

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, SEPTEMBER 11, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Christine Luckasen, County Attorney's Office; David Pringle, Engineering; Mark Christenson, Planning; Jenny Axmacher, Planning Manager; and Tessa Beaty, Deputy Clerk.

PUBLIC HEARING DISCUSSION ITEMS:

1. CLARK SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3483

PROJECT DESCRIPTION/BACKGROUND: The subject property is located at 91 James Peak Ct., Livermore, Colorado. The property currently contains an existing single-family residence and is zoned RR-2 Rural Residential. The applicant requests Administrative Special Review approval for a small short-term rental located in the existing 3-bedroom single-family residence for a maximum occupancy of six (6) total guests – two (2) 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, Planning Division review was conducted prior to 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, and 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 101 neighbors being notified. Staff received emails from five (5) neighbors voicing concern regarding the application and two (2) neighbors with no objections. The concerns ranged from fire hazards, traffic and road maintenance, the potential for increased noise, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbor's concerns, 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.

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

Criteria 1: *The proposed use has minimal impacts on 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 find the application meets all other criteria in Article 6.4.3.D and all Short-Term Rental Use Regulations criteria located in Article 3.3.5.B.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Clark Short-Term Rental, File #23-ZONE3483, and has presented all information by which the Board of County Commissioners may base their deliberation and decision.

STAFF PRESENTATION:

Mr. Christenson addressed the Board and gave a brief history of the property. The applicant requested an Administrative Special Review for a Short-Term Rental. Mr. Christenson specified the review criteria that would be involved with this discussion item.

Commissioner Kefalas asked a question regarding the location of the property manager and who would be the one to respond to complaints. Ms. Christenson explained that the applicant would be the one to respond to that question.

APPLICANT PRESENTATION:

Julianna Nieves addressed the Board. Ms. Nieves explained the reasons that they are trying to apply for a short-term rental. Ms. Nieves explained the restrictions that would be set in place to help inhibit possible issues. Ms. Nieves explained the distance between her residence and the possible short-term rental. Ms. Nieves explained that they have installed cameras and are looking into a decibel (noise) monitor. Ms. Nieves stated her intent to meet all regulatory requirements.

COMMISSIONER QUESTIONS:

Commissioner Kefalas thanked the applicant for the mitigation that has been done to help prevent forest fires. Commissioner Kefalas asked about the idea of adding a decibel monitor to this property. Ms. Nieves was open to that idea.

Commissioner Stephens asked about road maintenance around the property. Ms. Nieves explained that Glacier View Meadows maintains the roads, and the applicant pays the homeowners association to maintain the road.

Commissioner Kefalas asked about the use of ATVs. Ms. Nieves explained that Glacier View Meadows does not allow ATVs, and that would be enforced.

Commissioner Shadduck-McNally asked about the time that it would take the property manager to respond in time to an emergency. Ms. Nieves explained the route the property manager would take to get to the property and would be able to respond within the hour. Commissioner Shadduck-McNally asked about the specifics of the response time. Ms. Nieves explained that she would be first called, and she would handle the issue at hand.

PUBLIC COMMENT:

Kendal Fraiser, Glasier View Meadows, addressed the Board and spoke in opposition to the short-term rental. Mr. Fraiser explained that the funding for this area was done by individuals and not taxpayers. Mr. Fraiser asked about enforcement of the restriction of ATVs and further asked about where the information for the property manager would be posted.

Commissioner Shadduck-McNally closed public comment.

REBUTTAL:

Ms. Nieves explained that the name of the property manager and the owner and their information were posted outside the cabin. Ms. Nieves explained that a single family living there would cause just as much traffic as a short-term rental. Additionally, Ms. Nieves explained that the cameras installed on the property would help enforce the ATV restrictions.

Commissioner Stephens asked about a possible noise complaint. Ms. Nieves explained that they had owned the property for fourteen years and never had a noise complaint.

Commissioner Kefalas asked about the density of Glacier Meadows and the number of short-term rentals in the area. Commissioner Kefalas additionally asked about requirements for the hour distance for rental managers.

Ms. Everette discussed the number of short-term rentals previously approved in the Glacier View Meadow area. Commissioner Kefalas asked about the number of regular homes in the area. Ms. Everette explained that she did not know. Ms. Axmacher explained the one-hour distance and how that was a requirement of the previous code.

Commissioner Shadduck-McNally asked about the time variants during the day to get to the property. Ms. Axmacher explained that they cannot account for traffic, though it seems that the distance is just over an hour.

Commissioner Shadduck-McNally asked about the gate that would be used. Ms. Axmacher explained that it would be in gate one.

Commissioner Shadduck-McNally asked about the distance of the notification that may have impacted the number of people who were made aware of this application. Ms. Axmacher explained that the 500-foot requirement was in the code before but could be changed.

Commissioner Kefalas commented that there was a condition of approval that the property manager's information would be mailed out to neighbors.

DELIBERATION:

Commissioner Kefalas thanked both the applicant and the public comment for this application. Commissioner Kefalas explained that he believed that review criteria #1 and #2 have been addressed. Commissioner Kefalas asked that an additional requirement of approval be added that would help mitigate sound through a decibel monitor. Commissioner Kefalas was inclined to support this application.

Commissioner Stephens was inclined to support this application along with the additional condition of approval that Commissioner Kefalas suggested motion. Commissioner Stephens also suggested mailing the contact information of the property manager to be mailed out to more people than the 500-foot radius.

Commissioner Shadduck-McNally was inclined not to support this application due to the ability of the property manager to be able to respond with the one-hour requirement. Commissioner Shadduck-McNally expressed further concern about noise and wildfire containment.

Commissioner Stephens asked if the property manager was closer and if that would help Commissioner Shadduck-McNally vote in favor of this discussion item. Commissioner Shadduck-McNally explained that that would help, but there were additional reasons not to support this item.

Commissioner Stephens asked Ms. Luckasen about changing the distance of the notification. Ms. Luckasen explained that if it was clear, the condition of approval would hold.

Commissioner Kefalas asked whether Community Development would have an input on how the distance would be explained. Ms. Everette explained that consistency in the verbiage would help, so she recommended explaining the distance in feet.

Commissioner Stephens expressed concern about the amount of feet to get to the people who would need the information.

Commissioner Kefalas suggested that they follow what community development recommends. Ms. Axmacher suggested that instead of feet, they notified people through the subdivision filing.

Commissioner Kefalas asked Commissioner Shadduck-McNally about what it would take to make Commissioner Shadduck-McNally support this discussion item. Commissioner Shadduck-McNally explained that she was concerned about other things that made her vote in opposition.

Commissioner Stephens explained that violations of the regulations would inhibit the property from staying a short-term rental. Commissioner Kefalas explained how they should amend the existing conditions of approval.

MOTION:

Commissioner Kefalas moved the Board of County Commissioners to approve the Clark Short-Term Rental Administrative Special Review, File No. 23-ZONE3483 with the following amending condition #10 to replace the surrounding property owner notification from 500 feet to every resident of the Glacier View Meadows Tenth Filing Subdivision and adding condition #11 that requires the installation of a noise sensor device.

Motion carried 2-1 with Commissioner Shaddock-McNally dissenting.

2. BAREFOOT REAL ESTATE INVESTMENT LLC SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3482

PROJECT BDESCRIPTION/BACKGROUND: The subject property is located at 329 N Sunset Street, Fort Collins, Colorado. The property currently contains an existing single-family residence and is zoned RR-2 – Rural Residential. The applicant requests Administrative Special Review approval for a small Short-Term Rental to be located in a newly constructed 2-bedroom single-family residence with an additional sleeping area for a maximum occupancy of six (6) total guests – 2 guests per bedroom.

Administrative Special Review for a STR requires both Planning Division and Building Division approval. For this case, Planning Division review was conducted prior to 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 124 neighbors being notified. Staff received emails from nine (9) neighbors voicing concern regarding the application. The concerns ranged from an increase in traffic and utility usage, possible changes to the character of the area, the shortage of rentals in Fort Collins, and general opposition to allowing short term rentals in the neighborhood due to the lack of public benefit. 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.

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

Criteria 1: *The proposed use has minimal impacts on 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 Article 6.4.3.D and all Short-term Rental Use Regulations criteria located in Article 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Barefoot Real Estate Investment LLC Short-Term Rental, File #23-ZONE3482, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

DEVELOPMENT TEAM PRESENTATION:

Mr. Christensen gave a brief presentation about the property in question.

Commissioner Kefalas asked about the growth management area and whether short-term rentals could be close together within this type of area. Ms. Everette explained that the City of Fort Collins does not have a standard that would not allow short-term rentals to exist in a small area.

Commissioner Kefalas further asked about what would happen with expanding the right-of-way. Mr. Christensen explained that a condition of a right-of-way would exist with other property development and not with the allocation of the short-term rental.

Commissioner Kefalas asked about the number of short-term rentals that existed in this area. Mr. Christensen showed a map that displayed the number of Short-term rentals in the area.

Commissioner Stephens asked whether there had been any code compliance issues. Ms. Everette explained that there are many short-term rental applications in this area.

Commissioner Stephens asked about possible annexation into the City of Fort Collins and what type of zoning it would be. Ms. Everette explained that they would look that up. Commissioner Stephens explained that there are some zones that short-term rentals would not be allowed in. Ms. Axmacher showed a map of the City of Fort Collins that would allow short-term rentals and where this property fits into the map. Ms. Everette explained that in the majority of Fort Collins, there are three zones of short-term rental acceptability.

Commissioner Kefalas asked about the impact of annexation and how the conditions would impact. Ms. Everette explained the intricacies of legal non-conforming uses and how the City of Fort Collins would have to decide on whether the license would be approved.

Commissioner Kefalas asked whether the home had actually been built yet and whether any additional requirements would have to be added for approval. Mr. Christensen explained that the building had not been built just yet. Ms. Axmacher explained that conditions would be enforced by the building department and through proper building permits.

Commissioner Kefalas asked about approving a short-term rental that has not been built. Ms. Everette explained that, in most cases, the building had already been built, but most short-term rentals would need to be updated. Therefore, the planning department didn't see that as an issue.

Commissioner Shadduck-McNally asked how often short-term rentals would be licensed without the physical building being built. Ms. Axmacher explained that making the house top code rather than retrofitting the property might be easier.

APPLICANT PRESENTATION:

Daniel Crisafulli addressed the Board. Mr. Crisafulli explained that neighbors might be concerned about the renter not being invested in the neighborhood. Mr. Crisafulli explained that he and his family are very connected and invested in the neighborhood. Mr. Crisafulli explained the reasons that they are requesting to create a short-term rental on this property. Mr. Crisafulli expressed concern about the real estate environment in Fort Collins and how a short-term rental would help ease some of these issues. Mr. Crisafulli read a statement from neighbors who were supportive of this short-term rental.

Commissioner Kefalas asked about the status of the code compliance issues that were involved in this case. Mr. Crisafulli explained the structures that were out of code and the mitigation that he has done to mitigate this compliance issue.

Commissioner Kefalas asked about the outcome of the asbestos testing. Mr. Crisafulli explained that there was testing, and no asbestos had been found.

PUBLIC COMMENT:

Gary Spivak expressed opposition to the short-term rental because of the lack of available housing in Fort Collins. Mr. Spivak explained that the application was sent in May, before the changes to the code. Mr. Spivak explained that the short-term rentals.

Mary Beck explained that her concern was about short-term rentals in general. Ms. Beck explained that there is reduced housing in this area and in general. Ms. Beck explained that there were only three employees in code compliance and there are many code compliance issues. Ms. Beck expressed concern about code compliance enforcement.

Jason Bruin expressed that it is not the government's business to regulate private property. Mr. Bruin expressed frustration about the system.

Regina Corminer expressed concern about the increasing prices of property and the increase of short-term rentals in this area. Ms. Corminer explained that there is an increase of short-term rentals in the neighborhood.

Dona Borus explained that there are processes to make the short-term rental good for the community.

Commissioner Shadduck-McNally closed public comment.

REBUTTAL:

Mr. Crisafulli expressed a similar concern about accessible housing, but he does not believe that this piece of land would help as it would be too expensive to be considered affordable. Mr. Crisafulli explained that without a short-term rental this property would be vacant.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked about the timeline and how the old regulations would be enforced. Mr. Crisafulli explained that Larimer County recommended that they apply before the change of the Land Use Code.

Commissioner Shadduck-McNally explained that there was still a discretion that the Commissioners could use if the density were too much. Commissioner Shadduck-McNally asked about the impact of the short-term rental. Mr. Crisafulli explained that their house is next door, and they would have similar concerns as their neighbors because they would be a neighbor. Mr. Crisafulli explained that traffic might have decreased if it became a short-term rental because it is only occupied part of the time.

Commissioner Shadduck-McNally expressed concern about balancing neighbors' concerns and the applicant's proposal. Mr. Crisafulli explained that if there are difficult situations, there are more ways to handle the situation than a long-term rental.

Commissioner Kefalas asked about the current Land Use Code, adopted on June 1st, and how it relates to this property. Ms. Everette explained that the 500-foot distance between short-term rentals is county-wide currently.

Commissioner Kefalas asked about code compliance enforcement. Ms. Everette gave details about the different ways that the county works to enforce the codes for short-term rentals. The county was onboarding a new vendor that deals with code compliance and had a 24-hour hotline.

Commissioner Kefalas asked about how short-term rentals take houses away from buyers. Ms. Everette explained that short-term rentals are constantly evolving and how impacts might change and evolve as well. Ms. Everette explained, however, that each situation is different, and trends might not apply to each case.

DELIBERATION:

Commissioner Stephens thanked everyone who voiced an opinion regarding this short-term rental, as it is crucial to understand the neighborhood. Commissioner Stephens was inclined not to support this application because it did not meet criteria one, as it does impact the community as the community has expressed concern.

Commissioner Kefalas echoed Commissioner Stephens's thanks for those who came out to express their concerns. Commissioner Kefalas expressed concern about criteria one, but he believed that the applicant had mitigated this. Commissioner Kefalas was inclined to support the application. Commissioner Kefalas described a conflict between neighbors' and homeowners' rights.

Commissioner Shadduck-McNally explained that there are difficult issues, but the density of short-term rentals was essential to consider. Commissioner Shadduck-McNally expressed concern about starting precedence about building short-term rentals. Commissioner Shadduck-McNally agreed with Commissioner Stephens that the criteria had not been met and would not support this application.

MOTION:

Commissioner Stephens moved the Board of County Commissioners deny Barefoot Real Estate Investment LLC short-term rental administrative special review, file no. 23-ZONE3482.

Motion carried: 2-1 with Commissioner Kefalas dissenting.

3. TORGERSON SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3495

PROJECT DESCRIPTION/BACKGROUND: The subject property is located at 2843 W Vine Drive, Fort Collins, CO. The property currently contains an existing single-family residence and was zoned RR-2 – Rural Residential. The applicant requests Administrative Special Review approval for a small Short-Term Rental located in the existing 4-bedroom plus one additional sleeping area single-family residence for a maximum occupancy of ten (10) total guests – two (2) 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, Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involved:

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 87 neighbors being notified. Staff received emails from eight (8) neighbors voicing concern regarding the application. The concerns ranged from the saturation of STRs in the area, parking, and the proposed occupancy. Due to the nature of the neighbor's concerns, 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.

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

Criteria 1: *The proposed use has minimal impacts on 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 Article 6.4.3.D and all Short-Term Rental Use Regulations criteria in Article 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Torgerson Short-Term Rental, File #23-ZONE3495, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

DEVELOPMENT SERVICE TEAM PRESENTATION:

Mr. Christensen gave a brief presentation about this discussion item.

Commissioner Shadduck-McNally asked about the specific acreage of the application and how parking might be impacted. Mr. Christensen explained that parking is not permitted in the right-of-way, but engineer Mr. Pringle explained that there are regulations dictating that people can't park in the right-of-way.

Commissioner Kefalas asked about the City of Fort Collins raising a concern about the accommodation of ten guests with the available parking. Mr. Pringle explained that there are two parking spots in the location. Ms. Everette explained that the Fort Collins comments were not referencing a specific code that was cited.

APPLICANT PRESENTATION:

Travis Torgerson, the applicant, addressed the Board. Mr. Torgerson gave a brief presentation about his family and why he is applying for a short-term rental. Mr. Torgerson expressed a belief that a short-term rental would help the community. Mr. Torgerson explained that noise and smoke detectors would be installed to help mitigate issues that may occur. Mr. Torgerson explained that he would be open to decrease occupancy and put up a privacy fence. Mr. Torgerson explained about the Northwest Subarea Plan and how that supports short-term rentals in the area.

Commissioner Kefalas asked about the square footage of the house. Mr. Torgerson explained it was 1,500 square feet.

PUBLIC COMMENT:

Gary Spidec addressed the Board and expressed concern about the parking situation. Mr. Spidec explained that the neighborhood is popular with walkers.

Mary Spidec expressed concern about traffic and parking in the neighborhood. Ms. Spidec explained that ten residents could take up a lot of parking. Ms. Spidec explained that there was already a short-term rental unregulated in the area where people are already parking on the street. Ms. Spidec expressed concern about filing complaints with the County.

Commissioner Shadduck-McNally closed public comment.

REBUTTAL:

Mr. Torgerson explained that a camera in front of the house would help inhibit people from parking on the street.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked about the right-of-way and asked for clarification. Mr. Pringle explained that the right-of-way does not allow any on-street parking and short-term renters are not allowed to park in the right-of-way. Commissioner Kefalas continued to ask about the dimensions of the right-of-way. Mr. Pringle showed a map of the property and where people would park that would be in violation of the code.

Commissioner Kefalas continued to ask about the code compliance issues and how it is complaint driven at this moment. Ms. Everette explained that because of the range of the county, the code compliance is mainly complaint driven, except when life threatening issues are at hand. Ms. Everette explained that it is preference that complaints are made non anonymously so that community development can follow up. However, a County Commissioner could complain on behalf of a citizen. Amy White addressed the Board. Ms. White explained that recent legislation will make it easier to pull down illegal short-term rentals off the internet.

Commissioner Shadduck-McNally asked about the complaint process and whether it is anonymous. Ms. White explained that contact information is required for complaints.

Commissioner Stephens asked about the density of the area in question. Commissioner Stephens asked about the illegal short-term rentals in the area. Ms. Everette explained that illegal short-term rentals might occur if there are short-term rentals occurring at that time.

Commissioner Stephens asked about the details of the privacy fence and whether it would block the view of drivers. Connor Sheldon addressed the Board. Mr. Sheldon explained that with situations with privacy fences on corners, there might be issues with the line of site.

Commissioner Kefalas suggested a compromise of a privacy fence by only making a privacy fence between neighbors. Ms. Everette suggested confirming with the applicant. Mr. Torgerson explained that there was not a fence currently but after speaking with the neighbor to the east, the neighbor expressed no concern with privacy.

Commissioner Kefalas expressed a want to decrease the occupancy rate. Mr. Torgerson expressed a willingness to do so.

DELIBERATION:

Commissioner Kefalas expressed support for this short-term rental by reducing the occupancy from ten to eight.

Commissioner Stephens explained that the opposition to this short-term rental was mainly about the parking issues. Commissioner Stephens explained that eight occupants would be better and would need to have signs to not park on the street. Commissioner Stephens also wanted to add a condition

of approval to have a noise sensor installed. Commissioner Stephens explained that she would be in support of this application.

Commissioner Shadduck-McNally expressed concern about the short-term rental with the amount of parking available. Commissioner Shadduck-McNally also expressed concern for how tight the area was and wanted to have a larger number of neighbors to be notified. Commissioner Shadduck-McNally expressed support for this discussion item if there were additional conditions of approval.

The Board discussed the conditions of approval that they would like to enforce.

Commissioner Kefalas explained that there might not need to be a condition of approval for a sound sensor because the applicant was already planning to install a sound sensor. Commissioner Stephens explained that many people seemed to be concerned with parking. Mr. Sheldon explained that these sites are reviewed for minimum parking and engineering does not review for maximum number of cars.

Ms. Luckasen expressed that this would not be a problem to have a condition of approval.

MOTION:

Commissioner Stephens moved the Board of County Commissioner to approve the Torgerson Short-Term Rental Administrative Special Review, File No. 23-ZONE3495 subject to the conditions of approval listed in the packet, along with amending condition number seven to reduce the number of allowed guests from ten to eight and condition number ten to increase the notification range from 500 feet to 1,000. Additionally, the following conditions of approval have been added, which include:

- Only two cars are allowed on the property, and are not allowed to park on the street;
- A sign will be erected to clarify that no parking is allowed on the street;
- A noise sensor will be installed;
- A privacy fence will be erected that would not block any vehicle sight view.

Motion carried 3-0.

4. ALVARADO SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3505

PROJECT DESCRIPTION/BACKGROUND: The subject property was located at 261 Hemlock Drive, Lyons, CO. The property currently contains an existing single-family residence and is zoned O-Open. The applicant requests Administrative Special Review approval for a small short-term rental located in the existing 2-bedroom single-family residence for a maximum occupancy of four (4) 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, Planning Division review was conducted prior to 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 145 neighbors being notified. Staff received emails from five (5) neighbors voicing concern regarding the application and three (3) neighbors in support of the application. The concerns ranged from noise, rule enforcement, resource conservation, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbors' concerns, 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.

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

Criteria 1: *The proposed use has minimal impacts on 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 find the application meets all other criteria in Article 6.4.3.D and all Short-term Rental Use Regulations criteria located in Article 3.3.5.B.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Alvarado Short-Term Rental, File #23-ZONE3505, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Commissioner Shadduck-McNally requested to table this item until next week to allow for a proper amount of notice for neighbors.

MOTION:

Commissioner Stephens moved the Board of County Commissioners to table the Alvarado short-term rental administrative special review, file no. 23-zone3505, until the next Land use Hearing which will be held on September 25, 2023.

Motion carried 3-0.

With there being no further business, the Board adjourned at 6:10 p.m.

TUESDAY, SEPTEMBER 12, 2023

ADMINISTRATIVE MATTERS MEETING

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

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

1. PUBLIC COMMENT: Larry Sarner called in to address the Board. Mr. Sarner expressed concern about the Centerra South Urban Renewal project. Additionally, Mr. Sarner expressed concern about the amount of revenue that was taken from taxes. Mr. Sarner requested that money collected from taxes be reduced.

Commissioner Shadduck-McNally closed public comment.

Commissioner Stephens explained the good faith partnership that the county was working on. Commissioner Stephens continued to explain the way that the county used tax dollars.

Commissioner Shadduck-McNally echoed Commissioner Stephens and further explained the idea of a mile levy credit to the public that the county is considering.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 4, 2023:

MOTION:

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of September 4, 2023.

Motion carried 3 – 0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF SEPTEMBER 18, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS:

1. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1605211

AGREEMENTS

1. INTERGOVERNMENTAL CONTRACT AMENDMENT #3 BETWEEN COLORADO DEPARTMENT OF EARLY CHILDHOOD AND LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES

2. IGA FOR FUNDING THE POUDRE RIVER TRAIL
3. GRANT AGREEMENT AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD

APPOINTMENTS

1. RECOMMENDED REAPPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD – ERIC LEA, MARK CHRISTENSEN, ANN HUTCHISON, RICHARD MARTINEZ, HEATHER LELCHOOK, TRACY MEAD, TIFFANY LINK, AND JULIE CILA
2. RECOMMENDED APPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD – COLLEEN DEPASQUALE, ANNE MILLION, AND JANEL HIGHFILL

LETTERS OF SUPPORT

1. CAPITAL PROJECT FUND GRANT LETTERS OF SUPPORT

LIQUOR LICENSES

1. LIQUOR LICENSE – HIDDEN LAKES GOLF & TROUT CLUB LLC DBA GOLF CLUB AT FOX ACRES – RED FEATHER LAKES, COLORADO
2. LIQUOR LICENSE RENEWAL – COLEMAN KESSLER GROUP LLC DBA RIDE-A-CART AND CASCADE CREEK MINI GOLF – ESTES PARK, COLORADO
3. LIQUOR LICENSE RENEWAL – CHEROKEE PARK DUDE RANCH DBA CHEROKEE PARK DUDE RANCH – LIVERMORE, COLORADO
4. LIQUOR LICENSE RENEWAL – LA ESPERANZA LLC DBA HACIENDA REAL – FORT COLLINS, COLORADO
5. LIQUOR LICENSE SPECIAL EVENT PERMIT 6% - EVICS FAMILY RESOURCE CENTER'S GIDDY UP AT THE GROVE – ESTES PARK, COLORADO

MISCELLANEOUS

1. STONEBOX 22 LLLP STIPULATION AS TO TAX YEAR 2021 VALUE
2. BLUTEGEL CPA LLC STIPULATION AS TO TAX YEAR 2021 VALUE

3. STEVEN AND NANCY BOLANDER STIPULATION AS TO TAX YEAR 2023 VALUE
4. RCC PROPERTIES LLC STIPULATION AS TO TAX YEAR 2021 VALUE
5. REQUEST FOR APPROVAL TO ENTER UPON LANDS – LARRY BALL
6. REQUEST FOR APPROVAL TO ENTER UPON LANDS – PAULA JANEKA JR.
7. REQUEST FOR APPROVAL TO ENTER UPON LANDS – STEVE LAMONTIA
8. REQUEST FOR APPROVAL TO ENTER UPON LANDS – ELLIE OTTOSON
9. REQUEST FOR APPROVAL TO ENTER UPON LANDS – DAVID SANDERS
10. NICHOLS-NICHOLS LLC STIPUTLATION AS TO TAX YEAR 2021 VALUE
11. LEGAL ACTION REQUESTED FOR A NEW COURT CASE TO BE FILED IN DISTRICT COURT REGARDING CODE COMPLIANCE CASE NUMBER 16-CC0015.

M O T I O N

Commissioner Kefalas moved the Board to approve the Consent Agenda for September 12, 2023.

Motion carried 3 – 0.

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

6. DISCUSSION ITEMS:

1. PROCLAMATION DECLARING SEPTEMBER 15 – OCTOBER 15, 2023, AS HISPANIC HERITAGE/LATINE MONTH IN LARIMER COUNTY: Kaithlyn Wyrick, Executive Director of Heart and Sol, addressed the Board. Ms. Wyrick gave details of an upcoming celebration. Ms. Wyrick thanked the Board and the county for the support that they have given to the community. Andrea Gutierrez was introduced by Ms. Wyrick. Ms. Gutierrez was thanked and welcomed by the Board.

MOTION:

Commissioner Stephens read the Proclamation and moved the Board of County Commissioners approve the Proclamation declaring September 15 – October 15, 2023, as Hispanic Heritage/Latine Month in Larimer County.

Commissioner Shaddock-McNally asked Ms. Wyrick about her family heritage. Ms. Wyrick explained that her family had lived in Larimer County for over one hundred years.

Commissioner Stephens thanked Ms. Wyrick and all the work that is being done for the Latine community.

Commissioner Kefalas echoed Commissioner Stephens' gratitude for the work being done in Larimer County.

Commissioner Shadduck-McNally expressed gratitude for the community and the events that connects the community with each other. Commissioner Shadduck-McNally highlighted Ms. Wyrick's work to help local businesses and to make sure that everyone has equal opportunities.

Manager Volker continued to express gratitude for the amazing work that is being done.

Motion carried 3-0.

2. A JOINT PROCLAMATION – BOARD OF LARIMER COUNTY COMMISSIONERS AND LARIMER COUNTY BOARD OF HEALTH DESIGNATING SEPTEMBER 2023 AS SUICIDE PREVENTION MONTH IN LARIMER COUNTY: Tom Gonzales, Public Health Director, thanked the Board for making this proclamation. Mr. Gonzales explained that awareness was important to helping prevent suicide in the community. Mr. Gonzales explained the efforts that were being made to help with that pressing issue.

Scott Smith, Executive Director of the Alliance for Suicide Prevention, and Emily Humphrey, Director of Community Justice Alternatives were introduced to the Board.

Mr. Smith addressed the Board. Mr. Smith gave a brief history of his journey within the community. Mr. Smith expressed gratitude to the community for the work and awareness that was being done to help situations that may lead to suicide. Additionally, the suicide rate in Larimer County had been steadily decreasing from 2018 to 2022.

Ms. Humphrey addressed the Board. Ms. Humphrey spoke about the Juvinielle Gun Safety Coalition and the mission to help raise awareness for teen mental health.

MOTION:

Commissioner Kefalas read the Proclamation and moved the Board of County Commissioners approve the Joint Proclamation declaring September 2023 as Suicide Prevention Month in Larimer County.

Commissioner Kefalas expressed gratitude for the partnerships and the work being done to help people in crisis. Commissioner Kefalas highlighted the importance of education.

Commissioner Stephens spoke about her experience with the Question, Persuade, and Refer training to help speak to people about suicide prevention. Additionally, Commissioner Stephens highlighted some issues that may exist systemically in our society, like poverty, racism, and discrimination, that may increase one's risk of suicide. Commissioner Stephens wanted to broaden the range of work that was being done in society to help prevent suicide. Commissioner Stephens expressed gratitude for the work and partnerships being done.

Commissioner Shadduck-McNally echoed the sentiment that Commissioner Stephens brought up about ways that despair can impact someone's life. Commissioner Shadduck-McNally wanted to speak to those impacted by suicide and to tell them that there are resources to help. Commissioner Shadduck-McNally also highlighted the impacts of suicide on veterans in our society. She continued to speak about how it took a community to help suicide rates decrease. Commissioner Shadduck-McNally spoke about the World Health Organization's Hope through Action statement and how it can be seen in the community.

Manager Volker thanked the partners and the work being done to help protect those vulnerable to suicide.

Commissioner Shadduck-McNally expressed gratitude for all the partners within the county working for this issue.

Motion carried 3-0.

3. REPORT ON A GRANT PROJECT IMPLEMENTED BY THE COLORADO POVERTY LAW PROJECT, FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM: Josh Fudge, Performance, Budget, and Strategy Director, addressed the Board. Mr. Fudge gave a brief history of the Immediate Needs Grant Program. Mr. Fudge introduced Ericka Welsh, Staff Attorney at the Colorado Poverty Law Project and Kathia Castro Conzalez, Community Navigator at the Colorado Poverty Law Project. Ms. Welsh gave a history of the services and mission of the Colorado Poverty Law Project. This project gives legal information and support for tenants facing eviction. Specifically in Larimer County, "Know your Rights" presentations are given to help people stay in their homes. Finally, this project did some legislative and policy advocacy to help pass bills that help people.

The Immediate Needs Grant helped 263 individuals gain legal support. The grant money also helped put on educational programs and legal clinics. The number of applications for help from the project has been increasing in Larimer County.

Commissioner Stephens thanked the project for the help they have provided to the community. Commissioner Stephens asked about the legislative initiatives that are being worked on. Ms. Welsh spoke about bills that provide protection to tenants including virtual eviction meetings, security deposit caps, and subsidy housing initiatives along with many others.

Commissioner Stephens asked about specific policies that are up at the legislature this year. Ms. Welsh described the process that the project went through to work through the policy. Commissioner Stephens asked if there were ways the Board could help with the legislative initiatives.

Commissioner Kefalas thanked The Colorado Law Project for its presence in the county.

Commissioner Shadduck-McNally echoed the gratitude expressed by her other commissioners. Commissioner Shadduck-McNally asked about public outreach and how the community can support this program. Ms. Welsh explained that the project has a social media presence and an upcoming holiday drive. Ms. Welsh expressed a want for tenants to know about this project so they would be able to know their rights. Commissioner Shadduck-McNally also highlighted the need for outreach to students.

Manager Volker explained the grant program and how the project sought out funds to help the community.

4. REPORT ON A GRANT PROJECT IMPLEMENTED BY RESPITE CARE, INC., FUNDED BY THE LARIMER COUNTY IMMEDIATE NEEDS GRANT PROGRAM: Mr. Fudge gave a brief history of Respite Care, Inc and introduced Kristi Briles, Executive Director of Respite Care, Inc. Ms. Briles gave a history of this program and the needs from the community that this program is trying to help with. This program worked with children from infant to eighteen years old with disabilities. The immediate needs grant helped with allowing fewer children per classroom per COVID regulations. The funds helped this program continue throughout the pandemic. Ms. Briles broke down the funding for the program and expressed gratitude for all donors.

Commissioner Kefalas expressed gratitude for the Respite Care Inc program. Commissioner Kefalas asked about the Childcare Contribution Tax Contribution. Ms. Briles explained the benefits of donating to organizations like Respite Care, Inc because of the ability to claim a Colorado income tax credit.

Commissioner Kefalas asked about the gap between services and children with special needs. Ms. Briles explained the great need to provide children with the care they need and the available childcare services.

Commissioner Kefalas asked about how closely they work with the Early Childhood Council of Larimer County. Ms. Briles explained that she attends the Early Childhood Council as much as possible. Ms. Briles continued to explain the difficulties in balancing legislative work with managing other responsibilities.

Commissioner Kefalas asked about workforce issues in this field. Ms. Briles explained that hourly wages for staff have been able to increase which has allowed this program to be fully staffed. Commissioner Kefalas continued to ask about waiting lists. Ms. Briles explained that though there are not waiting lists, the current facility is too small to fully meet the needs in Larimer County.

Commissioner Kefalas asked about upcoming events. Ms. Briles highlighted the Holiday Ball that is coming up and offered the Commissioners a tour of the facility.

Commissioner Stephens thanked Ms. Briles for the work being done to help families and to give children fulfilling experiences.

Commissioner Shadduck-McNally echoes the other commissioner's gratitude for this organization.

Manager Volker thanked Ms. Briles for the service to the County.

7. COUNTY MANAGER UPDATE: County Manager Volker briefly detailed the events of the previous week.

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

9. LEGAL MATTERS:

No decision expected.

Executive Session pursuant to C.R.S 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about ongoing oil and gas well state level collateral amounts and plugging and abandoning request.

MOTION:

Commissioner Stephens moved the Board of County Commissioners to enter executive session pursuant to C.R.S 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about ongoing oil and gas well state level collateral amounts and plugging and abandoning request.

Motion passed 3-0.

With there being no further business, the Board adjourned at 11:20 a.m.



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

**TINA HARRIS
CLERK AND RECORDER**

ATTEST:



Tessa Beaty, Deputy Clerk

