LARIMER COUNTY

COMMITTED TO EXCELLENCE

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 27, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 9:00 a.m. with Noah Gustavson, Appraiser. Chair Stephens presided and Commissioners Shadduck-McNally and Commissioner Kefalas was present. Also, present was Deirdre O'Neill, Deputy Clerk.

PETITION FOR ABATEMENT OF TAXES FOR 2020/2021 (SCHEDULE #R0448728; Parcel 85081-06-013): Mr. Gustavson explained that the property is located at 2901 Valley Oak Drive in Loveland, Colorado. The lot is .46 acres with direct lake access on the west side of Boyd Lake with west facing views of the front range. The Assessor has classified this lot as a residential vacant parcel.

The petition for abatement or refund of taxes is for 2020 and 2021 for the same parcel. There will be two separate motions for each tax year.

Mr. Gustavson addressed the Board and presented a packet of information detailing the method in which the Assessor's Office arrived at their current evaluation of $379,000 for 2020. The property in question sold for $411,750. Mr. Gustavson went over the five comparibles that were used and spoke about time adjusted values as well used the median value of the five properties.

Carl Martel, property owner, mentioned that he also looked at those comparibles as well as other vacant lots and that several lots sold for approximately $8,000. There was mention of broke walls and dock ramps which would cost over $100,000. He also mentioned that the other lots are much larger than his property as well as improvements on several of over $85,000.

The Commissioners asked for explanations on the $8,000 comparibles. Mr. Gustavson explained that these are legally platted lots but not buildable. There is no water or infrastructure.

The Commissioners asked Mr. Martel what value he believes is fair. Mr. Martel believes the value should be somewhere between $250,000 and $300,000.

The Commissioners deliberated and spoke in support of the appraiser's evaluation of $379,000 and that they believe it is fair and equitable based on the evidence presented by the appraiser.

MOTION

Commissioner Kefalas moved that the Board uphold the Appraisers value for tax year 2020 of $379,000 for parcel 85081-06-013 located at 2901 Valley Oak Drive in Loveland.

Motion carried 3-0

Mr. Gustavson presented a packet of information detailing the method in which the Assessor's Office arrived at their current valuation of $444, 000 for 2021 tax year.

Mr. Gustavson explained again that the property is located at 2901 Valley Oak Drive in Loveland, Colorado. The lot is .46 acres with direct lake access on the west side of Boyd Lake with west facing views of the front range. The Assessor has classified this lot as a residential vacant parcel.

Five comparable land sales were identified within 3-years of the appraisal date of June 30, 2020. These sales are time adjusted to reflect the changes in the market over time. All comparibles properties have direct lake access to a larger lake and mountain views. The Notice of Valuation is $464,000 adjusted to $444, 000. Mr. Gustavson believed that the valuation based on median sales should be adjusted to $451, 300 and that Comparable number one sold again in March 2019 for $484,591 with a water tap fee of $60,000.

Mr. Martel stated that he believed the value should be $20,000 to $30,000 less.

There was discussion on retaining walls and foundation. The Commissioners did have questions on the 2020 valuation of $379,000 and the 2021 of $451,300 and why is it a $72,000 increase in one year.

Mr. Gustavson explained that it is a two-year valuation.

The Commissioners believe it is fair to accept the adjusted value of $444,000

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners uphold the Assessor's values for tax year 2021 of $444, 000 Parcel 85081-06-013 located at 2901 Valley Oak Drive in Loveland.

Motion carried 3-0.

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided and Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were: Traci Hicks, Tawn Hillenbrand, and Doug May, Community Development; and joining via remote are Matt Lafferty and Michael Whitley, Community Development; Connor Sheldon. In person was Frank Haug, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance and announced that they will present the 2022 Environmental Stewardship Awards and then move onto the Land Use Items.

2022 Environmental Stewardship Awards

Commissioner Kefalas stated that the Commissions are excited to present Larimer County's Environmental Stewardship Awards for 2022. This is the 27th year for the awards! The County Commissioners present these awards each year to honor the stewardship efforts of county residents, businesses, and organizations.

The awards began in 1995 and have presented 95 awards to date. This afternoon we will add five more. Once again, the Commissioners received inspirational nominations, and the Commissioners come away with an appreciation for the commitment to environmental stewardship in Larimer County.

The County's Environmental and Science Advisory Board reviews the nominations and makes recommendations to the Board of County Commissioners, who then determine the winners. The following are the 2022 recipients:

1. **Lempka Family Farm-Protecting Water Quality in the Little Thompson River by reducing the Nonpoint Source Pollution**- The Lempka Family Farm, in cooperation with Colorado State University, the Little Thompson Watershed Coalition and the Colorado Department of Health and Environment (CDPHE) is implementing a water quality control measure to treat irrigation return flows from their farm. The "edge of river grass filter strip" reduces soil particulates, nitrogen, phosphorus and e-coli from the farm's return flow thus treating the water before it renters the Little Thompson River. This project is important because it provides an example of how agriculture producers can reduce nutrient pollution, an important goal of Colorado's Water Quality Regulation 85.

2. **Mike E. Corbin-Leadership in Restoring Trails following the Cameron Peak Fire**- Following the 2020 Cameron Peak Fire, 120-miles of Forest Service recreation trials were affected in the Canyon Lakes Ranger District of the Roosevelt National Forest. Poudre Wilderness Volunteers (PMV), under Mike Corbin's leadership, started their work in Spring of 2021 and by August most trails were open to the public. The work consisted of 44-workdays completed by the public, Poudre Wilderness Volunteers, and local businesses, who removed nearly 3000 trees from the trails and improved drainage on 11-miles of trails thereby reducing erosion. Their work ultimately cleared 60-miles of fire impacted trails and allowed the public to get out and enjoy our mountain wilderness.

3. **Northern Colorado Wildlife Center-Rehabilitating and Advocating for Injured Wildlife and Educating the Community on Stewardship of Wildlife Habitats-** Northern Colorado Wildlife Center plays a vital role in our community. Their mission is to rehabilitate injured wild reptiles and amphibians, as well as all types of wildlife, educate the community on environmental stewardship, and improve local natural areas and open spaces through coordinated tree plantings and litter removal. Prior to their establishment as a rescue, they estimated that 2000 wild animals were euthanized each year because there were no other options for care and rehabilitation. But now, under their care, nearly 95% of their patients annually are released back into the wild including many turtles, snakes, lizards, and other wildlife species.

4. **Energy Resource Center-Serving the Community with Home Energy Efficiency Upgrades-** Energy Resource Center (ERC) is a nonprofit that focuses on free home energy efficiency upgrades for low income-qualifying clients. ERC evaluates a resident's home, conducts an energy audit and provides a means for their customers to replace old appliances and add weatherization improvements to their homes-all at no cost to residents. They also provide home improvements focused on health and safety (plumbing, wiring, venting, structural). Since 2018, ERC has served an important role in our community, helping residents in underserved communities save 25% or more on their annual utility bills. This year they anticipate assisting 70 households in Larimer County.

5. **Folsom Grazing Association-Land Stewardship in the Mountain to Plains Ecosystem through Conservation Grazing Practices-**Folsom Grazing Association (FGA) consists of seven producer members who have collaborated with the City of Fort Collins Natural Areas Program at the Soapstone Prairie Natural Area to develop and implement a model for conservation grazing. Since 2004 this partnership has enhanced the ecological conditions and environmental services on the unique Mountains to Plains Corridor in Northern Larimer County. The FGA implements adaptive land management with the goal of promoting rangeland health, wildlife habitat, cultural resources, recreation, and education. They provide an example of how producers can achieve their production goals while also engaging in land stewardship.

The Commissioners presented the awards to each participant/association and took a brief photo. The recipients each thanked the Commissioners for the prestigious award and spoke briefly about their organizations.

CONSENT AGENDA:

1. SIGNET LOT 2 EASEMENT VACATION, FILE NO. 22-LAND4216: This is a request to vacate an existing 25-foot-wide access and landscape easement located along the rear or west property line; to vacate the easement in its entirety from the north property line to the south property line. There are no known utilities located in the proposed vacation area.

REVIEW CRITERIA

The Larimer County Land Use Code (Article 6.5.8.D.1) allows for the approval of a plan modification, specific to Easement Vacations, if the following review criteria are met:

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.

B. The recommendations of referral agencies have been considered

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. 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.

D. Right-of-way vacations must also meet requirements of C.R.S. 43-2-303

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends approval of the Signet Lot 2 Easement Vacation, File #22-LAND4216, 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 Signet.

2. Any future uses on lot 2 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 applicants shall comply with the terms and conditions of this plat modification – easement vacation approval.

2. HOSKINS MINOR LAND DIVISION, FILE NO. 22-LAND4210: This is a request for approval of a Minor Land Division to divide a 40.0-acre parcel with two residences into three parcels.

The subject property is a 40.0-acre parcel zoned RR-2 – Rural Residential. The property contains two residences. One residence was constructed in 1970 and the second residence was constructed in 1979. Both residences are legal, conforming uses. Typically, one primary dwelling is allowed per parcel. The Board of Adjustment granted a variance in 1979 for the construction of the second primary dwelling.

Both homes currently gain access from County Road 4. If this Minor Land Division application is approved, it would be possible for any of the three lots to be further divided through a Subdivision process. The Engineering Department has proposed a condition of approval that reads, "Future subdivision of any lot would require existing access points to be relocated to take access off an internal subdivision roadway."

The Summit Crest subdivision is north of the property. Lots with the subdivision are served by Pheasant Crest Road. There is a right-of-way dedicated on the Summit Crest subdivision plat for a future street connection between the subject property and Pheasant Crest Road. That street connection would be used for access should the proposed lot 3 be further divided in the future.

REVIEW CRITERIA:

A. The property is not part of an approved or recorded subdivision plat

B. The property is not part of an exemption or minor residential development approved under the previous subdivision resolution or a minor land division.

C. The newly created parcels will meet the minimum lot size required by the applicable zoning district

D. The newly created parcels meet minimum access standards required by the County Engineer or the Colorado Department of Transportation as applicable.

E. Approval of the minor land division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends approval of the Hoskins Minor Land Division, File No. 22-LAND4210, subject to the following conditions and authorization for the Chairman to sign the plat when the conditions are met, and the plat is presented for signature.

1. All conditions of approval shall be met, and the final plat recorded by December 27, 2022, or this approval shall be null and void.

2. Prior to the recordation of the final plat the application shall make the technical corrections required by Ron Perkins, Land Surveyor of the Larimer County Engineering Department.

3. Future subdivision of any lot would require existing access points to be relocated to take access off an internal subdivision roadway.

4. Until a subdivision process is approved by the Board of County Commissioners, no development, including the construction of a single-family residence or accessory buildings, shall occur on lot 2 of the Hoskins Minor Land Division.

3. CRYSTAL LAKES 2ND L31 AND L32 LOT CONSOLIDATION, FILE NO. 22-LAND4234: This request if for a lot consolidation for lots 31 and 32 in the Crystal Lakes subdivision-2nd filing. The owners would also like to vacate the 14' utility easement along the common property line. There have been no previous land use approvals on these two lots prior to this lot consolidation.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.7.D.3) allows for the approval of an amended plat if following review criteria are met

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

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B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by Article 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.

C. The amended plat will not create a nonconforming setback for any existing building.

D. The amended plat lot consolidation will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area

E. Any covenants, deed restriction 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 that are approved with this application.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Crystal Lakes 2nd, lots 31 and 32 Lot Consolidation, File No. 22-LAND4234 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by December 27, 2022, or this approval shall be null and void.

2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

4. RUDKIN PLANNED LAND DIVISION/PLANNED DEVELOPMENT AND APPEALS, FILE NO. 21-LAND4167: This is a request of a Planned Land Division to divide an existing 18.11-acre parcel into two total residential lots. Also, a rezoning from RR2-Residential to PD-Planned Development, and appeals on the Land Use Code, Article 4.3.5 (On-lot septic in a growth management area), Article 4.5.4.B.1 (Connectivity), Article 5.3.A (Public right-of-way), Article 5.3.1.C.2 (Urban Street standard), and Article 4.7 (Landscaping).

This item was on the consent agenda for the April 20, 2022, Planning Commission public hearing at 6:00 p.m.

At the hearing staff made a brief presentation regarding the Development Services Team recommendation for approval for the Rudkin Planned Land Division/Planned Development appeals. There was public comment from two community members who expressed concern regarding the ability to rezone property, the intended use of the property, and concerns about growth in the area.

The Planning Commission asked for clarification regarding the subdivision regulations. The Commission discussed the reason for the Timnath Growth Management Area is to allow for growth and indicated their support of this application.

The existing 18.11-acre parcel is located on the north side of E. County Road 44, approximately 1/2 mile east of the intersection of S. County Road 3 and E. County Road 44, east of Fort Collins.

The property currently contains one single family dwelling which is accessed via a shared driveway on the west side of the property from E. County Road 44. Currently, two other homes to the west and northwest of the subject property, are also accessed from this shared driveway. Another home, located directly to the west of the subject property, gains access primarily from East County Road 44, but also has an access point from the shared driveway. Both proposed lots would also gain access from this shared driveway. County Road 44 is classified as a major collector. The setback from a major collector is 100-feet from the right-of-way

This area is characterized by a mix of lot sizes ranging from an approximate 5-acre lot to the west to a 206-acre lot to the north. The surrounding uses include residential and agricultural.

Larimer County mapping indicates it is an area of low geologic hazards, it is not in a wildfire hazard area, there are no wetlands located on the property, and there are no wildlife concerns.

Water for the existing property is currently provided by East Larimer County Water District (ELCO) and sanitation is provided by Boxelder Sanitation District. The new lot would also be served by ELCO and Boxelder Sanitation District.

Because the property is located within the Timnath Growth Management Area, the applicant is proposing to rezone the property from RR2 – Rural Residential to PD – Planned Development (PD). The PD zoning is intended to establish densities and uses consistent with the applicable supplementary regulations of the Growth Management Area district. In this instance, the zoning would reflect the current densities and land uses allowed by the current RR2 – Rural Residential zone district, which is consistent with the Timnath Comprehensive Plan.

A neighborhood meeting was not required for this proposed Planned Land Division.

5. BOXELDER HEIGHTS RLUP LOT 5 AMENDED BUILDING ENVELOPE, FILE NO. 22-LAND4228: This is a request of an amended plat to modify the platted building envelope; specifically, to move the building envelope 70-feet to the west to accommodate a future outbuilding.

The applicant/property owner requests an amendment to the platted building envelope for Lot 5 of the Boxelder Heights RLUP located at 5362 Inspiration Drive, approximately 0.45-miles north of the intersection of E. County Road 58 and Inspiration Drive, in Fort Collins, Colorado. Specifically, the request would move the building envelope to the west 70-feet. Because the existing envelope tapers to the west, the size of the building envelope would decrease by approximately 6,000-square feet. The proposed building envelope modification is intended to accommodate a future outbuilding.

The existing building envelope is not proposed to change shape. The existing home is located in the center of the building envelope, with the majority of the buildable area on the east side of the home. The proposed modification would mean the home would be located in the western portion of the envelope, with additional buildable area east of the existing driveway. The proposed modification would move the western side of the building 70-feet to the east and elongate the eastern end of the building envelope 70-feet, while still maintaining the general shape of the existing envelope.

The final plat for the Boxelder Heights RLUP was recorded in 2005. All sixteen platted residential lots contain a building envelope. The original Findings & Resolution for the Boxelder Heights RLUP does not provide any indication as to the reason for the platted building envelope nor does it give reason for the specific location of each building envelope. Since the platting of the Boxelder Heights RLUP, six of the sixteen residential lots have made similar requests and have been approved to modify the platted building envelopes.

REVIEW CRITERIA

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

B. The resultant lots will meet the required minimum lot size of the applicable zoning district and lot dimension ratio required by Article 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.

C. The amended plat will not create a nonconforming setback for any existing building.

D. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other property in the area.

E. Any covenants, deed restriction or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Boxelder Heights RLUP, Lot 5 Building Envelope Amended Plat, File #22-LAND4228, 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 Boxelder Heights RLUP.

2. The Findings and Resolution shall be 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 this amended plat approval.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda with the conditions outlined in the staff report and further moves to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:40 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided and Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were: Samantha Lasher and Matt Lafferty, Community Development; Amy White, Code Compliance Supervisor; Tony Brooks and Alan Key, Code Compliance Inspectors; Lesli Ellis, Community Development Director; Andy Lewis and Frank Haug, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

PUBLIC HEARING DISCUSSION ITEMS:

1. **ESTES BESTES SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3182:** This is a request for an administrative special review for a 4 bedroom plus 1 additional sleeping area, 10-guest short-term rental in an existing home.

Samantha Lasher, Planning, gave a presentation stating that the subject property is located at 2311 Pine Meadow, Estes Park, CO 80517. The property currently contains an existing single-family residence and is zoned EV E-1- Estes Valley Estate. The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the 4-bedroom single-family residence plus an additional sleeping area with a maximum occupancy of eight (10) total guests- two (2) guests per bedroom. A building permit and building division approval are required for the 4th bedroom and additional sleeping area. A building permit is currently in process for the 4th bedroom

(Permit No. 22-RES0357). Otherwise, no construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, the initial Life Safety Inspection through the Building Division was conducted first, followed by Planning Division review. 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. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable.
4. Community notice and community comment review.
5. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

The subject property is located within the Estes Valley Plan Area and was presented to the Estes Valley Planning Advisory Committee (EVPAC) at its regular meeting on April 21, 2022. The Committee voted (5-1) for the Community Development Director to administratively deny the application. The Committee's reasons for recommending denial were due to the large number of existing STRs in the area and recognition that community members want to maintain their residential neighborhood. The draft minutes from the meeting are included as an attachment to this report. Following the Committee's recommendation about compatibility in the area, the Community Development Director determined that this application be scheduled for a public hearing before the Board of County Commissioners, per Section 6.3.6.D.3 of the Land Use Code.

County staff mailed a courtesy community notification about the proposed project to properties within 500-feet of the subject property and all properties within the Carriage Hills 3rd Filing Subdivision. Staff mailed 73 notices on March 9, 2022. Staff received comments from sixteen (16) community members noting concerns, and a comment from one (1) community member specifically in support of the application via email.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 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 Review General Review criteria in Section 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.

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.

REVIEW CRITERIA

In reviewing a proposed administrative special review application, the Board of County Commissioners shall consider the general approval criteria in section 6.3.8.D and section 6.4.3.D:

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. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.

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

Ms. Lasher did advise the Board that there have been significant concerns from the neighbors concerning this application. Some of their concerns are:

- Overabundance of existing STR's in the vicinity
- STR's may decrease property values
- Reduce the amount of housing stock for long-term renters and buyers
- Increased noise and traffic
- Safety
- Increased wear and tear on Pine Meadow Drive, a gravel road
- Concerns that the short-term rental directly conflict with private Homeowners Association (HOA) covenants that only allow for residential uses

The comments collectively feel that criteria one and two as stated above have not been met.

Ms. Lasher let the Board know that the Administrative Special Review process authorized the Director to approve applications by which all criteria are met and there are no substantive issues. If the Director determines that the application is unusually complex or raises potentially unique or serious impacts on the county or the surrounding areas, the Director may refer the application to the Board of County Commissioners for decision.

Staff finds that the proposed Administrative Special Review for the Estes Bestes STR meets all criteria in section 3.3.5.B.2 and meets three out the five criteria in section 6.4.3.D. Staff does not have a conclusive determination on criteria one and two of section 6.4.3.D.

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team is not making a specific recommendation on the Estes Bestes Short-Term Rental, File #22-ZONE3182, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

The Commissioners had questions for staff on the number of STR's in the vicinity, HOA covenants, and minimal impacts on future development per criteria one and environmental, wildlife etc per criteria two.

Alan Key, Estes Park Code Compliance Inspector answered questions on the Estes Park Fire Authority and the conditions that needed to be met for the permit to be approved.

The Commissioners invited the applicant, Paul Martin to address the Board.

Mr. Martin explained that he purchased this home when it was in disrepair. He has updated the home inside and out and had initially purchased it as a lease to buy. When he realized this was not feasible, he decided to have long-term renters such as traveling nurses, who are currently renting the home for 13 weeks at a time. But, since he and his family would like to stay at the home from time to time on the weekends, this would restrict the amount of time he and his family would have to enjoy the home.

Mr. Martin is looking into the possibility of having this home as a short-term rental so they he can generate income while being able to use it for his family. Mr. Martin stated he wants to be a good neighbor and steward and if it is denied, he will continue offering the home as a long-term option. He believes the house adds value to the neighborhood with the amount of upgrades that he had to put in to fixing up the homes interior and exterior.

The Board opened the hearing to public comment.

PUBLIC COMMENT

The following members of the public addressed the Board in opposition to the short-term rental: Jan Bridge and Guy Wanger. Commenting via zoom: Ronna Boles and Dennis and Ester Jackson. Their collective concerns are noise, safety, traffic, trash, parties, more cars on gravel road, speeding cars, and changing the character of the neighborhood.

Chair Stephens closed public comment.

Mr. Martin spoke and addressed some of the comments that were brought to the Board. He stated that the renters would need to be at least 25 years of age and that the renters do understand that they cannot leave trash out due to wildlife in the area. Mr. Martin does not see the difference between renters or single-family as far as cars driving on the road or the amount of trips per day.

The Commissioners had discussion about the numerous emails they received in opposition and that they do appreciate Mr. Martin being a good neighbor and applaud him for renting to workforce in the much-needed Estes Valley. The Commissioners do feel that it does not meet Criteria one and two and that up to 10 renters at a time will have an adverse impact on the neighborhood. The Commissioners do feel that even with long-term renters, he and his family should still be able to use the home for themselves from time to time.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners deny the Estes Bestes Short-Term Rental, File #22-ZONE3182.

Motion carried 3-0

2. DOTY SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3222: This is a request for an Administrative Special Review for a 4 bedroom, 8-guest short-term rental in an existing home.

The subject property is located at 4700 Jacks Court, Loveland, CO 80537. The property currently contains an existing single-family residence and is zoned RR-2 – Rural Residential. The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the existing 4-bedroom single-family residence with a maximum occupancy of eight (8) total guests, two (2) guests per bedroom. A building permit was finalized to convert the office into the 4th bedroom on April 19, 2022, but otherwise, no major construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR 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.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 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 Review General Review criteria in Section 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.

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.

REVIEW CRITERIA

In reviewing a proposed administrative special review application, the Board of County Commissioners shall consider the general approval criteria in Section 6.3.8.D: General Review Criteria, and also whether (Section 6.4.3.D):

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. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan

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

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team is not making a specific recommendation on the Doty Short-Term Rental, File #22-ZONE3222, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Samantha Lasher presented an overview of the application stating that they sent 115 postcards to neighbors within 500-feet of the property. Staff has received 18 written comments in opposition and one in favor. An additional 63 people have a signed a petition in opposition.

Some of the concerns from the neighbors are:

- The property owner is currently using the residence as a STR without approval.
- Approval of the STR may set a negative precedent for the future of the neighborhood.
- Reduces the amount of housing for LTR and buyers.
- Increased noise and traffic
- Safety/crime
- Increased wear and tear on existing roads
- Safety concerns with lack of sidewalks, lighting and stop signs.

The Board invited the applicant to address the Board.

Michael Daly, speaking on behalf of the homeowner Jason Doty. Mr. Daly let the Commissioners know that the property will be managed by Urban Eyes Management, who are available 24-7 for any concerns. Mr. Doty has upgraded the home and states it is one the nicest in the neighborhood and this home is added income for him and his family.

Mr. Daly did address some concerns that the neighbors have and feel this will not have negative impacts on the neighborhood. This proposed short-term rental will be a safe place for families who want a home away from home feel. Mr. Daly spoke about a study on trips per day as it will be the same as a single-family residence. The property management company will be in charge of snow removal and that the county has a noise ordinance in place that renters will abide by. There are currently no other short-term rentals in the 115-lot subdivision.

Chair Stephens opened the hearing to public comment.

The following members of the public addressed the Board in opposition: Tanya Webb, Tina Welch, and via Zoom-William Marcus, Shelly Winges, Sheriden Lorentzen, David Sherrer, Jay Klug, Jonathan Paquette, Sally Ochsner, Stephen Distel all spoke in opposition to the application. Their collective concerns are traffic, noise, safety for children and cyclists, future of the neighborhood and barking dogs. Colony Ridge is adjacent to the new PGA TPC Colorado Golf Course and the neighbors feel this will then allow other homeowners to rent their homes on the weekends to short-term renters for golf outings.

The following spoke in support: Tom Texeira and Alyssa Arends, property manager.

Chair Stephens closed public comment.

Mr. Daly addressed some of the concerns heard tonight during public comment and feels all criteria have been met including no pets will be allowed and that the possibility of crime is a speculation not fact.

Tony Brooks, Code Compliance Inspector did state to the Commissioners that there is an open code compliance case but most of the violations have been resolved.

Jason Doty, owner, did address the complaint about having short-term renters currently without a permit. He said they were originally long-term, but the stay was cut short (less than 31 days).

The Commissioners deliberated stating that they do believe this will have a negative impact on the neighborhood and did listen to the neighbors' concerns about safety of children in the cul-de-sac as well as previous violations.

MOTION

Commissioner Shadduck-McNally moved to deny the Doty Short-Term Rental, File #22-ZONE3222.

Motion carried 3-0.

3. **COLORADO ARONIA PROJECT SHOW CAUSE HEARING, FILE NO.22-REV0003:** The purpose of this show cause hearing is to consider whether the Colorado Aronia Project is in violation of its Special Review permit as noted in the Findings and Resolution (F&R) in planning case 15-Z1970. If it is determined a violation occurred, the Board of County Commissioners will decide what action is appropriate, including whether the approval should be suspended or revoked.

The subject property obtained various approvals through the years from the Planning Division and currently has two separate land use approvals. The original Community Hall approval pursuant to planning case 10-Z1777 was approved on June 29, 2010. However, that approval was revoked by the Board of County Commissioners on January 18, 2011. The Owner then submitted a new application for a Community Hall pursuant to planning case 12-Z1890. Following that approval, there were two subsequent applications submitted to amend the approval received in case number 12-Z1890. The final Amended Special Review was signed on November 8, 2016. During this time, an application for the Colorado Aronia Project planning case number 15-Z1970 was also applied for on June 8, 2015. The approval for that application was signed on November 2, 2015. This show cause hearing pertains only to the Colorado Aronia Project. The Community Hall approval will not be considered in this show cause hearing.

The property sits on 5.94-acres and contains The Blendings at Hillside Vineyard, a Community Hall structure, a residence, vineyards and aronia berry hedges. The Blendings structure was built subsequent to the Special Review approval pursuant to the F&R. This structure is used to process the aronia berries and grapes grown on site and is also used for packaging those products. It also contains a tasting room intended for blending wines for guests to take home.

The Colorado Aronia Project Special Review includes three approved uses, in addition to the by-right uses, as specified in the F&R:

1. Value-Added Agriculture Processing
2. Agritourism
3. A Bed & Breakfast

The value-added agricultural processing (VAAP) approval includes the production of products from aronia berries including dried fruit, juices, wine, jams and jellies, flavored chocolates and powdered aronia for use in health supplements, nutrition bars, cosmetics and for coloring. The specific proposed operations for the VAAP are indicated on page 2, paragraph 4 of the F&R. The aronia cultivation takes place on the property as well as growing three different varieties of grapes.

The agritourism use of the Special Review request was associated with the farm use. As specified in the F&R in Section 5, page 3, "Agritourism activities will include educational classes for producing and using aronia, family outings for "u-pick" opportunities, community workdays, sponsorship of charitable events and other community outreach, wine tastings, aronia themed gatherings, school field trips, farm tours and other similar activities related to aronia."

The Bed and Breakfast use was incorporated into the Colorado Aronia Project Special Review so that only one application would be required.

The property was sold in November 2020 to the current owner, FoCo Holdings, LLC, with the principal being Ms. Tiffany Weber.

Throughout the years, with both the previous owner and the current owner, there have been several complaints registered with the Code Compliance Division by at least 12 neighbors about The Blendings site. The complaints center around the tasting room at The Blendings concerning various issues, such as noise, holding events not incidental to the aronia approval, and allegations that the wine tasting has escalated and operates more as a wine bar rather than in keeping with the limits of the approval. Only the complaints associated with the Colorado Aronia Project approval are noted here.

Examples of complaints include proposed events to be held on site that were determined by Community Development staff either that it was allowed, or the event was not incidental to the approved agritourism use. These would include the proposed Church of Beethoven event series, a Wine and Donut event, using The Blendings for rehearsal dinners, a proposed Chamber Music & Silent Auction produced by Off the Hook, and a proposed Tacos & Wine event designed to be a networking opportunity for the Fort Collins Wedding Association. The Owner was notified by staff that the event was not allowed and if the event was held it would be a violation.

In response to complaints and to help provide clarity to the owners about what uses, and activities are permitted on the property, County staff met with the owner and her attorneys on June 9, 2021. Community Development Director Lesli Ellis also sent Ms. Weber a letter on August 19, 2021, explaining what is and isn't allowed pursuant to the approvals for both the Colorado Aronia Project and the Community Hall.

On May 22, 2022, Code Compliance Supervisor Amy White inspected the property pursuant to paragraph 6 of the Resolution of the approval which states: "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." While on site, Ms. White observed a graduation party/event being held in The Blendings structure. It was clear it was a graduation party because she overheard one of the guests ask The Blending staff where the graduation party was being held and observed gift bags and balloons present with a graduation theme. A graduation party is not incidental to nor supportive of the approved agritourism use and is considered a violation of the F&R. Ms. White observed approximately 25-30 people in attendance and 18-20 vehicles parked along the vineyard. A graduation party would need to be included as an event to be held in the Community Hall and count toward the total number allowed per that separate approval. The number of vehicles observed would exceed the number of allowed vehicle trips and be considered a violation.

To date there have been three violations as noted below:

1. On Monday, May 17, 2021, a Power Lunch event was held. This was a networking event advertising "connection, empowerment, community, opportunity, collaboration and growth".
2. On May 30, 2021, a yoga event was held.

3. On May 22, 2022, the graduation party occurred as witnessed by Ms. White.

Holding the graduation party in The Blendings structure is a violation of the conditions of approval pursuant to paragraph 5, on page 3 and paragraph 1 on page 10. A graduation party is not a listed agritourism activity pursuant to paragraph 5 nor is it incidental to and supportive of the dominate agricultural use of the site pursuant to paragraph 1. The graduation party occurred after staff communications to help explain what is allowed at The Blendings site and neighbor complaints as noted above. Further, it demonstrates that the owner is not using the property consistently with the Special Review approval or may be trying to circumvent the approvals.

While the previous complaints are not considered to be violations, they indicate a lack of compliance and a history of attempts by the County to educate the Owner as to what type of events are and are not allowed pursuant to the Special Review approval. On two separate occasions, staff requested the owner to inquire if an event was allowed before it occurs. Despite multiple attempts to inform the owner to stop holding such events, the owner continued to attempt or to hold events, like the graduation party, despite it being clearly inconsistent with the approval and not related to agricultural production in any way.

Therefore, Community Development Director Ellis determined a violation occurred and to bring this matter before the Board of County Commissioners pursuant to paragraph 5, page 10 of the F&R which states that: "In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appeal 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."

CRITERIA AND RECOMMENDATION

The decision before the Board today is whether The Colorado Aronia Project has violated any of the conditions of approval of Special Review case 15-Z1970 and whether the operations conducted at The Blendings are consistent with the approval received under case 15-Z1970.

Amy White, Code Compliance Supervisor gave an overview of the show cause to the Commissioners and explained that this show cause hearing pertains only to the Colorado Aronia Project. The Community Hall approval will not be considered in this show cause hearing. It is not to negotiate or modify the original Special Review Findings and Resolution in planning case 15-Z1970.

Ms. White discussed observations on May 22,2022. She observed bags and balloon present with a graduation theme as well as overheard conversations to The Blendings staff form guests asking where the graduation was being held. She observed 25-30 people in attendance with 18-20 vehicles parked along the vineyard as previously stated.

Ms. White went over the timeline of notifications to the owners including meeting with Code Compliance Inspector Gray and notifying the owners about the yoga event and Church of Beethoven are not allowed uses over the past year.

The Commissioners asked the applicant to give their presentation to the Board.

Melissa Reagan, attorney at Sherman and Howard LLC is representing FoCo Holdings LLC. Ms. Reagan let the Board know that FoCo respectfully disagrees with the determination of the Code Compliance Supervisor in her observation of a graduation party. The gathering observed on May 22, 2022, at The Blendings, was not sponsored by FoCo, but rather guests of The Blendings brought graduation themes balloons to a pre-arranged event wine-tasting event. At no time was a graduation party advised or approved. Immediately upon discovery of the balloons, FoCo removed them from the venue. FoCo believes that the Aronia Permit is not precisely clear regarding the limits of the agritourism uses defined within. Ms. Reagan stated that she believes that the best solution would be to revise the Aronia Permit to explicitly what uses are and are no allowed within the permitted use.

Ms. Reagan stated that FoCo appreciates the Board's consideration of its position regarding the notice and the application and limitations of the Aronia Permit. She believes her clients did not violate the permit on May 22, 2022; it conducted a proper wine tasting and that there was not a traffic violation. The Church of Beethoven event was not held as they did receive notice from staff that this is not an allowed use. She believes that the directives from staff have been inconsistent.

The clients recognize the count's concern and appreciates the opportunity given to address the concerns and not revoke the permit but revise the permit.

Michael Wamsgan, owner, stated that The Blendings at Hillside Vineyards grows aronia berries, grapes, and agricultural items for use in the creation of a variety of products, particularly wine. The fruits are processed on-site to create wine and other products for retail and commercial sale. Guests are encouraged to tour the grounds and educates guests on the products. He also spoke of the event on May 22, 2022, and that it was not a graduation party. He wants to have a neighborhood meeting to be a good neighbor and address their concerns. This is the only winery in Colorado that makes aronia wine.

PUBLIC COMMENT

The following members of the public spoke in support of revoking the permit: Anthony Ayres, via zoom, Joe Sullivan, Ken Echton, Rae Sullivan, and Sandy Walker. Their collective concerns are that it is not compatible with the surrounding neighborhood, traffic, noise, infringement of rights.

The following spoke in support the The Blendings at Hillside Vineyard and not revoking their permit. They are respectful, responsible owners that give educational events and support various charities. They are making the community a better place.

Chair Stephens closed public comment.

Ms. Reagan let the Commissioners know that the events that were not allowed were all cancelled so these are not violations. She announced that the clients want to work with the neighbors and staff.

There were some questions for staff on the yoga event. Ms. White read a posting on the yoga website thanking people for coming to the wine tastings. The Commissioners had questions on revoking versus suspending.

Frank Haug, county attorney, let the Board known that the question before them, is this property being operated consistently within the scope of the permit that was granted. If the Board decides that they violated a condition of approval, then the Board would need to decide to what the appropriate outcome would be.

There was discussion among the Board, and they collectively feel that a violation did occur pertaining to the graduation party that was witnessed by the Code Compliance Supervisor on May 22, 2022. The Commissioners feel like staff has been clear on what the permit allows and does not allow. Staff did offer the applicants to call with any questions pertaining to events to see if it is an allowed use. This has not happened to date per the Code Compliance Supervisor. The Commissioners stated that the applicants should have had the responsibility to call staff on what kind of events were allowed to clear up confusion. The Commissioners feel that a suspension is in order.

MOTION

Commissioner Kefalas moved to find that a violation of the permit 15-Z1980 occurred on May 22, 2022 due to the holding of a graduation party that was not incidental to the agricultural uses of the property, and to suspend the approvals granted in the Findings and Resolution of the Colorado Aronia Project with respect to the agritourism in Larimer County Planning case 15-Z1980 for a period of six months, effective immediately, and that the Permit Holder shall meet with Larimer County staff to establish in writing a clear understanding of what events will be allowed after the 6 month suspension expires.

Motion carried 3-0

The Board adjourned at 10:55 p.m.

TUESDAY, JUNE 28, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, Assistant County Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were Brenda Gimeson, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** Angela Myers, Larimer County Clerk and Recorder wanted to remind the public that today is Elections Day and that ballots must be received by 7:00 p.m. today. There are 23 drop off boxes throughout Larimer County as well as four Voter Service Polling Centers (VSPC). There have been approximately 57,000 ballots received to date and another 25,000-35,000 are expected. Clerk Myers took the opportunity to thank her staff and the election judges for all their hard work.

The Commissioners each thanked Clerk Myers for ensuring out elections are run with the highest integrity and thanked her for all her work.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 20, 2022:**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of June 20, 2022

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 4, 2022:** Ms. Gimeson reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

AGREEMENTS:

1. **CYCA 2022 PROJECT AGREEMENTS**

2. **GREAT OUTDOORS COLORADO AND LARIMER COUNTY GRANT AGREEMENT**

3. **GOOGLE CLOUD PLATFORM ORDERING DOCUMENT**

LIQUOR LICENSES:

Shiv LLC dba Chill Bar-Tavern Renewal-Fort Collins; Realities for Children, Realities Ride and Rally-Special Event 6%-Fort Collins; The Vegetable Connection-Songwriters in the Round-Special Event 6%-Fort Collins

MISCELLANEOUS:

1. **STIPULATION AGREEMENT REGARDING 2021 TAX YEAR VALUATION FOR WENDY TURNER AND DEAN K. CILLI, LOT 12, IDEAL HEIGHTS**

2. **WARRANTY MEMORANDUM FOR LUKEN SUBDIVISION**

3. **TENANT ESTOPPEL CERTIFICATE – 2573/2601 MIDPOINT**

4. **TENANT ESTOPPEL CERTIFICATE – 2643 MIDPOINT**

5. **TENANT ESTOPPEL CERTIFICATE – 2619 MIDPOINT**

APPOINTMENTS:

1. **RECOMMENDED APPOINTMENT TO THE LAPORTE AREA PLANNING ADVISORY COMMITTEE**

2. **RECOMMENDED REAPPOINTMENT TO THE LAPORTE AREA PLANNING ADVISORY COMMITTEE**

RESOLUTIONS:

1. RESOLUTION PROVIDING FOR THE APPOINTMENT OF INDEPENDENT REFEREES TO CONDUCT HEARINGS ON BEHALF OF THE LARIMER COUNTY BOARD OF EQUILIZATION

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, June 28, 2022.

Motion carried 3-0.

4. **COMMISSIONERS GUESTS:** The Commissioners did not have any guests.

Chair Stephens announced that the Fire Restrictions Discussion Item will be heard first.

5. **WAIVER OF THE ANNUAL RENEWAL HEARINGS AND APPROVAL OF CHOICE ORGANICS RETAIL MARIJUANA STORE LICENSE, FLOWER POWER BOTANICALS RETAIL MARIJUANA STORE LICENSE, AND FLOWER POWER BOTANICALS RETIAL MARIJUANA CULITVATION FACILITY LICENSE:** Don Threewitt, Principle Planner, gave a brief presentation to the Board of County Commissioners. The Larimer County Resolution for Licensure of Retail Marijuana Establishments was adopted by the Board of County Commissioners (BOCC) in October 2013. Choice Organics Inc. and Flower Power Botanicals, LLC were each issued one Retail Marijuana Store License and one Retail Marijuana Cultivation Facility License.

The Board of County Commissioners held license renewal hearings for the four licenses in 2015,2016, and 2017, with no opposition to the renewal of the licenses. The Board of County Commissioners waived the license renewal hearings for the Flower Power Botanicals licenses in 2018, 2020, and 2021, and waived the license renewal hearing for Choice Organics licenses in 2018, 2019, 2020, and 2021.

Information provided to the BOCC with each waiver request indicated that Community Development staff would bring another waiver request to the BOCC for the four Retail Marijuana Establishment Licenses the following year unless opposition to a license renewal is received or if there is a finding that a licensed facility has not operated in compliance with all laws and conditions.

Choice Organics, Inc and Flower Power Botanicals, LLC have applied to renew their Licenses. The Community Development Department has received no complaints regarding either business and there has been no finding that either business has violated any laws or conditions. Choice Organics has surrendered their State Retail Marijuana Cultivation License and does not seek to renew their Larimer County Retail Marijuana Cultivation License.

MOTION:

Commissioner Shadduck-McNally moved to approve the waiver of the Annual Renewal Hearings for the Choice Organics Retail Marijuana Store License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Motion carried 3-0

MOTION

Commissioner Kefalas moved to approve the Choice Organics Retail Marijuana Store License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Motion carried 3-0

7. PROVIDE INFORMATION TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ST. VALENTINE APARTMENT DEVELOPMENT IN LOVELAND: This is a follow-up to the Executive Session that occurred on June 21, 2022. The developer has agreed to discuss the project and answer questions as recommended by the County Attorney's office.

Jennifer Johnson, Facilities, introduced Justin Raddatz, Executive Director Archdiocesan Housing/Catholic Charities and Darcy McClure via phone with Blueline Development. Mr. Raddatz explained that Archdiocesan Housing provides supportive, affordable service-enriched housing complexes for individuals and families who cannot access appropriate housing at affordable prices. Mr. Raddatz provided details of the St. Valentine Apartments. It is a 54-unit Supportive Housing project serving a portion of the 157 documented homeless individuals in Loveland. It is located northeast of the Police and Courts building on Hayes Avenue, that will help those transitioning out of homelessness through affordability-tenants would pay up to 30% of their income per month.

Their will be onsite services such as health care, mental health services and case management. Residents will be selected through the coordinated entry list through the Northern Colorado Continuum of Care. Restrictive Covenants will be put in place by the State of Colorado, Colorado Housing and Finance Authority (CHFA) and the City of Loveland requiring a minimum of 50-years affordability.

Mr. Raddatz went over the ownership and development structures. He went on to mention the rental subsidy-State of Colorado Vouchers. Colorado Division of Housing has committed to enter into an agreement to enter inro a Housing Assistance Payments Contract (AHAP). Residents will pay 30% of their income toward rent. Housing voucher will pay the remainder. The income from rent and subsidy allows St. Valentine to operate by paying for utilities, maintenance, property management staff, insurance, replacement reserves. The total project cost is estimated at $18, 981.090 with $12.5 million in construction costs. Mr. Raddatz went over in detail the breakdown of costs and the sources including First bank, City of Loveland, State of Colorado etc.

The Commissioners has questions on 30% AMI voucher payments versus 60% AMI CHFA Max rent and the subordination of restrictive covenants. This is a means to try and prevent foreclosure if the subsides are not in place and would not be able to make the annual operational costs. Darcy McClure did let the Commissioners know that it is typical that a lender requires subordination of all restrictions within their loan documents. In this case, Firstbank has committed to lend $12.5 million in construction financing and $3.6 million in permanent financing. They will enter into a loan agreement with St. Valentine apartments and before it is approved, they will require all parties that are connected with this project subordinate their interest to Firstbank. The plan is that this will never play out but in the event that the project did go into foreclosure, the bank wants to have the right to then decide what will happen with the property including selling at market value to regain their financial investment.

The Commissioners did confer with County Attorney Bill Ressue if they could make a motion today since there is a time constraint.

MOTION

Commissioner Shadduck-McNally moved to approve a request from the project developer to approve the following-
1- Second Amendment to Memorandum Restricting use of real property between City of Loveland and Larimer County to include a clause to allow for persons with income up to 60% AMI to live at the property ONLY in the event of a decrease in termination of Project-Based Section 8 rental subsidy. And 2-Subordinaiton of Restrictive Covenants. Firstbank, construction and permanent Lender for the project requires the subordination of restrictive covenants for the benefit of County and City and further move to authorize the Chair to sign and execute documents from the County Attorney forthcoming.

Motion carried 3-0

8. CONSIDER FIRE RESTRICTIONS FOR UNINCORPORATED LARIMER COUNTY: Kevin Johnston, Sergeant Emergency Services Unit gave an update on the potential for increased fire danger with dry temperatures and lightning strike fires that broke out overnight. He is asking the Board to adopt an ordinance banning Open Fires to help reduce the danger of wildfires within the portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high.

The Commissioners thanked the Sergeant for the updates and are in support of the resolution for the safety and well-being of Larimer County Residents.

MOTION: Commissioner Kefalas moved to approve the Resolution Declaring Fire Restrictions in Larimer County effective 12:00 p.m. June 29, 2022, through 12:00 p.m. July 29, 2022.

Motion carried 3-0

9. COUNTY MANAGER UPDATE: Assistant Manager Volker updated the Board on this week's coordination meetings and upcoming projects and activities.

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

11.. LEGAL MATTERS:

Decision expected

Executive session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding Mark Howshar v. Larimer County Department of Human/Social Services and Michelle Lorenzen.

MOTION

Commissioner Kefalas moved that the Board of County Commissioner move into Executive session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding Mark Howshar v. Larimer County Department of Human/Social Services and Michelle Lorenzen.

Motion carried 3-0

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve Larimer County to defend and indemnify Michele Lorenzen in case 22CV01447 and further authorize the hiring of outside counsel in this matter.

Motion carried 3-0

With there being no further business, the Board adjourned at 10:45 a.m.

WEDNESDAY, JUNE 29, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 9:00 a.m. with Jody Masters, Appraiser. Chair Stephens presided. Commissioners Shadduck-McNally and Commissioner Kefalas were present. Also, present was Deirdre O'Neill, Deputy Clerk.

1. PETITION FOR ABATEMENT OF TAXES FOR 2021 (SCHEDULE #R1641879; Parcel 97091-03-009): Ms. Masters addressed the Board and presented a packet of information detailing the method in which the Assessor's Office arrived at their current valuation of $175,00 for 2021. The property is a parcel of vacant land located on Laporte Ave in Fort Collins. The current owners purchased the land on May 27, 2020, for $175,000. The actual value is $179,000. The appraiser is asking for $175,000. Ms. Masters showed the Commissioners an arial and street view of the property. There were two comparable vacant lots used for sales. They both sold for $240,000 and $250,000 respectively. The area to the North is in talks to be purchased by a home developer.

Ms. Masters went over fair market values and platted vs non-platted land.

Ralph and Shann Kettle, homeowners had questions on how taxes are assessed and why developed lots are half of what their undeveloped lots is assessed. They feel it is very subjective and their taxes seem to be at an increase of 173%. The taxes are more than what they are paying for their residential home. They stated that the previous owner purchased the property for $82,000. They are confused on actual value of the property which states approximately $51,000. They also brought comparibles and had questions on those properties that were purchased within the same time frame.

The Commissioners did have questions on tax assessments of vacant land compared to residential properties. Vacant land is assessed at 29% versus 7.5% on residential. There was discussion on median sales and platted land. There were discusson on agricultural land and that in order for taxes to be considered at a residential rate, a foundation must be in place by January 1, 2023.

The Commissioners thanked everyone and stated that they would be inclined to agree with the Assessors adjustment of $175,000.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners uphold the Assessor's values for personal property for tax year 2021 of $175,000 R1641879 Parcel 97091-03-009 located on Laporte Avenue in Fort Collins.

Motion carried 2-0.

EXECUTIVE SESSION

The Board of County Commissioner met at 10:00 a.m. with Bridget Paris, Human Resources. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Bill Ressue, County Attorney and Deirdre O'Neill, Deputy Clerk.

Executive Session pursuant to C.R.S 24-6-402 (4)(f) Personnel matters regarding screening and selection of the candidates for the County Manager vacancy.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners enter Executive Session pursuant to C.R.S 24-6-402 (4)(f) Personnel matters regarding screening and selection of the candidates for the County Manager vacancy and further move to enter into Executive Session pursuant to C.R.S 34-6.402 (4)(e) Determining positions relative to matters that may be subject to negotiations with respect to potential employment for the current vacancy of the County Manager position.

Motion carried 3-0

Kristin Stephens

~~JOHN KEFALAS~~ Kristin Stephens
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Deirdre O'Neill, Deputy Clerk