

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 10, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Amy White, Code Compliance Supervisor. Chair Shaddock-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Rebecca Everette, Community Development; Frank Haug, Attorney's Office; and Tessa Beaty, Deputy Clerk.

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

CONSENT ITEM:

1. BENNETT CONSERVATION DEVELOPMENT PLAT VACATION, FILE NO. 20-LAND3992 This is a request for Vacation of the approved and recorded Bennett Conservation Development.

PROJECT DESCRIPTION:

The applicant proposes to vacate the Bennett Conservation Development plat which was approved by the Board of County Commissioners on September 5, 2003. The Conservation Development divided the original 33.77-acre parcel into 3 lots.

Lot 1 of the Bennett Conservation Development is 1.5 acres and contains an existing single-family home and outbuilding. Lot 2 is 2.5 acres and vacant. Residual Lot A contains an existing outbuilding. The lots were previously combined under one parcel number without going through the proper planning process.

The applicant is requesting to vacate the plat and revert the land back to one parcel due to financial reasons of not being able to finish required public improvements. Per the Engineering Department, the right-of-way previously dedicated to County Road 21 will be retained and not vacated. The applicant is aware of this requirement. If the applicant chooses the right-of-way for Sunflower Avenue may be vacated by a separate planning process and Engineering would be willing to support the request.

If the Bennett Conservation Development Plat Vacation is approved, the resultant lot will be a 33.77-acre meter and bounds parcel.

REVIEW CRITERIA:

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

- A. Vacation of the plat will not leave any lots without adequate utility or drainage easements.
- B. Vacation of the plat will not vacate road rights-of-way of access easements needed to access other property.
- C. Vacation of the plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code; and adequate public facilities are water service, sewer service, drainage, fire protection and road capacity. The vacation of the Bennett Conservation Development plat will not inhibit the provision of those facilities or services to other property.
- D. Vacation of the plat is consistent with the Comprehensive Plan.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Bennett Conservation Development Plat Vacation, File #20-LAND3992, through a Findings and Resolution with attached exhibits with the resultant lot being 33.77 acres.

2. PROPOSED AMENDED LARIMER COUNTY ORDINANCE FOR IMPLEMENTATION AND ENFORCEMENT OF SHORT-TERM RENTAL REGULATIONS SECOND READING

The following changes have been made to the Larimer County Ordinance for Implementation and Enforcement of Short-Term Rental Regulations:

- 1. Added a WHEREAS clause regarding new short-term rental regulations.
- 2. Section 4.A added as described in the Larimer County Land Use Code
- 3. Section 4.D struck verbiage regarding proposed effective date and added June 1, 2023.
- 4. Section 5.B. corrected a spelling error changing “express” to “expressed.”
- 5. Section 7.B added the word “number.”
- 6. Section 7.F struck the word “penalty” fee and changed to “additional” fee. Added verbiage “The additional fee is a result of the additional cost of County staff and resources to process the late application and to obtain compliance.”
- 7. Section 8.B struck reference to living within boundaries of Estes Valley Recreation & Park District.
- 8. Section 8.C. added language “The Property Manager’s contact information shall be posted on a publicly available online database.”

9. Section 8.D. Corrected a grammatical error by adding the "is" and the word "the."
10. Section 8.E. added the word "applicable" struck the verbiage "in effect at that time." Corrected the Land Use Code cite to 3.3.5.B m through u to reflect the changes as a result of the newly approved short-term rental regulations.
11. Section 8.F. struck the verbiage "once provided."
12. Section 9.B.2 inserted the verbiage "and specifically the Code Compliance Supervisor."
13. Section 9.B.4 struck through the word approval.
14. Section 9.C.1. struck reference to Authorized Enforcement Agency and replaced with Community Development Department.
15. Section 9.D.3.vii struck the word approved and replaced with "held a license."
16. Section 10.A struck reference to Authorized Enforcement Agency and replaced with Community Development Department.
17. Section 12.B inserted "the Ordinance" and struck "and."

Commissioner Stephens and Shadduck-McNally inquired about the extent to which penalties could be given. Frank Haug, Assistant County Attorney, explained that the penalties, as they exist now, as at the fullest extent permitted by law. Commissioner Shadduck-McNally expressed interest in tracking complaints and knowing the difference between a safety complaint vs a nuisance complaint. Amy White, Code Compliance Director, explained the relationship with local agencies to help track and the specifics of violations.

Commissioner Shadduck-McNally asked the other commissioners about the idea of turning the three strikes rule to a two-strike program. The commissioners discussed the strike program and concluded that three strikes is suitable for now, as they are able to change it later, after more information has been gained.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve Consent Agenda item 1, BENNETT CONSERVATION DEVELOPMENT PLAT VACATION, FILE NO. 20-LAND3992

Motion passes 3-0

Commissioner Kefalas moved that the Board of County Commissioners approve the PROPOSED AMENDED LARIMER COUNTY ORDINACNE FOR IMPLEMENTATION AND ENFORCEMENT OF SHORT-TERM RENTAL REGULATIONS

Motion passes 3-0

With there being no further business, the Board adjourned at 3:30 p.m.

TUESDAY, APRIL 11, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present.

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

1. **PUBLIC COMMENT:** Chair Shadduck-McNally opened public comment. Chuck Hubert from Loveland and Larry Sarnier from Loveland expressed gratitude that the Loveland South Centerra Development was paused.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 3, 2023:**

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of April 3, 2023.

Motion passes 3 - 0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF APRIL 10, 2023:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

AGREEMENTS:

1. **AGREEMENT FOR DISASTER-EMERGENCY MUTUAL AID AND DISASTER-EMERGENCY FUNDING ASSISTANCE**

2. **OMNIA CONTRACT NUMBER: R210702**

3. **INTERGOVERNMENTAL AGREEMENT FOR MAINTENANCE OF PUBLIC ROADWAY – HIGH PLAINS BOULEVARD (LCR 3)**

4. **FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR CONTRIBUTION TO ROADWAY IMPROVEMENTS CONCERNING MAINTENANCE OF PUBLIC ROADWAY – (LCR 14)**

5. **DEVELOPMENT AGREEMENT FOR PATHWAYS HOSPICE SITE PLAN, FILE NO. 20-ZONE2685**

6. STATE OF COLORADO INTEGGOVERNMENTAL AGREEMENT -CMS 182181

7. GRANT AGREEMENT – AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD TO BOYS & GIRLS CLUB OF LARIMER COUNTY FOR THE CHILD, YOUTH AND FAMILY SERVICES CAMPUS

LETTERS OF SUPPORT

1. LETTER OF SUPPORT FOR SB23-201

LIQUOR LICENSES:

1. LIQUOR LICENSE TRANSFER OF OWNERSHIP – HANGLOOSE LIQUOR INC DBA HANGLOOSE LIQUOR

MISCELLANEOUS:

1. REQUESTING BCC APPROVAL OF THE 2023 IMPACT FUND GRANT PROGRAM RECOMMENDATIONS

POLICIES:

1. PURCHASING POLICY – 300.1Q

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for April 11, 2023.

MOTION CARRIED 3 – 0

5. COMMISSIONERS' GUESTS: Commissioner Kefalas had guests Jen Ryan, Executive Director of Court Appointed Special Advocates of Larimer County, Robert Fallbeck, Executive Director of Crawford Child Advocacy Center, and Kathleen Baumgardner, Executive Director of Child Safe. The three Commissioner guests spoke about the importance of services that protect and help abused children. The Commissioners thanked the guests for all their hard work and asked some questions about resources for the public.

Commissioner Stephens also had a guest. Her guest was Kim Norvell who was promoting the Grit Run, a marathon fundraising money for those with cystic fibrosis. The Grit Run will take place on April 22nd at 9am.

6. DISCUSSION ITEMS:

1. SIGN THE PROCLAMATION ACKNOWLEDGING APRIL 2023 AS CHILD ABUSE PREVENTION MONTH Larimer County Board of County Commissioners acknowledges the importance of child abuse prevention. Angela Mead, Deputy Division Manager of

Larimer County Department of Human Services presented the achievements from the past year. The Board expressed gratitude to this program and the many partners that are working together to protect children and families.

Commissioner Kefalas read the proclamation.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Proclamation Acknowledging April 2023 as Child Abuse Prevention Month.

MOTION PASSED 3 – 0

Manager Volker expressed gratitude to all those working to protect children in this county.

2. ASSIGNMENT OF COUNTY'S 2023 PRIVATE ACTIVITY BOND

ALLOCATION Carol Block, Finance Director of Financial Services introduced Kristin Fritz, the Chief Real Estate Officer of Housing Catalyst, and Julie Brewen, the Chief Executive Officer of Housing Catalyst. Kristin Fritz shared a presentation about the projects that Housing Catalyst has participated in for affordable housing. Housing Catalyst applied for the Private Activity Bond Allocation to go to their affordable housing project. The Commissioners asked questions about location and the rental process of these affordable housing projects. Manager Volker thanked Ms. Block for the formal process of allocating Private Activity Bonds.

MOTION

Commissioner Stephens moved that the Board of County Commissioners support for The Assignment of County's 2023 Private Activity Bond Allocation.

MOTION CARRIED 3 – 0

8. COUNTY MANAGER UPDATE: County Manager Volker provided a brief overview of her activities this past week and her schedule for next week.

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

10. LEGAL MATTERS:

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 regarding the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South Development.

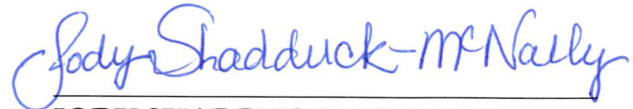
MOTION

Commissioner Kefalas moved that the Board of County Commissioners move 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 regarding the Loveland Urban Renewal Authority and future tax increment financing revenue for the proposed Centerra South Development.

Motion passes 3 – 0

With there being no further business, the Board adjourned at 12:00 p.m.



**JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS**

**ANGELA MYERS
CLERK AND RECORDER**

ATTEST:



Tessa Beaty, Deputy Clerk



11/10