION APPOINTING LARIMER COUNTY CHIEF DEPUTY TREASURER AND ESTABLISHING COMPENSATION

M O T I O N

Commissioner Stephens moved the Board to approve the Consent Agenda for September 26, 2023.

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS: Dr. Colleen Simpson, Front Range Community College President, addressed the Board. Dr. Simpson gave a brief overview of Front Range Community College as it was the largest community college in Colorado. Dr. Simpson highlighted the aspects of the college that support students, such as online courses and the work to make the college a cohesive group. The vision of the college was to meet the needs of the students and to encourage success. Dr. Simpson highlighted the Career Advance Colorado program that provides education at no cost for high-demand job departments. Dr. Simpson discussed the different partnerships that have been cultivated to help students and connect to the community.

Commissioner Stephens thanked Dr. Simpson for the work being done to help students and the community.

Commissioner Kefalas asked about the foundation of the Front Range Community College. Dr. Simpson explained the main goals of the foundation board, such as annual programs to look for scholarship applications and a high demand needs program helps students who need emergency funding.

Commissioner Kefalas further asked about how Front Range Community College helped single-parent families achieve success. Dr. Simpson highlighted the food pantry on the campus and the workshops that provide financial literacy.

Commissioner Kefalas asked about adjunct faculty and how they can be supported. Dr. Simpson explained that compensation was highly important. Dr. Simpson explained that within budget discussions, adjunct faculty were considered and were given a raise this past year. Adjunct faculty can also apply for high-needs funding for emergency situations.

Commissioner Kefalas expressed gratitude for Dr. Simpson and the work being done. Commissioner Kefalas further asked for a tour of the campus.

Commissioner Shadduck-McNally echoed the other commissioner's gratitude. Commissioner Shadduck-McNally asked about the partnership between Front Range Community College and Colorado State University. Dr. Simpson explained the American Partnership Initiative, which partners with CSU and Front Range Community College. Commissioner Shadduck-McNally explained the amazing track record that Front Range has had in the past and the work being done to continue in the future.

Manager Volker explained how much Front Range was a resource to the community.

6. DISCUSSION ITEMS:

1. LARIMER COUNTY KINSHIP CARE AWARENESS MONTH: Angela Mead, Human Services, addressed the Board. Ms. Mead introduced Alison Walter, Gale Engel, Executive Director of the Grand Family Coalition, and Liza Mckee.

Ms. Mead explained the importance of kinship care. Kinship care helped children find safe out-of-home care. Children subject to stranger care can cause a great amount of change that can cause emotional harm to children. Kinship care helps maintain stability for children who need out-of-home care. Kinship care also helps the parents know who their children are with and helps children maintain relationships. Kinship care support helps those who provide care to children.

Ms. Engel addressed the Board and gave a brief history of her personal story involving kinship care. Ms. Engel explained the importance of maintaining strong family connections and how the Grand Family Coalition organization has helped support those doing kinship care. There were many who struggled to provide adequate care. Funding was available through nonprofit organizations for those with open child welfare cases but often does not help those who are raising children through kinship care.

Ms. Walters addressed the Board and discussed the kinship work being done by the Family Search and Engagement Team within the Human Services department. Ms. Walters recognized kinship case workers for their great work.

Ms. McKee addressed the Board and gave a brief history of her family life. Ms. McKee explained the importance of community and kinship support. Maintaining a stable and safe environment for children was vital.

Commissioner Kefalas expressed gratitude for the amazing work being undertaken to help children. Commissioner Kefalas asked about the ability of families to apply for grants to help fund their lives. Ms. Walters explained there are many barriers, such as the rules for child rule enforcement and the fear that it would damage the relationship between the children and the parents.

Commissioner Stephens explained the difficulty of raising children with limited funds. Commissioner Stephens thanked those who shared their story and expressed a want to do better as a community.

Thad Paul addressed the Board and explained the legislative process that might help with kinship care. The goal is to legislatively lower the qualifications for kinship providers to help train and provide support for kinship care providers. Larimer County currently has been giving some money to help kinship providers, but without certification, that amount would be lower. Commissioner Stephens expressed how much the Commissioners wanted to help with these legislative actions.

Commissioner Kefalas asked for a follow-up discussion about this matter. Commissioner Kefalas asked if this legislation got passed and if it would act as an incentive for kins to take on childcare. Mr. Paul explained the goal is to not intercept child welfare in cases of kinship care as what was happening at that time. The legislation would allow for more flexibility in the system.

Commissioner Shadduck-McNally asked about the statistics of kinship care providers within the state. Mr. Paul explained the goal to provide children with many kinship care opportunities and how Larimer County did have a larger amount of kinship care within the state. The Family First Program has helped other counties to catch up to Larimer County.

Commissioner Shadduck-McNally echoed the other Commissioner's gratitude. Commissioner Shadduck-McNally thanked everyone working for this cause.

Manager Volker thanked the entire team and the amazing work being done.

MOTION

Commissioner Kefalas read the proclamation and moved the Board of County Commissioner to approve the Proclamation declaring September 2023 as Larimer County Kinship Care Awareness Month.

Motion carried 3-0.

2. REPORT ON A GRANT PROJECT IMPLEMENTED BY THE TOWN OF BERTHOUD, FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM: Josh Fudge, Director of Performance, Budget, and Strategy, addressed the Board and

gave a brief history of the Immediate Need's grants. Mr. Fudge introduced Ken Matthews from the town of Berthoud. Mr. Matthews addressed the Board and described the need for infrastructure, especially when it came to drinking water. Algae creates problems for drinking water for the town. The solution sought needed to be cost effective and sustainable in the long term. The solution included an Ultrasonic Treatment machine that helped block the algae's access to sunlight and nutrients. The unit was solar powered. The immediate needs grant helped fund the purchase of the device.

Commissioner Stephens asked about specifics of how the device works. Mr. Matthews explained how the device helps destroy the algae without releasing any toxins into the water. Mr. Matthews explained how this device has greatly improved the water in the reservoir.

Commissioner Kefalas asked why other communities are not deploying this type of device to help with algae blooms and how large a body of water it can help mitigate. Mr. Matthews explained how this was fairly new technology and the work was just getting out. Johnstown and Louisville also had these devices. As for size, this device can handle bodies of water over eighty surface acres. Mr. Matthews explained how this device is different than other types of water treatment processes.

Commissioner Shadduck-McNally asked about algae blooms might be toxic for animals, pets, or wildlife. Additionally, Commissioner Shadduck-McNally asked about a timeline for getting another device. Mr. Matthews explained the purpose of the reservoir was to store water and how the plan currently was to try other methods of fixing water quality in other parts of the reservoir. Mr. Matthews explained that the algae has never gotten too high to warn residents.

The Board thanked Mr. Matthews for the work being done.

Manager Volker explained that this grant was intended for helping water quality and other services.

3. RESOLUTION DESSOLVING THE LARIMER COUNTY CITIZEN REVIEW

BOARD: Heather O'Hayre, Director of Human Services, addressed the Board. Ms. O'Hayre gave a brief history of the council, how it was created due to state statue, and a new senate bill has removed the previous statue. The Ombudsman Office was created and helped serve the same needs in the community that the Citizen Review Board did. Ms. O'Hayre explained that it was recommended to dissolve the board as it was no longer needed. Ms. O'Hayre explained the process in which complaints are logged and managed. The Citizen Review Board had only met once in a ten-year time period.

Commissioner Stephens explained her history with this board as she had served on the Board before. She continued to explain how glad she was of the rarity of the need for this Board.

Commissioner Shadduck-McNally explained that this resolution made sense.

MOTION

Commissioner Stephens moved the Board to approve the Resolution Dissolving the Larimer County Citizen Review Board.

Motion carried 3-0.

4. OBTAIN A BOARD POLICY CHANGE TO REVISE EXISTING JUVENILE COMMUNITY REVIEW BOARD: Thad Paul, Division Manager for Family, Youth, and Family, addressed the Board. Mr. Paul explained the history of this board. The goal was to treat and serve youth who had been convicted of a crime to be able to return to society. The Board existed to help decide if the youth in question were ready to return to the community. A review had not taken place in many years because a residential program did not exist in Larimer County. Therefore, no youth have been placed in this program and the review board was no longer necessary. The proposal was to merge this review board with the Larimer County Interagency Oversight Group. This is because a new residential program may exist in the future.

The Board expressed support for this resolution and appreciation for the work being done.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the Resolution consolidating the Juvenile Community Review Board and Larimer County Interagency Oversight Group.

Motion carried 3-0.

5. CONDUCT A PUBLIC HEARING AND REQUEST APPROVAL OF A RESOLUTION THAT WILL EXTEND THE EFFECTUAL DATE OF THE LARIMER COUNTY WEED DISTRICT TO DECEMBER 31, 2033: Frank Haug, Assistant County Attorney, addressed the Board. Mr. Haug explained that Larimer County already had an existing pest control district and how this district was important to manage noxious weeds. Mr. Haug explained that by statute, the commissioners could hold a hearing to increase the length between determining the necessity of this district.

Commissioner Stephens asked about public comment. Mr. Haug explained that the statute requires a public hearing so people could comment. Commissioner Shadduck-McNally clarified the need for public comment.

Casey Cisneros, Land Stewardship Manager, addressed the Board. Mr. Cisneros gave a background on what the Larimer County weed district did. The request is to extend the weed district for another ten years. Previously, the district would be extended for five years at a time but very little has changed from year to year. The weed district covered about one fifth of the county. The weed district provided services to the county such as education, cost-share programs, herbicide sales, and compliance. Mr. Cisneros gave some statistics of what the weed district had done in 2022.

Commissioner Stephens asked about the necessity of controlling these weeds. Mr. Cisneros explained the definition of a noxious weed and how the weed can be detrimental to health, economy, and crop growth. Mr. Cisneros explained that in organic farming, these weeds could impact the income of the farm. Commissioner Stephens clarified that the weed district wasn't to unnecessarily attack wildlife.

Commissioner Kefalas asked about how noxious weeds are addressed in land that didn't exist in the weed district. Mr. Cisneros explained how funding for noxious weed mitigation outside the weed district was taken from the Larimer County general fund. Commissioner Kefalas asked about public land mitigation. Mr. Cisneros explained that public lands have to manage their own weed issues before

the county gets involved. If the county did get involved there are many partnerships that Larimer County must manage the weed issue.

Commissioner Shadduck-McNally asked about how weeds could hurt native plants. Mr. Cisneros explained how damaging some weeds can be on native plants. Commissioner Shadduck-McNally asked about how these weeds could damage people. Mr. Cisneros confirmed that health issues are possible with exposure to the weeds.

Commissioner Shadduck-McNally opened public comment.

No one addressed the Board.

Commissioner Shadduck-McNally closed public comment.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Resolution to Extend the Termination Date of the Larimer County Pest Control District until December 31, 2033.

Motion carried 3-0.

7. **COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed the events of the previous week.

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

9. **LEGAL MATTERS:** None requested.

With there being no further business, the Board adjourned at 11:40 a.m.


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Tessa Beaty, Deputy Clerk



