MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 26, 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 Jenny Axmacher, Community Development Planning Manager; Frank Haug, Assistant County Attorney; and Tessa Beaty, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. GLACIER VIEW MEADOWS 12TH FILING LOTS 155 & 156 LOT CONSOLIDATION AND EASEMENT VACATION, FILE NO. 23-LAND4309: The applicant/property owner requests a Lot Consolidation to combine two contiguous legal lots, Lots 155 &156, of the Glacier View Meadows 12th Filing PUD and vacate the existing 20-foot-wide utility easement located along the common lot line. There is no opposition from utility companies on the easement vacation.

Additionally, building envelopes were places on all lots when the Glacier View Meadows 12th Filing PUD was originally created. The existing building envelopes on Lots 155 and 156 are not being altered with this request, so the proposed lot will contain two building envelopes. Any alteration to the building envelope(s) in the future will be required to gain approval via the appropriate process(es).

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 6.5.7.D.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.**
No additional lots will be created by the amended plat. The Lot Consolidation would combine two existing, contiguous legal lots into one lot.

B. **The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by Section 5.2, Lot and Block Standards. 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.**
The minimum lot size for a lot located in the RR-2 – Rural Residential zone district is 2.29 acres, if the property is served by an on-site well and/or on-site septic system and 0.5 acres if the property is served by both public water and public sewer. The two existing lots are currently 5.45 acres and 2.01 acres and are served by an on-site well and on-site septic system. The proposed lot consolidation would create one 7.46-acre lot, much larger than the minimum lot size required in the RR-2 – Rural Residential zone district. Additionally, the proposed lot consolidation will meet the required lot dimension ratio.

C. **The amended plat will not create a nonconforming setback for any existing building;**
The lot is currently vacant, therefore, no non-conforming setback will be created.

D. **The amended plat will not adversely affect drainage or utility easements or rights-of-way serving the property or other properties in the area; and No right-of-way is proposed to be vacated.**
The applicant/property owner is proposing to
vacate an existing 20-foot utility easement along the common lot line, with no opposition from utility companies.
The lot consolidation to combine two existing contiguous lots would not adversely affect drainage or utility easements or rights-of-way serving the property or other properties in the area.

E. **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.**
There are no changes to any conditions or notes on the plat proposed with this request. Any covenants, deed restrictions or other conditions of approval that apply to the original lots would still apply.

In reviewing a proposed plat modification, the County Commissioners shall consider the general approval criteria in §6.3.8.D., General Review Criteria and the following (Section 6.5.8.D.):

Vacation of Right-of-Way or Easement

A. **Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services;**
No right-of-way is proposed to be vacated with this request and the proposed easement vacation is not expected to leave any property without utility or drainage services. Therefore, this criterion has been met.

B. **The recommendations of referral agencies have been considered;**
Referral agencies have no concerns with the proposed utility easement vacation

C. **Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation;**
No right-of-way is proposed to be vacated with this request; therefore, this criterion is not applicable.

D. **Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.**
No right-of-way is proposed to be vacated with this request; therefore, this criterion is not applicable.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Glacier View Meadows 12th Filing PUD, Lot 155 and Lot 156, Lot Consolidation and Easement Vacation, File #23-LAND4309, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Glacier View Meadows 12th Filing PUD.

2. Any future uses on the consolidated lot shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.

3. 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 applicant shall comply with the terms and conditions of this Lot Consolidation approval.

2. MIZER MRD TRACT A & C AMENDED PLAT, FILE NO. 23-LAND4310: This amended plat regard Tract A and C of the Mizer Minor Residential Development (MRD) located at 2365 Big Thompson Ave, Estes Park, east of Lake Estes and town limits. Both lots are zoned EV A-Accommodations. Tract A is currently vacant, and Tract C contains an existing motel originally constructed in 1915 with guest houses in 1952.

Mizer MRD was platted in 1992. All MRDs have a restriction noting only single-family residential uses are allowed. This amended plat proposes to remove the MRD restriction so that hotel redevelopment may occur on the site.

In addition, this amended plat will combine Tract A and C into one lot and remove the platted building envelope on Tract A. Tract B is not included in this application.

Any easements or right-of-way that need to be vacated for the proposed future redevelopment will be done in a separate subsequent application.

One clarifying question was received from the public; no public comment in opposition was received.

REVIEW CRITERIA:

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

A. **No additional lots will be created by the Amended Plat.**
The amended plat will not create any additional lots as two lots will become one with this application.

B. **The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ration required by subsection 8.14.1H. 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.**
The combined parcel will be over the 40,000 square feet minimum lot size for the EV A zone district and will meet the lot dimension ration.

C. **The Amended Plat will not create a nonconforming setback for an existing building;**
No nonconforming setbacks will be created.

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.**
This review criterion is met with this application.

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 will not adversely affect access, drainage or utility easements or right-of-way serving the property or other properties in the area and therefore complies with this criterion. No easements or rights-of-ways are 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 county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.**
If this amended plat is approved, the resultant lots will still be subject to all other restrictions, covenants, and conditions as set forth in the plat of record for the Mizer MRD, other than the single-family residential restriction.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Mizer MRD Tract A & C Amended Plat, Fil No. 23-Land4310 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 Mizer MRD other than the single-family residential MRD restriction.

3. All shown structures and additional information, other than easements, shown on the amended plat, shall be removed from the printed mylar for recording.

4. Before recording, the plat shall be updated to show the consolidated parcels labeled as Tract A at 3.17 acres and the dedication statement should read "Tract A, Amended Plat of Tract A and Tract C of Mizer MRD."

Ms. Everette clarified that if the Mizer item is pulled then it would be opened to different development and would need to follow additional review processes.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the Consent Agenda subject to the conditions outlined in the staff reports and authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:10 pm.

PUBLIC IMPROVEMENT DISTRICT HEARING

The Board of County Commissioners met at 6:30 p.m., with Katie Beilby, Business Operations Manager for Engineering. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also, present were Amy Nguyen and Matt Johnson, Engineering; Frank Haug, Assistant County Attorney; and Tessa Beaty, Deputy Clerk.

1. PUBLIC HEARING FOR LARIMER COUNTY WYNDHAM HILL PUBLIC IMPROVEMENT DISTRICT NO. 78:

Ms. Beilby gave a presentation to establish the background of Public Improvement Districts (PIDs). Ms. Beilby noted that PIDs are formed to make public improvements through an increase in the mill levy tax. Improvements may consist of providing fire protection services or for the purpose of installing or acquiring any public improvement. These improvements include, but are not limited to, fire protection facilities, grading, paving, curbing, guttering, or otherwise improving the whole or any part of any street or alley, parking and off-street facilities, sewer drainage collection systems, storm sewer drainage systems, and surface drainage systems. Ms. Beilby outlined the steps necessary for a neighborhood to apply for PID status. Ms. Beilby also outlined the county's role in the process.

Ms. Nguyen outlined why some PIDs might not be formed and gave a brief history of this specific PID.

Commissioner Stephens asked a question about the previous PID that was denied in 2018. Ms. Beilby was not aware of the specifics but would find out.

PUBLIC COMMENT:

Commissioner Shadduck-McNally opened public comment.

Sally Kale, Wyndham Hill resident, addressed the Board. Ms. Kale had question about what counts as county maintenance. Ms. Kale also wondered about the snow removal. The last question was a clarifying question about ceiling rates.

Pat Frasmur, Wyndham Hill resident, addressed the Board. Mr. Frasmur showed an email addressing how the roads could be repaired in other ways besides a PID. Mr. Frasmur is overall against the PID creation as he believes that it is not needed or wanted.

Todd Puller, Wyndham Hill resident, addressed the Board. Mr. Puller is overall against the creation of the PID. Mr. Puller asked the Board about the process of collecting funds and the timeline to the repairs. Mr. Puller believes that the HOA is sufficient for road maintenance. Mr. Puller is concerned about the maintenance over years of the road and how the funds would be stored.

Tamera Meir, Wyndham Hill resident, addressed the Board. Ms. Meir is against the creation of the PID as the HOA would be sufficient and she is concerned about the price of the PID.

Dave Armstrong, Wyndham Hill resident, addressed the Board. Mr. Armstrong believes that the PID is too expensive for the work that needs to be done. Mr. Armstrong spoke to the fact that the PID is more expensive that other PIDs in the area.

Danny Martins, Wyndham Hill resident and president of the Homeowners Association, addressed the Board. Mr. Martins gave a history of the road and the fact that people are in the agreement of the work that needs to be done. Mr. Martin wants the option for the PID to figure out what is going to be the best route to get the road fixed.

Commissioner Shadduck-McNally closed public comment.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked for clarification of the questions asked during public comment.

Ms. Beilby explained how snow removal is provided in the PID and how the ceiling is what is being established tonight. Additionally, Ms. Beilby explained how the purpose of tonight is just to approve the petition

Commissioner Shadduck-McNally asked Mark Peterson, County Engineer, what is considered as county maintenance. Mr. Peterson explained how maintenance is primarily crack seal and does not include an overlay. That cost is on the subdivision. Mr. Peterson discussed the Mill Leavy and how the treasurer manages the funds it collects.

Ms. Nguyen and Mr. Johnson discussed the timeline of the full depth reconstruction and the difference between the reconstruction and patching the road.

Commissioner Shadduck-McNally asked about the public meeting and the education of the public before this meeting.

Ms. Beilby gave a brief history of how the public meetings were held and how the petition was agreed upon by 56% of the possible votes.

Mr. Haug gave some background of the statute that is being discussed and the ways that this could be dismissed or approved.

Commissioner Stephens asked a clarifying question to the statue.

Commissioner Kefalas asked about the price and whether it is considered excessive.

Ms. Nguyen gave an account of the road conditions as it existed currently and the price necessary to help the road.

DELIBERATION:

Commissioner Stephens expressed her support for this measure as she does not see a reason to dismiss and wants this to be moved to the ballot.

Commissioner Kefalas expressed support for this measure and expressed the benefit of voting.

Commissioner Shadduck-McNally expressed support for this measure and the want people to understand how their property taxes are filled and spent.

M O T I O N

Commissioner Stephens moved the Board of County Commissioners to approve Resolution No. 06262023R001 Wyndham Hill Public Improvement District No. 78.

Motion passed 3-0.

With there being no further business, the Board adjourned at 7:35 p.m.

TUESDAY, JUNE 27, 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 and Tom Clayton, Commissioners' Office, and Tessa Beaty, Deputy Clerk.

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

1. **PUBLIC COMMENT:** Paul Gessler, spoke in support of a restorative justice and trauma informed court for veterans. Mr. Gessler read some quotes in support of veterans. Mr. Gessler expressed support to fight corruption in the government.

The Board spoke about the resources that exist within the county to help veterans within the criminal justice system.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 19, 2023:**

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of June 19, 2023.

Motion carried 3 – 0.

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

4. CONSENT AGENDA:

AGREEMENTS

1. AMENDMENT #3 TO AGREEMENT TO BEHAVORIAL HEALTH CO-RESPONDER SERVICES (LC FUNDED)

2. FEDERAL OLDER AMERICANS ACT SERVICE BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND HEALTH SERVICES DISTRICT OF NORTHERN LARIMER COUNTY DBA HEALTH DISTRICT OF NORTHERN LARIMER COUNTY (HEALTH DISTRICT)

3. PROFESSIONAL SERVICES AGREEEMENT (P22-01 INMATE MEDICAL SERVICES)

4. PROFESSIONAL SERVICES AGREEMENT (P23-08, WATER MASTER PLAN)

5. STATE OF COLORADO INTERGOVERNMENTAL AGREEMENT OF CR 70 (OWL CANYON) SHOULDER WIDENING WITH CDOT

APPOINTMENTS

1. RECOMMENDED REAPPOINTMENT TO THE EXTENSION ADVISORY BOARD – KARA RUDNICK

2. RECOMMENDED APPOINTMENT TO THE PLANNING COMMISSION – SHELBY KING

3. RECOMMENDED REAPPOINTMENTS TO THE PLANNING COMMISSION – JON SLUTSKY AND JOHN BARNETT

4. RECOMMENDED REAPPOINTMENT TO THE OPEN LANDS ADVISORY BOARD – GALE BERNHARDT

5. RECOMMENDED APPOINTMENT TO THE OPEN LANDS ADVISORY BOARD – ELLIS CARPENTER

6. RECOMMENDED REAPPOINTMENT TO THE BOARD OF APPEALS – REX POGGENPOHL

7. RECOMMENDED APPOINTMENT TO THE FLOOD REVIEW BOARD – TRAVIS ROUNSAVILLE

LIQUOR LICENSES

1. LIQUOR LICENSE SPECIAL EVENT – TALESPINNTERS – FORT COLLINS ELKS LODGE BPOE804 – FORT COLLINS, COLORADO

2. LIQUOR LICENSE SPECIAL EVENT – ROCK THE GARDEN – THE VEGETABLE CONNECTION – FORT COLLINS, COLORADO

MISCELLANEOUS

1. ACCEPTANCE BY THE BOARD OF COUNTY COMMISSIONERS OF AN ANNEXATION DENIAL FROM THE CITY OF LOVELAND

2. LARIMER COUNTY INTERAGENCY OVERSIGHT GROUP MEMORANDUM OF UNDERSTANDING 2023-2024

M O T I O N

Commissioner Kefalas moved the Board to approve the consent agenda for June 27, 2023

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS: The Commissioner's did not have any guests.

6. DISCUSSION ITEMS:

1. DISCUSS THE OPERATIONAL AGREEMENT FOR LARIMER COUNTY BEHAVIORAL HEALTH SERVICES AT LONGVIEW CAMPUS AND REQUEST THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY APPROVAL AND SIGNATURE. THIS CONTRACT IS ENTERED INTO BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY AND SUMMITSTONE HEALTH PARTNERS: Laura Walker, Human and Economic Health Director, addressed the Board. Ms. Walker gave some history about the funding surrounding this discussion item. Laurie Stolen, Behavioral Health Director, spoke about the need of an acute health care facility and the effort that has gone into this project. Ms. Stolen thanked everyone who played a role in this project.

Michael Allen, Chief Executive Officer of Summit Stone Health Partners, addressed the Board. Mr. Allen spoke about the need of this kind of care in this community. Mr. Allen thanked those who have worked hard to make this project a reality.

Dr. Leslie Brooks thanked the board for the support that the county has given to this project.

Manager Volker was thanked by the Board and was asked to speak. Manager Volker spoke about the challenge that people faced without these resources. Manager Volker expressed gratitude for everyone who has worked in this project.

Commissioner Kefalas expressed gratitude for everyone involved in this project. Commissioner Kefalas noted the scope of the work being done. Commissioner Kefalas asked about the wording of 23-hour service. Dr. Brooks responded that this is a licensing and billing issue. Mr. Allen clarified about the licensing.

Commissioner Kefalas asked for clarification about step down services after the crisis. Dr. Brooks spoke about a bridge clinic that is meant to be a steppingstone between crisis care and regular care.

Commissioner Stephens expressed gratitude for this project. Commissioner Stephens expressed concern about the rural areas of Colorado getting this kind of care. Commissioner Stephens also thanked the voters for taxing themselves to be able to fund this service. Commissioner Stephens hoped that other communities can receive this service as well.

Commissioner Shadduck-McNally thanked those who worked on this project and was grateful for this milestone. Commissioner Shadduck-McNally spoke about how this item is a milestone that was built from the ground up and the want that these kinds of resources would become available in other places as well.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the operational agreement for Larimer County Behavioral Health Services at Longview Campus.

Motion carried 3-0.

7. COUNTY MANAGER UPDATE: County Manager Volker briefly detailed the events from 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 C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding court case number 23CV173, Wesley Hutchins, et al, vs. Board of County Commissioners of Larimer County.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners enter Executive Session pursuant to C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding court case number 23CV173, Wesley Hutchins, et al, vs. Board of County Commissioners of Larimer County.

Motion carried 3-0.

Mr. Ressue, County Attorney, gave a brief history of a court case that has been filed against the Board of County Commissioners. It has been requested for the hiring of outside counsel for this suit.

MOTION

Commissioner Stephens moved the Board of County Commissioners to allow for the hiring of outside counsel regarding court case number 23CV173, Wesley Hutchins, et al, vs. Board of County Commissioners of Larimer County.

Motion carried 3-0.

With there being no further business, the Board adjourned at 11:05 a.m.

JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:

Tessa Beaty, Deputy Clerk

LARIMER COUNTY CLERK
SEAL
COLORADO