



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, AUGUST 22, 2022

EXECUTIVE SESSION

The Board of County Commissioners met at 10:30 a.m. with, Duane Penney, Larimer County Solid Waste and Laurie Kadrich, Director, Community Planning Infrastructure and Resources, Community Development. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Lorenda Volker, County Manager, **Lesli Ellis, Community Development Director**, William Ressue, County Attorney, and Kelly Bryant, Deputy Clerk.

EXECUTIVE SESSION:

Executive Session pursuant to C.R.S. 24-6-402(4)(e) to discuss negotiations, determine positions, and direct negotiators regarding the operating agreement for the Estes Park Transfer Station and future operating arrangements for such facilities.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(e) to discuss negotiations, determine positions, and direct negotiators regarding the operating agreement for the Estes Park Transfer Station and future operating arrangements for such facilities.

Motion carried 3-0

With no further matters to come before the Board, Chair Stephens adjourned the meeting at 11:15 a.m.

MONDAY, AUGUST 22, 2022

EXECUTIVE SESSION

The Board of County Commissioners reconvened at 1:30 p.m. with, William Ressue and Frank Haug, Larimer County Attorney's Office. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Matt Surra, Legal Consultant,

Matthew Lafferty, Community Development, Lesli Ellis, Community Development Director and Kelly Bryant, Deputy Clerk.

EXECUTIVE SESSION:

Executive Session pursuant to Colorado Revised Statutes 24-6-402(4)(b) to discuss legal questions about enforcement and impact of oil and gas regulations on existing facilities.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statute, 24-6-402(4)(b) for conference with an attorney for the purposes of receiving legal advice on specific legal questions related to the enforcement and impact of oil and gas regulations on existing facilities.

Motion carried 3-0

The Board reconvened into a public meeting.

Chair Stephens stated that the Board of County Commissioners take the health and safety of the community with regards to oil and gas operations seriously. William Ressue, County Attorney's Office, briefly summarized what was discussed in the Executive Session to provide transparency to the public. He said that the discussion included the scope of the county's oil and gas regulations and how the Commissioners can address the concerns of the community regarding new and existing facilities. He said the county will be preparing an overview of how health and safety issues can be addressed to include how the complaint system will work and where people can find more information on new and existing oil and gas facilities. He asked that the Commissioners commit to publicizing this information on the website along with contact information for complaints.

Commissioner Shadduck-McNally, Commissioner Kefalas and Chair Stephens confirmed their support for the direction that has been proposed. Commissioner Kefalas mentioned an additional staff member will be hired as well as equipment purchased to identify methane leaks. Each of the Commissioners thanked the staff. Chair Stephens emphasized her concern for the health and safety of Larimer County residents.

With no further matters to come before the Board, Chair Stephens adjourned the meeting at 2:50 p.m.

MONDAY, AUGUST 22, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Division. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also, present were Samantha Lasher, Planning Department; Connor Sheldon, Engineering Department; Frank Haug, Attorney's Office and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the hearing with the Pledge of Allegiance.

Public Hearing Consent Items:

1. AMENDED PLAT OF LOT 29 CUSHMAN ESTATES, FIRST FILING SUBDIVISION AND LOT 1, HIGH PLAINS SUBDIVISION, FILE NO. 22-LAND4247 The request is involving an amended Plat of Lot 29 in the Cushman Estates 1st Filing Subdivision and Lot 1 in the High Plains Subdivision to reconfigure existing lot lines and to amend the existing building and septic field envelopes on Lot 1, so the existing single-family residence sits entirely within the building envelope. The property is located at 5080 and 5112 Sherman Drive, Berthoud, CO 80513; Located approximately 0.4 miles west of the intersection of N. County Road 23E and W. County Road 8E. The applicant is Bryan Redd III, 5080 and 5112 Sherman Drive, Berthoud, CO 80513, and the owners are Bonnie Redd, 5080 and 5112 Sherman Drive, Berthoud, CO 80513; Bryan Redd III, 5080 and 5112 Sherman Drive, Berthoud, CO 80513; John Havens, 5080 Sherman Drive, Berthoud, CO 80513.

BACKGROUND

The applicant/property owner requests an amended plat to reconfigure existing lot lines between Lot 29 of the Cushman Estates, First Filing Subdivision and Lot 1 of the High Plains Subdivision and to amend the existing building envelope and septic envelope on Lot 1, so the existing singlefamily residence sits entirely within the building envelope.

Lot 29 is located at 5112 Sherman Drive in Berthoud, CO, owned by Bonnie and Bryan Redd III. Lot 29 contains a single-family residence, built in 1985, according to the Larimer County Assessor. Lot 1 is located at 5080 Sherman Drive, owned by Bonnie and Bryan Redd III, and John Havens. Lot 1 contains a single-family residence, built in 2000, according to the Larimer County Assessor. Both lots are zoned RR-2 – Rural Residential. The proposed Amended Plat includes moving the common lot line between the two lots further northwest, transferring acreage from Lot 29 to Lot 1 to better suit the owners' use of the properties. Lot 29 is currently ~5.34 acres and Lot 1 is currently ~3.01 acres, including dedicated right of way for Sherman Drive and the proposed lots will be ~3.27 acres and ~4.49 acres, respectively, excluding the dedicated right of way for Sherman Drive. The acreage of the dedicated right of way is not included in the resultant lots' acreage because it was already included in the lots' acreage in the original subdivision plats for both Cushman Estates, First Filing and High Plains. No easements or rights-of-way are being vacated in conjunction with this request.

The proposed amended plat also includes the modification of the existing building envelope and septic envelope on Lot 1. The existing single-family home was constructed partially outside of the building envelope and partially within the existing septic envelope. To correct this issue and to ensure the residence sits entirely within the building envelope only, the applicant/property owner proposes to expand the building envelope north only slightly, increasing from 0.230 acres to 0.316 acres, for a total of 0.087 acres and to reduce the existing septic envelope by 0.093 acres from 0.321 acres to 0.228 acres.

The existing building envelope is currently square in shape. The existing home is located towards the rear of the building envelope, leaving the remaining buildable area at the front of the envelope, between the existing residence and the road. The proposed expansion of the building envelope to the north would allow the existing home to sit entirely within the building envelope. The proposed

modification would elongate the existing building envelope, creating a rectangular shaped building envelope.

The existing septic envelope is currently trapezoid in shape. The proposed reduction of the southern part of the septic envelope would not affect the existing septic system and the proposed modification would not change the shape of the septic envelope.

The final plat for the High Plains Subdivision was recorded in 1998. All three platted residential lots contain a building envelope. The original Findings & Resolution for the High Plains subdivision indicates that the purpose of the building envelopes is to ensure all structures are built within 500-feet of the fire hydrants. The single-family residence was constructed partially outside of the building envelope; however, the residence did receive a building permit in 2001, as noted by the Building Division and is located within 500-feet of the existing fire hydrant, per the plat. More specifically, the closest 4 point of the residence is ~68 feet from the nearest fire hydrant. The proposed building envelope expansion would ensure the residence sits entirely within the building envelope.

The final plat for the High Plains subdivision indicates that two of the three residential lots contain a septic envelope. The original Findings and Resolution for the High Plains subdivision indicated that the soils present on the site have limitations for construction of on-lot septic systems, however, the applicant demonstrated that the soils can meet technical requirements to allow on-lot septic systems. As shown and indicated on the final plat for the High Plains subdivision, the septic envelopes indicate the approximate location of a standard septic system, per the Percolation Test Results and Septic System Recommendations. The final plat also notes that all septic system absorption fields must be located at least 20-feet from the break in slope on both lots. The Health and Environment Department noted that the proposed amended plat will not impact the existing septic system components on Lot 1 and the proposed lot sizes will allow for adequate developable area in terms of septic system upgrades and/or replacement.

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 in addition to the General Review Criteria, found in Section 6.3.8.D:

A. No additional lots will be created by the amended plat. No additional lots will be created by the proposed amended plat; therefore, this criterion has been met.

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.

The minimum lot size in the RR-2 – Rural Residential zone district is 2.3 acres, if the lot is served by an on-site well and/or on-site septic. Lot 1 of the High Plains Subdivision is currently ~3.01 acres, including dedicated right of way for Sherman Drive and Lot 29 of the Cushman Estates Subdivision is currently ~5.34 acres, including dedicated right of way for Sherman Drive. Resultant Lot 1A will be ~4.49 acres and resultant Lot 29A will be ~3.27 acres, excluding dedicated right of way, meeting minimum lot size, and therefore, meeting this criterion.

Resultant lots must not exceed a depth-to-width lot ratio of 3-to-1 and a width-to-depth lot ratio of 1.5-to-1. Lot 1 of the High Plains Subdivision is currently nonconforming with respect to the required depth-to-width ratio. However, the dimensions of resultant Lot 1A will meet the required lot dimension ratio. Currently, Lot 29 of the Cushman Estates Subdivision meets the required lot dimension ratio of depth-to-width ratio of 3-to-1 and a width-to-depth ratio of 1.5-to-1, and resultant lot 29A will meet this requirement as well.

C. The amended plat will not create a nonconforming setback for any existing building. The proposed amended plat would not create a nonconforming setback for any existing buildings. The required minimum building setback for the RR-2 – Rural Residential zone district is 25-feet from the front property line, 5-feet from the side property lines, and 10-feet from the rear property line. All existing buildings currently meet setback requirements and will not be affected by the proposed amended plat.

D. 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. 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 therefore complies with this criterion. No easements or rights-of-way are proposed to be vacated with this request.

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.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team recommends approval of the Amended Plat of Lot 29, Cushman Estates, First Filing Subdivision and Lot 1, High Plains Subdivision, File No. 22- LAND4247, subject to the following conditions.

1. All conditions of approval shall be met, and the final plat recorded by February 22, 2023, or this approval shall be null and void.
2. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Cushman Estates, First Filing subdivision and the High Plains subdivision.
3. Prior to the recordation of the Final Plat, the applicant shall make any required technical corrections noted by the Land Surveyor of the Larimer County Engineering Department.
4. Any future uses on Lot 1A and Lot 29A shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.

5. 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 after 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.

2. JONES CONSERVATION DEVELOPMENT, FILE NO. 21-LAND4133 The request is for a Preliminary Plat review for a Conservation Development to divide a 35.1-acre parcel into two lots at approximately 10-acres and 25.1-acres including a 6.98-acre building envelope, located in the O – Open zoning district. The subject property is located on the west side of Golden Valley Road, approximately .2 miles south of the intersection of Golden Valley Road and West County Road 18. The applicants are Andrew Baker, AICP; Baseline Engineering Corporation; 112 N. Rubey Dr., Ste. 210, Golden, CO 80403 and the owners are Todd Jones, HCR Investments, LLC, 300 Madison Ave., Loveland, CO 80537

BACKGROUND

The applicant proposes to subdivide a 35.1 (+/-) parcel zoned O – Open into two residential lots. The proposed lots would be 10-acres and 25.1-acres. Proposed Lot 1 contains a 6.98-acre building envelope. The total developable acreage is 16.98-acres, 48.4% of the total land area. The remaining acres, 18.12-acres, is proposed to be residual land, which complies with the Conservation Development Standards found in Article 5.8.3. of the Larimer County Land Use Code. Because the parcel is over 35-acres and located outside a Growth Management Area, the land division process for this proposal is a Conservation Development. The proposed 28.1-acre lot would be the residual lot and contain a 7-acre building envelope. The existing parcel is currently vacant, but the proposed lots would each contain single family homes.

The subject property is located on the west side of Golden Valley Road, approximately 0.2- miles south of the intersection of Golden Valley Road and West County Road 18. The property is currently vacant, but both proposed lots would gain access from Golden Valley Road.

According to the application documents, the applicants have applied for a letter of commitment from the Little Thompson Water District to serve the proposed lots. However, the applicant indicated that they have contacted the Division of Water Resources to pursue a well for water services. The applicants stated that there is currently no water line along Golden Valley Road. However, the Larimer County Land Use Code requires new lots to connect to public water where feasible.

The property is currently zoned O – Open, as are all surrounding properties. The minimum lot size for properties in the O – Open zoning district is 10-acres. However, because the property is over 35-acres and located outside of a Growth Management Area, the applicants are pursuing a Conservation Development. The Conservation Development process requires that rural developments, those with on-site septic systems, are required to conserve 50% of the total acreage in a Residual Lot, while the other 50% can be developed in clusters. Therefore, the minimum lot size in the O – Open District is not applicable in this situation.

The surrounding area is characterized by parcels all approximately 35-acres, except for the parcel located directly east, across Golden Valley Road, which is approximately 47-acres. However, there are

several residential subdivisions in the general area. The proposed Conservation Development would not be out of character with the area.

Larimer County mapping indicates that most of the property is an area of low geologic hazards, except for the far western portion of the property which is in an area of moderate geologic hazards. Additionally, the property is within a moderate wildfire hazard area. However, there are no wetlands on the property according to Larimer County mapping.

This request has been referred to adjacent landowners and to affected agencies. We have not received any comments from neighbors. Referral agency comments are attached to this report and some of the comments are incorporated in this report.

Comments were received comments from the following referral agencies:

- Larimer County Engineering
- Larimer County Health Department
- Larimer County Code Compliance
- Little Thompson Water District
- Division of Water Resources
- Wildfire Protection

A neighborhood meeting was not required for this proposed Conservation Development.

REVIEW CRITERIA

Preliminary Plat

In reviewing a proposed preliminary plat application, the County Commissioners shall consider the following review criteria of Article 6.5.5.D.1.

A. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets. The property is zone O – Open, which requires a minimum lot size of 10-acres. However, as this proposal is a Conservation Development and will be served by on-site septic systems, 50% of the land must be conserved in a residual lot, while 50% of the land can be developed in clusters (Article 5.8.3). The existing parcel is 35.1-acres, and the proposal is for a Conservation Development to divide a 35.1-acre parcel into two lots at approximately 10-acres and 25.1-acres including a 6.98-acre building envelope. This proposal complies with the lot size standard. The design of the Conservation Development is intended to preserve areas of steep slope within the residual area of Lot 1 while siting a building envelop on the flattest portion of the lot. Single-family homes are allowed by right in the O-Open district, so the proposed use of two single-family homes will be compliant with the property's zoning.

B. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources. According to Larimer County GIS data, there are no specific wildlife habitats or wetlands located on the subject property. The existing property is accessed from an existing gravel roadway via

W. County Road 18 to the north and runs along the east side of the property. This roadway currently accesses properties to the north and south of the subject property. The Preliminary Plat includes a 60-foot-wide private access easement for the length of this roadway.

C. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable. Larimer County mapping indicates that most of the property is an area of low geologic hazards, except for the far western portion of the property which is in an area of moderate geologic hazards. Additionally, the property is within a moderate wildfire hazard area. However, there are no wetlands on the property according to Larimer County mapping. Additionally, the property is not located within a regulatory floodplain. However, the United States Geographical Survey (U.S.G.S.) Quadrangle Map identifies an intermittent waterway at the far northern end of the property. There is a minimum setback of 100-feet from the centerline of any stream, creek, or river identified by the U.S.G.S.

D. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations. The applicants are proposing an on-site wastewater treatment system (OWTS) systems for Proposed Lot 1 and 2. The attached comments from the Department of Health and Environment indicated that a septic permit 475 will be required for each lot and new site and soil evaluations specific to each lot will be required to determine the placement and design of the future septic system.

E. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing. Phasing has not been proposed for this proposed land division.

F. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions. The Jones Conservation Development is consistent with the Sketch Plan proposal. The lot sizes and shapes have changed slightly, but the overall character, density, and land use are the same and are consistent with the intent of the zone district as well as with the existing development in the surrounding area.

Article 4.3 Adequate Public Facilities

Sub-Article 4.3.3 Road Capacity and Access to Public Roads

The purpose of the road capacity and level of service standard is to ensure that all development will have safe and adequate access to public roads and transportation related services and to ensure that development does not create demand for public improvements and services that cannot be met with existing public resources.

Golden Valley Road is within a 60-foot-wide utility and access easement. Additionally, according to the attached comments from Engineering Department, the section of West County Road 18 that Golden Valley Road takes access from is a private section of roadway. However, the applicant has legal access from this section of West County Road 18 via an established access easement.

Sub-Article 4.3.4 Drainage:

The Engineering Department will require that measures be taken to control erosion and sedimentation during all phases of construction. We will also require that after the temporary activity is complete, all disturbed areas are repaired to a condition that is equal to or better than the existing condition. A note must be provided on the plan that addresses these issues. The drainage report notes that sediment and erosion control will be addressed during construction.

Sub-Article 4.3.5 Wastewater Disposal:

The applicant is proposing on-site wastewater treatment systems (OWTS) as sewer service for the Conservation Development because public sewer infrastructure is not known to exist in the area. According to comments from the Department of Health and Environment, 486 indicated that a septic permit will be required for each lot and new site and soil evaluations specific to each lot will be required to determine the placement and design of the future septic system.

Sub-Article 4.3.6 Fire Protection:

This project was referred to Loveland Fire Rescue Authority and their comments are attached. Fire sprinklers will be required for any new residential dwellings. Reference the attached memo dated April 13, 2022, from Carrie Dann of the Loveland Fire Rescue Authority for more information.

Sub-Article 4.3.7 Domestic Water:

The two proposed lots would be served by the Little Thompson Water District (LTWD). A letter of commitment from the district was provided with the land division application.

Article 4.4 Environmental Resource Standards

Sub-Article 4.4.2 Wetlands:

Larimer County GIS data indicates that there are no wetlands on the subject property.

Sub-Article 4.4.3 Hazard Areas:

Larimer County mapping indicates that most of the property is an area of low geologic hazards, except for the far western portion of the property which is in an area of moderate geologic hazards. Additionally, the property is within a moderate wildfire hazard area. Additionally, steep slopes have been shown on the Preliminary Plat and are contained within a residual lot.

Sub-Article 4.4.4 Wildlife:

There are no specific wildlife concerns with the proposed land division.

Sub-Article 4.4.5 Commercial Mineral Deposits:

The applicant has identified mineral rights owners and notified them of the Planning Commission public hearing. The signed Notification to Mineral Estate Owner Certification form is attached to this report.

Article 4.5 Connectivity and Circulation

As previously noted, the existing roadway on the east side of the property is within a 30-foot-wide private access easement that connects to properties to the north and south. While this roadway is not being dedicated as public right-of-way, the proposal meets the review criteria in Article 5.3.1.B.

Article 4.6 Off-Street Parking and Loading

Two parking spaces are required for each single-family residential home. Considering the size of the proposed lots, each proposed lot would meet this requirement.

Article 4.7 Landscaping:

No landscaping is required for this Conservation Development.

Article 5 Subdivision Standards:

Sub-Article 5.2 Lot and Block Standards

As previously discussed, the two (2) proposed residential lots would measure 0525000030. The proposed residential lots would meet the required minimum lot size for the O – Open Residential zone district of 10-acres. Additionally, the lot width, depth, shape, location, and orientation conform with the requirements of the Land Use Code.

Sub-Article 5.3 Street and Access Standards

As previously noted, the existing roadway on the east side of the property is within a 30-foot-wide private access easement that connects to properties to the north and south. While this roadway is not being dedicated as public right-of-way, the proposal meets the review criteria in Article 5.3.1.B.

1. There would be no foreseeable public purpose or benefit in having a public right-of-way; and Golden Valley Road is an existing roadway is a private road and connects to properties to the north and south. Dedicating public right-of-way does not serve foreseeable public purpose or benefit in that it would be public right-of-way that does not connect to rightof-way to the north or south.
2. The County Commissioners find that road connectivity to adjacent parcels is not needed or practical and have granted an appeal to §5.3.4, Connectivity. Road connectivity currently exists for this parcel. Golden Valley Road connects to properties to the north and south and serves as access to several properties along its route.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Jones Conservation Development, File #21-LAND4133, subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plat and with the information contained in the Jones Conservation Development, File #21-LAND4133, except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all

other verbal or written representations and commitments of record for the Jones Conservation Development.

2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson R-2J school district fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.

3. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.

4. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

5. A note shall be included on the Final Plat stating that all occupiable structures are required to be protected with residential fire sprinklers designed and installed in accordance with NFPA 13D.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the August 22, 2022, Consent Agenda subject to the conditions in the staff report and further moved to authorize the chair to sign the Findings and Resolutions.

Motion carried 3-0

With no further matters to come before the Board, Chair Stephens adjourned the meeting at 3:06 p.m.

TUESDAY, AUGUST 23, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Stephens presided. Commissioner Kefalas was present. Commissioner Shadduck-McNally was expected later in the hearing. Also present were Michelle Bird and Sarah Martin, Commissioners' Office, and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** Chair Stephens opened public comment. No members of the public addressed the Board. Chair Stephens closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF AUGUST 15, 2022:

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of August 15, 2022.

Motion carried 2-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 29, 2022: Ms. Martin reviewed the upcoming week's schedule with the Board. Chair Stephens added that she will be attending a statewide Transportation Advisory Board and an event at Mason Place.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES: MS Fort Collins De LLC and Larimer County - R1658522 – Tax Year 2021

AGREEMENTS:

1. EXHIBIT 2 TO MASTER FIBER AGREEMENT WITH LARIMER COUNTY JOINT USE LICENSE NO. 2

2. LARIMER COUNTY INTERAGENCY OVERSIGHT GROUP (LCIOG) BYLAWS
- Pulled from the Consent Agenda

APPOINTMENTS:

1. RECOMMENDED APPOINTMENT TO THE PARKS ADVISORY BOARD -
Adam Crossan

2. RECOMMENDED APPOINTMENTS TO THE LAND STEWARDSHIP ADVISORY BOARD - Janae Malpas, Michael Hayes, Patrick Bickley

3. RECOMMENDED APPOINTMENT TO THE LAND STEWARDSHIP ADVISORY BOARD - Ryan Blake

4. RECOMMENDED REAPPOINTMENT TO THE COMMUNITY CORRECTIONS ADVISORY BOARD - Chief Jeffrey Swodoba

5. RECOMMENDED APPOINTMENT TO THE LITTLE VALLEY GID - Phil Frank

LIQUOR LICENSE: - Fort Collins Elks Lodge BPOE 804— Special Event Liquor License Permit- Fort Collins, Colorado; - Fraternal Order of Police Lodge 3 Benevolent Fund- Liquor License Special Event-Fort Collins, Colorado; Live the Victory Inc dba The Matthews House- Special Event Liquor License —Fort Collins, Colorado.

MISCELLANEOUS:

1. **REQUEST FOR APPROVAL TO ENTER UPON LANDS** - Lee Maynard

POLICIES:

1. **HR POLICY 331.5Q COMPENSATION POLICY AND PROCEDURE**

RESOLUTIONS:

1. **RESOLUTION FOR CONVEYANCE BY BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY, COLORADO**
2. **FINDINGS AND RESOLUTION APPROVING THE MOUNTAIN WHITEWATER DESCENT AMENDED SPECIAL REVIEW #3 AND APPEALS**
3. **RESOLUTION ESTABLISHING COMPENSATION FOR DISTRICT ATTORNEY APPOINTED STAFF**

M O T I O N

Commissioner Kefalas moved to remove Agreement no. 2 from the Consent Agenda so that it can be reviewed at a later date.

Motion carried 2-0

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, August 23, 2022, minus Agreement no. 2.

Motion carried 2-0

5. **COMMISSIONERS GUESTS:** Gregory Koch (delayed until Commissioner Shadduck-McNally arrived to the hearing)

DISCUSSION ITEMS:

6. **DISCUSS CURRENT FIRE CONDITIONS AND WHETHER TO REMAIN IN FIRE RESTRICTIONS OR LET THEM EXPIRE** Mr. Justin Whitesell spoke to the Board and mentioned fire danger indices are trending up. He stated that there is potential that the indices will meet fire restriction criteria next week. Mr. Whitesell reviewed a packet of detailed information that was presented to the Commissioners.

There were some questions and comments from the Commissioners on the presentation and each conveyed thanks to Mr. Whitesell and his staff.

Commissioner Shadduck-McNally arrived at the Administrative Matters hearing at 9:15 a.m.

The Commissioners decided to allow the expiration of the restrictions effective August 29, 2022.

7. PROVIDE INFORMATION ON THE SHERIFF'S OFFICE DISASTER RESPONSE EXPENSES FOR 2022

Mr. Justin Whitesell spoke to the Board. The Larimer County Sheriff's Office has responded to numerous natural disasters in 2022. The Sheriff's Office via Mr. Whitesell presented details about the expenses and the impact to the Sheriff's Office. Mr. Whitesell reviewed a packet of detailed information that was presented to the Commissioners and Captain Joseph Shellhammer provided additional explanation on those expenditures.

There were some questions and comments from the Commissioners on the presentation. The Department of Natural Resources efforts to assist the Sheriff's Office during those natural disasters should be reimbursed and the Commissioners concurred. It was recommended by Commissioner Shadduck-McNally to have a work session regarding the budget matters considering the increased natural disasters affecting the county. Commissioner Kefalas and Chair Stephens emphasized the need for this type of review to plan for next year's budget.

8. COMMISSIONERS GUESTS: Gregory Koch was invited by Commissioner Shadduck-McNally. He is a 24-year member of the Larimer County Flood Review Board. Mark Peterson, Director of Engineering, introduced Mr. Koch and spoke of his efforts and accomplishments while serving on the Board. Several colleagues were in the audience to recognize Mr. Koch and his extensive expertise and continued contributions to the county. After the Larimer County 2013 flood, special emphasis was placed on the Flood Review Board members to prevent a reoccurrence.

Mr. Koch spoke to the Board and thanked the staff liaisons for their efforts and support. He said the Board is made up of several skilled members in flood protection and recognized their efforts and accomplishments. He thanked the Commissioners for their support and said it's been an honor to serve on this Board.

Commissioner Kefalas thanked Mr. Koch for his many years of service. He said that this Board requires a high degree of technical skills to be able to serve in this capacity. He emphasized the balance between property owners' rights and public safety. Commissioner Shadduck-McNally thanked Mr. Koch for his remarkable service on this Board. Chair Stephens echoed that gratitude as well.

The Board took a brief recess. The Board reconvened.

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

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

With no further matters to come before the Board, Chair Stephens adjourned the meeting at 10:25 a.m.

WEDNESDAY, AUGUST 24, 2022

**COUNTY BOARD OF EQUALIZATION
ABSTRACT OF ASSESSMENT**

The Board of County Commissioners met at 3:00 p.m. with Lorenda Voelker, County Manager. Chair Stephens presided. Commissioner Kefalas was present. Commissioner Shadduck-McNally was excused from today's meeting. Also present were Bob Overbeck, Larimer County Assessor and Yara Zokaie, Chief Deputy Assessor, Lisa Thieme, Director of Assessor Administration, as well as Kelly Bryant, Deputy Clerk.

Chair Stephens noted that the meeting was to examine and certify that all the valuation changes ordered by the County Board of Equalization have been incorporated and the abstract of completion signed by Assessor.

Bob Overbeck, Assessor explained the process to the Commissioners stating that the Assessor files the Abstract of Assessment with the Property Tax Administrator no later than August 25, 2022, per statute. It contains the aggregate assessed valuation for assessment of all property by class and subclass. The data is the basis for certification of values to the various taxing entities. The abstract values, with changes, serve as the basis of the next year's tax warrant.

There were some questions and comments from the Commissioners on the process as well the 2021/2022 new assessment rates as passed by the legislature. Mr. Overbeck reviewed this information in detail with the Commissioners to include residential property taxes are 6.95% and multi-family property changed to 6.8%.

MOTION

Commissioner Kefalas moved that the County Board of Equalization has concluded its hearings, pursuant to the provisions of Article 8 and the Board of County Commissioners, acting as the Board of Equalization, have examined the Abstract of Assessment and that all valuation changes have been incorporated, and sign the Abstract of Assessment upon its completion by the Assessor.

Motion carried 2-0

With no further matters to come before the Board, Chair Stephens adjourned the meeting at 3:10 p.m.

Kristin Stephens
KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Kelly Bryant
Kelly Bryant, Deputy Clerk

