LARIMER COUNTY
COMMITTED TO EXCELLENCE

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MAY 20, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Jenny Axmacher, Samantha Mott, and Michael Whitley, Community Development; Steven Rothwell, Engineering; Frank Haug, Assistant County Attorney; and Elizabeth Carter, Deputy Clerk.

ITEM TABLED TO JULY 8, 2024

1) RUSSEL SHORT-TERM RENTAL, FILE NO. 20-ZONE3397

PUBLIC HEARING CONSENT ITEMS:

1) GUSTAFSON REZONING, FILE NO. 22-ZONE3297

The subject properties are 3.14 acres and 3.2 acres located at 5668 and 5700 E County Road 20E at the southwest corner of I-25 and County Road 20E. The properties are located within the Loveland Growth Management Area (GMA).

The properties are both currently zoned RR-2 Rural Residential. There are existing commercial and industrial uses along with an existing dwelling. The commercial and industrial uses have been on the property for over 25 years. The uses consist of a construction business, office space, indoor and outdoor storage, warehousing, parking, and staging of commercial light trucks and contractor equipment used in the business. These uses do not currently align with what is allowed within the current RR-2 zoning district. In order to bring the properties into compliance, a rezoning would need to be approved followed by the Site Plan Review process and obtaining building permits. The proposed rezoning to PD- Planned Development proposes commercial, industrial, and residential uses along with associated accessory uses such as accessory outdoor storage. The proposed principal uses all require a planning process where the use would be evaluated for compliance with the applicable Land Use Code standards and requirements.

The proposed rezoning would allow for the existing uses on the properties but also includes additional commercial and industrial uses along with accessory uses that are intended to give the property owner future flexibility. If the rezoning is approved, the applicants will apply for Site Plan Review. County staff and referral agencies would review the proposal for compliance with the Larimer County Land Use Code standards and other site design requirements including, but not limited to adequate utilities, adjacent and offsite street improvements, site access, water quality protection, traffic impacts, parking, drainage, fire protection, stormwater detention and stormwater quality, landscaping, lighting, floodplain regulations, etc. Building permits would then be required and would be reviewed for compliance with applicable building code requirements which could trigger building upgrades. Any new principal uses in the future would also require a planning process which will require evaluation of the proposed use and Land Use Code requirements.

Properties within the Growth Management Area (GMA) are intended to support a municipality's comprehensive plan within the GMA district. In a letter received from the City of Loveland dated October 31, 2022, Loveland staff indicated that. Although the City of Loveland's Comprehensive Plan shows the long-range vision of these properties to be an Open Space and Regional Activity Center, they have concluded that the property may not be developed as such in the next 20-30 years, if ever. Therefore, they indicated they could support the PD-rezone request with associated conditions. These conditions include provision of landscape buffers and solid fencing to screen outdoor storage areas from adjacent land uses. In addition, they have indicated they will be making changes to their Comprehensive Plan for this area from Open Space and Regional Activity Center to Industrial uses. This request to rezone was sent out to both referral agencies and community members. Staff have not received any comments from any community members regarding this rezoning request. No referral agencies had any concerns with this rezoning request.

DEVELOPMENT SERVICES TEAM FINDINGS:

The Development Services Team recommends approval of the Gustafson Rezoning, File No. 22-ZONE3297, subject to the following conditions:

1. The proposed uses listed on the Planned Development Zoning Exhibit are subject to the use specific standards contained within Articles 3.3 and 3.4 of the Land Use Code.

2. The additional setback requirements contained within Articles 2.9.4.E, F, and G apply to the PD rezoning.

3. The use of on-site wastewater treatment system(s) (OWTS) will have to be evaluated as part of any future planning processes. Only uses that can be adequately served by an OWTS as approved by the Larimer County Health Department will be allowed until public sewer is available for connection. As public sewer becomes available for connection, the OWTS(s) will not be allowed to be upgraded, repaired, or replaced, but will have to be decommissioned and the properties connected to public sewer.

4. A landscape buffer and a solid fence must be installed along the west and north boundary lines of any proposed outdoor storage. A landscape buffer and solid fence will also be required for any outdoor storage area that would be visible from the future regional trail system to the south.

2) JELLYSTONE CAMP RV RESORT SPECIAL REVIEW AND APPEALS, FILE NO. 23-ZONE3575

The subject property is a 35-acre parcel at 5495 E. Highway 36, Estes Park which is located east of Highway 36 and south of Hell Canyon Road. In 2023, the property was rezoned from O – Open to FO – Forestry. The property contains the Jellystone Park Campground & RV Resort which consists of 118 accommodation spaces (15 cabins, 11 park model RVs, 1 modular home, and 91 RV campsites), and a variety of amenities including a miniature golf course, swimming pool, jumping pad, playground, basketball court, horseshoe pit, hiking trail, and a game room.

The campground and RV park are a nonconforming use. In 2000, the Board of Adjustment granted a variance to add 4-9 park model RVs on the property. That site plan established the extent of the development on the property in 2000. The only other approvals on the property have been a variance granted in 2003 approving a sign larger than allowed by the regulations at the time and two administrative setback variances for a new maintenance shop and a new pavilion. There have been no approvals since 2000 to expand the number of cabins, campground spaces, or RV spaces. There is an open Code Compliance case on the property for buildings and structures built without benefit of building permits and for expansion of the operation without County approval. The property owner is working with Community Development staff to resolve the outstanding issues.

This Special Review application would change the status of the campground from nonconforming to conforming and would allow for upgrades to the property including the extension of an asphalt drive and the addition of park model RVs and glamping-style tents. The number of accommodation spaces are proposed to remain unchanged at 118, with up to 50% of those spaces allowed to be occupied by park model RVs or glamping-style tents. Each park model RV and tent proved by the park would be provided with water service, sewer service, and electricity. The request includes appeals to Sections 3.3.5.C.4.d.ii regarding campsite size, 3.3.5.C.6.a regarding the requirement for a loop road system, 3.3.5.C.6.b regarding access road width, and Table 3-9 in Section 3.3.5.C.6.d regarding campsite setbacks.

DEVELOPMENT SERVICES TEAM SPECIAL REVIEW FINDINGS:

1. The proposed use has minimal impacts on existing and future development of the area

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.

3. The recommendations of referral agencies have been considered and adequately addressed.

4. The proposed use is consistent with the Comprehensive Plan.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

DEVELOPMENT SERVICES TEAM APPEAL FINDINGS:

1. Approval of the appeals would not subvert the purpose of the standard or requirement.

2. Approval of the appeals would not be detrimental to the public health, safety, or property values in the neighborhood.

3. Approval of the appeals is the minimum action necessary.

4. Approval of the appeals would not result in increased costs to the general public. 5. Approval of the appeals would be consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Jellystone Camp/RV/Resort Special Review & Appeals, File No. 23-ZONE3575 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 Jellystone Camp/RV/Resort Special Review & Appeals, File No. 23- ZONE3575 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 Jellystone Camp/RV/Resort Special Review.

3. All outstanding as-built permits and inspections shall be completed within 120 days of approval.

4. Permits and inspection approvals shall be required for all new buildings and any new, extended or altered gas, electrical or plumbing utilities.

5. 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.

6. This application is approved without the requirement for a Development Agreement.

7. 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 the County, the County may withhold building permits, issue a written notice to the 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 the 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 the County including, but not limited to, reasonable attorney's fees.

8. 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.

9. 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.

3) LOVELAND READY-MIX CONCRETE, INC. AMENDED SPECIAL REVIEW, FILE NO. 24-ZONE3609

An application has been submitted to amend the original Special Review (17-ZONE2113) to modify the existing project boundary to remove a parcel that will be used for a new Poudre Fire Authority fire station. The subject property is located on the northeast corner of County Rd. 54G and Indigo Hills Ln. intersection, in LaPorte. The property was approved under the Special Review application process for a sand and gravel mining operation. Since then, the property owners, Loveland Ready Mix Concrete Inc. donated a 2.23-acre parcel to the Poudre Fire Authority (PFA) for a new fire station which has recently received Site Plan approval from Larimer County. The mining operations will not occur on the donated parcel, and it has been excluded from all State level permits and any and all corresponding obligations from the original approval.

DEVELOPMENT SERVICES TEAM SPECIAL REVIEW FINDINGS:

1. The proposed use has minimal impacts on the existing and future development of the area.

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.

3. The recommendations of referral agencies have been considered and adequately addressed.

4. The proposed use is consistent with the Comprehensive Plan.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions in the staff report and authorizes the Chair to sign the Findings and Resolutions.

Motion carried 3 to 0.

With there being no further business, the Board adjourned at 3:05 p.m.

TUESDAY, MAY 21, 2024

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Michelle Bird and Tom Clayton, Commissioner's Office, and Elizabeth Carter, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT: There was no public comment in person or online.

Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MAY 13, 2024:

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of May 13, 2024.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 27, 2024: Ms. Bird reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF $10,000. THIS ACCOUNT HAS BEEN REVIEWED ONCE, NEEDS TO BE REVIEWED AGAIN AS THE ASSESSED VALUES WERE INCORRECT. REVISED PETITION FOR ABATEMENT OF REFUND OF TAXES-AMERICAN STORAGE LEASING OF FT. COLLINS I NKA MOBILE STORAGE INC.-R1314629

2. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF $10,000. THIS ACCOUNT HAS BEEN REVIEWED ONCE, NEEDS TO BE LOOKED AT AS THE ASSESSED VALUES WERE INCORRECT. REVISED PETITION FOR ABATEMENT OR REFUND OF TAXES-PROSPECT OF ESTES LLC-R166935

AGREEMENTS

1. CONSTRUCTION SERVICES AGREEMENT – ENGINEERING - BID NO. 24-02; PROJECT NO. 344; FEDERAL AID PROJECT NO. SHO C060-091, 23900 (CONSTRUCTION OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF W. HIGHWAY 34 AND GLADE ROAD)

2. RECYCLING SERVICE AGREEMENT BETWEEN LARIMER COUNTY AND SPRING BACK COLORADO FOR MATTRESS AND BOX SPRING RECYCLING SERVICES.

APPOINTMENTS

1. RESCIND APPOINTMENTS TO THE EQUITY, DIVERSITY AND INCLUSION ADVISORY BOARD-KARINA LEDEZMA AND SAVANNAH OVERTURF

LIQUOR LICENSES

1. LIQUOR LICENSE REPORT OF CHANGES- BLAM LLC DBA THE THIRSTY MOOSE-HOTEL AND RESTAURANT-RED FEATHER LAKE, COLORADO

2. LIQUOR LICENSE RENEWAL-T&B PROPERTIES DBA WESTLAKE LIQUORS-RETAIL LIQUOR STORE-RED FEATHER LAKES, CO

3. FINDINGS AND ORDER- HORSETOOTH STORE GAS AND LIQUOR, LLC-RETAIL LIQUOR STORE-FORT COLLINS, CO

MISCELLANEOUS

1. REQUEST FOR APPROVAL TO ENTER UPON LANDS- SHIRLEY PINERA

2. 211 CANYON LLC STIPULATION AS TO TAX YEAR 2023 VALUE

3. OTTER PROPERTIES LLC STIPULATION AS TO TAX YEAR 2023 VALUE

4. JJ ENTERPRISE 205 LLC STIPULATION AS TO TAX YEAR 2023 VALUE

5. 360 LINDEN LLC STIPULATION AS TO TAX YEAR 2023 VALUE

6. JJ ENTERPRISE 331 LLC STIPULATION AS TO TAX YEAR 2023 VALUE

7. BS HOLDINGS INC STIPULATION AS TO TAX YEAR 2023 VALUE

8. CANVAS CREDIT UNION STIPULATION AS TO TAX YEAR 2023

9. DOG LLC STIPULATION AS TO TAX YEAR 2023 VALUE

10. OB-GYN INVESTMENTS LLP STIPULATION AS TO TAX YEAR 2023 VALUE

11. JJ ENTERPRISE 401 MOUNTAIN LLC STIPULATION AS TO TAX YEAR 2023 VALUE

12. D AND N HOUSKA FAMILY LLC STIPULATION AS TO TAX YEAR 2023 VALUE

13. 153 MOUNTAIN LLC STIPULATION AS TO TAX YEAR 2023 VALUE

14. 913 SMITHFIELD LLC STIPULATION AS TO TAX YEAR 2023 VALUE

ORDINANCES

1. SECOND REVISED LARIMER COUNTY CODE ORDINANCE 11122002O001; CHAPTER 6; ANIMALS

M O T I O N

Commissioner Shadduck-McNally moved the Board of County Commissioners approve the Consent Agenda for May 21, 2024.

Motion carried 3-0.

5. COMMISSIONERS' GUESTS: Josh Roberts, Mitigation Coordinator, Office of Emergency Management. Mr. Roberts informed the Board that the County has been selected as a recipient of a $9.7 million grant from United States Forrest Service Community Wildfire Defense Grant Program for wildfire defense in the Red Feather Lakes area. Specifically, the funding will target the areas of Cherokee Meadows, Crystal Lakes, Glacier View, and Poudre Canyon. The funding will be used over five years to implement community wildfire protection plans. Mr. Roberts explained that the monies will be divided into five main categories including wildfire mitigation and treatment in open space along roadways and large acre private properties, education on defensible space around homes, improvements in evacuation plans and routes, enhancement within the community to deal with post-treatment woody biomass that will be pulled from the forest, and effective administration of the grant.

Mr. Roberts noted that the grant would not be possible without the help from numerous partners within the community. In particular, he highlighted the support of Daniel Bowker with the Coalition for the Poudre River Watershed and Allison Pegg with Upstate Colorado Economic Development. Lastly, Mr. Roberts reported that this proposal was drafted with help from the community of Red Feather Lakes and that the community will be an integral part of the execution of the grant.

The Board asked Mr. Roberts if the funding could be used for administrative tasks and if new employees would be hired. Additionally, the Board had questions regarding when the funding will be released, and work might commence. The Board extended its thanks to the Emergency Management staff and the Director of the Office of Emergency Management, Lori Hodges, as well as all of the community partners who work daily to educate the public, aid with wildfire mitigation, and protect the community from the threat of wildfire. The Board also asked Mr. Roberts to comment on the importance of wildfire mitigation and how mitigation efforts prevented an increase in the progression and damage of the Cameron Peak Fire.

The Board took a brief recess. The Board reconvened.

6. DISCUSSION ITEMS:

1. GRANT AGREEMENTS REGARDING AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD FOR EXPANSION OF CAREER AND TECHNICAL EDUCATION (CTE) PROGRAMMING AND FACILITIES: Laura Walker, Human Economic Health Director. Ms. Walker addressed the Board about a grant agreement regarding the intended contribution of $1,000,000 of American Rescue Plan Act funds per school district (Thompson School District and Poudre School District) to contribute to the expansion of career and technical education (CTE) programming and facilities.

Brian Kingsley, Superintendent of the Poudre School District addressed the Board. Mr. Kingsley stated that this funding will ensure that students do not just graduate but that they graduate with options. Specifically, the funding will provide students with options within career and technical education. Mr. Kingsley noted that because of the CTE programs many of the students graduating this year will be going directly into the workforce. Mr. Kingsley also highlighted the importance of partnering with the County and with Thompson School District to offer students increased opportunities.

Todd Piccone, Chief Operations Officer, with Tompson Valley School District also addressed the Board. Mr. Piccone stated that the success of communities can be directly tied to the opportunities for students and young people. The collaboration between the Thompson Valley and Poudre School Districts will go a long way in expanding student opportunities in technical education.

Cheryl Zimlich with the Bohemian Foundation addressed the Board. Ms. Zimlich complimented both the Poudre School District and Thompson Valley School District on their partnership and continued efforts to work together for the betterment of their students.

Kathy Mackay, principal of Poudre High School, and Tanya Alcaraz, Director of Career and Innovation with the Poudre School District spoke about some of the specifics of the grant and its impact on students and the community. Ms. Mackay reported that part of the funding will go toward the Pathways and Technology Early College and High School (P-Tech) Program housed at Poudre High School. She noted that currently 88 students are enrolled in the program. Ms. Alcaraz further explained that two of the major barriers to technical education are having the appropriate facilities and finding credentialed teachers and experts in the given fields. This grant and the partnership between the school districts will allow for resources to be pooled. Additionally, having well-trained, accredited, skilled workers has a direct impact on the local economy. Because of this, the school districts have found many local employers to be willing and ready partners. Industry partners have committed to providing internship and apprentice opportunities to students and have agreed to hire graduates of the program at a higher starting wage than is typically offered. Lastly, the school district reported that industry partners are also utilizing these facilities to re-skill and up-skill existing workers.

The Board thanked the Poudre School District, the Thompson Valley School District, the Bohemian Foundation, and staff for their effort and dedication to increasing opportunities for our students and for providing students with economic mobility. The Board had questions for the school districts about how students with learning and developmental disabilities are integrated into these opportunities. Additionally, the Board asked for details about career counseling programs. Manager

Volker extended her thanks to former County Manager Linda Hoffman for her work to support this collaborative effort from its inception.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Grant Agreement Regarding American Rescue Plan Collaborative Projects Grant Sub Award to Poudre and Thompson School Districts for Expansion of Career and Technical Education Programming and Facilities.

Motion carried 3-0.

The Board took a brief recess. The Board reconvened.

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: Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b), conferences with an attorney for the purpose of receiving legal advice regarding current legal status of all pending state and federal court cases in which Larimer County is a named party.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to Colorado Revised Statute 24-6-402(4)(b), conferences with an attorney for the purpose of receiving legal advice regarding the current legal status of all pending state and federal court cases in which Larimer County is a named party.

Motion carried 3 to 0.

With there being no further business, the Board adjourned at 10:40 a.m.

Kristin Stephens

KRISTIN STEPHENS, Chair Pro Tem
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:

Elizabeth Carter, Deputy Clerk

LARIMER COUNTY CLERK
SEAL
COLORADO