



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, OCTOBER 10, 2022

LAND USE PUBLIC HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Stephens presided. Commissioner Kefalas and Commissioner Shaddock-McNally were present. Also, present were Samantha Lasher, and Samantha Mott, Community Development; Lesli Ellis, Community Development Director; Steven Rothwell, Engineering; Lea Schneider, Health, and Environment via Zoom; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

Members of the public wished to remove item number one, Bode Administrative Special Review and Appeal and item two, Ladera Minor Land Division with Easement Vacation from the Consent Agenda for a full hearing.

- 1. BODE ADMINISTRATIVE SPECIAL REVIEW AND APPEAL, FILE NO. 22-ZONE3264.**
- 2. LADERA MINOR LAND DIVISION WITH EASEMENT VACATION, FILE NO 22-LAND4268.**
- 3. COLORADO YOUTH OUTDOORS SPECIAL EVEN APPEAL, FILE NO. 22-GNRL0535:** This is an appeal to Section 7.2.2.A., 7.2.2., and 7.2.4 of the Larimer County Land Use Code to allow the applicant to host special events on a property that has a land use approval, to host more than three events in a year, and to allow more than one event per calendar month.

The applicant is seeking an appeal approval from the Board of County Commissioners to sections of the Larimer County Land Use Code, which are:

- 7.2.2 (no more than three special events allowed on a property in a calendar year);
- 7.2.4 (no more than one special event allowed on a property in a calendar month); and
- 7.3.2.A (excluding [Section 7 of the Code applying to] gatherings on property that has received and is subject to an existing land use approval that limits the number, type and nature of gatherings to be held on the property...).

The 2008 Special Exception approval for the property allows for a number of large gatherings, including:

- “maximum visits on a single day of 260, a few times per year,”
- “about 18 days per year with more than 110 people on site,” and
- “special events or fund raisers three to five times per year with about 200 people.”

It also outlines allowances for fishing, archery, skeet and trap, administration, overnight camping, seasonal hunting, indoor shooting, and outdoor education with over 13,160 visits per year, and multiple days with fewer people on site.

In 2022, Colorado Youth Outdoors (CYO) plans to continue its regularly scheduled Winter Wonderland events and associated activities consistent with previous years’ approvals. This is a multi-day, drive-through, holiday light display.

Approval of the appeal would allow the applicant to submit a Special Event application for review even though the property has a preexisting land use approval and a pending land use application. Approval of this appeal would also enable the applicant to exceed three events per year and one per calendar month. The applicant is currently seeking an Amended Special Exception to incorporate these events and other operational changes into a permanent approval—File No. 22-ZONE3204. The purpose of this appeal request is to accommodate the Winter Wonderland event series for the 2022 season if the Special Exception request is not completed in time.

REVIEW CRITERIA

APPEAL TO DEVIATE FROM THE STANDARDS OR REQUIREMENTS

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.
- B. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- C. Approval of the appeal is the minimum action necessary.
- D. Approval of the appeal will not result in increased costs to the general public.
- E. Approval of the appeal is consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Community Development Director requests and recommends approval of this appeal for the Special Event permit application because the applicant is seeking to host fundraising activities and community-benefiting events which have been successfully implemented during the previous two years and would comply with all county standards. Additionally, the applicant is currently in process to amend an existing Special Exception approval and has made good faith efforts to fulfill associated requirements. This appeal could allow them to conduct such events while staff and the applicant finalize details surrounding the amendment. If allowed to apply for the Special Events permit, events will be subject to review and conditions of approval that are consistent with input from the reviewer and referral agencies.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the remaining item on the Consent Agenda for Monday, October 10, 2022, Colorado Youth Outdoors Special Event Appeal, FILE NO. 22-GNRL0535 subject to conditions in the staff report and further move to authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0

Public Hearing Items:

1. BODE ADMINISTRATIVE SPECIAL REVIEW AND APPEAL, FILE NO. 22-ZONE3264: Samantha Mott, Planning explained to the Board that this is an Administrative Special Review for an Accessory Living Area with an Appeal to Article 3.4.5.A of the Larimer County Land Use Code to allow a detached Accessory Living Area to exceed the required size limit of 40% of the square footage in the single-family dwelling or 1,200-square feet, whichever is less.

The subject property is approximately 4-acres, and it is zoned O-Open. It is located at 3416 W County Road 54G: approximately 600 feet west of the intersection of N. Overland Trail and W. County Road 54G in LaPorte.

This request is for an Administrative Special Review approval for a detached Accessory Living Area with an appeal to article 3.4.5.A. of the Land Use Code which limits the size of a detached Accessory Living Area (ALA) to 40% of the square footage of the single-family dwelling or 1,200 square feet, whichever is less, for properties greater than 100,000 square feet in size.

The property contains a single-family residence constructed in 1910 and remodeled in 2021. According to the Assessor's information the home is 3,204 square feet. There is an additional dwelling on the property approved in 2015 as an Extended Family Dwelling (EFD) which is 1,404 square feet. There are several outbuildings, three from 1970 and one from 2012. They range in size from 576 square to 1,377 square feet.

The applicants are proposing to convert the existing EFD into a detached Accessory Living Area. The dwelling is a manufactured home on a permanent foundation. Because the existing dwelling is 1,404 square feet in size, it exceeds both the size limit of 40% of the size of the principal dwelling ($3,204 \times 40\% = 1,281.6$) and the 1,200 square foot size limit.

The EFD was originally approved for the previous owners for the purpose of housing the owners' elderly parents, File #15-SP0329. The general purpose of EFDs is to provide temporary housing for elderly or disabled relatives. They are not meant to be a permanent dwelling, so they are typically not on permanent foundations. However, when this EFD was permitted in 2015 it was allowed to be placed on a permanent foundation. Once approved, an EFD is only valid for 3 years at which point the EFD shall be removed, or the property owner may request an extension. This EFD had expired in 2018 and had not been renewed. In 2021, the current owners received approval to keep the EFD in the existing dwelling to be used for their elderly parents. Afterwards Code Compliance received a complaint that the EFD was being used as a rental. The applicants indicated that they had planned to use the EFD for their aging parents to live nearby, but that they are not at that point yet. Therefore, the applicants are seeking approval to convert the EFD to an Accessory Living Area (ALA) in order to keep the dwelling on the property and rent it for now. They will then have it available for their parents in the future. ALAs can be occupied by family members, guests, or they can be rented long-term.

The existing dwelling for the proposed ALA includes a utility/storage room in the floorplans, approximately 118.5 square feet in area. The applicants have indicated that they are open to converting this area so that it has a separate entrance and is therefore not included in the calculation of the square footage for the ALA. If the applicants block access to that room from the inside of the dwelling and provide a separate exterior entrance to that area the overall size of the ALA would still exceed the size limit, but it would be reduced from 1,404 square feet to 1,285.5 square feet. Staff is supportive of this idea.

The main dwelling has driveway access to County Road 54G. The existing EFD utilizes the same driveway off the County Road. Although the property is also adjacent to Orchard Drive the only access is from the County Road.

The existing residence is currently served by West Fort Collins Water District and City of Fort Collins Wastewater.

Neighbor notification of the proposed project was sent to properties within 500-feet of the subject property. Staff received emails from three (3) neighbors. Those emails are included in the agenda packet. One of the neighbors indicated concerns with headlights shining on their property. The applicants indicated that they are willing to add enhancements such as landscape to mitigate any impacts to neighbors.

REVIEW CRITERIA

The Larimer County Land Use Code (article 6.4.3.D.) allows for the approval of an Administrative Special Review if the following review criteria have been met:

1. The proposed use has minimal impacts on existing future development of the area.
2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.
3. The recommendations of referral agencies have been considered and adequately addressed.
4. Within a Growth Management Area (GMA) district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0 Use Regulations.

REVIEW CRITERIA FOR APPEALS TO DEVIATE FROM STANDARDS OR REQUIREMENTS OTHER THAN MINIMUM LOT SIZE:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.
- B. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- C. Approval of the appeal is the minimum action necessary.
- D. Approval of the appeal will not result in increased costs to the general public.
- E. Approval of the appeal is consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends approval of the Bode Administrative Special Review and Appeal, File #22-ZONE3264, subject to the following conditions:

1. The dwelling should be modified to block access to the storage/utility room from the inside of the dwelling and provide a separate exterior entrance to that area reducing the overall size of the Accessory Living Area.
2. The applicant must obtain building permits for the change of occupancy as well as the alteration to the dwelling.

3. The Accessory Living Area shall be located as shown on the approved site plan.
4. The Accessory Living Area must not be rented or leased for 30 days or less (as a Short- Term Rental) separately from the single-family dwelling.
5. The Accessory Living Area must be used solely for guests of the occupants of the single- family dwelling, long-term tenant occupants (greater than 30 days), or those providing a service on site in exchange for their residency.
6. An address must be assigned to the Accessory Living Area prior to issuance of a Certificate of Occupancy.
7. The owner is responsible for paying all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees applicable to an Accessory Living Area.
8. Failure to comply with any conditions of the Administrative Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
9. This approval shall automatically expire in three years if the use has not commenced and/ or a building permit is not issued.
10. One off-street parking space shall be provided for the Accessory Living Area.
11. 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 7pm and 7am.
12. The Site shall be developed consistent with the approved plan and with the information contained in the Bode Administrative Special Review and Appeal, 22-ZONE3264, 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 Bode Administrative Special Review.
13. The applicant shall provide additional screening and/or landscaping to avoid light trespass on adjacent properties.

The Commissioners did have some questions of the conditions of approval concerning short-term rentals.

Chair Stephens invited the applicant to approach the Board.

Dan Bode, applicant, stated that he and his wife Christine purchased the home in August 2021 with the intent to have room for their aging parents in the future. They brought the permit up to date (expired in 2018) with Larimer County by applying and paying all necessary fees. At this time their

elderly parents are not ready to move in, so the current intent is to provide the property to responsible tenants, essentially sharing the property and providing additional affordable housing to Larimer County residents. The county is under-supplied in affordable housing for lower income residents.

Mr. Bode went on to suggest that the use of this secondary residence as a rental would support the county's 2019-2023 Strategic Plan objective for housing attainability by providing more variety in the housing market. Between 2010 and 2018, the median rent in Larimer County increased from \$849 to \$1,228, an increase of \$379 per month which is a 45% increase. The home was allowed by the county to be built on a permanent foundation by the previous owners. This would be a costly measure to remove and renovate the lot back to previous conditions if not approved. The exterior measurement of the home, as required by Larimer County is 1,404 square feet above the 1,200 square foot limit. However, the 'livable area' measures 1,114 square feet. Mr. Bode believes that with this measurement he is already within the size criteria for an accessory dwelling unit.

Mr. Bode let the Commissioners know that upon purchasing the property there was no disclosure that the detached home on the property could be at risk of removal. The property listing initially referred to the house as a "guest house." This was previously approved before purchase as an extended family dwelling by the county. The removal of a typical extended family dwelling is based off of it being a temporary manufactured home not one with an approved permanent foundation.

Mr. Bode stated that there are neighbors in attendance who are here in support and can attest to their being responsible and caring members of the community. He is willing to compromise with neighbors to provide screening or landscaping to help with the view from those neighbors behind. He is using the lot for its open use purpose-gardening and small farm animals. Our tenants will be people that have similar values.

Chair Stephens thanked Mr. Bode and opened the hearing to public comment.

The following members of the public spoke in support of the appeal: Anna Homan, neighbor, Jennifer Sullivan and Alice Fowler (current tenants). They believe the Bodes are good neighbors and have no complaints. The following spoke in opposition: Mandy Coatsman and John Gross. They believe the structure is in violation of a permit and should be removed. They also brought photos of old doors and tires on porch of structure which is unsightly and can be seen from their homes.

Mr. Bode again stated he will do whatever it takes as far as landscaping to mitigate any lights or visuals that upset neighbors.

The Commissioners did have questions for staff on square footage measurements and previously approval as Extended Family Dwellings. There were also questions on deadlines for landscaping. The Commissioners would like to impose a condition of approval with a 30-day deadline for starting the landscaping before the ground is frozen for planting trees and bushes. The Commissioners stated that they needed to make their decision based on review criteria and deviating from the standards but do understand the neighbors' concerns.

MOTION

Commissioner Shadduck-McNally moved to approve the Bode Administrative Special Review and appeal, FILE NO. 22-ZONE3264 subject to the conditions along with additional conditions of approval and a timeline set for the additional condition of landscaping for 30-days.

Motion carried 3-0

2. LADERA MINOR LAND DIVISION WITH EASEMENT VACATION, FILE NO 22-LAND4268: Samantha Lasher gave a brief presentation and explained that this is a request for a Minor Land Division to divide 4.771-acres from a parcel to annex into the Town of Timnath and to be consolidated with Parcel #86031-09-002. This application also includes a proposed easement vacation of an existing 20-foot utility easement, owned by the Fort Collins-Loveland Water District, and the proposed dedication of 60-feet of right-of-way along East County Road 36/ Kechter Road.

The subject property is a 124.4-acre parcel zoned RR-2 – Rural Residential. It is Lot 3 of the Amended Tract A, John W. Swets Farm Corp Exemptions Plat and CWH Properties LLC Boundary Line Adjustment, File #21-LAND4085. It is located approximately 0.5 miles south of the intersection of Interstate 25 and E. Harmony Road. The parcel is located within the Town of Timnath Growth Management Area. The property contains an approved existing gravel mine that has been in operation since March 2000. The applicant has indicated that the proposed Minor Land Division will not affect the existing mining operation. Mapped wetlands are located on the subject property. Any future development of either of the resultant parcels should abide by applicable wetland regulations.

This is a Minor Land Division (MLD) request to divide the 124.4-acre parcel into two lots. One 116.7-acre lot will contain the existing mining operation, one 4.77-acre lot is to be annexed into the Town of Timnath and consolidated with parcel number 86031-09-002, and 60-feet of right of way is to be dedicated along E. County Road 36/Kechter Road, totaling 2.9 acres. This request also includes the vacation of an existing 20-foot utility easement, owned by the Fort Collins- Loveland Water District. Additionally, this request will not impact the existing Box Elder Ditch that runs through the property. The applicant is currently working with Box Elder Ditch Company on an Easement Deed and Agreement ensure the existing Box Elder ditch can continue to be maintained upon the approval of this request.

MINOR LAND DIVISION REVIEW CRITERIA:

The Minor Land Division process can be used to divide off an existing legal use from the remaining vacant property with the condition that the development of the vacant property must be approved through the appropriate land division process and for the division of land for public utilities, open space, schools, or other public uses. To approve a Minor Land Division, the Board of County Commissioners must consider the review criteria below and find that each criterion has been met or determined to be inapplicable. These criteria are noted below and underlined, with Staff's assessment immediately following of the criteria.

6.5.10.D. In reviewing a proposed plat modification, the County Commissioners shall consider the general approval criteria in Article 6.3.8 Review Criteria (which this project meets or the criterion is determined to be inapplicable), and the following:

- a. The property is not part of an approved or recorded Subdivision plat.
- b. The property is not part of an Exemption or Minor Residential Development approved under the previous subdivision resolution or a Minor Land Division.
- c. The newly created parcels will meet the minimum lot size required by the applicable zoning district.
- d. The newly created parcels meet minimum access standards required by the County Engineer or the Colorado Department of Transportation as applicable.
- e. Approval of the Minor Land Division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use.

6.5.8.D. In reviewing a proposed plat modification, the County Commissioners shall the following:

1. Vacation of Right-of-Way or Easement
 - a. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.
 - b. The recommendations of referral agencies have been considered.
 - c. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation.
 - d. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.

DEVELOPMENT SERVICE TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Ladera Minor Land Division with Easement Vacation, File #22-LAND4268, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met, and the plat is presented for signature:

1. All conditions of approval shall be met, and the final plat recorded by April 10, 2023, or this approval shall be null and void.
2. Prior to the recordation of the final plat the applicant shall make the technical corrections required by Celine M. LeBeau, Land Surveyor of the Larimer County Engineering Department, in her letter dated August 30, 2022.

3. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Amended Tract A, John W. Swets Farm Corp Exemptions Plat and CWH Properties LLC Boundary Line Adjustment, File #21-LAND4085.

4. Prior to recordation of the Final Plat, replace the “Additional Plat Notes” section with the following note:

The new lots created by this action are subject to the same restrictions, covenants, and regulations as set forth in the plat of record of the Amended Tract A, John W. Swets Farm Corp Exemptions Plat and CWH Properties LLC Boundary Line Adjustment, File #21-LAND4085.

5. The Findings and Resolution shall be a servitude running with the property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of this Minor Land Division approval.

6. Prior to recordation of the final plat, the applicant will provide a signed Annexation Agreement to the County.

7. Prior to recordation of the final plat, the applicant will submit documentation to the planning division confirming that the recorded agreement (Reception No. 87053870) for the existing utility easement, owned by the Fort Collins-Loveland Water District, has been adequately terminated, with agreement from all involved parties.

Chair Stephens invited the applicant to approach the Board. Josh Welch, representing CWH Properties LLC. The proposal is to split 4.77-acres from the larger 124-acre parcel to annex into the Town of Timnath. They are looking to actively develop this area with the Town of Timnath so that it is just one contiguous lot area.

Chair Stevens opened the hearing to public comment.

Patrick Groom, attorney representing Terra Resources Corporation which is an adjacent property owner to this property. The concern is whether or not the Land Use Code is being followed. Mr. Groom stated that in section 6.5 a minor subdivision should not be approved unless the property is not part of an approved or recorded subdivision plat according to subsection A of the code. Subsection B states the property is not part of an exemption or minor residential development approved under the previous subdivision resolution or minor land division. Mr. Groom is questioning that this property is an amendment to the exemption plat or an existing subdivision therefore this property is not eligible for a minor subdivision. There is a document that was recorded at reception no 20210098821 and does not feel this can be subdivided again as it is not allowed by the code.

Chair Stephens closed public comment.

The applicant was invited to approach for rebuttal.

Will Welch, also representing CWH Properties LLC stated that he had a number of discussions with the planning department and this type of application what was recommended by staff on how to proceed.

The Chair asked for clarification from staff at the suggestion that this is the wrong application and if they could speak to that.

Ms. Lasher believes some of the confusion is the subject property's current legal description. The subject parcel was involved in a combined amended plat boundary line adjustment process. This is used when there is a proposed lot line adjustment between both metes and bounds parcels. The subject parcel is not part of an exemption plat or an approved subdivision so therefore it does qualify for a minor land division.

The Commissioners asked the Frank Haug, County Attorney if they need to go into Executive Session for further review. Mr. Haug felt Staff's answer is accurate, but he has not had a chance to review all of the details of how these lots were created or done a title records search.

Commissioner Shadduck-McNally offered a continuance for this item. The Commissioners were in agreement for a Continuance.

MOTION

Commissioner Kefalas moved to continue item number two, The Ladera Minor Land Division with Easement Vacation, FILE NO 22-LAND4268 until Monday, October 24, 2022, for a continued hearing.

Motion Carried 3-0

The meeting adjourned at 4:45 p.m.

TUESDAY, OCTOBER 11, 2022

ADMINISTRATIVE MATTERS MEETING

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

1. PUBLIC COMMENT: The following members of the public addressed the Board: Eric Sutherland addressing taxation in the Town of Timnath.

Chair Stephens closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEKS OF OCTOBER 3, 2022.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the weeks of October 3, 2022.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 17, 2022:** Ms. Martin reviewed the upcoming schedule with the Board. The Board did present updates and changed to the upcoming schedule for Ms. Martin.

4. **CONSENT AGENDA:**

AGREEMENTS:

1. **TEK84 TERMS AND CONDITIONS**
2. **LARIMER COUNTY BEHAVIORAL HEALTH SERVICES GRANT AGREEMENT 22-TP5-YARR**
3. **LARIMER COUNTY BEHAVIORAL HEALTH SERVICES GRANT AGREEMENT 22-TP6-PART**
4. **LARIMER COUNTY BEHAVIORAL HEALTH SERVICES GRANT AGREEMENT 22-TP6-WILLIC**
5. **INTERGOVERNMENTAL AGREEMENT FOR FUNDING THE NORTHERN BIG GAME CRITICAL WINTER RANGE RESTORATION PROJECT**
6. **BUREAU OF RECLAMATION GRANT AGREEMENT-AQUATIC NUISANCE SPECIES STATION AT SATANKA BAY**
7. **INTERGOVERNMENTAL AGREEMENT FOR CONTRIBUTION FOR ROADWAY IMPROVEMENTS FOR THE WELD COUNTY ROAD 54/13 INTERSECTION**
8. **INTERGOVERNMENTAL AGREEMENT FOR FUNDING THE NORTHERN BIG GAME CRITICAL WINTER RANGE RESTORATION PROJECT**
9. **PROFESSIONAL SERVICES AGREEMENT (P22-21, CLIMATE SMART AND FUTURE READY INITIATIVE PHASE 3)**

10. PROFESSIONAL SERVICES AGREEMENT (P22-14, CUSTODIAL SERVICES)

APPOINTMENTS:

- 1. RECOMMENDED RE-APPOINTMENT TO THE ESTES VALLEY PUBLIC LIBRARY BOAD OF TRUSTEES-LYNN LAWSON**
- 2. RECOMMENDED MIDTERM APPOINTMENT TO THE EXTENSION ADVISORY COMMITTEE- KELLY POLLARD**
- 3. RECOMMENDED RE-APPOINTMENTS TO AUTUMN CREEK PID- Timothy Anderson and Kenton Schoch**

LIQUOR LICENSES: Riversong Inc dba Riversong Romantic Inn-Bed and Breakfast-Estes Park

MISCELLANEOUS: Department of Human Services Payments August 2022; Notice of Lien-Matthew Wood; Notice of Lien-Shirley Pinera; Notice of Lien-Randy Messick; Notice of Lien-Polly Malan; Notice of Lien-Rebecca Lorenz; Notice of Lien-Jennifer Bass (3); Notice of Lien-Ackelson Kimberlee K Trust; Notice of Lien-Maynard Lee

RESOLUTIONS

- 1. INDIGENOUS PEOPLES DAY-** This item has been removed from the Consent Agenda to a Discussion Item for today's hearing.

MOTION

Commissioner Shadduck-McNally moved to approve the Consent Agenda minus the Resolution for Tuesday, October 11, 2022.

Motion carried 3-0.

- 1. COMMISSIONERS GUESTS:** The Commissioners did not have any guests in attendance.

DISCUSSION ITEMS

- 1. RESOLUTION TO MARK THE SECOND MONDAY OF OCTOBER AS INDIGENOUS PEOPLE'S DAY.** Jelitza Martinez, Public Affairs, brought forth a resolution to the Board of County Commissioners acknowledging and supporting the Native Indigenous People living in Larimer County and affirming the county's commitment to recognize and include the voices and interests of Native and Indigenous People. Rasa Humeyumptewa, Colorado State University, Student Diversity Programs and Services thanked the Commissioners for honoring Indigenous Peoples Day.

Commissioner Kefalas read the proclamation stating that Larimer County Board of County Commissioners recognizes that the continents now known as North and South America have been occupied since time immemorial by many diverse and established Native and Indigenous People. Certain areas of Larimer County are situated on the ancestral homelands of many tribes, including the Arapahoe, Cheyenne, and Ute peoples, and it was an important site of trade, gathering and healing for numerous other Tribes and Nations.

Indigenous Peoples' Day was first proposed in 1977 by the United Nations International Conference on Discrimination against Indigenous populations in the Americas and has been adopted by several Colorado Municipalities. Larimer County promotes closing the equity gap for Native and Indigenous peoples through policies and practices that respect sovereignty and Indigenous self-determination aligned with the United Nations Declaration of Rights of Indigenous Peoples (UNDRIP). Larimer County will encourage businesses, organizations, public institutions, and county departments to recognize, cultivate strong relationships with, stand in solidarity with, and celebrate Native and Indigenous Peoples.

MOTION

Commissioner Kefalas moved to approve the proclamation to mark the second Monday of October as Indigenous People's Day.

Motion carried 3-0

2. LARIMER COUNTY, COLORADO CODE COMPLIANCE MONTH PROCLAMATION: On October 1, 2022, the Governor of the State of Colorado has proclaimed October as Code Enforcement Month and asked local jurisdictions to support proclamations in recognition of the value of code enforcement officers and the work they do. In Larimer County, the equivalent program is Code Compliance with staff who are committed, well trained, and highly responsible individuals who are committed to improving the county in the course of their daily duties.

The dedicated Code Compliance staff provide for the safety, health, and welfare of our community members and residents throughout Larimer County through the enforcement of codes and ordinances in the areas of building, zoning, floodplains, rights-of-way, among others.

The County Code Compliance program has expanded in recent years with the increase in population, growth, and requests, especially where the interface between rural and urban populations occurs. The Code Compliance staff are committed to improving the quality of life in the unincorporated areas of Larimer County.

Amy White, Code Compliance Supervisor and Lesli Elis, Community Development Director wanted to thank the Code Compliance staff for all of their hard work and the appreciation they have for this team. The Commissioners also thanked the team stating how they go above and beyond to protect public health, safety and welfare.

Commissioner Shadduck-McNally read the proclamation verbalizing that the code compliance staff are committed to improving the quality of life in the unincorporated areas of Larimer County.

MOTION

Commissioner Shadduck-McNally moved to approve the Proclamation declaring October 2022 as Code Enforcement Month.

Motion carried 3-0

3. COMMUNITY PLANNING MONTH PROCLAMATION: Matt Lafferty, Principal Planner noted that he has the opportunity to publicly recognize the participation and dedication of the members of planning commissions, professional community and regional planners of Larimer County, and other citizen planners who have contributed their time and expertise to the improvement of Larimer County. Mr. Lafferty announced that the Planning department has received an award from the American Planning Association-Colorado Chapter for all their hard work on the Land Use Code.

Mr. Lafferty presented a brief video presentation on the implementation of the Comprehensive Plan including the Land Use Code. Some of the major changes to the code include Developmental standards, Oil and Gas Facilities, Wireless Communications Facilities and Fees and Land Dedications, to name a few. Mr. Lafferty also explained that the code is organized around four major categories: Conservation and Agriculture, Rural, Mixed Center and Urban.

Lesli Ellis, Community Development Director, announced that the new Land Use Code is a significant step toward implementing Land Use policies of Larimer County. It will serve the community's goals towards being more resilient, promoting health and social well-being, promoting sustainable agriculture and ensuring environmental protections.

Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places. Community planning and plans can help manage this change in a way that provides better choices for how people work and live.

The full benefit of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation. The month of October is dedicated as National Community Planning Month throughout the United States of America and its territories.

The American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient, and long-lasting recovery. We recognize the many valuable contributions made by professional community and regional planners of Larimer County and extend our heartfelt thanks for the continued commitment to public service by these professionals.

Both Mr. Lafferty and Ms. Ellis thanked their staff, community partners, Board of County Commissioners and the Planning Commissioner for their dedication and continued work on improving development.

The Commissioners thanked everyone for their focus on housing, economic, natural resources, watersheds etc. so that the Commissioners can continue to make informed decisions for the future of Larimer County as well as congratulated them on the deserving award.

Commissioner Kefalas read the Community Planning Month Proclamation.

MOTION

Commissioner Kefalas moved to approve the Proclamation declaring October 2022 as Community Planning Month.

Motion Carried 3-0

The Board took a brief recess.

The Board returned to session.

4. RESOLUTION EXPRESSING INTENT TO PROVIDE FUNDING TO ASSIST WITH 24/7 SHELTER FOR INDIVIDUALS EXPERIENCING HOMELESSNESS: Alea Rodriguez, Housing Stability Program Manager, has brought forth a resolution expressing the intent of the Board of County Commissioners to provide \$1,500,000 of American Rescue Plan Act funds to contribute to the construction of the 24/7 Shelter for Individuals experiencing homelessness and its associated infrastructure, to be done by Denver Rescue Mission, once the project has secured funding and upon the approval of a subsequent, future agreement by the Board of County Commissioners.

Seth Forwood, Senior Director Fort Collins Rescue Mission, stated that in 2021 Fort Collins Rescue Mission served over 71,000 meals and 48,000 bed nights as well. Demand continues to rise and more and more citizens experiencing homelessness continue to be turned away. Our mission is not to put a band aid on problem but to have lasting solution. Mr. Forwood believes a new shelter that is adequately fitted for the demand of basic needs is needed in our community.

The Board of County Commissioners recognizes that homelessness is a regional community issue where the demand in our county is greater than our current resources. The Denver Rescue Mission has been engaged in offering emergency shelter service within the City of Fort Collins since 2012, and there has been a year-over-year increasing need for shelter services for individuals in the community who are without stable housing. Combined with increased demand for shelter during COVID-19 pandemic, and the opportunity for increased levels of care, more space is needed for Denver Rescue Mission to maintain and improve upon the responsiveness and excellence of their services. Denver Rescue Mission envisions this trauma-informed shelter as the first step on the “housing first” spectrum, both meeting individuals for their basic needs and resourcing them to exit homelessness and enter permanent stable housing.

A request for appropriation of funding will be brought forward and considered. If and once the final project is provided and is contingent upon Denver Rescue Mission securing full project funding with other financing and funding and an agreement addressing the terms and conditions for use of the funding to be provided by the County is reached.

The Commissioners thanked Ms. Rodriguez and Mr. Forwood and offered their gratitude for all the hard work the Mission does. There are no easy solutions, but this is a step in the right direction to get people the help they need.

MOTION

Commissioner Shadduck-McNally moved to approve the Resolution of the Larimer County Board of Commissioners expressing intent to provide funding to assist with the 24/7 shelter for individuals experiencing homelessness.

Motion carried 3-0

5. 2023 VISIT ESTES PARK OPERATING PLAN: Lorenda Volker, County Manager introduced Rebecca Gelsinger, COO of Visit Estes Park. Ms. Gelsinger is asking for approval for the 2023 Operating Plan for Visit Estes Park. This needs to be adopted each year by the Town Trustees and the County Commissioners. A joint meeting was held on September 19, 2022, with the Board of County Commissioners, Town of Estes Park Trustees, and the Visit Estes Park Marketing District Board to review the propose 2023 Operating Plan.

Visit Estes Park is developing a strategic plan to prepare the organization to deliver a high quality of service to the community, work with stakeholders to create a resilient and stable economy and collaborate with locals to instill a shared of pride and ownership.

In 2023, Visit Estes Park will continue relationships with companies including Destination Analysts, Epsilon and TripAdvisor to obtain deep, comprehensive and actionable insights about visitors on a regular basis. These partners utilize products that track geo-location data and spending, to ensure we are marketing to visitors who will provide the highest return on our investments.

One of the goals is to help extend the season to become a Year-round destination. Also, to continue to build community relations to establish trust and increased engagement, while providing tools for partners to promote their business. For generations, tourism has been the single most impactful economic drive in the Estes Valley. Through tourism, businesses flourish, and job availability grows. Tourism also significantly contributes to the amenities our community enjoys year-round and public safety that protects life and property in the Estes Valley.

As a world-class destination, Estes Park tourism-based economy is integral to the quality of life for residents, success of local businesses, and the overall sustainability or our community's economy. Visitors support Estes Park by shopping at local businesses and paying local sales tax. This tax revenue

accounts for a significant portion of the town governments General Fund budget, and funds core services and amenities that our residents enjoy every day including community parks, streets, trails and police services. It also helps keep our property tax rates exceptionally low.

MOTION

Commissioner Kefalas moved to approve the 2023 Visit Estes Park Operating Plan.

Motion carried 3-0

6. **COUNTY MANAGER UPDATE:** The County Manager updated the Board on this week's coordination meetings and upcoming projects and activities.

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

8. **LEGAL MATTERS:**

DECISION EXPECTED

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding case No. 2022CV30539, Town of Estes Park v. Heron LLC et al.

MOTION

Commissioner Shadduck-McNally moved to 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 regarding case No. 2022CV30539, Town of Estes Park v. Heron LLC et al.

Motion carried 3-0

MOTION

Commissioner Kefalas moved to approve the County Attorney's Office to represent the Venner Ranch Estates General Improvement District and to file a disclaimer of interest in case No. 2022CV30539.

Motion carried 3-0

NO DECISION EXPECTED

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding case No. 2022CV30320, Roth v. Larimer County.

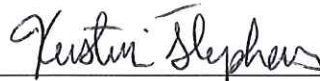
Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding affordable housing funding and program structure.

MOTION

Commissioner Shaddock-McNally moved to enter Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding case No. 2022CV30320, Roth v. Larimer County and further move to 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 regarding affordable housing funding and program structure.

Motion carried 3-0

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



KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Deirdre O'Neill, Deputy Clerk

