

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 3, 2023

LID HEARING

The Board of County Commissioners met at 3:00 p.m. with Katie Beilby, Engineering. Chair Shaddock-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Chris Manley, Health and Environment Director; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

1. Discussion Item: 2023- 1 Spruce Knob Water Company Local Improvement District

Item Description: Formation of the 2023-1 Spruce Knob Water Company Local Improvement District (SKWC). A Local Improvement District must be formed, per the request of neighbors, to begin the process of repairing the water distribution system. Katie Beilby and Chris Manley gave a brief overview of the request.

Spruce Knob Water Company desires to replace the current water distribution system to the Town of Estes Park standards to improve reliability, flow and water pressure, add fire protection, reduce potential for maintenance costs and alleviate concerns about compliance with drinking water standards due to possible contamination from corrosion in the pipes. This project will upgrade and replace water distribution lines to the original homes of SKWC distribution system, which is only possible if the replacement system is upgraded and completed to the town standards.

SKWC currently provides water to 10 homes in the Park Hill subdivision of unincorporated Larimer County, a rural area outside the Town of Estes Park town limits. Currently, water is pumped from the deep well on Bureau of Reclamation land, just below Olympus Dam, through a small pump house where the water is chlorinated then up to a cistern house with an in-ground cistern capacity of 5000 gallons. The majority of the infrastructure was revised in 1968 of galvanized iron pipe. There are no hydrants and due to the size and condition of the pipe there is no reliable fire flow or protection.

The shareholders voiced 100% support for moving forward with the creation of a Local Improvement District and for obtaining financing in the form of grants or loans. This project is needed to replace the current SKWC distribution system due to age, potential weakness of the system, and possibly dangerous materials used in the system.

CONCLUSIONS AND RECOMMENDATIONS

The creation of a Local Improvement District to manage funding and debt repayment gives the community a stable and manageable financing option. The cost of the project within the proposed district is approximately \$398,290.00 all of which will be assessed against the properties in the proposed district.

The Commissioners thanked everyone and stated that they would be in support of the creation of a Local Improvement District.

MOTION

Commissioner Stephens moved to adopt Resolution No 04032023R001, Resolution creating the Larimer County Local Improvement District No 2023-1 (Spruce Knob Water Company), in the County of Larimer, Colorado, ordering the construction, installation, and completion therein of certain local improvements, together with any necessary incidentals; and providing for other details in connection with the district.

Motion carried 3-0

The Board adjourned at 3:20 p.m.

LAND USE HEARING

The Board of County Commissioners reconvened at 6:30 p.m. with Leslie Ellis, Community Planning, Infrastructure, and Resources Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Tawn Hillenbrand, Senior Planner; Rebecca Everette, Community Development Director; Amy White, Code Compliance Supervisor; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

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

PUBLIC HEARING:

This is a continuation of the March 27, 2023, public hearing. At the March 27, 2023, hearing, Chair Shadduck-McNally closed public comment. At tonight's hearing, the Commissioners will have the opportunity to ask questions of staff, add potential amendments, deliberate, and possibly make a motion.

1. AMENDMENTS TO THE SHORT-TERM RENTAL REGULATIONS, FILE NO. 23-CODE0271: OVERVIEW OF PROPOSED REGULATIONS:

The Public Hearing Draft of Propose Short- term Rental is Article 3, Use Regulations, Article 4, Development Standards, Article 12, Floodplain, Article 13, Supplemental Regulations for the Estes Valley, and Article 20, Rules of Interpretation and Definitions of the Larimer County Land Use Code (LUC).

STRs, Large Hosted STRs, and Bed and Breakfast Inns

The Public Hearing Draft proposes three types: STR, STR Hosted (formerly B&B), and a new Bed and Breakfast Inn definition, as referenced in the definitions and use tables for countywide and the Estes Valley. Includes clarification of total maximum occupancy for each lodging type. Other minor edits are proposed in the definitions.

'Large' STRs

The Public Hearing Draft proposes limiting the size of STRs to no more than 10 total guests. The 'Large' STR (more than 10 guests) option has been removed from the countywide definitions and zoning tables, including the Estes Valley.

Minimum Separation Between STRs in Residential Areas

The Public Hearing Draft proposes a minimum separation between STRs of 500-feet. At the Board of County Commissioner-Planning Commission work session on February 8th, there was a discussion about the separation, and board members suggested different approaches but did not agree on a certain measurement; therefore, staff left the proposed 500- foot separation in the draft. The EVPAC recommended a larger separation when they reviewed the draft.

Non-Conforming STRs countywide including the Estes Valley. The Public Hearing Draft includes language providing clarification that "a short-term rental with a valid approval under the previous Land Use Code from April 1, 2020, until May 31, 2023, may continue to operate as defined under the previous code."

Floodplain Overlay District Standards

The Public Hearing Draft includes revisions to the floodplain standards do not allow STRs (including Hosted STRs) structures, any portion of the primary parking, and 100-feet of the existing driveway abutting the primary parking within the Floodplain Overlay District AE (Floodway), Floodplain Overlay District AE (Flood Fringe), Floodplain Overlay District Zone A, Floodplain Overlay District Zone AH, or Floodplain Overlay District Zone AO. The draft also includes language requiring the posting of flood hazard warning signs should any portion of the property be within a floodplain. New requirements for the Operations Manual and posting of information in the home addressing flood risk are included.

Local Roadway and Access Standards

The Public Hearing Draft proposes standards for safe and adequate access provided by the County Engineering team.

Life-Safety Inspection and License Renewal

The Public Hearing Draft clarifies that a life-safety inspection is required and requires license renewal every other year, when registration is currently required, with a Building Division reinspection every fourth year at the same time as the license renewal.

Transfer of Short-term Rental License

The Public Hearing Draft proposes language that allows transferability of license for all STRs approved before June 1, 2023 (or another date certain). New approvals on or after June 1, 2023, would not be able to transfer licenses. The staff continues to explore the feasibility of creating a time limit to license transfer for existing STRs or a one-time transfer option as recommended by EVPAC and will discuss this at the hearing. EVPAC recommended a possible sunset provision.

Required Property Manager Travel Time in the Estes Valley

The Public Hearing Draft proposes new language requiring Estes Valley STR property managers to be located within the Estes Valley Recreation and Park District boundary and affirmatively respond to complaints within one hour. As mentioned previously, it is proposed that the one-hour distance requirement remains applicable for the rest of the county outside the Estes Valley.

New Zoning District Option for Estes Valley

Although not included in the proposed STR regulations referenced above, the Public Hearing Draft includes an option at the end on page 17 to address unique circumstances for HOAs that support STRs, such as Windcliff Estates in the Estes Valley. This option would require the creation of a new zoning district in Article 13 (EV E-1S) that is based on the EV E-1 – Estes Valley Estate zoning district with all the same standards except for allowing STRs to be exempt from the cap and from the separation requirements.

DISCUSSION

The Commissioners each had questions for staff on the topics of Red Feather Lakes geographical area - number of STR's, approved and non-conforming, the 500-foot minimum separation requirements, creating a new zone district in Windcliff and what would that process look like. There were also questions on the response time of managers for the STR's.

If Windcliff or another subdivision wanted to rezone to this district, a legislative rezoning process for the subdivision would need to occur once the new STR regulations are put in place. It is also recommended that a change to reduce the cap by the number of STRs in the subdivision (i.e., 57 for Windcliff) for other residential zoning areas.

There was an in-depth discussion on the transferability of STR licenses, and best practices in looking at other counties practices, and on family-to-family transfers.

The Commissioners asked for guidance on responding to the statement of “adding another layer of regulations for property owners to apply for a STR.” Staff responded that the purpose of updating the regulations is based on concerns of public safety, neighborhood compatibility, and public safety as there is an increase in neighborhood complaints. The purpose is to address these concerns.

There were some questions on the waiting list in the Estes Valley for STR licenses. The typical time for approval is 4-6 months for an Administrative Special Approval for an applicant. Currently, the wait list for the Estes Valley is approximately 265 applicants. The list is considered “full”. In other words, it will be months but more likely years before a spot opens for another applicant to apply.

The Commissions have some concerns and commented on the wildfire risks areas and the strain on resources. There were some statements and questions on enforcement that will provide mechanisms for more timely and effective enforcement for unapproved STR and where there are code violations and providing examples. How many unpermitted STR's have been operating since January 1, 2022, when the current enforcement was put into effect? Why do we require that STR property managers have to reside within the Estes Valley district if they are within one hours' time from the property in question? These questions will be looked at on the Enforcement of Short-term Rentals public hearing

to be held on Monday, April 10, 2023, at 3:00 p.m. Amy White, Code Compliance Supervisor, did respond to the Estes Valley requirement and that it is currently in the Estes Valley Code regulations. The Commissions each spoke about proposed amendments and had discussion among themselves and staff including the planning commission recommendations on the proposed amendment concerning the new zone district. There was discussion on the transferability among families and a one-time transfer as well as possibly removing the requirement of having to live with the Estes Valley.

The Chair called for a break in the hearing and announced we will re-convene in 10 minutes.

The hearing returned to session.

The Commissioners deliberated and made motions on the following amendments:

MOTION

Chair Shadduck-McNally moved to approve the following proposed amendment:

1. (p12)-Transfer of Short-term Rental License-
 - a-Allow family member to family member transfers for all licenses.
 - b-Allow one time transfer to non-family member within ten years for existing Short-term Rentals.

Motion carried 3-0

MOTION

Commissioner Kefalas moved to approve the following proposed amendment:

2. Red Feather Lakes Planning Area - a requirement of a 250-foot separation instead of a 500-foot separation.

Motion carried 2-1 Chair Shadduck-McNally dissenting.

MOTION

Commissioner Kefalas moved to approve the following proposed amendment:

3. (P13)- Property Management-remove the requirement that the property manager lives within the Estes Valley Recreation and Park District. The Property Manager must still respond affirmatively within one hour.

Motion carried 3-0

Chair Shadduck-McNally moved to approve the following proposed amendment:

4. (P9)-General Standards-
 - a. Do not allow any STR within 500-feet of a Larimer County Park or Open Space.

b. In the owner's manual, add a note that anyone visiting a Larimer County Park, must purchase a park pass.

Motion carried 2-1, Commissioner Kefalas dissenting (both a and b).

MOTION

Commissioner Kefalas moved to include the language on the last page of the public hearing draft regarding the creation of a new EV E-1S zoning district that Windcliff and other similar neighborhoods or HOA's could apply to rezone to.

Motion carried 3-0

Commissioner Kefalas moved that the Larimer County Board of County Commissioners approve the Land Use Code amendments regarding Short-Term rental operation, as found in File #23-CODE0271 - Short-term Rental Regulations Code Amendments, as follows:

1. Add new and revised definitions and use descriptions for Short-term Rentals, Hosted Short-term Rentals, Resort Lodge/Cottages, and Bed and Breakfast Inn found in Article 3 (Use Regulations), Article 13 (Supplemental Regulations for the Estes Valley), and Article 20 (Rules of Interpretation and Definitions).
2. Revise the use tables found in Article 3 (Use Regulations) and Article 13 (Supplemental Regulations for the Estes Valley), which includes zoning districts and process requirements.
3. Update the Use-Specific Standards found in Article 3 (Use Regulations) and Article 13 (Supplemental Regulations for the Estes Valley), including the standards that apply to all short-term rentals and lodging facilities.
4. Amend Article 4 (Development Standards) and Article 12 (Floodplain) to address parking and floodplain standards associated with short-term rentals and lodging facilities, as found in File #23-CODE0271 - Short-term Rental Regulations Code Amendments, subject to the following conditions:

The effective date of the regulations will be June 1, 2023, approval of the creation of the new zone district EC E-1S and the four amendments were discussed and approved at tonight's hearing held on April 3, 2023.

Motion carried 3-0

The Commissioners expressed their gratitude to staff and the public for engaging in this long and arduous process. The conversations were robust and informative throughout this process. The Commissioners understand there are two sides to these regulations and that they have done their best to strike a balance between property rights and preserving public health. The new regulations will hopefully clear up concerns that neighbors have had as well as give clarity to those that are applying for a STR. The Commissioners stated that their goal is to ultimately protect public safety and welfare

and to be consistent with the comprehensive plan. These regulations are reasonable and necessary to address the potential impacts in a way that is responsible and to try and mitigate any situation.

The Hearing adjourned at 9:40 p.m.

TUESDAY, APRIL 4, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Pro-Tem Kefalas presided. Commissioner Stephens was present. Commissioner Shadduck-McNally will join shortly. Also present were Sarah Martin, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Chair Pro-Tem Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Charles Hubbard, Jackie Marsh and Larry Sarner (via phone) spoke on the Centerra South Renewal Project. Kathleen Sands (via phone) spoke about her concerns with aerial spraying.

Chair Shadduck-McNally joined the meeting during public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 27, 2023

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of March 27, 2023.

Motion passes 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF APRIL 10, 2023: Miss Martin reviewed the upcoming schedule with the Board. The Commissioners did have some updates for Miss Martin.

4. CONSENT AGENDA:

ABATEMENTS: AMERICAN FURNITURE WAREHOUSE CO, R1457837, TAX YEAR 2020

AGREEMENTS:

1. OMNIA CONTRACT NUMBER: R210702

2. DEVELOPMENT AGREEMENT FOR RUDKIN PLANNED DIVISION, FILE NO 21-LAND4167

3. CDOT AGREEMENT/CONTRACT -PHEMISTER BRIDGE AND TRAIL

LIQUOR LICENSES: Liquor License Renewals: Boyd Lake Marina Inc dba Boyd Lake Marina-Fermented Malt Beverage and Wine-Loveland, Colorado; Fort Collins Country Club-Hotel & Restaurant with Optional Premise-Fort Collins, Colorado; DBLD Liquor LLC dba Glen Echo Liquor-Retail Liquor Store-Bellvue, Colorado; INNRIICH Corporation dba Inn of Glen Haven-Hotel & Restaurant with Optional Premise-Glen Haven, Colorado

MISCELLANEOUS:

1. LARIMER COUNTY POUDRE OVERLOOK PUBLIC IMPROVEMENT DISTRICT NO 30 ADVISORY BYLAWS

2. NOTICE OF INTENT TO PARTICIPATE (NOIP)-CLIMATE POLLUTION REDUCTION GRANT

RESOLUTIONS:

1. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY I

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, April 4, 2023

Motion passes 3-0

5. COMMISSIONERS GUESTS: The Commissioners did not have any guests.

DISCUSSION ITEMS:

6. NATIONAL PUBLIC HEALTH WEEK JOINT PROCLAMATION: Joint Proclamation between the Larimer County Board of Health and the Larimer County Board of Health and the Larimer County Board of County Commissioners to proclaim April 3-9 National Public Health Week in Larimer County.

Tom Gonzales, Public Health Director, joined by several colleagues wishing to proclaim April 3-9, 2023, as National Public Health Week. The goal of National Public Health Week in 2023 is to recognize the contributions of public health in improving healthcare and achieving health equity. The vision of Larimer County Department of Health and Environment is a thriving, health-aware community where everyone has access to healthy choices and to protect our community from disease prepares for public health emergencies and keeps people healthy by investigating disease outbreaks. The theme for National Public Health Week is, "Centering and Celebrating Cultures in Health."

Larimer County Department of Health and Environment is working on activities that protect the air we breathe, the water we drink, the food we eat, and the places where we work and play. The public health professionals of Larimer County collaborate with partners outside of the health sector including educational entities, and private sector businesses, recognizing that other sectors can influence health outcomes as well.

The Commissioners thanked Director Gonzales and the collaboration of partners and the various social determinants that impact public health. Larimer County has a genuine emphasis on addressing and improving health equity so that everyone has access to medical care. The public can visit the Larimer County Community Health, Well-Being, and Resilience Dashboard at larimer.org/health/dashboard. The dashboard is designed to provide self-guided information on key topics including Mental Health, Childcare and Education, Food and Food Insecurity, Income and Employment to name a few.

The Commissioners also thanked staff for monitoring air pollution, food insecurity and housing and other issues that affect health throughout the community. We are all responsible for the health in our communities and all need to come together in a collaborative manner.

Commissioner Stephens read the Resolution Proclaiming April 3-9, 2023, as National Public Health Week.

MOTION

Commissioner Stephens moved to approve the Joint Proclamation recognizing April 3-9, 2023, as National Public Health Week.

Motion passes 3-0

7. PRESENT THE IGA FOR EXPANDING SERVICES INTO UNDERSERVED AREAS OF LARIMER COUNTY ADJACENT TO FORT COLLINS CONNEXION SERVICE AREA: Larimer County has many households with underserved broadband. This agreement supports our broadband strategy by leveraging existing community owned utility providers to improve broadband access and services to the community. Mark Pfaffinger, Information Technology joined by Chad Crager, Fort Collins Connexion.

Mr. Pfaffinger announced that he is excited to bring an Intergovernmental Agreement (IGA) that will provide reliable, competitive, and cost-effective communications services to residents in enclaves within the City of Fort Collins and unincorporated areas outside city limits that are currently underserved. These communities will include but not limited to Imperial Estates and Timber Ridge. These two communities will amount to over 1,000 households given access to modern fiber internet service.

Chad Crager, Fort Collins Connexion announced that this is a regional initiative to include collaboration, implementation and innovation.

This agreement provides a way for the Board of County Commissioners and the county to receive funding back for our investment. Connexion will distribute a maximum of 25% of its Gross Revenue to Larimer County.

The Commissioners are excited about this partnership and moving forward with this IGA. They believe everyone should have equitable access to broadband services.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Intergovernmental Agreement for Connexion Communication Services Provision in Larimer County.

Motion passes 3-0.

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

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

10. 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 about enforcement of Oil and Gas regulations against Prospect Energy and potential filling of lawsuit related to continued violations.

MOTION

Commissioner Stephens moved that the Board enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b) Conferences with an attorney for the purpose of receiving legal advice about enforcement of Oil and Gas regulations against Prospect Energy and potential filling of lawsuit related to continued violations.

Motion carried 3-0

MOTION

Commissioner Stephens moved that the Board authorize the County Attorney to pursue enforcement action against Prospect Energy for continued violations of the Larimer County Code and State Oil and Gas Regulations including filling of an injunction or other civil lawsuit as necessary.

Motion carried 3-0

NO DECISION EXPECTED

Executive Session pursuant to C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e) Conferences with an attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators regarding an intergovernmental agreement with the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South development.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e) Conferences with an attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators regarding an intergovernmental agreement with the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South development

Motion Carried 3-0

With there being no further business, the Board adjourned at 11:20 a.m.

JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Deirdre O'Neill, Deputy Clerk