



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, NOVEMBER 18, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Jenny Axmacher, Planning Manager. Chair Kefalas presided. Commissioner Shaddock-McNally and Commissioner Stephens were present. Also, present were Samantha Lasher, Justin Currie and Michael Whitley, Community Development; Connor Sheldon, and David Pringle, Engineering Department; Christina Scrutchins, Administrative Support; Lea Schneider, Health Department; Christine Luckasen, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the hearing with the Pledge of Allegiance.

CONSENT AGENDA ITEMS:

1. OLDCASTLE APG WEST INC. SPECIAL REVIEW AND APPEAL, FILE NO. 23-ZONE3541: This is a request for a Special Review for Oldcastle APG West Inc. to expand their facility to allow the site to be used as a manufacturing facility for products such as concrete pavers and concrete retaining wall products, and will include the addition of multiple manufacturing buildings, such as an aggregate mixer building, associated silos, and outdoor storage areas. This application also included an appeal to article 4.3.5.A.2 of the Larimer County Land Use Code to allow for an on-site wastewater treatment system (OWTS) within the Loveland Growth Management Area.

The subject properties are located at 1820 and 1930 E. Highway 402 in Loveland, Colorado, approximately 0.6 miles east of the intersection of E. Highway 402 and S. County Road 13C, and are located within the Loveland Growth Management Area (GMA).

The two subject properties are currently in the process of being consolidated into one lot through the lot consolidation process (File No. 23-LAND4343). 1820 E. Highway 402 (Parcel No. 85300-00-031) is 13.82 acres, and 1930 E. Highway 402 (Parcel No. 85300-00-028) is 11.38 acres, per the County Assessor's records. Once consolidated, the total acreage will be 25.2 acres. The applicant has indicated that they will finalize the lot consolidation prior to receiving site plan approval. The two properties may be referred to as the "site" or the "subject properties" throughout the report.

Per the applicant, the existing site currently contains an office, a break room, a pre-engineered building, a storage building and a manufacturing building. There are also various small concrete storage buildings that are less than 500 square feet.

Both subject properties are part of the Rollin Exemption Plat, approved in 1974 by the Board of County Commissioners. Both properties have been a part of a series of rezoning applications throughout the 1970s and 1980s as well.

In 2016, Oldcastle purchased the site from Colorado Precast Concrete and continued their reinforced concrete pipe operations up until 2020. At that time, manufacturing stopped on the site, and Oldcastle used the site for the storage and distribution of landscape pavers. Oldcastle has now applied for a new special review application to allow the site to be used, once again, as a manufacturing facility, but for products such as concrete pavers, concrete retaining wall products, concrete lawn and garden edging products, and flat concrete patio products.

To support the proposed manufacturing use, three (3) new silos, an aggregate mixer building, a dry storage building, pallet storage building, and a curing building will be constructed, in addition to 9.95 acres of outdoor storage area. 3.91 acres of outdoor storage area will be constructed and used in the short-term with 6.04 acres of outdoor storage area to be built out in the future. The Larimer County Board of Adjustment approved height variances (File No. 24-ZONE3636) in June 2024 for the proposed three (3) silos, the aggregate mixer building, and an existing pre-engineering building to be taller than 40-feet, which is the maximum building/structure height permitted in the zoning districts.

This application also includes an appeal to Article 4.3.5.A.2. of the Larimer County Land Use Code (LCLUC) to allow for an on-site wastewater treatment system (OWTS) within the Loveland Growth Management Area. Relatedly, there is an existing plugged and abandoned oil and gas well located in the center of the property, close to existing buildings and proposed buildings. Per Article 2.9.4.G.4., no building can be placed within 200-feet of an abandoned well bore. However, Article 2.9.4.G.4. indicates that “Upon applicant request, the Director of Development Services may approve a reduced buffer distance from a plugged and abandoned well in lieu of the minimum 200-foot buffer distance provided that the approved reduced buffer is not less than 50 feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the buffer. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet.”

Notice of this application was sent to property owners within 500 feet of the property. No written comments were received from community members for this Special Review Public Hearing application.

This item was on the consent agenda for the October 16, 2024, Planning Commission public hearing at 6:00 pm.

The item was moved to the discussion agenda by staff before the public hearing. Planning Commissioners asked questions of staff and the applicant. No community members provided public testimony.

After a full hearing, Commissioner Duffy made two separate motions to approve the A) Special Review and the B) Appeal subject to the conditions in the staff report, with no changes. Commissioner Eggleston seconded both motions and the motions passed with votes of 6-0.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM
RECOMMENDATIONS:

- A) The Development Services Team recommends the Board of County Commissioners Approve the Oldcastle APG West Inc. Special Review, File #23-ZONE3541, pursuant to the recommendation and conditions outlined in the Planning Commission Meeting Minutes and staff report on October 16, 2024.
- B) The Development Services Team recommends the Board of County Commissioners Approve the Appeal to Article 4.3.5.A.2 of the Larimer County Land Use Code to allow for on-site wastewater treatment systems in the Loveland Growth Management Area, pursuant to the recommendation and condition outlined in the Planning Commission Meeting Minutes and staff report on October 16, 2024.

BE IT RESOLVED that the Planning Commission recommend to the Larimer County Board of County Commissioners Approval of the Appeal to Article 4.3.5.A.2 of the Larimer County Land Use Code to allow for on-site wastewater treatment systems in the Loveland Growth Management Area subject to the condition outlined in the staff report.

2. LPCO LLC REZONING, FILE NO.24-ZONE3611: This is a request to rezone a 5.0-acre parcel from O-Open to PD-Planned Development. The proposed PD zoning would allow a Sawmill, Fleet Services, a detached single-unit dwelling, accessory uses to that dwelling, and would allow multiple principal uses on the parcel.

The subject property is a 5.0-acre parcel located on the north side of West County Road 54G approximately one-quarter mile west of N Taft Hill Road/N County Road 19. The homes on the property are addressed 2316 & 2318 W County Road 54G.

The property is zoned O – Open and is in the boundary of the LaPorte Plan Area.

The property contains a home constructed in 1934, a home constructed in 1986, a sawmill business, and a fleet services business. The applicant's project description contains further descriptions of the various uses and buildings on the property and notes that the property has been used for business purposes since 1971.

In the Open zoning district, one home is allowed per parcel. The Open zoning district does not allow sawmills or fleet services operations, and zoning approval has not been granted for those uses.

There is an open Code Compliance case (File No. 22-CCC0097) for unauthorized uses and construction on the property without building permits.

There is not a standard zoning district that would allow the current mix of uses on the property.

The PD – Planned Development zone district can be used in the area subject to the LaPorte Area Plan to allow development that is consistent with the plan. The Planned Development zoning district is intended to allow greater flexibility in land uses and site design than is available in base zoning districts in exchange for more creative and imaginative designs with a higher level of amenities and public benefits.

The Future Land Use Map identifies Low Density Residential uses at a density of 2-4 units per acre as appropriate for this property and the immediate vicinity. Neighborhood Business Center uses are identified as appropriate for properties at the intersection of W County Road 54G and N Taft Hill Road/N County Road 19.

The proposed PD – Planned Development zoning district would allow the larger home (constructed in 1986) to remain as a primary dwelling and would allow the smaller home (constructed in 1934) to remain as an Accessory Living Area, subject to compliance with permitting requirements.

The PD would also allow the sawmill and fleet services uses to remain, subject to Site Plan Review approval, subject to compliance with all other applicable development standards. The complete description of the PD zoning can be found as a proposed condition at the end of this report.

A quorum could not be established for a LaPorte Planning Advisory Committee (LAPAC) meeting to review this request. In lieu of a review by LAPAC, a virtual (Zoom) neighborhood meeting was scheduled for October 10, 2024. LAPAC members were invited to the meeting.

REVIEW CRITERIA

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In deciding the application, the Planning Commission and the County Commissioners shall consider the criteria in §6.3.8.D (General Review Criteria) and whether and the extent to which the proposed amendment meets the following.

1. Compatible with surrounding area.
- 2 Community Need or Public Benefit
2. Change of Circumstances
4. Adequate Infrastructure
5. Natural Environment
6. Additional Review Criteria in Growth Management Area (GMA)

- a. To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in §4.2.1.B.3 have been met.
- b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in Article 4.2.1.B.3 can no longer be met.

APPROVAL CRITERIA FOR REZONING TO PD – PLANNED DEVELOPMENT AND RPD
– RURAL PLANNED DEVELOPMENT:

- a. In order to approve a rezoning to PD, not including RPD, the subject property must be within a Growth Management Area overlay zone district, the LaPorte Plan Area, or other adopted sub-area plan, and the County Commissioners must also find that the proposed land use type and intensity are consistent with the applicable supplementary regulations, if any, or with the LaPorte Area Plan or other adopted sub-area plan.
- b. Whether the proposed PD or RPD plan addresses a unique situation, provides substantial benefit to the County, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code
- c. Whether the proposed PD or RPD plan meets the other standards of this Code not expressly modified by the PD plan or development agreement.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the LPCO LLC Rezoning, File #24- ZONE3611, subject to the following condition:

- 1. The permitted uses, lot size, setbacks and structure height limitations for the LPCO LLC Planned Development shall be as follows:

Use permitted by right: One principal Detached Single-Unit Dwelling Accessory uses to the dwelling are permitted as specified for dwellings in the O – Open zoning district, as outlined in Table 3-3, Section 3.2.8 of the Land Use Code.

Uses permitted with Site Plan Review approval: Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of the lot.

Fleet Services: A central facility for the storage of vehicles used regularly in business operations and not available for sale, or long-term storage of operating vehicles. Typical uses include courier, delivery, and express services, recreational touring fleets, taxi fleets, and mobile catering truck storage.

Setbacks: Front or adjacent to a street: 25 feet side: 25 feet rear: 25 feet additional setback requirements found in Section 2.9.4 of the Land Use Code are also applicable.

Compliance with applicable development standards: All Site Plan Review applications must comply with applicable standards found in Article 4.0 (Development Standards) as well as comply with all other applicable development requirements. Compliance with this requirement is determined at the discretion of the Community Development Director.

Multiple Principal Uses and Multiple Principal Buildings Allowed: Only one principal detached single-unit dwelling use shall be allowed. In addition to a detached single-unit dwelling, multiple principal uses non-residential uses and multiple principal non-residential buildings shall be allowed if each use and building can be accommodated within the zoning district's dimensional standards and can comply with all applicable development standards.

3. WEST COUNTY ROAD 74E RIGHT OF WAY VACATION, FILE NO. 24-LAND4447: This is a request for a Right of Way Vacation of a portion of County Road 74E.

In the 1990's, Larimer County realigned a portion of West County Road 74E, east of Red Feather Lakes. An agreement was made with the landowner (Marion Monroe) in 1997 to vacate the unused section of right-of-way upon his written request. A legal description of the right-of-way was created by Larimer County surveyors in the Engineering Department to facilitate this request. The description assumes the division of the right-of-way between Mr. Monroe and the adjacent owner in the Simmons MLD (Mary and Andrew Torrez). Mr. Monroe has now made his written request for vacating the right-of-way, and Larimer County Engineering is applying through the County's Planning Department to request the right-of-way, as described, to be vacated.

The proposed vacation request will not leave any land adjoining the right-of-way without established access connecting the land with another established public road (W County Road 74E); this access is maintained via Deer Meadow Way. The proposed vacation request will not leave any land adjoining the right-of-way without utility or drainage services. A utility easement (for existing overhead power facilities managed by Poudre Valley REA within the area of right-of-way to be vacated) will need to be reserved in the Resolution approving the vacation.

Based on how it was originally acquired, the right-of-way that is to be vacated should be divided between the lots on each side of the described right-of-way centerline, resulting in the west 50' to Monroe and the east 40' to Torrez. If this cannot be accomplished and the right-of-way that is vacated must be divided equally between the lots, the owners may agree to divide the vacated right-of-way as they see fit but must do so (by signing deeds transferring ownership) after the Board of County Commissioners approves the vacation. The proposed vacation request meets the requirements of C.R.S. § 43-2-303.

Notice of this application was sent to property owners within 500 feet of the property. No neighbor comments have been received.

REVIEW CRITERIA

The Larimer County Land Use Code (Article 6.5.8.D) allows for the approval of a right-of-way vacation if the following review criteria are met:

- 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 SERVICES RECOMMENDATION

The Development Services Team recommends approval of the request to vacate the unused 74E right-of-way as indicated by the right-of-way legal description and exhibit with the following conditions:

- 1. A utility easement (for existing overhead power facilities managed by Poudre Valley REA within the area of right-of-way to be vacated) will need to be reserved in the Resolution approving the vacation.

Chair Kefalas did mention that there are two modifications that have been added to the original conditions of approval for Consent Agenda item number one.

MOTION

Commissioner Stephens moved to approve the three items on the Consent Agenda subject to the conditions in the staff report and further moved to authorize the Chair to sign the Findings and Resolution and also include the memorandum dated November 18, 2024, which included revised conditions of approval for Consent Agenda item number one, OLDCASTLE APG WEST INC. SPECIAL REVIEW and APPEAL, FILE NO. 23-ZONE3541.

Motion carried 3-0

PUBLIC HEARING DISCUSSION ITEM:

1. WINDCLIFF ESTATES APPEAL, FILE NO. 24-GNRL0558: This is an appeal to 3.3.5.b.2 of the Larimer County Land Use Code, which contains short-term rental local roadway and access standard, found in appendix G of the Larimer County Rural Area Roadway Standards for three properties in the Windcliff Estates in Estes Valley. If the appeal is approved, the subject properties could apply for short-term rental approval through the Administrative Review process.

Samantha Lasher, Planner II presented the appeal to the Board. Ms. Lasher explained that the three subject properties are located at 3147 Eiger Trail, 1479 Saint Moritz Trail, and 1924 Windcliff Road in Estes Park, Colorado and are Currently zoned EV – E-IS Estes Valley Estates Short-Term Rental.

Article 3.3.5.B.2.aa specifically states: “Local roadways, whether public or private, used to access the short-term rental, shall comply with the Appendix G Standards of Larimer County Rural Area Roadway Standards. Local Roadways are either defined by the Local Roadway segments shown on the applicable Transportation Master Plan or as designated by the County Engineer. Larimer County Rural Area Roadway Standards (LCRARS) Appendix G 2.2 does not apply.” The intent behind this language is to ensure that short-term renters, emergency services, and other visitors have safe and adequate access to short-term rentals.

As such, the applicant must provide a Certification of Adequate Access demonstrating that the site’s “Primary Access Route” is in substantial conformance with the LCRARS Appendix G standards. The Short-Term Rental’s Primary Access Route refers to the local roadways extending from the site’s property boundary to either a Numbered County Roadway, State Highway, or a Collector/Arterial Roadway shown on another jurisdiction’s Master Street Plan.

The three subject properties, along with other properties within the Windcliff Estates subdivision, were part of a Legislative Rezoning from EV E-1 to the newly created EV E1-S zone, to allow continued short-term rentals in the Windcliff community (File No. 23- ZONE3562). This zone change was described as being needed because recent changes to the EV E-1 zone would all but eliminate Short-Term Rentals at Windcliff, both through the new 500 feet distance restriction between STRs for new licenses and the sunset provision for existing ones.

During the process of developing the current short-term regulations, adopted on June 1, 2023, some property owners within the Windcliff Estates subdivision suggested that the 500-foot separation requirements and the cap limiting the number of short-term rentals should not be applicable to their neighborhood. The property owners' position was based on allowances in their covenants allowing rental of homes, which date back to the inception of the neighborhood in the 1970s. In response to the issues raised by the Windcliff property owners, the County adopted the new zone district - Estes Valley Estate Short-Term Rental (EV E-1 S) - that, if applied, would allow neighborhoods in the Estes Valley Planning Area the opportunity to change their zone district, allowing short-term rentals without being subject to the separation requirement and cap requirements. Larimer County subsequently processed a Legislative Rezoning to the EV E-1S zoning district for the Windcliff Estates subdivision and the Rezoning was ultimately approved in February 2024 by the Board of County Commissioners, for some of the following reasons:

- Given the support of rezoning from the majority of the neighborhood, as well as the historical use patterns and expectations of the property owners, the Rezoning change is consistent and compatible with the surrounding uses.
- There is a need in this community because the owners have been able to use short-term rentals to supplement their mortgage payments and have come to factor such usage into their purchases. Further, the use of the homes within the Windcliff Estates Subdivision for short-term rentals will help support the economy of the Estes Valley.

Upon this approval, properties within the Windcliff Estates Subdivision are no longer subject to the 500-foot separation requirement, found in Article 3.3.5.B.2.c.i., nor are they subject to the short-term rental cap, found in Article 13.6.1.C.4. of LCLUC. However, all other applicable Short-Term Rental standards still apply, including the Local Roadway and Access Standards, as noted in Article 3.3.5.B.2.aa of the LCLUC.

This is the first Appeal to Article 3.3.5.B.2.aa of the Land Use Code since this standard was adopted in June 2023. Staff are not providing a recommendation and has provided all information for the Board of County Commissioners to base their deliberation and decision.

If the Appeal application is approved, the subject properties could apply for Short-Term Rental approval through the Administrative Special Review process. Also, please note that if this Appeal application is approved, other homes that are located along the subject roadway segments would not be required to Appeal Article 3.3.5.B.2.a. of the Larimer County Land Use Code when applying for Administrative Special Review approval for a Short-Term Rental.

One community member comment was received for this application.

REVIEW CRITERIA

- Approval of the appeal will not subvert the purpose of the standard or requirement-Staff Finding: **This criteria has not been met**
- Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- Approval of the appeal is the minimum action necessary.
- Approval of the appeal will not result in increased costs for the general public.
- Approval of the appeal is consistent with the intent and purpose of the Code- Staff Finding: **This criteria has not been met**

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team is not making a specific recommendation on the Windcliff Estates Appeal, File No. 24-GNRL0558 and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Ms. Lasher stated that minor variations (deviations of less than 10%) may be approved administratively by the Development Review Engineer, but major variations (deviations of more than 10%) must come in the form of an appeal to the Board of County Commissioners. For each of the three properties there are several variations that would be classified as major:

- Road Grade
- Horizontal Curves
- Dead End and Turnarounds

Ms. Lasher announced that if this appeal is approved, other homes that are located along the subject roadway segments would not be required to appeal when applying for an Administrative Special Review approval for a short-term rental.

Conner Sheldon, Engineering, stated that this appeal is unique in a number of ways in that it was just recently rezoned to allow for short term rentals and that several other mitigation measures have been provided that are uncommon in most short-term rentals that are under review. In this situation, they have a paved road with a maintenance program, and they maintain their own snow removal equipment. They also have a gatehouse at the entrance to the subdivision.

The Board did have some questions and concerns about road grades. Mr. Sheldon did state that there are stretches of the roadway that are very steep. Mr. Sheldon also answered questions on the horizontal curves for Emergency Service Vehicles can now service areas within Windcliff Estates but there are still areas that do not meet the standards.

Ms. Lasher was asked to share some of the comments from the Estes Park Fire Protection District. They responded that the Windcliff neighborhood is fully paved, and that they take extra measures to ensure that the roads are plowed during the winter months. Fire hydrants are accessible throughout the neighborhood and in general they are supportive of the appeal.

The Board invited the applicant to address the Board.

Sandra Smith, council on behalf of the homeowners. Ms. Smith went over sections of Appendix G specifically “the unique physical attributes which make it necessary to construct the road to fit the individual site circumstances.” Ms. Smith stated this is a mountain-side community with roughly 2000 feet of elevation. Ms. Smith mentioned that according to G.7.11 “Deviations from the standards shall be considered so long as roadway safety and emergency access are maintained.”

Ms. Smith went over fire safety for Windcliff Estates, and they have clear road signages and a fully staffed gatehouse as well as year-round robust maintenance. Ms. Smith believes the appeal should be approved because it is consistent with the intent and purpose of appendix G and the maintenance standards are high and safety paramount. Ms. Smith stated that denial of the appeal could result in denying all Windcliff homeowners’ access to short-term licenses.

Lonnie Sheldon, Engineer with Van Horn Engineering, went over road grade percentages and road widths.

Chair Kefalas opened the hearing for public comment.

The following members of the public spoke in support of the appeal: Don Darling (in-person) and Ellen Doiron (via zoom). They collectively spoke about fire exits and improvements on the intersection and Ms. Doiron spoke about wanting to also apply for a short-term rental permit for her property in the future. Julia Reschke spoke via zoom in support, but she does have some concerns about the percentage of short-term rentals within the Windcliff Estates neighborhood.

Chair Kefalas closed public comment.

Sandra Smith was asked if she would like the opportunity to address some of the comments. Ms. Smith did address her concern as far as the comment on the desire to cap the number of exemptions and she feels that this would prevent other homeowners from seeking out a short-term rental appeal without an opportunity for those homeowners to be heard.

The Board had some questions on chip seal and traction on the paved roads and regarding whether the Board can put a cap on exemptions. Christine Luckasen, Assistant County Attorney, answered that the Board would not be able to place a cap on short-term rental appeals as this would infringe on homeowners' property rights.

The Board deliberated with Commissioner Shadduck-McNally stating that she would not be in support of this appeal as some of the standards/criteria have not been met such as the horizontal curves and dead end/turn abouts.

Chair Kefalas and Commissioner Stephens stated that they would be in support of the appeal because the mitigations and safety measures have been put in place. The Commissioners also mentioned the statements made by the Estes Vally Fire Protection District regarding issues to public safety. The Board also mentioned that if approved, they would still have to apply for short-term rental approval through the Administrative Review process so there would be checks and balances.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Windcliff Estates Appeal, File No. 24-GNRL0558, subject to the following conditions:

1. The use of the subject properties as short-term rentals must receive approval through the Administrative Special Review Process.
2. The applicant must seek and gain approval of all applicable Minor Variations from the Appendix G standards from the Larimer County Engineering Department.

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

With there being no further business, the Board adjourned at 4:15 pm

TUESDAY, NOVEMBER 19, 2024

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Kefalas presided. Commissioner Stephens was present. Also present were Michelle Bird and Tom Clayton, Commissioners' Office, and Deirdre O'Neill Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

Chair Kefalas stated that Commissioner Shaddock-McNally will be joining the meeting shortly.

1. **PUBLIC COMMENT:** No members of the public made comments.

Chair Kefalas closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF NOVEMBER 11, 2024**

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of November 11, 2024.

Motion passes 2-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF NOVEMBER 25, 2024:** Ms. Bird reviewed the upcoming schedule with the Board. The Commissioners added some updates to their schedules.

4. **CONSENT AGENDA:**

ABATEMENTS:

1. **PETITION FOR ABATEMENT OR REFUND OF TAXES:EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000-R1682803-North Shore Flats LLC**
2. **PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000-R1590835-Stoner Family Limited Partnership**
3. **PETITION FOR ABATEMENT OR REFUND OF TAXES:EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000-R1577808-Jensen Investments LLC**

AGREEMENTS:

1. **PROMISSORY NOTE**

2. STATE OF COLORADO CONTRACT MODIFICATION CONTRACT AMENDMENT #5
3. CONSTRUCTION SERVICES CONTRACT AWARD FOR THE REPLACEMENT OF THE BRIDGE (STRUCTURE NO. 014-00-15H) OVER THE HOME SUPPLY DITCH NEAR CR 14 AND CR 15H-BID NO. B24-08 PN 346
4. AMENDMENT ONE TO THE CONTRACT BETWEEN THE LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MEALS ON WHEELS OF LOVELAND AND BERTHOUD INC.

APPOINTMENTS:

1. RECOMMENDED MIDTERM APPOINTMENT TO THE AGRICULTURAL BOARD-Forrest Carlson
2. RECOMMENDED MIDTERM APPOINTMENT TO TERRY SHORES PUBLIC IMPROVEMENT DISTRICT -Jim Van Gorder
3. RECOMMENDED REAPPOINTMENT TO THE RIDGEWOOD MEADOWS PID-Shirley Pedersen
4. RECOMMENDED REAPPOINTMENT TO THE PUEBLA VISTA ESTATES PID-Sam Caston and Lindsey Morrison
5. RECOMMENDED REAPPOINTMENT TO THE POUDRE OVERLOOK PID-Buck Hammond
6. RECOMMENDED APPOINTMENT TO THE MISTY CREEK PID-Cristy Helmick
7. RECOMMENDED MIDTERM APPOINTMENT TO THE COTTONWOOD SHORES PID-Chris Burton
8. RECOMMENDED APPOINTMENT TO THE CLYDESDALE ESTATES PID-Kelly Holdridge
9. RECOMMENDED REAPPOINTMENTS TO THE SOLAR RIDGE PID-Rusty McDaiel and Brett Giuliani

LIQUOR LICENSES: Liquor License Renewals: Young's Liquor Inc dba Young's Liquor- Fort Collins, Colorado-Retail Liquor Store; The Rock Inn Ltd dba The Rock Inn -Estes Park, Colorado, Brew Pub; KOA Colorado Beverage Company LLC dba Fort Collins/Lakeside KOA -Fort Collins, Colorado-Fermented Malt Beverage and Wine.

MISCELLANEOUS:

1. **ANNUAL COMPLIANCE CERTIFICATION REPORT; MONITORING AND PERMIT DEVIATION REPORT FOR LARIMER COUNTY LANDFILL**

RESOLUTIONS:

1. **RESOLUTION APPROVING CERTIFICATION TO THE LARIMER COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMETN RE: 3620 EAST HIGHWAY 34, LOVELAND, COLORADO 80537 (PARCEL NO. 8517106701)**
2. **RESOLUTION DECLARING LARIMER COUNTY PUBLIC IMPROVEMENT DISTRICT FOX RIDGE NO. 79 ORGANIZED**
3. **RESOLUTION DECLARING LARIMER COUNTY PUBLIC IMPROVEMENT DISTRICT TANAGER NO. 72 ORGANIZED.**

Commissioner Shadduck-McNally joined the meeting.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, November 19, 2024.

Motion passes 3-0

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

DISCUSSION ITEMS: None Requested.

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

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

10. **LEGAL MATTERS:** No decision expected.

Executive Session pursuant to Colorado Revised Statue 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about court case ARC 24-3966 regarding Erin Butler.

MOTION

Commissioner Stephens moved that the Board moved into Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about court case ARC 24-3966 regarding Erin Butler

Motion carried 3-0

Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding legal requirements of Child Care Assistance Program spending and freezes.

MOTION

Commissioner Shaddock-McNally moved that the Board enter Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding legal requirements of Child Care Assistance Program spending and freezes.

Motion carried 3-0

With there being no further business, the Board adjourned at 9:35 a.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:



Deirdre O'Neill, Deputy Clerk

