



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, DECEMBER 19, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Leslie Ellis, Community Development Director. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were: Tracey Hick and Samantha Mott, Community Development; Steven Rothwell, Engineering; Lea Schneider, Environmental Health; Amy White, Code Compliance Supervisor; Frank Haug, Attorney's Office; and Elizabeth Carter, Deputy Clerk. Logan Graves, Community Development, joined the meeting virtually.

Chair Stephens opened the hearing with the Pledge of Allegiance.

CONSENT ITEM:

1. STARK 3RD APPEAL, FILE NO. 22-GNRL0536: The Stark Subdivision and Appeals Preliminary Plat, File # 18-LAND3746, was approved by the Board of County Commissioners in September 2020. The Stark Subdivision approved a land division to create one new residential lot.

This request is for an Appeal to the timeframe to submit a final plat after preliminary plat approval. The Land Use Code (Article 6.5.5.C.8.a) specifies that preliminary plat approvals are effective for one year. If a complete final plat application is not submitted to the Community Development Department within one year of preliminary plat approval, the preliminary plat approval will automatically expire. The Land Use Code does allow the Board of County Commissioners to extend the effective period of a preliminary plat for good cause. The applicant must request the extension in writing prior to expiration of the preliminary plat. A request for this appeal was submitted to Larimer County in early September of 2021 and met this requirement. That appeal was approved on December 3, 2021, Stark 2nd Appeal, File #21-GNRL0513.

This is an additional request for an appeal to the timeframe to submit a final plat after preliminary plat approval as the Appeal has expired and the conditions for the request remain unchanged. The previous approval gave a one-year extension.

This request is for an additional two-year extension. The request for an extension to the timeframe for submitting the final plat is because the Northern Colorado Water Association (NCWA) currently has a moratorium on new water taps. The applicants were ready to submit their Final Plat within the allotted timeframe except for the ability to obtain an updated commitment letter from the NCWA. Because of this moratorium, the applicants were unable to provide all the required submittal documents for final plat submission. When new developable lots are created through a land division process, the Land Use Code requires the provision of adequate public facilities such as the provision of water. The Land Use Code requires that new development must be connected to either public water or be served by a well. Earlier in the land division process the applicants did obtain a commitment letter from NCWA indicating they could provide an additional water tap to the newly created lot, but due to the moratorium NCWA now cannot issue a new water tap.

The intent with this request is to allow the applicant an extension on the preliminary plat approval so that once the moratorium for NCWA is lifted, the applicant can obtain a commitment letter and therefore a new water tap for the newly created lot, and they can then proceed with the final plat phase of the land division.

The owners have approximately 40 acres located about 4 miles west of Wellington on County Road 60E. The land division would create one additional lot. The resultant lots would be 19-acres and 21-acres. The property currently has one single-family dwelling, a detached garage, a quonset shed and a hobby train collection. The applicant proposes to create a 19-acre lot that would include the quonset shed to allow a new single-family dwelling, and a 21-acre lot that would include the existing single-family dwelling, the garage, and the hobby train collection. This area is characterized by a mix of primarily larger lots with some smaller lots created through either the Rural Land Use or Subdivision process. The surrounding uses include residential and agricultural uses.

Water service is proposed to be provided by Northern Colorado Water Association (NCWA) which currently serves the existing single-family home. The existing home is served by an onlot septic system, and an additional on-site septic system is proposed to service the new residential lot. The lot currently takes access from the south off County Road 60E with an access easement through the vacant lot to the south which is part of the Ridgeview North Subdivision. The proposed new lot will take access off County Road 60E from the west.

This plan does not provide for connectivity and the existing lot is long and narrow so the proposed new lot cannot meet the depth-to-width ratio requirement. The preliminary plat application included appeals to Sections 8.14.1.H (Lot Depth-to-Width Ratio) and 8.14.1.R (Connectivity) of the Land Use Code which were both approved.

REVIEW CRITERIA:

The Board of County Commissioners will consider the following criteria when reviewing a preliminary plat extension request (6.5.5.C.8.a.iv):

- 1) Conditions in the neighborhood have not changed significantly since the original approval. There have not been any significant changes in the immediate area since the preliminary plat approval.

- 2) The approved preliminary plat is consistent with any amendments to this Code adopted since the original approval. While the Code has been recently amended, there are no significant changes that would impact this proposed subdivision. When the final plat is submitted it will be reviewed as to compliance with applicable requirements and standards
- 3) The applicant demonstrates that the extension is necessary because there have been factors beyond his or her control that prevented the submittal of the final plat for this project. The reason for this request is due to the NCWA moratorium on new water taps which has prevented the applicant from obtaining an updated water commitment letter from NCWA and ensuring that water will be provide for the newly created lot. Approving this Appeal will allow the applicant more time to work with NCWA after the moratorium is lifted.

DEVELOPMENT SERVICES TEAM FINDINGS:

The Development Services Team supports the proposed Appeal to the final plat submittal timeframe. The applicants have been working with staff and will need to submit their final plat documents within 24 months if this Appeal is approved. The documents will be reviewed as to compliance with applicable requirements and standards.

- o Engineering indicated they do not have any concerns with this request.
- o Code Compliance identified building permits and inspection approvals that are required, but these issues do not affect the timely processing of the planning application.

This request was referred to the Northern Colorado Water Association, but no comments were received. This request was also forwarded to neighboring property owners and no comments were received.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions in the staff report and further authorize the Chair to sign the Findings and Resolution.

Motion passes 3-0

DISCUSSION ITEMS:

1. **HERMAN SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3292:** Tracy Hicks, Community Development.

Ms. Hicks reported to the Board that the subject property is located in Estes Park, Colorado. The property currently contains an existing single-family residence and is zoned EV RE1- Estes Valley Rural Estate. The applicant requests Administrative Special Review approval for a small short-term

rental located in the existing three-bedroom single-family residence for a maximum occupancy of six total guests- two guests per bedroom. No construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, the Planning Division review was conducted concurrently with the Building Division review. In general terms, the Planning review process involves:

1. Staff and referral agency evaluation.
2. Community notice and comment review.
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable.
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

Ms. Hicks explained that the subject property is located within the Estes Valley Plan Area and was presented to the Estes Valley Planning Advisory Committee (EVPAC) at its regular meeting on September 15, 2022. The Committee voted to refer the application to the Board of County Commissioners with a recommendation of denial. The Committee's main concern was the poor compatibility of the use due to the rural nature of the area and low-density zoning. Moreover, it was noted that the subject property is nonconforming as it does not meet the minimum lot size prescribed for the EV RE1 zoning district, which is 10-acres.

Ms. Hicks stated that a courtesy neighbor notification about the proposed project was mailed to properties 500 feet around the subject property, with 12 neighbors being notified. Staff received emails from two neighbors voicing concerns regarding the application, and one neighbor with no objections. The concerns ranged from road maintenance, water usage, rising home prices resulting from vacation homes and short-term rentals, the saturation of short-term rentals in the vicinity, and the possibility of noise. Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Section 6.4.3.D of the Land Use Code:

Criteria 1: The proposed use has minimal impacts on the existing and future development of the area and

Criteria 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 finds the application meets all other criteria in Section 6.4.3.D and all Short-term Rental Use Regulations criteria located in Section 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

REVIEW CRITERIA:

Ms. Hicks walked the Board through the General Review Criteria:

1. The proposed use has minimal impacts on the existing and future development of the area. Community comments indicate the short-term rental would have increased impacts on the existing development of the area. Specific impacts associated with criterion 2 that also impact the existing development of the area are discussed below. Community comments raised concern regarding the neighborhood becoming saturated with short-term rentals. It was noted that if the Herman STR is approved, 2 out of the 12 homes in Husted Heights will be vacation rentals. It was also noted that vacation rentals increase home prices and take housing off of the market that could otherwise be used by full-time residents invested in the community.
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. The following issues as related to this review criterion arose with community comments
 - a. Noise Comments indicated the potential for noise with the short-term rental use. Loud music, voices, and parties could result from groups occupying the rental throughout the year which negatively impacts full-time residents who aren't on vacation. Applicants' Response: The applicants will be operating a "high-end" rental that will allow for a maximum occupancy of six people. Due to the price point and size, large parties are not anticipated. Strict rules will be in place and enforced by a local and experienced property manager. Additionally, the location of the house is a good distance from the concerned neighbors which should minimize any impact the rental may have.
 - b. Water: One neighbor was concerned about the availability of water in the area and mentioned her inability to do laundry at her house due to water supply issues. Applicant's Response: There is a well on the property that supplies the water and should not impact the availability and supply of water for the neighboring property.
 - c. Road Maintenance: It was noted that it is the responsibility of the neighborhood residents to maintain and repair the roads. There was the belief that the short-term rental proposal could cause additional wear and tear on the road, costing residents more money to maintain the infrastructure. Applicant's Response: The applicant contributes to road maintenance by paying the road fee every year.
3. The recommendations of referral agencies have been considered and adequately addressed. Referral agencies had no concerns with the proposed use.
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. This is not applicable.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations. The STR meets the following supplemental regulations, as noted below.

Section 3.3.5.B Supplemental Regulations for Short-Term Rentals:

- A. Only one short-term rental shall be allowed on a property.
- B. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to the commencement of 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 must 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 form for 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 short-term rental owner or property manager shall at the time of application provide documentation that the short-term rental location has been registered with the local fire department or if none with the local sheriff/police.
- E. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass.
- F. 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 Section 4.2.2. - Floodplain overlay zones.
- G. 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.
- H. 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).
- I. The short-term rental shall have a plan for garbage storage and removal. The plan shall clearly illustrate the location of garbage storage areas, the method and frequency of regular garbage pick-up/disposal. There is no outdoor storage area.
- J. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental.
- K. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas.
- L. Cooking areas within the short-term rental shall be equipped with a stovetop fire stop.
- M. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the STR:

1. In each room with a cooking appliance, fireplace, heating appliance, or water heater.
2. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
3. At least one on each story

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Herman Short-Term Rental, File #22-ZONE3292, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

There was a discussion between the Board and staff regarding the vote by the Estes Valley Planning Advisory Committee and the in particular the two votes in favor of the short-term rental. Additionally, the Board had questions for staff regarding the safety inspection and the scoring system for inspections.

APPLICANT PRESENTATION/PUBLIC COMMENT:

Dianne Herman, the applicant, addressed the Board. Ms. Herman reported that she and her husband purchased the property in 2021 and hope one day to retire in Estes Park.

Ms. Herman highlighted for the Board a variety of steps that have been taken to meet the concerns of the applicant's neighbors. She noted that occupants would be required to use the public road and would be discouraged from hiking up the private road. Ms. Herman also reported to the Board that a water approval letter has been obtained to utilize the property as a short-term rental.

Ms. Herman also noted that the score on the first safety inspection was 44 out 50 points. She stated that since that time, any outstanding concerns that can be addressed have been addressed. This includes the installation of a sprinkler system above the stove and the purchase and installation of fire extinguishers.

Lastly, Ms. Herman reviewed with the Board steps she and her husband will take to preserve goodwill with their neighbors. She noted that the number of nights the property will be rented will be limited to 120. Additionally, the owners would continue to pay the road association fees to maintain the entire road, even though they only use a small portion of the road. Lastly, Ms. Herman explained that her husband is a firefighter in Johnstown and that they have a deep understanding of the need for wildfire precautions and fire prevention.

Chair Stephens opened public comment. Leah Layton, who will serve as the property manager, spoke of favor in the short-term rental.

Kurt Johnson and Nancy Bell spoke in the opposition to the short-term rental. Their concerns included increased noise and the impact rentals have on the character of the neighborhood.

Additionally, Mr. Johnson stated that he and his wife have already moved out of one neighborhood in Estes Park due to the impact of short-term rentals on the neighborhood.

Chair Stephens closed public comment and invited the applicant forward to address the comments from the public.

Ms. Herman addressed the Board and reiterated that as the applicants, she and her husband, as well as their property management team, will work diligently to protect their neighbors and their neighborhood.

There was a brief discussion between the Board and staff if there was staff knowledge of any covenants or by-laws that existed for the neighborhood.

SUGGESTED CONDITIONS:

1. This approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permits are not issued.
2. 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.
3. The Site shall be developed consistent with the approved plan and with the information contained in the Herman Short-Term Rental Administrative Special Review, File No. 22- ZONE3292, 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 Herman Short-Term Rental Administrative Special Review.
4. The property owner is responsible for obtaining all applicable fees, which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
5. 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.
6. The short-term rental is approved with three bedrooms for a maximum occupancy of six people.
7. Re-certification shall be required upon notice by the county, which is approximately every two years. Failure to complete and resubmit the re-certification form to the

Community Development Department; shall be cause for consideration of revocation of this approval.

8. No parking shall be permitted in the right-of-way, and all parking for the use must be on-site.
9. Staff recommends the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.
10. 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.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 22-ZONE3292, on all advertising websites.
12. Prior to operation as a Short-Term Rental, the applicant shall post the property manager's contact information outside the front door.
13. 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 contact information to surrounding property owners whenever the designated Property Manager changes.
14. Renters must have access to all utility shut-off valves.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Herman Short-Term Rental, File #22-ZONE3292, subject to the conditions outlined.

Motion carried 2-1, with Commissioner Shadduck-McNally dissenting.

2. SWEDRAS NELSON SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3275: Tracy Hick, Community Development.

Ms. Hicks reported to the Board that the subject property is located in Estes Park, Colorado. The property currently contains an existing single-family residence and is zoned E- Estate. The applicant requests Administrative Special Review approval for a small short-term rental located in the existing two-bedroom single-family residence for a maximum occupancy of four total guests- two guests per bedroom. No construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, the Planning Division review was conducted concurrently with the Building Division review. In general terms, the Planning review process involves:

1. Staff and referral agency evaluation;
2. Community notice and comment review;
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

A courtesy neighbor notification about the proposed project was mailed to properties 500 feet around the subject property with nine neighbors being notified. Staff received emails from one neighbor voicing concern regarding the application. The concern is related to fire hazards. Due to the nature of the neighbor's concern, the Community Development Director determined that the application be scheduled at a public hearing before the Board of County Commissioners per Section 6.3.6.D.3 of the Land Use Code. The proposal is scheduled for the December 19, 2022, Board of County Commissioners land use hearing.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Section 6.4.3.D of the Land Use Code:

Criteria 1: The proposed use has minimal impacts on the existing and the future development of the area and

Criteria 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 finds the application meets all other criteria in Section 6.4.3.D and all Short-term Rental Use Regulations criteria located in Section 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

REVIEW CRITERIA:

Ms. Hicks walked the Board through the Review Criteria.

1. The proposed use has minimal impacts on the existing and the future development of the area. The neighbor's comment indicates the short-term rental would have increased impacts to the existing development of the area. Specific impacts associated with criterion 2 that also impact the existing development of the area are discussed below.

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. The following issues as related to this review criterion arose with community comments. A summary of comments as well as the applicant's response follows.
 - a. Wildfire and Wildlife: The neighbor voiced concern over renters not having knowledge of safe fire practices and county fire bans, and the training and oversight needed to mitigate wildfire hazards. Applicant's Response: The homeowners have done extensive fire mitigation on the home and property and have had the property inspected by the Allenspark Fire Protection District. The property will only be rented for four months out of the year and guests will be educated about mountain living before and during their stay.
3. The recommendations of referral agencies have been considered and adequately addressed. Referral agencies had no concerns with the proposed use.
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. This is not applicable.
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations. The STR meets the following supplemental regulations, as noted below. Article 3.3.5.B Supplemental Regulations for Short-Term Rentals:
 - A. Only one short-term rental shall be allowed on a property.
 - B. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to the commencement of 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 must 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 form for 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 short-term rental owner or property manager shall at the time of application provide documentation that the short-term rental location has been registered with the local fire department or if none with the local sheriff/police.

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

F. 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 Section 4.2.2. - Floodplain overlay zones.

G. 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.

H. 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).

I. The short-term rental shall have a plan for garbage storage and removal. The plan shall clearly illustrate the location of garbage storage areas, the method and frequency of regular garbage pick-up/disposal. There is no outdoor storage area.

J. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental.

K. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas.

L. Cooking areas within the short-term rental shall be equipped with a stovetop fire stop.

M. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the STR:

1. In each room with a cooking appliance, fireplace, heating appliance or, water heater.
2. Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
3. At least one on each story.

APPLICANT PRESENTATION:

Rene McCauley addressed the Board on behalf of the homeowners, Jim Swedras and Jackie Nelson. Ms. McCauley reported to the Board that she currently manages 20 properties in the area and has been in this line of work for eight years. This particular property sits on 3.5 acres in a heavily wooded area and is utilized in the summertime by the applicants.

Ms. McCauley stated that many of the homeowners in the area have done extensive fire mitigation. She also explained that this particular property has been inspected by the Allenspark Fire Protection

fire chief. Ms. McCauley also reported that in an effort to protect the area from fires and to preserve its integrity, there will be no smoking allowed, the use of firepits will be prohibited, and rentals will be limited to the summer months and persons at least 25 years of age.

There was a discussion between the Board and Ms. McCauley regarding access to Rocky Mountain Nation Park and the educational measures that will be taken to ensure renters know that a park pass must be purchased to access the park. The Board also had questions on steps that will be taken to ensure that renters do not trespass on neighbors' properties. Additionally, the Board requested that the applicant and property manager make their contact information available to the neighbors beyond the required area. Lastly, there was a discussion between the Board and the applicant regarding evening lighting around the house and replacing the gas grill with an electric version.

Chair Stephens opened the meeting to public comment. No one from the public addressed the Board on this application. Chair Stephens closed public comment.

SUGGESTED CONDITIONS:

1. This approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permits are not issued.
2. 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.
3. The Site shall be developed consistent with the approved plan and with the information contained in the Swedras/Nelson Short-Term Rental, File #22-ZONE3275, 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 Swedras/Nelson Short-Term Rental Administrative Special Review.
4. The property owner is responsible for obtaining all applicable fees, which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
5. 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.
6. The short-term rental is approved with two bedrooms for a maximum occupancy of four people.
7. Re-certification shall be required upon notice by the county, which is approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration of revocation of this approval.

8. No parking shall be permitted in the right-of-way, and all parking for the use must be on-site.
9. Staff recommends the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.
10. 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.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 22-ZONE3275, on all advertising websites.
12. Prior to operation as a Short-Term Rental, the applicant shall post the property manager's contact information outside the front door.
13. 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 contact information to surrounding property owners whenever the designated Property Manager changes.
14. Renters must have access to all utility shut-off valves.
15. The removal of the marked trees, as identified by Allenspark Fire Protection District must be completed prior to operation.

MOTION

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the Swedras/Nelson Short-term Rental, File #22-ZONE3275, subject to the 15 outlined conditions and an additional condition that the gas grill be replaced with an electric grill

Motion carried 3-0

3. ESTES FORWARD COMPREHENSIVE PLAN, FILE NO. 22-CODE0269: Leslie Ellis, Community Development Director.

Ms. Ellis reported to the Board that Colorado municipalities and counties are authorized to prepare Comprehensive Plans as a long-range guiding document to achieve their vision and goals. The Plan provides the policy framework for regulatory tools like zoning, subdivisions, and other policies. The Estes Forward Plan promotes the community's vision, guiding principles, goals, policies, and action items, and seeks to provide balance between the built and natural environment. Ms. Ellis noted that the existing Comprehensive Plan for the Estes Valley was last comprehensively updated in 1996. In 2020, the Town applied for grant funds from the Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Funds (EIAF) to support the process of developing the Plan and was awarded \$150,000 to match the town's investment in late 2020. The county provided \$45,000 to fund the county's portion of the plan.

In early 2021, the Town initiated the process to update the Plan and with the county through a competitive bid process hired the firm Logan Simpson to help facilitate the process. The town also created a Town Board-appointed Comprehensive Plan Advisory Committee (CompPAC) and worked on engagement strategies to bring the community into the planning process. CompPAC convened in May 2021 and met several dozen times with the last formal meeting in September 2022. The Larimer County Estes Valley Planning Advisory Committee (EVPAC) acted in a similar capacity on behalf of the county and met multiple times from mid-2021 through present and made its formal recommendation on November 10, 2022.

Development of the Estes Forward Plan included the preparation of an Existing Conditions Report to establish a baseline of conditions, including the current demographics and population counts, the current and future land use mix in the Town and in the Valley, the economy, health indicators, housing, natural resources, and infrastructure. The full report is included in the appendices of the Plan.

The Plan also included the preparation of a Future Land Use Map (FLUM) and corresponding land use categories to identify potential changes that address the opportunities and challenges facing the community over the next twenty years. Additionally, the Plan update included a series of goals, policies, and action steps that comprise the bulk of the Plan document and will be used to guide the community and policymakers toward the shared vision and guiding principles.

PROJECT DESCRIPTION: Comprehensive Plan Content The Plan contains the following chapters:

- 1) The Introduction & Plan Development chapter provides information about the Comprehensive Plan, including background, how it's applied, the resiliency focus, and themes used, the vision and guiding principles, and community engagement throughout the process. Neither the resiliency themes, nor the guiding principles are organized in terms of priority.
- 2) The Policy Framework chapter provides each resiliency theme with a series of goals, policies, and actions to provide guidance to the town, county, and both (town and county) on how to direct change, manage growth, and resources over the twenty-year life of the Plan. Chapter 2 defines and explains how to interpret each set of goals, policies, and actions, and delineates the responsibilities by jurisdiction.
- 3) The Future Land Use chapter provides information about the town and county's proposed land use categories, including how they were developed, where they are located within each jurisdiction and how they address character, built form, and appropriate land uses and development types. The categories consolidated many of the former land uses into a framework that's easier to interpret. The categories, land use map, and the policies in Chapter Two are designed to protect and enhance the character of the town and county and prevent costly infrastructure and long-term maintenance associated with sprawl.
- 4) The Implementation chapter guides elected and appointed officials, town and county staff, and the public in developing programs and actions that implement the adopted Estes Forward Plan's goals and policies. Each implementation action is a procedure, program, or technique that requires action, either alone or in collaboration with other

agencies, organizations, or partners. Completion of the implementation measures will be subject to funding availability and staff resources and will be reviewed on an annual basis to ensure they are being addressed.

Ms. Ellis noted that throughout the process of updating the Plan, engagement with the community has been a critical factor. The town initiated the process by establishing the online hub, EngageEstes.org, as a resource for the community to find information and updates, as well as watch any of the CompPAC or additional public meetings focused on the Plan. The county coordinated with the town to use the hub and share information from the EVPAC. Due to the ongoing pandemic, the meetings were initially conducted virtually; and gradually expanded into in-person meetings when safe. The team worked to ensure meetings were accessible to the Latinx population and provided free food and childcare in addition to translation and interpretation options in a variety of locations. Staff and the consultant team devised a series of events that helped to inform the subsequent stages of the Plan, including the following:

- Listening sessions during the initial audit of the Estes Valley Comprehensive Plan.
- Surveys, online questionnaires, and virtual workshops to better understand the needs and concerns from the community.
- Development of a “Meeting in a Box” kit for the community to bring back to smaller groups, facilitate dialogue and submit feedback.
- Small group meetings.
- Public workshops.
- Interactive mapping activities.
- Community conversations to dialogue about controversial issues.
- Quarterly updates to the Board of Trustees.
- Joint study sessions with the Planning Commission and Town Board.
- Updates via social media, Town newsletter, newspaper, and EngageEstes.org.

ESTES VALLEY PLANNING ADVISORY COMMITTEE INPUT

The Estes Valley Planning Advisory Committee was highly engaged through the plan process. The recommended adoption of the plan to the Planning Commission and noted they were satisfied with the process, public input, and final draft. At their final meeting on the plan on November 10, they recommended several additions and changes, as follows:

1. Add language that relates to preservation of historic venues in the county. Focus on historic buildings and sites in the County to preserve the heritage of the community.
2. In the Health and Social section add language to mirror the Larimer County Comprehensive Plan regarding health services and an aging population, including:
 - a. Provide efficient need-based distribution of quality human services and health care facilities.
 - b. Encourage partnerships between public and private sectors for the effective delivery of health care and human services, including working with the Estes Park Hospital.

- c. Encourage development designs and infrastructure that enable residents to live in their communities with dignity as they age.
3. Remove the Future Study Area noted on the south end from the Opportunity Areas map that is within the Larimer County unincorporated area.

TOWN OF ESTES PLANNING COMMISSION ADOPTION

On November 15, the Town Planning Commission held a public hearing and along with the recommended plan, included several updates to the language to reflect the input from the EVPAC and suggested refinements by the consultant team to work that language into the plan. The Town Planning Commission also approved other no substantive edits and typo corrections that will carry forward into the final plan.

Other substantive changes that were included in the adoption to reflect the input from EVPAC are:

1. Revised policy BE 3.5 on page 26: “The town and county support opportunities for historic preservation, rehabilitation, and adaptive use of historic structures and sites in development review and land conservation activities to preserve the heritage of the community.”
2. Revised policy HS 2.1 on page 42: “The town and county encourage the expansion of healthcare and improved social services, including availability, affordability, and access to medical services in Estes Park.”
3. Revised policy HS 2.2 on page 42: “The town and county encourage partnerships between public, not-for-profit, and private recognize that not-for-profit health care providers, clinics, the hospital in Estes Park, and permanent supportive housing to provide a valuable resource and appropriate medical care for the community, including vulnerable populations.”
4. Reduce the size of the Future Study Area noted on the south end of the Opportunity Areas Map.

Chair Stephens opened the hearing to public comment. No one from the public addressed the Board. Chair Stephens closed public comment

The Board thanked the Community Development Director and her staff for all of their hard work on the Comprehensive Plan. The Board expressed its gratitude for the efforts to engage the public and in particular efforts geared at inclusion and outreach to the Latinx community. The Board also expressed its gratitude to all of the various stakeholders for their efforts to produce a high-quality Comprehensive Plan for the region.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners ratify the county goals and policies and other sections of the Estes Forward Comprehensive Plan (including changes approved by the Town of Estes Park Planning Commission and Board of Trustees), File #22-CODE0269.

Motion carried 3 to 0.

With there being no further business, the Board adjourned at 5:05 p.m.

TUESDAY, DECEMBER 20, 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 Tom Clayton and Sarah Martin, Commissioners' Office, and Elizabeth Carter, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Paul Sterling addressed the Board about the short-term rental process. Chair Stephens closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF DECEMBER 5, 2022, AND DECEMBER 12, 2022 :

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the weeks of December 5, 2022, and December 12, 2022.

Motion passes 3 - 0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF DECEMBER 26, 2022, AND JANUARY 2, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. CONTRACT #2023.001 FOR SERVICES WITH SUMMITSTONE HEALTH PARTNERS

2. TOWN OF TIMNATH, CO RESOLUTION NO. 54, SERIES 2022: A RESOLUTION APPROVING 2022 LAW ENFORCEMENT AGREEMENT BETWEEN THE TOWN OF TIMNATH AND LARIMER COUNTY

3. **CONTRACT #2023.002 FOR SERVICES WITH NORTH RANGE BEHAVIORAL HEALTH**

4. **MEMORANDUM OF UNDERSTANDING FOR SERVICE DELIVERY AGREEMENTS BETWEEN LARIMER COUNTY WORKFORCE DEVELOPMENT BOARD AND JOBS FOR VETERANS STATE GRANT PROGRAMS (JVSG) PURSUANT TO THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

5. **DEVELOPMENT AGREEMENT FOR ROCKY MOUNTAIN OHANA RANCH CONSERVATION DEVELOPMENT, FILE #19-LAND3887**

6. **SECOND AMENDMENT TO VOTING SYSTEM ACQUISITION AGREEMENT**

7. **LARIMER COUNTY MASTER AGREEMENT: SOFTWARE AS A SERVICE WITH GOVERNMENTJOBS.COM, INC, DBA NEOGOV**

8. **CONTRACT FOR NEW SEATING AT THE BUDWEISER EVENT CENTER**

DEEDS:

1. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM SWEANY FAMILY TRUST (OWNER) TO LARIMER COUNTY**

2. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM BENDER FAMILY FARMS, LLC (OWNER) TO LARIMER COUNTY**

3. **RW-4 DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM PRAIRIE PEAK RETRIEVERS, INC. (OWNER) TO LARIMER COUNTY**

4. **RW-5 DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM PRAIRIE PEAK RETRIEVERS, INC. (OWNER) TO LARIMER COUNTY**

LIQUOR LICENSES: Issuance of a new Liquor License: Coleman Kessler Group LLC dba Ride a Kart and Cascade Creek Mini Golf-Ber and Wine-Estes Park, Co.

MISCELLANEOUS:

1. **LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES PAYMENTS FOR OCTOBER 2022**

2. **DISPOSITION OF CERTIFICATES HELD BY COUNTIES 39-11-142**

RESOLUTIONS:

1. A RESOLUTION REGARDING DEPOSIT OF 2023 FUNDS BY COUNTY TREASURER

2. A RESOLUTION CANCELING 2020 TAXES DETERMINED TO BE UNCOLLECTIBLE

3. RESOLUTION ESTABLISHING COMPENSATION FOR TWO DEPUTY DISTRICT ATTORNEY I POSITIONS

4. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY IIS

5. RESOLUTION ESTABLISHING COMPENSATION FOR THE DISTRICT ATTORNEY (C.R.S. 20-1-203) APPOINTED OFFICIALS

6. RESOLUTION AMENDING COMPENSATION FOR LARIMER COUNTY DEPUTIES & APPOINTED OFFICIALS (C.R.S. 30-2-104) EXCLUDING THE OFFICE OF THE DISTRICT ATTORNEY

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, December 20, 2022.

Motion carried 3 – 0

5. COMMISSIONERS' GUESTS: Commissioner Shaddock-McNally introduced District Attorney Gordon McLaughlin, Kate Perrill, Victim Witness Division Manager, Ashley Rogers, Complex Case Coordinator, and Zion, courthouse facility dog.

District Attorney McLaughlin reported to the Board that he was here to introduce Zion, who is one of the newer additions to the District Attorney's Office. Zion is a courthouse facility dog who offers support to many victims who come through the courthouse. District Attorney McLaughlin explained that many of these victims have experienced serious trauma, and Zion can offer support and relief to them. He relayed to the Board that adding Zion to the team came at the request of Ms. Perrill and that she and her team have championed the project from the beginning.

Ms. Perrill reported to the Board that she serves as Zion's primary handler, and Ms. Rogers serves as his secondary handler. Zion has already interacted with multiple victims and has even been in the courtroom with victims. Additionally, Zion offers support to the staff in District Attorney's Office, who work on many intense and traumatizing cases.

The Board complimented the District Attorney's Office for the idea to bringing Zion on board and for offering an alternative avenue of support to victims of violent crime and traumatic events.

The Board took a brief recess. The Board reconvened.

Tina Harris, Recording Manager, Clerk and Records Office, addressed the Board regarding additional services the Clerk's Office will be offering over the next few weeks. Ms. Harris relayed to the Board that over the next two weeks, the Clerk's Office will be offering additional passport services since many children will be off from school. Ms. Harris noted that this was an idea that came from her staff.

Ms. Harris explained that from December 19, 2022, through January 6, 2023, the office will double the number of appointments that are available for passport services. She encouraged the public to visit the Clerk's website at, <https://www.larimer.gov/clerk/recording/passport> for important information before coming in for their appointment.

DISCUSSION ITEMS:

1. SECURE TRANSPORTATION SERVICES POLICY RESOLUTION: Laurie Stolen, Behavioral Health Services.

Ms. Stolen stated that the Behavioral Health Services team is requesting the Board of County Commissioners' approval and adoption of a secure transportation services policy, per House Bill 21-1085. Specifically, the bill requires counties to license and permit vehicles for vendors interested in applying to become a secure behavioral health transport. Medicaid currently covers transport services for scheduled transportation. Ambulances and law enforcement are the primary transport for crisis situations.

The services being discussed today as part of the resolution would allow individuals in crises to get to a behavioral health center without having to utilize an ambulance. The vehicles would have to meet certain standards, and the drivers have to possess the appropriate training to ensure safe transport. These vehicles come with tremendous cost savings for hospitals as well as individuals in crisis. The average cost of a ride in a secure transport vehicle is \$300 versus a cost of \$1,000 plus for transportation by ambulance.

There was a discussion between the Board and staff about how vendors can apply for licenses. Additionally, the Board asked about what potential gaps might still exist in getting those in crisis to the appropriate place.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve a Resolution of the Board of County Commissioners of Larimer County, Colorado adopting the Larimer County Policy and Procedures Regarding Secure Transportation Service. Another added benefit is that it is much less traumatizing for an individual to be in a secure vehicle as opposed to an ambulance or law enforcement vehicle.

Motion carried 3 - 0

The Board took a brief recess. The Board reconvened.

2. LARIMER SMALL BUSINESS DEVELOPMENT CENTER UPDATE AND FUNDING: Jacob Castillo, Economic and Workforce Development.

Mr. Castillo reported to the Board that the Larimer Small Business Development Center (SBDC) is a key partner with Larimer County Economic and Workforce Development Department. The SBDC provides critical business support and training to new start-up companies and existing firms throughout Larimer County. Larimer County has been a longtime and consistent supporter of the Larimer SBDC.

Mr. Castillo introduced Hope Hartman, the Executive Director of the Larimer County SBDC. Ms. Hartman explained that the SBDC's main function is to help existing and new small businesses flourish. She stated that there are three main areas of focus. These include confidential consulting, training services, and connections to resources.

Ms. Hartman noted that there are 15 SBDCs across Colorado. The SBDC is there to help all small businesses, but their work often focuses on businesses that are within the first ten years. Ms. Hartman also highlighted some of the SBDC's 2022 initiatives, including a focus on Spanish programs and resources for minority-owned businesses, early childcare programs, and creative collaboration. Over the last year, the SBDC has served over 900 clients, increased sales by \$13.5 million, and created 269 jobs while also retaining an additional 159 jobs.

There was a discussion between the Board and Ms. Hartman about collaboration with community partners that aid start-ups and, in particular, those in the technology and science sectors. Additionally, the Board asked about partnerships with local farmers and those in the agricultural field. Specifically, how to help farmers get their products to local restaurants and markets.

M O T I O N

Commission Kefalas moved that the Board of County Commissioners approve the 2023 funding request of \$30,000 for the Larimer Small Business Development Center with the Economic & Workforce Development Department contributing \$20,000 and the remaining costs of approximately \$10,000 to be funded from the general fund future projects reserves.

Motion carried 3 - 0

The Board took a brief recess. The Board reconvened.

3. SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR PULSE COMMUNICATION SERVICES PROVISION IN LARIMER COUNTY: Mark Pfaffinger, Chief Information Officer.

Mr. Pfaffinger reported to the Board that he was seeking support for an Intergovernmental Agreement for Pulse Communication to extend fiber to the premise services to three project areas of Larimer County to improve access to broadband services to underserved areas adjacent to Pulse existing service areas.

Mr. Pfaffinger explained that Linsey Johnson with Loveland Pulse and Nathan Hoople with Distesco were in attendance, and it was through their partnership with the county that this IGA was coming to fruition. Mr. Pfaffinger stated that this particular measure will bring broadband services to roughly 1,600 households.

There was a discussion between the Board and staff about similar opportunities to bring broadband to other rural and underserved communities, including the Poudre Canyon.

The Board and Manager Volker thanked the county's partners as well as Mr. Pfaffinger and his team for their tireless efforts to bring broadband services to those in underserved areas.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Second Amendment to the Intergovernmental Agreement for Pulse Communications Services provision in Larimer County.

Motion carried 3 - 0

The Board took a brief recess. The Board reconvened.

4. GRANT AGREEMENT REGARDING AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD FOR THE POUDRE PARK COMMUNITY CENTER: Laura Walker, Human & Economic Health Services Director

Ms. Walker reported to the Board that this grant agreement finalizes contract terms and the release of funds for the intended contribution of \$400,000 of American Rescue Plan Act for the renovation of the Poudre Park Community Center to update the building to current safety standard building codes and create new accessibility and energy efficiency in the space.

Ms. Walker stated that the current structure has a number of building code violations and needs multiple upgrades to be compliant with the Americans with Disabilities Act Standards for Accessible Design (ADA). Ms. Walker explained that the Community Center is also used by the Poudre Fire Protection District in times of emergency and for training. These funds will ensure that the building will be ready not just for the community to use; but also as a critical piece of infrastructure in times of emergency.

Ms. Walker introduced Marcie White to the Board. Ms. White is part of the board for the Lower Poudre Canyon Association and has been spearheading the efforts to refurbish the Community Center. Ms. White thanked the Board for their support. She noted the Poudre Canyon community is at risk for both fires and floods and that re-connected communities are resilient communities. The funding approved today will continue to connect the community in Poudre Canyon.

There was a discussion between the Board, staff, and Ms. White regarding the history of the building and when the project would be ready for construction.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Grant Agreement, American Rescue Plan Collaborative Projects Grant Sub Award for the Poudre Park Community Center.

Motion carried 3 - 0

The Board took a brief recess. The Board reconvened

8. **COUNTY MANAGER UPDATE:** Manager Volker did not give a report due to time constraints.
9. **COMMISSIONER ACTIVITY REPORTS:** The Board did not give a report due to time constraints.
10. **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 a threatened lawsuit under Colorado Revised Statutes 13-20-1201.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about a threatened lawsuit under Colorado Revised Statutes 13-20-1201.

Motion carried 3 - 0

With there being no further business, the Board adjourned at 11:00 a.m.


KRISTIN STEPHENS *Jody Shadduck-McNally*
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Carter, Deputy Clerk

