

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, AUGUST 14, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Jenny Axmacher, Planning Manager; Assistant County Attorney Frank Haug; Samantha Mott and Justin Currie, Planning Division; Steven Rothwell, Engineering; and Natalie Delman, Deputy Clerk.

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

PUBLIC HEARING CONSENT ITEMS

1. ADOPTION OF THE PROPOSED LARIMER COUNTY STORMWATER DESIGN STANDARDS REFERENCED IN ARTICLE 4, DEVELOPMENT STANDARDS, ARTICLE 12, FLOODPLAIN, ARTICLE 13, SUPPLEMENTAL REGULATIONS FOR THE ESTES VALLEY, AND ARTICLE 15, FEES AND LAND DEDICATIONS OF THE LARIMER COUNTY LAND USE CODE.

BACKGROUND: This report provides information about the project to update the Larimer County Stormwater Design Standards (Stormwater Standards). This section provides background on the project and the existing Stormwater Standards. This item was on the consent agenda for the July 19, 2023, Planning Commission public hearing at 6:00 pm. Engineering staff gave a brief presentation which included an overview of the request and staff recommendation. The Planning Commission voted to recommend approval of the Stormwater Standards, and the motion passed with a vote of 6-0.

REASON FOR THE PROJECT: The Stormwater Standards address the design of stormwater facilities, including culverts, storm sewers, open channels, bridges, and detention ponds, and provide information regarding the design submittals required for permitting and construction throughout Larimer County. The current Standards were adopted in 2005 and have not been updated since that time. The Standards will be updated to meet industry standards in accordance with the current volumes of the Mile High Flood District Manual (MHFD Manual).

PROJECT TIMELINE AND PUBLIC INPUT: Larimer County began the process to update the Stormwater Standards in late 2021. Wright Water Engineers (WWE) was selected to assist the county in completing the update based on their expertise in stormwater design and standard development. Draft standards were developed in 2022, with input from county staff and local municipalities such as Fort Collins and Loveland. In the spring of 2023, input was sought regarding the draft Stormwater Standards from the Board of County Commissioners, the public, and external

stakeholders such as local engineering firms and developers. A work session was held with the Board of County Commissioners regarding the update on May 18th, 2023, and a public meeting was held on May 18th. Input received during and after these meetings has been generally positive. Requests for revisions were primarily related to clarification or simplification of submittal requirements, reorganization of text or subsections, and removal of redundant text. Comments received during these efforts have either been incorporated into the Stormwater Standards, or reasons have been provided for why said requests cannot or will not be incorporated. The revised draft, along with summaries of feedback collected and county responses, are included with this packet and posted on the county website. This item was presented at a joint work session for the Planning Commission and Board of County Commissioners on July 12, 2023, at 6:00 pm. Engineering staff gave a brief presentation which included an overview of the Stormwater Standards and public outreach process. The item was also on the consent agenda for the July 19, 2023, Planning Commission public hearing at 6:00 pm. Engineering staff gave a brief presentation which included an overview of the request and staff recommendation. The Planning Commission voted to recommend approval of the Stormwater Standards, and the motion passed with a vote of 6-0.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: County staff recommends that the Board of County Commissioners approve the proposed Stormwater Standards. Staff also recommend that the Board of County Commissioners approve the Land Use Code amendment by:

1. Amending Article 4, Subsection 14.3 from June 2005 to September 2023 in accordance with the effective date of the proposed Stormwater Standards.

Subject to the following:

1. The effective date of the Stormwater Standards will be September 1, 2023.

2. TIAN AND GURONG ADMINISTRATIVE SPECIAL REVIEW SHORT-TERM RENTAL AND APPEAL, FILE NO. 23-ZONE3458

PROJECT DESCRIPTION/BACKGROUND: The subject property is located at 2131 Eagle Cliff Road, Estes Park, CO. The property currently contains three existing detached-condominium units. The property is part of the Little Valhalla Condominiums Development, approved on May 23, 2022 (File No. 22-LAND4241), which created a condominium map for the 0.87-acre property with three detached condominium dwellings that would allow for the sale of each of the dwellings individually. The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) in one of the three existing dwellings with three bedrooms and one additional sleeping area for a maximum of eight guests. This application was submitted prior to the recent Short-Term Rental Regulation Land Use Code update on June 1, 2023; therefore, this application is being reviewed under the previous regulations. The subject property is currently zoned EV A1 - Estes Valley Accommodations/Low Intensity. A Short-term Rental (STR) use, that allows 10 or fewer guests, is classified as a Low-Intensity Accommodation use per the Larimer County Land Use Code and is permitted in the EV A1 zone district following Administrative Special Review. The EV A1 zoning district is not subject to the cap limiting the number of Short-Term Rentals. Per the previous Land

Use Code, a Short-Term Rental is defined as “a dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.” Approval of an Appeal to Article 3.3.5.B.2.a of the Land Use Code is running concurrently with the Administrative Special Review as the applicant is proposing to have a third Short-Term Rental on the property. One of the Short-Term Rentals is located at 2133 Eagle Cliff Road, approved in 2022, with two bedrooms and one additional sleeping area, for a maximum of six guests (File No. 22-ZONE3319). The second Short-Term Rental is located at 2137 Eagle Cliff Road, approved in 2023, with two bedrooms and one additional sleeping area, for a maximum of six guests (File No. 23-ZONE3306). The existing residence is currently served by the Town of Estes Park Water District and the Upper Thompson Sanitation District. The existing residence is accessed from Eagle Cliff Road. Neighbor notification of the proposed project was sent to 31 properties within 500 feet of the subject property. The staff did not receive comments from community members.

The Larimer County Land Use Code (Section 6.4.3.D.) allows for the approval of an Administrative Special Review if the following review criteria have been met, in addition to the General Approval criteria, found in Section 6.3.8.D.:

1. The proposed use has minimal impacts on existing and future development of the area;

Staff's Response: This proposed use is expected to have minimal impacts on existing and future development of the area as a Short-Term Rental is defined as a Low-Intensity Accommodations use, per Article 13 of the Land Use Code, and the EV A-1 zoning district is intended to accommodate these types of uses. There are also two existing Short-Term Rentals on the subject property, as previously mentioned, and there are no concerns from community members or referral agencies.

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;

Staff Response: The new dwelling is proposed to be rented for periods of less than 30 consecutive days at one time. Therefore, as a Short-Term Rental, the Owner/Operator is required to demonstrate compliance with the minimum standards in the Land Use Regulations. These standards include the provision of adequate public facilities such as water, sanitation, fire protection, drainage, and access; mitigation of any potential hazard areas; compliance with access and parking standards; and compliance with air and water quality standards. Staff and referral agencies have reviewed the proposed use and found that the minimum standards have been or will be met.

3. The recommendations of referral agencies have been considered and adequately addressed;

Staff's Response: This application was referred to the applicable referral agencies. Those comments are attached to this report. The comments have been or will be 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;

Staff's Response: Chapter 3 of the Estes Park Comprehensive Plan – 1996 identifies specific economic development strategies, including expanding the existing tourism industry. Short-term rentals offer temporary housing for tourists visiting the area and therefore, allowing short-term rentals is consistent with one of the primary economic development strategies for the area.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations. In addition to the §6.4.3.D, Review Criteria for Administrative Special Review, applications for short-term rentals with ten or fewer occupants shall comply with the following standards (Section 3.3.5.B.2):

a. Only one short-term rental shall be allowed on a property. Preexisting lodging facilities in the EV A and EV A-1 zoning districts are not subject to this requirement as set forth in 13.6.1.D, preexisting Lodging Facility. The applicant is appealing this standard. See below.

b. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to occupancy for the short-term rental use.

c. The short-term rental shall have a property manager consisting of the owner or a responsible party representing the owner to manage the use at any time it is occupied. The property manager shall be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental. Changes to the contact information from the property manager shall be provided to the Larimer County Community Development Department within five business days of the change in contact information.

d. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass.

e. The short-term rental shall not be located within an established floodplain, and if located within a floodplain shall require compliance with the applicable requirements of §2.7.1, Floodplain Overlay (FP-O).

f. The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, GPS coordinates and the phone number of the short-term rental.

g. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table).

Staff's Response: Staff has reviewed the proposed use and has found that the above-noted supplemental standards have been or will be met with the exception of the Appeal to allow more than one Short-Term Rental on one property, which is further explained below.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of the Tian and Gurong Administrative Special Review Short-Term Rental and Appeal, File #23-ZONE3458, subject to the following conditions:

1. This approval shall automatically expire in three years if the use has not commenced.
2. The site shall be developed consistent with the approved plan and with the information contained in the Tian and Gurong Administrative Special Review Short-Term Rental and Appeal, File # 23-ZONE3458, and the supplemental regulations listed above, except as modified by the conditions of approval or agreement of the county and owner. The owner shall be subject to all other verbal or written representations and commitments of record for the Tian and Gurong Administrative Short-Term Rental and Appeal.
3. This Administrative Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
4. The owner is responsible for obtaining all applicable fees, which include building permit fees, impact fees, Transportation Capital Expansion Fees (TCEF) applicable to the use.
5. The short-term rental is approved for three (3) bedrooms and one (1) additional sleeping area for a maximum of eight (8) guests.
6. Re-certification shall be required every two years. Failure to complete and resubmit the recertification form to the Community Development Department shall be cause for revocation of this approval.
7. Prior to operation as a Short-Term Rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division and successfully pass the Life Safety Inspection.
8. Prior to operation as a Short-Term Rental, the applicant shall submit revised documentation as requested by the Larimer County Planning Division, Larimer County Health Department, and Rocky Mountain National Park.
9. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside at the front door.
10. Prior to building permit issuance, the subject dwelling will need to be re-addressed, per the Larimer County Addressing Department.
11. A minimum of two (2) off-street parking spaces shall be provided. No parking will be allowed in the right-of-way and all parking for the use must be on the site.
12. The use must comply with the Larimer County Noise Ordinance, which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines between 7 pm and 7 am.
13. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 23-ZONE3458, on all advertising websites.
14. Upon approval, the property owner shall mail the designated Property Manager's contact information to surrounding property owners within a 500-foot radius of the STR. The owner shall

also mail the contact information to surrounding property owners whenever the designated Property Manager changes.

3. ** FTCPW LLC CONDOMINIUM MAP, FILE NO. 23-LAND4328

PROJECT DESCRIPTION/BACKGROUND: The applicant requests approval of a Condominium Map for a 1.21-acre property with eight (8) units. Approval of the condominium map would allow for the sale of each of the dwellings individually. The building, which is currently under construction, was previously approved through the Site Plan review process (21-ZONE3169). The Condominium Map identifies unit numbers for each dwelling and identifies limited common element areas surrounding each unit. The dwellings would be individually owned with limited common element areas collectively owned by an association. Although the limited common element areas would be collectively owned, the eight limited common element areas would be maintained by owner(s) of the condominium unit associated with limited common element area. Approval of the proposed Condominium Map would not result in additional development or physical changes to the property.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of FTCPW LLC Condominium Map, File 23-LAND4328, with the following conditions:

1. All conditions of approval shall be met, and the condominium map recorded by February 14, 2024, or this approval shall be null and void.
2. Prior to the recordation of the condominium map, the applicant shall make the technical corrections required by Celine M. LeBeau, Land Surveyor of the Larimer County Engineering Department.
3. The establishment of the condominium units and definition of limited common element areas shall be finalized at such time when the condominium map and findings and resolution of the County Commissioners are recorded.

4. ALL KINDS INVESTMENTS LLC AMENDED PLAT, FILE NO. 23-LAND4335

PROJECT DESCRIPTION/BACKGROUND: This amended plat regards Lot 2 of the Turner Minor Residential Development (MRD) located at 950 Blue Heron Ln, Fort Collins, west of Terry Lake. The Turner MRD was platted in 1995. All MRDs have a restriction noting that only single-family residential uses are allowed. This amended plat proposes to remove the MRD restriction so that the applicant may apply for a short-term rental license. No public comments were received at the time of this staff report.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of All Kinds Investments LLC Amend Plat, File No. 23-LAND4335, with the following conditions:

1. All conditions of approval shall be met, or this approval shall be null and void.

2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the Turner MRD other than the single-family residential MRD restriction.

5. FOX ACRES PUD AMENDMENT, FILE NO. 23-LAND4324

PROJECT DESCRIPTION/BACKGROUND: The Fox Acres Country Club has been a PUD development within Red Feather Lakes since 1979. The Fox Acres Country Club resides on 218.57 acres of land situated about .50 miles east of Downtown Red Feather Lakes. When the Fox Acres Country Club formed, several of the final documents associated with the PUD specifically providing information on setbacks, height restrictions, etc. were not recorded and neither Larimer County Planning staff nor Fox Acres Country Club have been able to locate these documents. The Fox Acres Country Club PUD seeks to clarify definitions (setbacks, driveways, envelopes, etc.) in place for the Fox Acres Country Club PUD by amending the PUD. The Fox Acres Community Services Corporation proposes to include the clarifying language each of the four Filings Plat coversheets. The mechanism to amend the PUD is through the amended plat process as well as compliance with the state statute 24-76-106 3b, verified by the Larimer County Attorney's Office. Extensive neighborhood notice has been provided to property owners as well as neighbors within 500' of Fox Acres Country Club property boundaries. A total of 279 neighbors were notified of the proposed Fox Acres Country Club PUD Amendment. Staff only received one neighborhood comment (located outside the Fox Acres Country Club PUD).

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of the Fox Acres Amended PUD, File Number 22-LAND4324, subject to the following conditions:

1. All conditions shall be met, and the final coversheets recorded by February 14, 2024, or this approval shall be null and void.
2. Any existing covenants, deed restrictions, and other conditions of approval that currently apply to the Fox Acres Country Club PUD will continue to apply to the amended plat.
3. The final plat Coversheets will be required to have the file number of this amended plat located within the title.

Commissioner Shadduck-McNally pulled consent item #4 ALL KINDS INVESTMENTS LLC AMENDED PLAT, FILE NO. 23-LAND4335

Commissioner Shadduck-McNally pulled consent item #2 TIAN AND GURONG ADMINISTRATIVE SPECIAL REVIEW SHORT-TERM RENTAL AND APPEAL, FILE NO. 23-ZONE3458

Commissioner Shadduck-McNally asked the audience if they wanted to pull any items from the Consent Agenda.

Bryan Schumm, Loveland, Colorado, requested to pull consent item #5 FOX ACRES PUD AMENDMENT, FILE NO. 23-LAND4324

MOTION

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

Motion carried 3-0.

#2 TIAN AND GURONG ADMINISTRATIVE SPECIAL REVIEW SHORT-TERM RENTAL AND APPEAL, FILE NO. 23-ZONE3458

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Jenny Axmacher, Planning Manager, presented site information for Tian and Gurong short-term rental and appeal request to Section 3.3.5.B.2.a in the Land Use Code. This included the logistics of the property, the process for a short-term rental, community member notification resulting in two comments of opposition and one of support, review criteria, staff findings that the proposed short-term rental and appeal is supported by the Development Services Team and 14 conditions for approval.

COMMISSIONER QUESTIONS:

Commissioner Stephens asked how three houses came to be on one lot. Ms. Axmacher answered that the three properties were subdivided by a cordiaminum plat and that the other two houses on the property are already approved for short-term rental.

Commissioner Kefalas asked about the implications of the existing zoning for the property and the Estes Valley accommodations. Ms. Axmacher and Rebecca Everette, Community Development Director, explained that the accommodation does apply and read the accommodation.

Commissioner Kefalas asked about how the request for the appeal fits into the definition of low intensity. Ms. Everette answered that short-term rentals are generally considered low intensity as a type of accommodation use.

Commissioner Shadduck-McNally asked when the second short-term rental was approved. Ms. Everette answered that 2022 and 2023 are when the short-term rentals were approved. Commissioner Shadduck-McNally asked if this request for appeal would put three short-term rentals on less than a quarter acre. Ms. Everette answered yes and clarified the acreage for the property.

Commissioner Shadduck-McNally asked about the logistics of the condo ownership. Ms. Everette said she would confirm an answer.

Commissioner Shadduck-McNally asked how close the property was to the Rocky National Park boundary. Ms. Everette said it was near the southern edge, about 500 ft. Commissioner Shadduck-McNally asked if this was done under the old land use code and if the new land use code has the criteria of 1,000 feet. Ms. Everette answered yes to both questions.

APPLICANT PRESENTATION:

By Zoom, Frank Theis, Estes Valley Watershed Coalition, explained he could only answer questions and could not present due to internet issues.

Commissioner Shadduck-McNally asked about the history of the property. Mr. Theis explained that the property went from one to three through a condominium application. Commissioner Shadduck-McNally asked if owners knew at the time of purchase that they would need to do an appeal. Mr. Theis said they did. Commissioner Shadduck-McNally asked if Mr. Thesis had any further presentation. Mr. Thesis explained that the entire area except for one or two homes is comprised of short-term rentals. Commissioner Shadduck-McNally asked about who repairs and maintains the road around the property. Mr. Thesis did not answer. Steven Rothwell, Engineering, answered that it was a private road. Mr. Thesis then answered it was a private road and probably 60 homes used the road. Commissioner Shadduck-McNally asked who helps maintain the road, Mr. Thesis explained that there is no road association and cooperative work is done to maintain the road. Commissioner Shadduck-McNally asked if there are any further plans to add more short-term rentals to the property. Mr. Thesis said there is no way to do any further units. Ms. Everett gave a further explanation that there are only 3 homes on the property.

Commissioner Kefalas asked about how another short-term rental would impact the road. Mr. Thesis said one more short-term rental will not make any difference. Commissioner Kefalas asked if there would be a willingness to commit to making sure road issues were addressed. Mr. Thesis said he did not own property there anymore, so could not make a commitment. By Zoom, YingYing Tian, the property owner, said she would be willing to pay to maintain the road.

Commissioner Shadduck-McNally asked what hours of operation for noise were. Ms. Axmacher said it was 12 am. Commissioner Shadduck-McNally asked if the owners understood that there were not to be social trails out the back of the property due to its location in Rocky Mountain National Park. Ms. Tian answered that they were aware. Commissioner Shadduck-McNally asked if they would encourage their renters to follow such rules, and Ms. Tain said yes.

PUBLIC COMMENT:

No public comment.

APPLICANT REBUTTAL:

No applicant rebuttal.

DELIBERATION:

The Board explained they were inclined to support the application for a short-term rental.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the Tian and Gurong administrative special review short-term rental and appeal, file no. 23-zone3458 subject to the conditions outlined in the staff reports.

Motion carried 3-0.

#4 ALL KINDS INVESTMENTS LLC AMENDED PLAT, FILE NO. 23-LAND4335

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Justin Currie, Planning Division, presented on the All Kinds Investments Amended Plat 23-LAND4335, including the location map, the request for an amendment to the Plat to remove the MRD restriction, site information, review criteria for the approval of the amended plat, referral agency comments from code compliance, and the suggested motion to approve the amended plat.

COMMISSIONER QUESTIONS:

Commissioner Stephens and Mr. Currie discussed the minor development restrictions being in place but the MRD process no longer being in place. Commissioner Stephens asked if, under RR2, commercial uses are allowed. Mr. Currie explained they were. Commissioner Stephens asked if additional lots could be made in the space where the property is located. Mr. Currie said there could. Commissioner Stephens asked about the acreage of the property. Mr. Currie said it was 18.79 acres.

Commissioner Kefalas asked if after the restriction is removed if the applicants would be applying for short-term rental. Mr. Currie explained that was the intent. Commissioner Kefalas asked if there was any reference to allowing short-term rentals in the area of the Plat. Mr. Currie explained that there was not that he knows of.

Commissioner Stephens asked why the minor development category was created and why it was taken away. Mr. Currie said he did not know enough to answer. Frank Haug, Assistant County Attorney, explained it was to keep the residential aspect of the area, but other mechanisms now do this. Commissioner Stephens asked if the average was considered subdivided. Mr. Haug and Mr. Currie said it was.

Commissioner Shaddock-McNally asked when MRD was created. Mr. Currie explained it was created in 1975. Commissioner Shaddock-McNally asked how many homes were on the property. Mr. Currie said one and showed a map of site information. Commissioner Shaddock-McNally asked if changing this would allow any commercial use on the property. Mr. Haug explained plat was made under minor subdivision development and that underlying zoning was not being changed. Ms. Everette presented the permitted use table for the property in Larimer County.

APPLICANT PRESENTATION:

Anthony Serathin, the co-founder of All Kinds Investments, gave a presentation on the property purchased in 2019 and his work in resolving zoning issues with the property. This included an explanation of the homes he was building on the property and their uses, detail on the homes, the potential future commercial use of solar, and that he was not aware of any opposition.

Commissioner Shaddock-McNally asked if Mr. Serathin was planning to build another building on the property. Mr. Serathin explained his plans are for a different property that has nothing to do with the property in question.

PUBLIC COMMENT:

No public comment.

APPLICANT REBUTTAL:

No applicant rebuttal.

DELIBERATION:

The Board explained that they will be approving the request to amend the plat.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the All Kinds Investment LLC Amended plat, file No. 23-LAND4335 subject to the conditions as outlined in the staff reports and authorize the chair to sign the findings and resolution.

Motion 3-0

#5 FOX ACRES PUD AMENDMENT, FILE NO. 23-LAND4324

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Tracy Hicks, Planning Division, gave a presentation on the Fox Acres County Club PUD Amendment, including the location, reasoning for the request, explaining that staff findings had been met, and staff recommendation to approve the Fox Acres amended PUD.

COMMISSIONER QUESTIONS:

No Commissioner questions.

APPLICANT PRESENTATION:

Lane Landoff, Consultant, explained the desire to add definitions to the PUD was because the definitions were never originally recorded.

Commissioner Kefalas asked why definitions were not originally included. Ms. Landoff explained that the files were lost during floods so record of what happened is no longer available.

Ted Carter, recent retiree who did development with Fox County Club, explained he built under the current PUD and plats used in the 1970's and the biggest issue today is building setbacks.

PUBLIC COMMENT:

Bryan Shown explained his issue is that the plat should not have been approved to begin with and that it is flawed.

APPLICANT REBUTTAL:

Mr. Carter explained that two quiet titles from 1980's define boundaries of the Fox PUD.

Ms. Landoff and Mr. Carter both explained that the process for quiet title action is a large public process that had no issue from the public at the time of implementation.

Commissioner Kefalas asked what past access being denied was about. Mr. Haug explained the question before the board today is if the Plat should be appealed as is requested today. They do not have the power to overturn a Judge's decision on the quiet titles. Commissioner Kefalas confirmed with Mr. Haug what he had said.

DELIBERATION:

The Board explained their support to amend the PUD.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Fox Acres Country Club Amended PUD, file No. 22-LAND4324 subject to the conditions noted in the staff findings.

Motion 3-0

PUBLIC HEARING DISCUSSION ITEMS

1. CBEP SOLAR 3, LLC 1041 PERMIT, FILE NO. 22-ZONE3408

PROJECT DESCRIPTION/BACKGROUND: This item was on the discussion agenda for the July 19, 2023, Planning Commission public hearing at 6:00 pm. At the hearing, Planning staff gave a brief presentation, followed by a presentation by the applicant. The Planning Commission had a few questions for staff and the applicant. One community member spoke at the hearing and had some questions, which were answered by both the applicant and staff. Staff did provide an addendum with two additional conditions of approval to the Planning Commission on July 18, 2023. Those conditions were included with the request. The Planning Commission voted unanimously to recommend approval the request, and the motion passed with a vote of 6-0.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Larimer County Planning Commission and the Development Services Team recommend approval of the CBEP Solar 3, LLC 1041 Permit, File No. 22-ZONE3408, subject to the following conditions:

1. The final plans shall be consistent with the approved preliminary plan and with the information contained in the CBEP Solar 3, LLC 1041 Permit, File 22-ZONE3408, 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 CBEP Solar 3, LLC 1041 Permit.

2. The applicant will be required to go through the post-approval Technical Review to address any outstanding items raised in the referral agency comments.

3. The applicant shall submit a construction schedule, including planned workdays and hours, to be reviewed by Larimer County Engineering and Health Departments.

4. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation throughout the Project and for the term of the construction.

5. The applicant shall reimburse Larimer County for reasonable costs associated with County provided construction observation/inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer for purposes of quality assurance/control. The applicant shall also reimburse Larimer County for time and expenses incurred with Project coordination, design review, permit review and processing, and related Project activities during the duration of Project construction and closeout for the work conducted in unincorporated Larimer County. This also includes landscaping inspections and monitoring.

6. In the event that septic systems and/or well components are damaged during construction activities, the applicant will be responsible for immediate repair/replacement and all associated costs to prevent extended disruption of the property owner's normal access to and use of such facilities.

7. The applicant shall comply with maximum decibels for construction activities as outlined in the Larimer County Noise Ordinance. Noise-inducing activities shall be restricted to the hours between 7 am and 7 pm as outlined in the Ordinance. Any exceptions to these parameters must be approved by Larimer County

8. If construction activity is taking place within, or impacting, Larimer County Right-of-Way (ROW), the applicant shall obtain and abide by the standards and conditions of applicable County ROW permit(s), per the Code of Ordinances and the Land Use Code. Construction plans will need to be provided detailing the work to be completed. Additionally, Traffic Control Plans, developed by a certified traffic control company, must be submitted for all work performed within road ROW or that will directly affect the traveling public.

9. Larimer County regulates access to county roads to maintain safe traffic flow, road drainage facilities, and efficient use of the County's roads. Access Permits will be required for any new access from Larimer County ROW regardless of whether they are to be used for temporary construction purposes or are to be permanent.

10. The applicant shall be required to designate planned haul routes for construction traffic. The existing surface condition of all planned haul routes will need to be evaluated prior to construction. If it is determined by the County Engineer that there has been an acceleration in deterioration of the roadway surface during or after construction as a result of construction traffic, equipment, or hauling, the applicant will be required to restore the roadways to their prior condition. This may include the need for regrading and or resurfacing.

11. Heavy equipment traffic will be subject to all weight limit restrictions along adjacent roadways and, when applicable, will need to obtain oversize/overweight permits.

12. The applicant shall obtain a stormwater discharge and construction dewatering permit from the Colorado Department of Public Health and Environment for construction and for land disturbances of one acre or more, per Section 8.12 of the Land Use Code. These permits will include the preparation of a Storm Water Management Plan and Best Management Practices to prevent stormwater runoff and sediment in disturbed areas from reaching nearby waterways or otherwise leaving the site. Multiple state permits may be required for the different project areas.

13. The applicant shall adhere to Larimer County MS4 regulations for all applicable work within the most up-to-date Larimer County MS4 boundary.

14. The applicant will be required to comply with county floodplain regulations.

15. The applicant shall be required to obtain any additional State, Federal, or Local permits necessary for construction. When applicable, the applicant or its contractors will be required to obtain other Larimer County-issued permits as well. These could include, but are not limited to, Building Permits, Floodplain Development Permits, and/or Utility Permits.

16. The applicant shall provide Larimer County with as-built construction drawings certified by a Colorado-registered professional engineer.

17. A Reestablishment and Maintenance Agreement will need to be signed committing the Developer to adhere to the required Reestablishment and Maintenance Plan's contents, timelines, and maintenance practices for the duration that the proposed facility is in place.

18. The applicant shall satisfactorily address all comments identified in the Memorandum from Lea Schneider with the Department of Health and Environment dated June 29, 2023.

19. The applicant shall satisfactorily address all comments identified in the Memorandum from Sarah Carter with Poudre Fire Authority dated July 9, 2023.

20. The applicant shall comply with all recommendations of Colorado Parks and Wildlife as indicated in the Wildlife Mitigation Plan and the memo from Colorado Parks and Wildlife dated June 20, 2022. If nesting birds are discovered in close proximity to the site, pursuant to the required pre-construction surveys, the applicant must consult with Larimer County Planning staff and Colorado Parks and Wildlife to determine whether construction activities need to be moved or delayed.

21. The applicant shall identify the location of any service lines and any associated easements and show them on the plans. The applicants must not impact service lines or the ability to maintain and repair them.

22. Any water used for dust control purposes at the site must be obtained from a source permitted or decreed for such use.

23. If dewatering is required for construction purposes, the applicant will need to submit a Notice of Intent to Construct Monitoring Holes or Dewatering Wells, available as an eForm on the Division of Water website at <https://dwr.state.co.us/eforms?department=6&search=WP>, at least three days prior to construction.

24. The applicant will need to obtain an agreement with the Larimer and Weld Irrigation Company if they propose to cross the ditch.

25. To the maximum extent feasible, the applicants shall locate the temporary construction staging area to minimize the impact to Boxelder Creek and the surrounding wetlands.

26. The site shall be fully revegetated following construction to minimize soil erosion and mitigate visual impacts. A detailed landscape plan shall be provided at the Technical Review phase to address concerns regarding revegetation, restoration and to provide screening/buffering from nearby properties.

27. At the Technical Review phase, a Development Agreement may be necessary if it is determined that it is needed to document agreed-upon construction and post-construction elements. This could include the requirement to post collateral.

28. The applicant shall be required to obtain any additional State, Federal, or Local permits necessary for construction. When applicable, the applicant or its contractors will be required to obtain other Larimer County-issued permits as well. These could include, but are not limited to, Building Permits, Floodplain Development Permits, and/or Utility Permits.

29. Adequate sanitation facilities will be provided during construction, which includes portable restroom facilities with hand washing/sanitizer facilities and adequate trash receptacles.

30. At the Technical Review phase, the site plan shall demonstrate compliance with all required setbacks from both the fence and the solar panels to the property lines and the wetland buffer areas. No site improvements may be located within the wetland buffer area, including solar panels, fencing, and access roads.

31. At the Technical Review phase, all easements shall be shown on the plans, and no solar panels may be located within any easements.

32. Building permits must be obtained, or substantial progress must commence within three years after permit approval unless otherwise approved by the County Commissioners, or the approval shall lapse. The three-year period shall commence upon the completion of all required additional permitting by other agencies or when a final decision is rendered for any appeals or litigation.

33. Following the three-year period, the terms of the original approval shall continue to apply, and the applicant must continue to abide by the terms of all approvals, permits, and conditions that were part of the original approval. An applicant may request of the County Commissioners a one-time extension of up to three years for the 1041 permit. An extension request shall be made in writing prior to the expiration date of the original permit. The County Commissioners may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with the LUC and the original permit.

34. Approval of a permit shall lapse after the applicable term unless A. Development permits are obtained for commencement of construction if such permits are required; and remain in effect, or B. Activities described in the permit have substantially commenced.

35. Any disturbance to a wetland will require a wetland mitigation plan that meets the requirements of Article 4.4.2 of the Land Use Code, which includes standards for the restoration of a wetland or buffer area.

36. The applicant shall work with Boxelder Sanitation regarding the proposed future sewer easement.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Samantha Mott, Senior Planner, presented on CBEP SOLAR, LLC 1041 PERMIT 22-ZONE3408. This included the project information for a solar facility, the location, the site information, site plan on where the solar panels would be approximately located, site data for the existing land use being agriculture to its proposed land use as a Utility/Solar Power Plant, review criteria, a simulation of appearance for what the solar panels would look like, conditions for approval, and recommendation for approval.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked if Box Elevate Creek dries out. Steven Rothwell, Engineering, explained it is wet all year round.

Commissioner Stephens asked if it is an issue that no alternative site was suggested, given it is a requirement in the criteria. Ms. Mott explained that the applicants did provide alternative site analysis. Ms. Everette explained that alternative analysis was not a large concern for this type of project.

Commissioner Shadduck-McNally asked how far the wetlands were from the proposed solar facility. Ms. Mott said she did not know but that an environmental planner was a part of the review requirements. Commissioner Shadduck-McNally asked if the condition for approval included night sky lighting for migration. Ms. Mott said it was under condition for approval #20.

APPLICANT PRESENTATION:

Zach Bramer, Co-Founder of Cloudbreak, gave a presentation on the Community Kreiger Solar Project. This included the definition of a Community Solar Garden, direct community benefits from the project for local impact, scholarships, tax income, and cheaper electricity, project location selection process, project information including no permanent lighting once the project is complete, and example photos.

Commissioner Stephens asked if there will be any disturbance to the wetlands. Mr. Brammer explained that there should be no impact too the wetlands or floodplains. Commissioner Stephens asked what remediation would happen in 20 years. Mr. Brammer explained that it includes removing concrete pads and reseeding grasslands. Commissioner Stephens asked if the project was in the flood fringe. Mr. Brammer said it was not. Commissioner Stephens asked what seed mix was used. Mr. Brammer explained it was customized to every project. Commissioner Stephens asked if temporary construction staging will be used. Mr. Brammer said it will.

Commissioner Shadduck-McNally asked the project to keep in mind bird migration patterns in mind. Mr. Brammer said the project will.

PUBLIC COMMENT:

No public comment.

APPLICANT REBUTTAL:

No applicant rebuttal.

FURTHER COMMISSIONER QUESTIONS:

Commissioner Stephens asked if planting is done for screening at the project site. Mr. Brammer said it was not. Commissioner Stephens asked if during technical review is when meatier parts of criteria is done. Ms. Mott said it was. Commissioner Stephens asked if anything hasn't been addressed that has been referred to by referral agencies. Ms. Mott said that applicants will submit application comments to those found during the technical review.

Commissioner Shadduck-McNally asked if condition #36 has been addressed for a potential easement. Ms. Mott said anticipated sewer lines have been discussed for the future easement.

Commissioner Stephens asked if the technical review addressed hydro (maybe not hydro) and if prairie dog control had been addressed. Ms. Mott said both have been addressed. Commissioner Stephens and Ms. Mott discussed the steps of this process going forward.

DELIBERATION:

The board explained its support for the 1041 permit application.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve CBEP Solar 3, LLC 1041 permit, file No. 22-ZONE3408, subject to conditions found in the recommendations.

Motion 3-0

With there being no further business, the Board adjourned at 5:49 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:38 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Jenny Axmacher, Planning Manager; Frank Haug, Assistant County Attorney; Noel Udell, Rusty McDaniel, Engineering; Health and Environment; and Natalie Delman, Deputy Clerk.

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

PUBLIC HEARING DISCUSSION ITEMS

1. CIRQUE FEST SPECIAL EVENT PERMIT REQUEST, FILE NO. 23-SPEVENT0052

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Board of County Commissioners may choose to:

- 1) Approve the special event permit.
- 2) Approve the special event permit with conditions; or
- 3) Deny the special event permit.

The Development Services Team recommends that the Board of County Commissioners approve the special event permit subject to the following 14 conditions:

1. All event activities, including the portable restrooms, parking, tent, and food trucks, must be located at least 100 feet from the centerline of the Jackson Ditch, pursuant to LUC Section 2.9.4.F.

2. The hours of operation are limited to 9 a.m. to 9 p.m. for both days. No amplified sound or music may occur after 9 p.m.

3. All food vendors shall hold a 2023 Colorado Retail Food license or 2023 Larimer County Temporary Event Food License.

4. Adequate potable water must be available for participants. This may be achieved by providing commercial bottled water OR water from a municipal(treated) water supply in clean and sanitized dispensers such as hard-sided beverage dispensing coolers/receptacles. Water from untreated wells is not approved.

5. Provide documentation from the proposed sanitation company to support that 4 portable toilets are adequate for the event duration and attendance; otherwise, additional toilets may be required.

6. A minimum of one handwashing station shall be provided. Handwashing stations shall be adequately stocked with soap, water, paper towels, waste bin, and water catch bucket (if applicable). Sanitation companies can provide handwashing stations, or a "camping style" handwashing station can be used (a large, clean, sanitized container with continuous flow spigot, paper towels, soap, warm water, water catch bucket, trash can)

7. Coordinate with Poudre Fire Authority and the Sheriff's Department on whether or not the proposed fire dance is permissible one week prior to the date of the event based on the current wildfire conditions.

8. Obtain any required county building or electrical permits.

9. Provide additional information on the proposed parking area, including the surface, the size, the number of parking spaces, and how ingress and egress will be managed for approval by the Community Development Department.

10. A traffic control plan must be developed and provided to the county that minimizes impacts to adjacent properties and does not prevent access to private driveways.

11. Dust mitigation techniques shall be utilized in any parking, equestrian or other event areas that are not paved or vegetated.

12. Adequate lighting shall be provided after dark to ensure parking areas, walking paths, and event area is illuminated for safety. All lighting sources should be concealed, full cutoff, and down directional to reduce spillover lighting and glare. All lighting not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during non-event hours. Any illumination between 10:00 p.m. and sunrise shall be reduced to levels sufficient for security purposes only.

13. Music and/or participant noise from the event shall be limited to prevent noise from exceeding 55 decibels at the property lines between the hours of 7 AM-7 PM and 50 decibels between the hours of 7 PM-7 AM.

14. The applicant shall provide a letter to all neighbors immediately abutting both the subject property and along either side of Boettcher Farm Ct to share event details and provide contact information to aid with resolution of any impacts that may arise.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Jenny Axmacher presented on the Cirque Fest Special Event Permit Request, 23-SPEVENT0052. This included the proposed site place, the social event application for event dates from September 8, 2023, to September 9, 2023, estimated attendance, events planned, special review criteria under Land Use Code Article 7, referral agency review, and the recommendation to approve the special events permit.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked about the special event in relation to the waterway near it. Ms. Axmacher explained that one of the conditions is a 100-foot setback between the special event and the waterway.

Commissioner Kefalas asked if further information had been received from the Fire Department, Sheriff's Department, and Health Department. Ms. Axmacher explained that was for the Health Department to answer as they still have some outstanding items.

APPLICANT PRESENTATION:

Naomi Farber, owner of Noma Fort Collins, and Megan Sorentino, owner of Classical Horsemanship, introduced a video that demonstrated the brand, Noma. Ms. Farber explained her background and the purpose of the special event. Ms. Farber updated that the special event will be non-alcoholic but will still fundraise money for Heart and Horses. Ms. Sorentino added she was excited to offer her property to help fundraise money for Heart and Horses. Ms. Farber also showed more photos of the tent and events that will happen in and around the tent.

Commissioner Kefalas asked if the 14 conditions of the approval had been provided and understood by the applicants. Ms. Axmacher said the conditions had been provided last week, and she had not heard any concerns. Commissioner Kefalas asked if there will be consultations a week before in terms of fire at the events. Ms. Axmacher said it is covered under condition #7.

Commissioner Shadduck-McNally asked what the main purpose of the event is. Ms. Faber explained that the main point of the event was fundraising, and that the charity fundraised for will change at future events. Also, the special event will help to promote the companies that are putting it on, with the overarching goal still being community engagement. Commissioner Shadduck-McNally asked if there is a plan for future locations. Ms. Faber explained that there was, but it will most likely be difficult as the tent used for the special event is rather large.

Commissioner Shadduck-McNally asked the Sheriff's Department if their concerns had been addressed. Lenient Brad Harkin, Sheriff's Department, said he did not have a lot of concerns, minus that of neighbors and traffic concerns, but none he feels the need to address with the Board.

Commissioner Kefalas asked the Sheriff's Department about the need for a consultation for the fire-related events. Lutenant Harkin said the consultation will occur, and its requirements will change depending on fire season events come September.

PUBLIC COMMENT:

Sarah Baret, President of HOA for Betcher Farm Estates, said she was concerned about the road in the area the special event is to occur because the road is in poor condition and has little funds to be maintained or repaired. She is concerned the event will do significant damage to the road and wants to know if any of the profits from the special event can go to the road.

Heather Anderson, a resident of Betcher Farm, said she is concerned about conditions #7 and #10 because of concerns about the fire performance and wants to know what the fire act will be and what measures will be to mitigate any fire that may happen. She also wants to know what the traffic plan is in detail in relation to condition #10.

Catharine Jameson, a neighbor directly across the street from Betcher Court, expressed that she was concerned about traffic and dust from the road, especially if no one is there to direct traffic. She was also concerned about the special event being ongoing and if it will be in the same location or moving locations.

Jessica Shultz, owner of Fort Collins Circus Center, explained that she could address any of the fire concerns. Explained she has been a fire dancer for decades and had put on many events in Fort Collins involving fire she always gets a permit and puts safety protocols in place and will not do an event with fire if there are any concerns.

Charlie said he disagrees with the special event because of its many trips on the road, and he thinks that asks too much of the people who live and use the road to have it happen.

APPLICANT REBUTTAL:

Ms. Faber explained that the event was to be a one-time event and does not see ongoing events at Classical Horsemanship. Also, there will be very clear signage on where the event would be to avoid clogging the road. Also, given the timeline of the events having spaced in between them, cars will be coming and going throughout the day and not all at one time. Additionally, they will be having parking attendants and see 150 cars coming per event, and would put up miles-per-hour signs if allowed. Lastly, she went into detail on the future she sees for the fundraisers and the scholarships they will create for the community. Ms. Sorrentino added that in regard to the fire performance, there would be water in the pasture to help mitigate fire concerns.

Commissioner Kefalas asked if condition #10 could be touched on in terms of traffic concerns. Mr. McDaniel, Engineering Department, explained that the traffic control plan is submitted to the Sheriff's Department for review. Commissioner Kefalas asked if the plan was approved by the Engineering Department. Mr. McDaniel explained that special events it is approved by the Sheriff's Department. Commissioner Kefalas asked what the shared responsibility would be for addressing the road issues. Mr. McDaniel explained that gravel roads would need to be mitigated for dust.

Commissioner Stephens asked how road maintenance would be participated in by the applicants. Ms. Sorrentino explained that Classical Horsemanship was part of the HOA that pays for road maintenance and explained how parking attendants will be used. Commissioner Stephens asked if the event is a ticketed event. Ms. Sorrentino explained she would work with the HOA for profit in terms of going road maintenance. Commissioner Stephens asked how noise will be mitigated. Ms. Faber explained there will be plans made to monitor sound decibels.

Commissioner Shadduck-McNally asked how noise will be mitigated before it becomes a problem. Ms. Faber explained that they will have assignments to keep the noise down and will not have alcohol at the event. Ms. Sorentino explained she had 80 guests at her wedding on the property and were loud but did not get complaints from neighbors. Commissioner Shadduck-McNally asked what mitigation will be done for dust. Ms. Sorentino explained that the property space for cars will not go over a dusty road. Commissioner Shadduck-McNally asked what the requirements are for a traffic control plan. Ms. Everett said the Special Event can come up with the plan unless the Sheriff's Department sees otherwise. Lieutenant Harkin said any plan they would usually recommend would come from a certified traffic control company and that the Sheriff's Department tries not to control traffic unless necessary. Also, speeds on private roads are not enforceable by the Sheriff's Department.

DELIBERATION:

The Board explained their support for the approval of the special event permit.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve special event file No. 23-SPEVENT0052 subject to the 14 conditions recommended by staff.

Motion 3-0

With there being no further business, the Board adjourned at 7:44 p.m.

TUESDAY, AUGUST 15, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Shadduck-McNally presided. Commissioner Stephens was also present. Commissioner Kefalas was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Natalie Delman, Deputy Clerk.

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

1. PUBLIC COMMENT:

No public comment was given.

Commissioner Shadduck-McNally closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF August 7, 2023

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of August 7, 2023

Motion carried 2-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 21, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS

1. PARTICIPATING AGREEMENT BETWEEN THE COUNTY OF LARIMER AND THE USDA, FOREST SERVICE ARAPAHO AND ROOSEVELT NATIONAL FORESTS AND PAWNEE NATIONAL GRASSLAND

DEEDS

1. DEED OF DEDICATION OF EASEMENT – WATER LINE A

2. DEED OF DEDICATION OF EASEMENT – WATER LINE B

3. DEED OF DEDICATION OF EASEMENT – WATER LINE C

4. DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM BRYAN SHOLTEN AND LISA SHOLTEN (OWNER) TO LARIMER COUNTY

MISCELLANEOUS

1. MSS IV LLC STIPULATION AS TO TAX YEAR 2020 VALUE

2. REQUEST FOR APPROVAL TO ENTER UPON LANDS

3. REQUEST FOR APPROVAL TO ENTER UPON LANDS

4. REQUEST FOR APPROVAL TO ENTER UPON LANDS

5. REQUEST FOR APPROVAL TO ENTER UPON LANDS

6. SITE DEVELOPMENT PLAN

RESOLUTIONS

1. RESOLUTION ESTABLISHING ONE ADDITIONAL OBSERVED HOLIDAY FOR 2024

2. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III

3. RESOLUTION RESCINDING RESOLUTION REGARDING VACANCY MANDATORY REVIEW POLICY, DATED JUNE 6, 2023

MOTION

Commissioner Stephens moved the Board to approve the consent agenda for August 14, 2023

Motion carried 2-0.

5. COMMISSIONERS' GUESTS:

Kerry Rollins, Front Range Regional Director, Colorado State University Extension, introduced the family and friends of Bob Kiern, including Nancy Kiern, Cody Kiern, and Dwight Sailor. Commissioner Stephens offered her condolences for Mr. Kiern's passing and expressed how she enjoyed working with him on the Fair Board. Commissioner Stephens read positive comments from Mr. Kiern's old colleagues that highlighted his hard work and selfless attitude.

Commissioner Shadduck-McNally gave her condolences and expressed the hard work that it takes to make the Larimer County Fair happen and that Mr. Kiern gave in a selfless manner.

Commissioner Stephens gave the family of Bob Keirn a gift commemorating the life and work of Bob Kiern.

Mark Peterson, Engineering Director, explained that the work of the Engineering Department relies on volunteers and knew Chris Carlson as a hard-working volunteer for the department. Mr. Peterson explained Mr. Carlson's career thus far and his work volunteering with the Larimer County

Flood Review Board. Mr. Peterson expressed enjoyment and appreciation for working with Mr. Carlson. Commissioner Shadduck expressed she was thankful for the volunteer work Mr. Carlson has given to help serve Larimer County.

Commissioner Shadduck presented a plaque to Mr. Carlson to thank him for this service for the last 25 years.

Mr. Carlson expressed he was appreciative to have served Larimer County and thanked their Engineering Department for their hard work.

Commissioner Stephens thanked Mr. Carlson for his hard work and service to Larimer County.

Lorenda Volker expressed her gratitude for Mr. Carlson's service and thanked him for his time given to Larimer County.

6. DISCUSSION ITEMS:

1. REPORT ON A GRANT PROJECT IMPLEMENTED BY BISTRO NAUTILE, FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM

Josh Fudge, Budget Director, introduced Kat Reeves, owner of Bistro Nautile who gave a presentation on the use of the grant project fund Bistro Nautile received. This included the opening of an outdoor patio that was started as a community project and was revamped using the funding. Ms. Reeves explained that the grant helped Bistro Nautile get through the Covid-19 pandemic and expressed that she was grateful to have received it as well as a second grant from the Board. Ms. Reeves explained that the patio is to become permanent and upgraded come October. Ms. Reeves also gifted gift cards to the board.

The Board expressed they were glad the grant was successful and what a wonderful dining experience Bistro Nautile was.

2. REPORT ON A GRANT PROJECT IMPLEMENTED BY THE PARTNERSHIP FOR AGE-FRIENDLY COMMUNITIES IN LARIMER COUNTY, FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM

Josh Fudge, Budget Director, introduced Lorye McLeod, Executive Director of Partnership for Age-Friendly Communities. Ms. McLeod gave a presentation on how the grant was used, including keeping staff employed, connecting, supporting, and creating events for community members with resources in Larimer County, often through the use of Lunch-and-Learn events. Ms. McLeod explained the priorities and structure of Partnership for Age-Friendly Communities in Larimer County and their unique use of Self-Directed Volunteer Teams. Ms. McLeod explained some of the projects done during Covid-19, including Zoom lessons, an online virtual catalog, partnering with non-profit Sound Affects to bring music to care facilities, operating a rural food pantry in Red Feather Lakes, developing a lifelong housing assessment including a manufactured homes/mobile homes resource guide, presenting to businesses on age-friendly workplace initiatives, providing

transportation information to those in need, conducting a walkability assessment, a virtual volunteer pilot project, and fostering intergenerational connections including with CSU's Center for Public Deliberation.

The Board expressed that they were grateful for the work Partnership for Age-Friendly Communities does.

3. REPORT ON A GRANT PROJECT IMPLEMENTED BY THE YARROW COLLECTIVE, FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM

Josh Fudge, Budget Director, introduced Silen Wellington, Interterm Director of the Yarrow Collective. Mr. Wellington presented on work the Yarrow Collective does, including defining the terms used for their operations. Mr. Wellington explained how the Immediate Needs Grant was used, including for alternative to Suicide Peer Support Groups, a training stipend for Yarrow peer facilitators, jail re-entry support, a youth coordinator and BIPOC coordinator position that supported three months of the position's work in-between grants, and staff training for offering culturally specific support for youth of color.

The Board expressed their gratitude for the work the Yarrow Collective does.

7. COUNTY MANAGER UPDATE:

County Manager Lorenda Volker briefly detailed the events from the previous week.

8. COMMISSIONER ACTIVITY REPORTS:

The Board briefly detailed their attendance at events during the previous week.

9. LEGAL MATTERS:

Executive Session pursuant to C.R.S. 24-6-402-(4)(b): Conferences with an attorney for the purpose of receiving legal advice about court case number 23CV30575, Larry Bolton, et al, vs. Myrna Jamison-Hansen and Larimer County.

MOTION

Commissioner Stephens moved the Board 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 court case number 23CV30575, Larry Bolton, et al, vs. Myrna Jamison-Hansen and Larimer County.

Motion carried 2-0.

Executive Session pursuant to C.R.S. 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relating to the operation of the Larimer County landfill.

MOTION

Commissioner Stephens moved the Board into Executive Session pursuant to C.R.S. 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relating to the operation of the Larimer County landfill

Motion carried 2-0.

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



JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:



~~Natalie Delman~~, Deputy Clerk
Tessa Beatty



1841/1-1842/2

1841/1-1842/2

1841/1-1842/2