



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JANUARY 24, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas (virtually) were present. Also, present were: Lesli Ellis, Community Development Director; Samantha Lasher and Doug May; Community Development; Connor Sheldon and Amy White, Code Compliance Department, Andrew Lewis and Frank Haug, Attorney's Office.; and Kelly Bryant, Deputy Clerk. Lea Schneider, Health Department joined the meeting virtually.

Chair Stephens opened the hearing with the Pledge of Allegiance.

Public Hearing Consent Items:

1. Mesa Mobile Home Park, LLC Appeal, File No. 21-GNRL0526 This is a request to have the Board of County Commissioners accept a determination of the City of Fort Collins to decline annexation of a property and allow a Special Review application to be processed by Larimer County. The property is located at 4517 E. Mulberry Street, Fort Collins, CO 80524; located approximately 0.45 miles east of the intersection of Interstate-25 and Mulberry Street. The applicant is Porter Chase, Follett USA, 3600 American River Drive, Sacramento, CA 95864 and the owner is The Mesa Mobile Home Park, LLC, 3600 American River Drive, Suite 215, Sacramento, CA 95864. It should be noted that the Development Services Team recommends approval of the Mesa Mobile Home Park, LLC Appeal, File# 21-GNRL0526, subject to the condition outlined in the staff report.

BACKGROUND:

The subject property is located at 4517 E. Mulberry Street in Fort Collins, CO which is located approximately 0.45 miles east of the intersection of Interstate-25 and Mulberry Street.

The subject property is approximately 37.61-acres and is currently zoned MHP-Manufactured Housing Park. The property currently contains the Sunflower Active Adult Community, a mobile home park, owned and operated by the Mesa Mobile Home Park, LLC. The current use was approved via Special Review in 1999 (File #99-Z1296). An Amended Special Review was approved in 2004 (File #04-Z1522) to add additional mobile home sites. According to the applicant, there are currently 190 mobile home sites.

The property owner is currently unable to place a new home on Lot 39 within the Sunflower Active Adult Community due to an existing Deed of Access Easement encumbering a portion of Lot 39, for the use of Fort Collins' emergency services and the adjacent development. Although initially intended as a "temporary easement", the access easement remains intact, and the property owner is unable to have it removed until it can be replaced with a permanent alternative.

Therefore, the property owner would like to split an existing vacant storage lot into two separate residential lots and allow a tenant to install a mobile home on each new lot through the special review process.

The property is located within the Fort Collins Growth Management Area (GMA) and is contiguous to City of Fort Collins municipal limits. Article 2.7.2.D.2 of the Land Use Code requires that the property owners seek annexation to the City of Fort Collins rather than apply through Larimer County for a special review.

The City of Fort Collins Development Services staff has provided an email stating that they are declining annexation of the properties because the pre-annexation agreement has expired. They also noted that should the subject property be eligible for involuntary annexation in the future, the City of Fort Collins will pursue annexation of the property at that time.

The revised Land Use Code that became effective on March 31, 2021, unintentionally did not carry over the criteria for appeals from the previous Land Use Code. Until a Code amendment can be approved to include the criteria, the criteria found in Section 22 of the previous Land Use Code will continue to be used to evaluate appeal requests.

If the proposed appeal is granted, the property owners may apply for a Special Review without having to annex the property to the City of Fort Collins.

REVIEW CRITERIA:

SECTION 22.2.3: APPEAL TO DEVIATE FROM THE STANDARDS OR REQUIREMENTS OTHER THAN MINIMUM LOT SIZE REQUIREMENTS When considering whether to approve an appeal to deviate from standards or requirements of this code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement.

The Growth Management Overlay Zone District provides for the possibility of a deferral of annexation as noted below.

Article 2.7.2.D.2 of the Land Use Code:

Except as provided in §2.7.2.D.3 or as otherwise permitted by the supplementary regulations, the County shall not accept any application for a rezoning to a PD or Special Review:

a. For any property zoned in a GMA that has any contiguity to the municipal limits and thus can be made eligible for voluntary annexation, whether through a series of annexations or otherwise. Instead, the owner of such property shall be required to seek annexation to the municipality; or

b. For any property in a GMA district, which was part of a parcel eligible for annexation as of December 18, 2000, but which is no longer eligible because of subsequent land divisions resulting in a break in contiguity, except land divisions created by court order from probate, dissolution of marriage, or eminent domain proceedings; or

c. Where the municipality denies the petition for annexation because:

i. The property owner has included conditions or requirements in the petition which the county deems to be unreasonable or unduly burdensome; or

ii. The property owner refuses to agree to conditions or requirements imposed by the municipality as a condition of annexation which the County deems to be reasonable.

The county may accept applications for rezoning or special review where:

d. In lieu of a denial of annexation by the municipality, the County Commissioners accept the written determination by the designated representative of the municipality that the subject property owner(s) need not apply for annexation.

The purpose of the standard is to provide an opportunity for the City of Fort Collins to require annexation prior to Larimer County accepting applications for rezoning, special review or land divisions for properties in the Fort Collins Growth Management Area that are eligible for annexation.

In this case, the City of Fort Collins Development Review Manager has provided a written letter that the City of Fort Collins is unable to annex the subject property at this time and consents to Larimer County accepting a Special Review application to create two new residential lots.

Given that Fort Collins was provided the opportunity to require annexation and declined, approval of the appeal would not subvert the purpose of the standard.

B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.

Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood but would allow the property owners to apply for special review. A special review requires public hearings before the Planning Commission and the Board of County Commissioners, which provides an opportunity for public input.

C. Approval of the appeal is the minimum action necessary.

The appeal is the minimum action necessary to allow for a special review of the property without annexing to the City of Fort Collins.

- D. Approval of the appeal will not result in increased costs to the general public.

There are no additional costs to the public if the appeal is approved.

- E. Approval of the appeal is consistent with the intent and purpose of the Code.

The appeal is an anticipated action by the Code and is therefore consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Mesa Mobile Home Park, LLC Appeal, File No. 21-GNRL0526, subject to the following condition:

1. The property owner shall submit a signed Annexation Agreement to the City of Fort Collins if the Special Review is approved.

2. Alps Minor Land Division, File No. 21-LAND4125 This is a request for a Minor Land Division to divide five existing lots into seven lots, as well as to bring a nonconforming lot containing two residences into compliance by splitting it into two lots. The location of the property is at the intersection of W. County Road 18 and Alps Ranch Road; more specifically located at 1609, 1853, 1900, 1912 Alps Ranch Road and 5800 County Road 18, Loveland, Colorado. The applicants are Chase J. Corbridge, Coffey Engineering, 4045 St. Cloud Drive, Loveland, CO 80538 and the owners of the property are Skyler D. Alps, Amy Alps, 1853 Alps Ranch Road, Loveland, Colorado 80537. It should be noted that the Development Services Team recommends Approval of the Alps Minor Land, File #21-LAND4125, subject to the conditions outlined in the staff report and authorization for the chairman to sign the plat when the conditions are met, and the plat is presented for signature.

BACKGROUND:

The property is located at the intersection of W. County Road 18 and Alps Ranch Road. The subject property currently consists of five parcels. Four of the parcels located along the west side of Alps Ranch Road, south of the intersection of W. County Road 18. The fifth parcel is located on the south side of W. County Road 18. The five subject parcels contain five single family dwellings. However, the parcel located directly southwest of the intersection of W. County Road 18 and Alps Ranch Road currently contains two of the dwellings. The parcel located on the south side of W. County Road 18 is currently vacant. The subject parcels are all zoned RR2 - Rural Residential, and together they measure 181.87-acres.

The request is to divide the five parcels into seven lots. The four parcels located along the west side of Alps Ranch Road will be combined into one residual lot, while the existing single-family dwellings will each be located on their own lot and the existing vacant parcel located south of W. County Road 18 (Lot 2) will become reconfigured slightly and remain vacant. The result of the Minor Land Division will be five developable lots already developed with single family homes and one additional vacant developable lot, and one residual lot. 99 Part of the purpose of the Minor Land Division is to separate

the two existing single-family dwellings onto their own lots, to make them conform with the Larimer County Land Use Code.

The application documents indicate that each lot will be served by separate driveways from Alps Ranch Road as well as independent on-site septic systems.

REVIEW CRITERIA:

To approve a Minor Land Division, the Board of County Commissioners must consider the review criteria found in Article 6.5.8.D.5 of the Land Use Code and find that each criterion has been met or determined to be inapplicable. These criteria are noted below and underlined, with staff's assessment immediately following of the criteria.

- A. The property is not part of an approved or recorded subdivision plat. The subject property is not currently part of an approved or recorded subdivision plat.
- B. The property is not part of an Exemption or Minor Residential Development approved under the previous Subdivision Resolution or a Minor Land Division. The subject property is not part of an Exemption or Minor Residential Development approved under the previously Subdivision Resolution or a Minor Land Division.
- C. The newly created parcels will meet the minimum lot size required by the applicable zoning district. The minimum lot size in the RR2 – Rural Residential zoning district is 2.3-acres (100,000 square feet) for lots served by septic systems and wells. The resultant lots meet the minimum lot size requirement in this zoning district as they will be 162.28-acres, 2.49-acres, 3.47-acres, 2.37-acres, 4.63-acres, 3.5-acres, and 3.5-acres.
- D. The newly created parcels meet minimum access standards required by the County Engineer. The Larimer County Engineering Department does not have any issues or concerns with the proposal and made several comments that should be noted but all comments that require revisions were addressed in previous submittals. Among the comments that should be noted are comments regarding right of way, drainage and erosion, fire protection, and any potential further land divisions

The Engineering Department had previously requested that the applicant dedicate an additional 20-feet of right of way along the south side of County Road 18, which the applicant has shown on the latest submittal.

Additionally, according to Larimer County Rural Area Road Standards (LCRARS), road systems accessing multiple residences (e.g. rural subdivisions) must provide cross culverts, as needed, to maintain natural drainage patterns and distribute stormwater away from the roadway. Such structures must be sized to pass at least the flow generated by a 10-year storm.

The Larimer County Engineering Department has indicated that they do not have any issues with the proposal.

- E. Approval of the Minor Land Division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use. The proposed Minor Land Division should not result in impacts greater than those of existing uses as no new development is proposed at this time. The resultant lots are each already developed with single family dwellings, and the Minor Land Division brings the property in conformance with the Land Use Code by splitting a parcel with two homes into two separate lots

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Alps Minor Land, File #21-LAND4125, subject to the following condition(s) and authorization for the chairman to sign the plat when the conditions are met, and the plat is presented for signature:

1. All conditions of approval shall be met, and the Final Plat recorded July 25, 2022, or this approval shall be null and void.
2. Lot 1, the 162.28-acre lot, cannot be further split without going through a land division process.

MOTION:

Commissioner Shadduck-McNally moved to approve the items on the consent agenda subject to the conditions in the staff reports and further move to authorize the Chair to sign the findings and resolutions.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:17 p.m.

MONDAY, JANUARY 24, 2022

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas (virtually) were present. Also, present were: Lesli Ellis, Community Development Director; **Daylan Figgs, Natural Resources Director**, Frank Haug, County Attorney's Office; and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the hearing with the Pledge of Allegiance.

TABLED ITEM(S) FROM NOVEMBER 15, 2021, AND DECEMBER 13, 2021:

1. LAND USE CODE AMENDMENTS TO ARTICLE 10, AREAS AND ACTIVITIES OF STATE INTEREST (1041 REGULATIONS), FILE NO. 21-CODE0260: Lesli Ellis, Community Development Director, provided an overview of the request. This is a request for: 1)

Repeal and Replace Article 10, Areas and Activities of State Interest, of the Land Use Code, 2) Amend related Sec. 6.4.4, Location and Extent, Sec. 6.7.2 Procedures, and Sec. 20.3, Definitions to align with the changes in Article 10, and 3) Consider designation of additional activities of state interest.

The report discussed included the materials for proposed Areas and Activities of State Interest (1041) Regulations for consideration at the Board of County Commissioners hearing. Larimer County's adopted "Areas and Activities of State Interest" regulations ("1041 regulations") appear in Article 10 of the Land Use Code.

At a continued hearing on December 13, 2021, the Board of County Commissioners moved to continue the hearing to January 24, 2022. Additionally, the County Commissioners will hold work session on January 19, 2022.

The Code Amendments are designed to update the existing guidelines and procedures related to 1041 regulations, as well as to provide new guidelines and procedures for new activities which are designated through a state statutory process.

At the January 24 hearing, the Board of County Commissioners will hear additional comment on both the amendments to the code, as well as on the designation of additional activities of state interest and then deliberate and decide on the designation of the activities of state interest pursuant to C.R.S. 24-65.1-401 et seq and then Land Use Code amendments. The Board is being asked to complete two separate tasks: (1) to designate activities of state interest under the state statutory process, and (2) to adopt guidelines through amendments to the Larimer County Code on the implementation and regulation of those areas. The regulations, as well as the existing and new designations would apply throughout the unincorporated part of the county.

Prior to today's hearing and after hearings in November and December, staff provided newspaper notice for the continued hearing, stating the time and place of the hearing and the place at which materials relating to the matter to be designated and guidelines may be examined published once at least thirty days and not more than sixty days before the public hearing in a newspaper of general circulation in the County. The County also extended the related temporary moratorium on 1041 permits to February 15, 2022, to allow this regulation amendment process to be completed.

REVIEW CRITERIA:

The Board must consider two separate sets of criteria. One is provided in the state statutes and regards the designation of activities and areas of state interest. The other is defined by the Larimer County Land Use Code.

For designating activities of state interest, the Board is to consider the factors in C.R.S. 24-65.1- 401 which include:

(1) After public hearing, a local government may designate matters of state interest within its jurisdiction, taking into consideration: (a) The intensity of current and foreseeable development pressures.

(2) A designation shall: (a) Specify the boundaries of the proposed area; and (b) State reasons why the particular area or activity is of state interest, the dangers that would result from

uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.

Amending the text of the Land Use Code is a matter committed to the legislative discretion of the County Commissioners, per section of the Land Use Code, Sec. 6.6.2.D, Amending the Code Text, and Review Criteria for Code Text Amendment. To approve a change in the code text, the Planning Commission and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code, as the County Commissioners did on November 15, 2021.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The proposed regulations meet statutory requirements. Having held a public hearing on the matter, Larimer County may designate matters of state interest within its jurisdiction. The county has taken into consideration the intensity of current and foreseeable development pressures and addressed reasons why the particular area or activity is of state interest.

Pursuant to C.R.S. 24-65.1-401 et seq., the site section of new state owned and operated collector and arterial highways and interchanges, as described in Section 10.3.1.L are found to be of interest in Larimer County and applicable throughout the county. This new designation is in addition to those activities previously designated, and in some cases slightly modified as follows:

- 10.3.1.E., clarifications to electrical transmission lines;
- 10.3.1.F., clarifications to existing transmission line upgrades;
- 10.3.1.H., clarification to natural gas transmission pipelines;
- 10.3.1.I., clarification to water and sewer transmission lines and definitions;
- 10.3.1.J., clarification to new water storage reservoirs and expansion of same;
- 10.3.1.K., clarification and change the threshold for solar energy power plants; and
- Deletion of old section 10.3.9 because the topic is covered in Article 11 of the LUC.

The new designation of highways and interchanges is in addition to those activities previously designated and in some cases slightly modified, and subject to the modifications, standards, and implementation as outlined in the amended Larimer County Use Code adopted on November 15, 2021, and to be further considered on January 24, 2022. The designations are necessary, because as noted above, for highways and interchanges such facilities can have substantial impact on the environment, public and private property (e.g., noise, water and air quality, wetlands, light pollution, traffic safety, coordinated land use planning), and on residents and businesses of Larimer County. In addition, the designations are necessary to prevent uncontrolled development and to achieve the benefits of coordinated development as outlined in the staff report and stated by this Board of County Commissioners. Benefits of coordinated planning are many, including the connection of municipal, state, and county roads ensuring stakeholder input is taken into consideration, and reduce traffic crashes, increase the efficiency and effectiveness of maintenance of the road system including snow removal and routine maintenance, improve the connectivity and flow of traffic of the county. It also ensures consideration of commercial traffic and its impact on primarily residential roadways, increases efficiency, and ensuring consistency in design standards. The proposed regulations meet Land Use Code requirements.

The proposed request to repeal and replace Article 10 aligns with the goals and objectives of the Larimer County Comprehensive Plan.

As discussed at the November 15, 2021 hearing, the intent of these proposed amendments to Article 10 are to align the Land Use Code and the specific 1041 regulations with the 2019 Comprehensive Plan policies, and the standards are consistent with the intent of the Larimer County Land Use Code. Further, they provide the guidelines for the administration of 1041 activities in Larimer County. In addition to the language approved on November 15, 2021, by the Board of County Commissioners, the Community Development Department recommends that the Board of County Commissioners approve the following:

1. Make one small change to Sec. 10.3.1.H to clarify that the section applies to “natural gas” transmission pipelines.
2. Revert the language in Sec. 10.3.1.I back to the language approved on December 21, 2009, by the Larimer County Commissioners, as noted above, and as now noted in attachment A.
3. Modify language in Sec. 10.9.1.E and F to address criteria related to the environment and natural resource quality.

Staff also recommends no changes to and to maintain the language in Sec. 10.7.4.D., as originally approved by the County Commissioners in 2009 (then it was section 14.7.B.3).

An addendum was then presented by Ms. Ellis regarding Section 10.2 General Applicability; Section 10.3.1.I Activities of State Interest, Water and Sewer, Section 10.7.2. Appeal of Determination of Applicability, Section 10.7.3.A, Appeal Process, Section 10.9.1.F, Section 10.10.5 Additional Review Criteria for Historical or Archaeological Resources of Statewide Interest, 10.10.6 Additional Review Criteria for Public Conservation Lands and Section 20.3. She stated that the county’s webpage has been continuously updated to inform the public regarding the discussed changes as well as noting that several public events that have taken place to inform the public several times prior to today’s hearing. In addition, email notifications had been sent to stakeholders to ensure noticing statutes were complied with. She mentioned that Article 10.41 designation regulations have been in effect since 2008 with minimal changes. Ms. Ellis did state that there was a new regulation regarding highways and emergency situations that were summarized as well. She then summarized each of the sections that were being updated within the addendum. She stated that this addendum was posted to the public this afternoon and prior to today’s hearing.

Giving special emphasis on some questions that were presented at an earlier work session, Ms. Ellis explained the thresholds regarding electrical power plants and electrical transmission lines have been in place since 2008. She mentioned that her team will need to conduct more analysis as to why the thresholds were established. She also mentioned that other counties have made adjustments and she wanted to give the Commissioners additional information if they choose to adjust these thresholds in the future. Article 11, she referenced, also addressed oil and gas pipeline thresholds as well. Finally, she reviewed the Development Services Team’s recommendations.

Commissioner Kefalas thanked Ms. Ellis for her explanation but did ask for further clarification on the water transmission lines as referenced in Article 10.3.1. Ms. Ellis did explain the rationale is based on the service units and their range. Commissioner Shadduck-McNally asked the staff about the

public conservation of lands and for them to take into consideration the duration of impacts and the need for natural resources clarification. Mr. Figgs, Director of Natural Resources, did state that the verbiage is intended to be broad in nature so as to capture a variety of habitat types. Chair Stephens had questions on the compensatory mitigation and whether the verbiage was adequate as referenced in Article 10.10.6. C – Compensatory. Mr. Figgs stated that the language is sufficient.

Chair Stephens opened the hearing for public comment.

Mike Scheid, General Manager of East Larimer Water District (ELCO) spoke to the Board and stated that he was just learning of the change to Article 10.3.I Addendum (25 dwelling units served by water lines) and that this change would have long lasting affects regarding developers/development projects. Gary Wockner (virtually) speaking on behalf of “Save the Poudre” group stated 10.9.1.E and 10.10.9.F are redundant and could be merged into one Article that discussed the mitigation hierarchy. Mr. Eric Potyondy, Assistant City Attorney, City of Fort Collins, thanked the Commissioners for considering their comments and appreciates the ongoing relationship. He asked for further clarification on Article 10.10.6, specifically, “...if the applicant can” as well as “a designated lead local agency” language and reminded the Commissioner’s updated language has been submitted by the City. Karen Wagner thanked the Commissioners and Community Development for their efforts on Article 10.41. She did recommend that applicants be informed of the criteria that apply to their project. Ms. Wagner also recommended that the County be required to explain when and where criteria has been met as well as ensuring there is no quid pro quo for an expedited application.

Chair Stephens closed public comment.

Commissioner Shadduck-McNally mentioned that the meeting was posted properly. She deferred to our staff to help address some of the concerns from the public comment. Ms. Ellis discussed that some of the 1041 applications do go through a smooth and uncomplicated process and pass through the Consent Agenda. Mr. Potyondy’s questions regarding the “if,” were addressed. Assistant County Attorney Haug let the public know that there should be more discretion for the Commissioners. Commissioner Kefalas asked that staff respond to the questions from the public comment. Assistant Attorney Haug stated that the merging of the two sections would be a policy matter not necessarily a legal matter. Mr. Figgs agreed with Assistant County Attorney Haug that some language can be repeated. Chair Stephens agreed too that this would be a policy matter not a legal matter. Commissioner Kefalas mentioned that every transmission line must go through the 10.41 process. He was concerned that the public has not had enough time to analyze and respond to the addendum. Ms. Ellis mentioned that the language in place since 2008 has successfully addressed the issues in question. It may be new language, but the context remains the same as per Ms. Ellis. Commissioner Kefalas thanked Ms. Ellis for her reply. He followed up on the experiences of other counties (El Paso and Boulder) where they’ve established new thresholds. Ms. Ellis stated that she did not have feedback in regard to those counties but could obtain it if needed. It was mentioned that some transmission lines go through Larimer County to service other areas/counties and it was made clear that the thresholds would be required regardless. Chair Stephens referenced Mr. Potyondy’s comment regarding Article 10.10.6 and Assistant County Attorney Haug mentioned that an open space owned by the City of Fort Collins must determine their own requirements.

Commissioner Shadduck-McNally thanked the agencies and the public for their engagement. She stated that these regulations strike a good balance with stakeholders and the public. She stated that she agreed with the staff’s recommendations regarding mitigation and the proposed amendments.

The combining of the two sections may be appropriate however she wanted to ensure portions were not lost in that process. Commissioner Kefalas thanked everyone for attending the meeting and those that have participated in the open houses and work sessions. He stated the process has been inclusive, robust, and transparent. He did support the addendum items but would not support the 25 unit threshold matter. He reiterated that Article 10.41 is intended to have control over those projects that affect the community i.e. protection of eco systems and river systems. Chair Stephens thanked everyone who provided comments and thanked everyone who helped craft this document. She was inclined to keep the 25-units threshold and felt was appropriate to have in place for future pipelines. The combining of the two sections was also mentioned in the addendum and the Commissioners were thankful for the provided clarifications. Regarding the questions that Ms. Wagner proposed, Chair Stephens mentioned that this document does provide the protections the constituent was concerned with. The only change she recommended was how to combine the two sections as mentioned by several constituents. Commissioner Shadduck-McNally asked Mr. Figgs, Ms. Ellis and staff if they had any recommendations to combine the two sections. Mr. Figgs suggested two options: 1) combine them fully or 2) repeat the language from E into rivers and streams as mentioned in #9 and keep F as written. The Commissioners agreed on the following motion and noted changes.

MOTION

Commissioner Shadduck-McNally moved that, pursuant to C.R.S. 24-65.1-401 et seq., the Board of County Commissioners designate the following matters of state interest that are applicable throughout unincorporated Larimer County: new Site section of new State owned and operated collector and arterial highways and interchanges, as described in Section 10.3.1.L. Additionally, she moved that the Commissioners clarify the following designations:

- 10.3.1.E., clarifications to electrical transmission lines;
- 10.3.1.F., clarifications to existing transmission line upgrades;
- 10.3.1.H., clarification to natural gas transmission pipelines;
- 10.3.1.I., clarification to water and sewer transmission lines and definitions;
- 10.3.1.J., clarification to new water storage reservoirs and expansion of same;
- 10.3.1.K., clarification and change the threshold for solar energy power plants; and
- Deletion of old section 10.3.9 because the topic is covered in Article 11 of the Land Use Code,

The new designation of highways and interchanges is in addition to those activities previously designated and in some cases slightly modified, and subject to the modifications, standards, and implementation as outlined in the amended Larimer County Use Code adopted on November 15, 2021. The designations are necessary, because as noted above, for highways and interchanges such facilities can have substantial impact on the environment, public and private property (e.g., noise, water and air quality, wetlands, light pollution, traffic safety, coordinated land use planning), and on residents and businesses of Larimer County. In addition, the designations are necessary to prevent uncontrolled development and to achieve the benefits of coordinated development as outlined in the staff report and stated by this Board of County Commissioners. Benefits of coordinated planning are many, including the connection of municipal, state, and county roads ensuring stakeholder input is taken into consideration, and reduce traffic crashes, increase the efficiency and effectiveness of maintenance of the road system including snow removal and routine maintenance, improve the connectivity and flow of traffic of the county. It also ensures consideration of commercial traffic and its impact on primarily residential roadways, increases efficiency, and ensuring consistency in design standards. Additionally, Commissioner Shadduck-McNally moved to accept the addendum presented

to the Board of County Commissioners “Addendum for Larimer County Public Hearing on Areas of Activity of State Interest, January 24, 2022,” with proposed changes of 1, 2, 3, 4, 5 6, 7 and 8 and the addition of adding language to Section 10.9.1.E to add this language to that section. The proposed project demonstrates how it mitigates impacts to these areas including following a mitigation hierarchy to 1) avoid impact to resources of highest value and 2) minimize the impacts that are unavoidable and finally mitigate the impacts that occur. Also motioned was a correction to the verbiage “New Site section” to “New Site selection” and, to add to the motion, these changes will take effect February 15, 2022.

Motion carried 3-0.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minor changes suggested by staff to amend the Article 10 which the County Commissioners approved on November 15, 2021, as being consistent with the Comprehensive Plan and the addendum as discussed today by the Commissioners making the effective date February 15, 2022.

Motion carried 3-0.

With there being no further business, the Board adjourned at 7:59 p.m.

TUESDAY, JANUARY 25, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Stephens presided. Commissioner Kefalas (virtually) and Commissioner Shadduck-McNally were present. Also present were: Michelle Bird, Public Affairs Director; and Kelly Bryant, Deputy Clerk.

Commissioner Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board:

Gina Forcatto, Keri Park, Jessica Madden, Nikki Calbraith, Lisa McLean, Jim Winebrener, Karla Umlauf, Lisa Hecker, Katie Cassis, Nick Lance, Heather Clodentera, Erin Rambler, and Tasha Carr (virtually) addressed the Board regarding the mask mandate, medical treatment options, Board of Health participation in the Board of County Commissioner Hearings, community healing, as well as a request for clarification of the phrase “new normal” used by Commissioner Shadduck-McNally. Zack Thode addressed the Board regarding water rights in Livermore as well as open space tax dollars. Joseph Flanagan (virtually) spoke to the Board regarding the illegality of Public Improvement Districts (PID) and possible conflict of interest.

Chair Stephens closed public comment.

Commissioner Shadduck-McNally thanked the public for sharing their concerns. She sent condolences to those that suffered loss as mentioned in the public comment. She also mentioned that the “new normal” includes Zoom, virtual meeting, etc. and that we will not go backward but move forward navigating (balanced conversations) in the new normal. Commissioner Shadduck-McNally asked that we remain kind with one another. She addressed the comments from Mr. Thode and the City of Livermore landowners. She stated that she will investigate this matter and provide a response at a later time.

Commissioner Kefalas joined the hearing (virtually) at 9:45 a.m. He mentioned that he listened to the hearing in its entirety this morning as well as listening to the Health Departments meeting held recently. He gave condolences to those who have lost loved ones to COVID-19. He also stated he would approach the local hospitals about participating in the public hearings and focusing on healing. He mentioned the sales tax funds, and he has reached out to the Department of Natural Resources (DNR) for guidance. Chair Stephens then thanked those who traveled to the hearing today despite the inclement weather. She mentioned that the reality of COVID-19 is here and wishes for community healing too. She cannot speak about the Board of Health meetings but can state that differing opinions and balancing these issues is important.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JANUARY 17, 2022:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of January 17, 2022.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF JANUARY 17, 2022: Ms. Bird reviewed the upcoming schedule with the Board. Commissioner Shadduck-McNally and Commissioner Kefalas had some corrections and County Manager Linda Hoffmann stated that an updated schedule will be posted.

4. CONSENT AGENDA:

AGREEMENTS

1. OOA SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND VIA MOBILITY SERVICES

2. LARIMER COUNTY CRIMINAL JUSTICE SERVICES DIVISION CONTRACT #2022.002 FOR SERVICES WITH NORTH RANGE BEHAVIORAL HEALTH

3. AMENDMENT #2 (P21-06 ARCHITECTURAL / ENGINEERING DESIGN SERVICES - EQUINE/LIVESTOCK)

APPOINTMENTS:

1. RECOMMENDED APPOINTMENT TO THE PTARMIGAN PUBLIC IMPROVEMENT DISTRICT #20 – TOM GRANT

2. RECOMMENDED REAPPOINTMENT TO THE PTARMIGAN PUBLIC IMPROVEMENT DISTRICT #20 – MARK EARLEY

3. RECOMMENDED APPOINTMENT TO THE BOARD OF ADJUSTMENT – PHILIP SAN FILIPPO

4. RECOMMENDED REAPPOINTMENT TO THE BRUNS PUBLIC IMPROVEMENT DISTRICT #35 – DAVID MORSE

5. RECOMMENDED APPOINTMENT TO THE RED FEATHER LAKES GENERAL IMPROVEMENT DISTRICT #13A – JULIE DOMINICAK

6. RECOMMENDED APPOINTMENT TO THE RED FEATHER LAKES COMMUNITY LIBRARY BOARD OF TRUSTEES – WILLIAM MOXON

LIQUOR LICENSE: BIG S ENTERPRISE INC DBA GATEWAY LIQUOR - RENEWAL OF RETAIL LIQUOR STORE; HORSETOOTH SPIRITS AND MARKETPLACE CORP. DBA HORSETOOTH SPIRITS AND MARKETPLACE CORP. - RENEWAL OF RETAIL LIQUOR STORE, AND O'DELL GOLF LLC DBA MOUNTAIN VISTA GREENS DBA MOUNTAIN VISTA GREENS - RENEWAL OF OPTIONAL PREMISE.

MISCELLANEOUS:

1. CORONER'S OFFICE FORMAL REQUEST FOR ADDITIONAL FTE INVESTIGATOR

RESOLUTIONS:

1. RESOLUTION TO ESTABLISH PRECINCTS AND BOUNDARY CHANGES

2. RESOLUTION ADOPTING 2021 BUILDING CODES AND LOCAL AMENDMENTS AND REVOKING EXISTING 2018 BUILDING CODES

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for January 25, 2022, in addition to the Coroner's Office request to use the general fund -Future Project to fund one regular full time medical/legal investigator position starting February 24, 2022.

Motion carried 3-0

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

6. DISCUSSION ITEMS

1. Appointment of Lee Cooper to the Veterans Service Officer (VSO) Position for a Two-Year Term Beginning January 30, 2022. This appointment was submitted by Jacob Castillo, Larimer County Economic and Workforce Development. On January 28, 2020, Mr. Cooper was appointed the Veterans Service Officer (VSO) for a two-year term. As the Veterans Service Officer, Mr. Cooper works with local veteran support groups to evaluate and connect veterans to support. From December 2020 to November 2021, he has connected with over 400 veterans. Mr. Cooper served eight years in the U.S. Army Reserves, 324th Psychological Operations Company, Aurora Colorado. His service included deployments to Iraq and to East Africa. Mr. Cooper works approximately 25 hours per week focusing on outreach to veterans.

Jacob Castillo, Director of Larimer County Economic & Workforce Development, spoke to the Board. He has recommended Lee Cooper to the Veterans Service Officer (VSO) Position for a Two-Year Term Beginning January 30, 2022. He said that Lee is the “face” and a critical connection point for many Veterans in the community. Mr. Cooper address the Board and stated that it has been a challenging past two years because of COVID-19 as well as high turnover within his department. His focus was to turn things around and refocus efforts appropriately. He has built a relationship with the Cheyenne Medical Center in Wyoming to service the underserved Veterans in the broader region.

Commissioner Shadduck-McNally thanked Mr. Castillo for recommending Mr. Cooper for this position. She stated that she had attended a Veterans event in the past and had heard firsthand about his outreach skill and ability. She was appreciative of him and his team in their efforts within the community. Commissioner Kefalas asked Mr. Castillo if 25-hours per week would be enough of an allotment for the work that would need to be done. He stated that this would be an average per week and will monitor any increase in demand and will adjust as directed and approved by the Commissioners. Mr. Cooper concurred with the allotment of time as noted. The Commissioners thanked the team for their services and reaching out to the community. Chair Stephens mentioned that she knows that Mr. Cooper has the support of the community and grateful for his service. He has done a great job by helping the community after serving admirably in the Armed Services. Mr. Cooper thanked the Commissioners for their words.

MOTION

Commissioner Shadduck-McNally moved to reappoint Lee Cooper as the Larimer County Veterans Service Officer for a two-year term effective January 30, 2022.

Motion carried 3-0

7. **COUNTY MANAGER UPDATE:** Manager Hoffmann updated the Board on this week’s coordination meetings and upcoming projects and activities.

Chair Stephens recessed for 3 minutes for a photo opportunity with Mr. Lee Cooper.

8. **COMMISSIONER ACTIVITY REPORTS:** The Board 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) for conferences with an attorney for the purpose of receiving legal advice regarding the development and opening of the new landfill site and closure and monitoring of the existing landfill.

Executive Session pursuant to C.R.S. 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding a discussion with staff on negotiation and response to an offer for purchase of land situated within the Ranch.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners enter into an Executive Session pursuant to C.R.S. 24-6-402(4)(b) for conferences with an attorney for the purpose of receiving legal advice regarding the development and opening of the new landfill site and closure and monitoring of the existing landfill. He further moved that the Board of County Commissioners enter into an Executive Session pursuant to C.R.S. 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding a discussion with staff on negotiation and response to an offer for purchase of land situated within the Ranch.

Motion carried 3-0

With there being no further business, the Board adjourned at 10:43 a.m.

Jody Shadduck-McNelly
Chair Pro Tem

KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Kelly Bryant

Kelly Bryant, Deputy Clerk



