



## MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 11, 2022

### LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Pro Tem Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were: Leslie Ellis, Community Development Director, Shalana Lysaght, Doug May, and Samantha Mott, Community Development; Traci Shambo, Engineering; Frank Haug, County Attorney's Office; and Elizabeth Carter Deputy Clerk. Lea Schneider, Health Department joined the meeting by teleconference.

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

#### **1) KT FARMS PLANNED LAND DIVISION/PLANNED DEVELOPMENT AND APPEAL, FILE NO. 18-LAND3841:**

The three parcels, #96254-00-035, #96254-00-041, and #96254-07-001 have a combined total of 3.82-acres and are located at the northwest corner of N. Saint Louis Ave. and E. 57th St. in Loveland, CO. East 57th Street is classified as an Arterial Road on the Larimer County Functional Road Classification Map, while North Saint Louis Avenue is classified as a Local Road.

One of the parcels includes an existing dwelling and associated outbuildings, while the other two are vacant. One 0.11-acre lot is identified as Outlot A of the Replat of Horseshoe View Estates. The parcels are currently zoned RR-2 Rural Residential. Surrounding properties to the east, north, and west are also currently zoned RR-2 Rural Residential, while properties to the south are currently zoned UR-2 Urban Residential. The surrounding area is characterized by a mix of lot sizes ranging from an approximate 5.5-acre to the north, a 0.18-acre lot to the west, and 0.36-acre lot to the south, and 0.68-acre lots to the east. Uses in this area include single-family residential and agriculture.

The applicant proposes to divide three existing parcels, each parcel currently 3.44-acres, 0.26-acres, and 0.11-acres, equaling 3.81-acres, to create four total lots. Three of the four lots would be approximately 0.5-acres, while the other one would be approximately 2.02-acres. The proposed lots

would meet the required minimum lot size for the RR-2 Rural Residential zone district of 0.5-acres for parcels utilizing public water and sewer.

The existing parcels are located within the Loveland Growth Management Area. This project is required to comply with the requirements within the Intergovernmental Agreement between Larimer County and the City of Loveland. Because the property is located in the Loveland Growth Management Area, the property must be divided through the Planned Land Division process. A rezoning of the property to PD – Planned Development is required concurrent with the Planned Land Division.

The applicant is proposing to rezone the property from RR-2 Rural Residential to PD – Planned Development (PD). The PD zoning is intended to establish densities and uses consistent with the applicable supplementary regulations of the Growth Management Area (GMA) district. In this instance, the zoning would reflect the current densities and land uses allowed by the previous zoning district of FA-Farming, which was renamed to RR-2 Rural Residential with the recent Land Use Code updates that went into effect on March 31, 2021.

Water is to be provided by the Fort Collins-Loveland Water District and wastewater treatment will be provided by the City of Loveland. The applicant has appealed the requirement of Section 8.14.1.H (Lot Width-To-Depth and Depth-To-Width Ratio) of the Land Use Code due to the existing shape of the current lots and the proposed shape of the new lots.

The application was sent out to both referral agencies and neighboring property owners. No comments were received from any community members.

#### REVIEW CRITERIA:

To approve a Planned Land Division, the Board of County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- A. The planned land division complies with the applicable supplementary regulations of the Growth Management Area district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable. The subject property is located in the Loveland Growth Management Area as well as the Fort Collins – Loveland Corridor Area. The City of Loveland Future Land Use Map designates this property as Estate Residential, which is intended for residential uses at a density of 2 units per acre or less. The proposed land division would create three lots at 0.5- acres and one lot at 2.02-acres, consistent with the Estate Residential category. Additionally, the Fort Collins – Loveland Corridor Area plan indicates that this area should be developed in a manner that would preserve its rural character. The proposed land division would accomplish this.
- B. The planned land division is compatible with existing and allowed land uses in the surrounding area. The applicant is proposing to create four total residential lots, at 2.02 acres and three at 0.5- acres. The surrounding area is characterized by a mix of lot sizes ranging from an approximate 5.5-acre lot to the north, a 0.18-acre lot to the west, and 0.36-acre lot to the south, and 0.68-acre lots to the east. Uses in this area

include single-family residential and agriculture. The proposed land division would be compatible with existing and allowed land uses in the surrounding area.

- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code. The principal requirements for the review are located within Section 8 (Standards for All Development) of the Larimer County Land Use Code. The initial comments on applicable Code requirements are summarized here.

Section 8.1 Adequate Public Facilities Sub-Section 8.1.1 Sewage Disposal Level of Service Standards: The four proposed lots would be served by the City of Loveland Sanitation District. A letter of commitment from the District was provided with the land division application.

Sub-Section 8.1.2 Domestic Water Level of Service Standards: The four proposed lots would be served by the Fort Collins – Loveland Water District. A letter of commitment from the District was provided with the land division application.

Sub-Section 8.1.3 Drainage Level of Service Standards: Engineering has provided comments that approval of the final plat is contingent on the Final design of the downstream drainage conveyance and the applicant completing and recording the offsite easement dedication and maintenance agreements that are necessary. The offsite downstream drainage conveyance has been preliminarily designed and appears to be feasible. This has been made a condition of approval.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards: The subject property is within the service boundary of the Loveland Rural Fire Protection District (LRFD). LRFD indicated that their comments have been addressed.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards: Four of the newly created lots will have frontage on N. Saint Louis Avenue while the other lot has an existing frontage on E. 57th Street which is classified as an Arterial Road. N. Saint Louis Avenue is classified as a Local Road. Additional right-of-way is being dedicated with the plat along with additional utility/drainage easements to meet the requirements for the roads.

Section 8.2 Wetlands: There are no existing wetlands on the subject property. Section

8.3 Hazard Areas: The property is in a low geological hazard area, does not contain any floodplains or slopes greater than 30% and is not in a mapped wildfire hazard area.

Section 8.4 Wildlife: There are no specific wildlife concerns with the proposed land division.

Section 8.5 Landscaping: The applicant has proposed additional native seed area along E. 57th Street and additional street trees along N. St. Louis Avenue.

Section 8.6 Private Local Access Road and Parking Standards: Two parking spaces are required for each single-family residential home. Considering the size of the proposed lots, each proposed lot would meet this requirement.

Section 8.7 Road Surfacing Requirements: No new streets are proposed to serve the newly created lot within the Planned Land Division.

Section 8.8 Irrigation Facilities: There are no irrigation facilities on or adjacent to the subject property.

Section 8.13 Commercial Mineral Deposits: Larimer County's Geographic Information System (GIS) database does not identify aggregate resources on the property. Notice to mineral interest holders of record has been provided in compliance with state law. Section 8.14 Development Design Standards for Land Division: This section contains standards for lot location and configuration and for local roads within Planned Land Divisions and Subdivisions. The applicant has appealed.

Section 8.14.1.H (Lot Width-To-Depth and Depth-To-Width Ratio). The appeal is discussed later in this report.

- D. The Board of County Commissioners have approved a rezoning of the land to PD-Planned Development. A concurrent rezoning to PD – Planning Development is being considered.
- E. The recommendations of referral agencies have been considered. The application was referred to a variety of agencies. Approval of the proposed planned land division will not result in a substantial adverse impact on other property in the vicinity of the proposed planned land division. Staff did not receive any comments from any community members regarding the proposed land division or rezoning. It appears that the proposed Planned Land Division will not result in a substantial adverse impact on other property in the vicinity.

#### REZONE TO PLANNED DEVELOPMENT:

To approve an amendment of the official zoning map to change the zone designation of a parcel, the Board of County Commissioners must find the following conditions exist:

- A. The proposed change is consistent with the master plan. The subject property is located in the Loveland Growth Management Area as well as the Fort Collins – Loveland Corridor Area. The City of Loveland Future Land Use Map designates this property as Estate Residential which is intended for residential uses at a density of 2 units per acre or less. The proposed land division would create three lots at 0.5-acres and one lot at 2.02- acres, consistent with the Estate Residential category. Additionally, the Fort Collins – Loveland Corridor Area plan indicates that this area should be developed in a manner that would preserve its rural character. The proposed Planned Development is consistent with the Master Plan.

- B. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property. The property is currently zoned RR-2 Rural Residential as are the adjacent properties to the north, west, and east. Adjacent properties to the south are currently zoned UR-2 – Urban Residential. The Proposed PD – Planned Development zoning would reflect the densities and land uses allowed the previous FA - Farming zone district which was renamed to RR-2 Rural Residential with the recent Land Use Code updates that went into effect in March of 2021 and would therefore be compatible with existing and allowed uses on properties in the neighborhood. Because the property is in the boundary of the Loveland Growth Management Area, the proposed PD zoning is the appropriate zoning for the property if it is to be subdivided through the Planned Development process.
- C. Conditions in the neighborhood have changed to the extent that the proposed change is necessary. Uses in this area include single-family residential and agriculture. The surrounding area is characterized by a mix of lot sizes ranging from an approximate 5.5-acre lot to the north, a 0.18- acre lot to the west, a 0.36-acre lot to the south, and a 0.68-acre lots to the east. Uses in this area include single-family residential and agriculture
- D. The proposed change does not result in significant adverse impacts on the natural environment. There are no floodplains or wildlife habitats identified on the property. The property is not in a wildfire hazard area and is in a low geologic hazard area. The proposed change should not result in significant adverse impacts on the natural environment.
- E. The proposed change addresses a community need. The long-term goals and objectives of the county's Master Plan and the Loveland Growth Management Area are to allow for development within the boundary of the GMA that is consistent with the city's Future Land Use map. The proposed rezoning is necessary before the subject property can be further divided though the Planned Land Division process and would facilitate the development of the property consistent with the Growth Management Area.
- F. The proposed change results in a logical and orderly development pattern in the neighborhood. This proposal appears to represent a logical and orderly pattern of development as it would be consistent with the existing zoning of the property and existing pattern of development in the area.
- G. In order to approve a rezoning to PD-Planned Development district, the subject parcel must be within a growth management area overlay zone district or the LaPorte Plan Area or other adopted sub-area plan, and the county commissioners must also find that the proposed land use type, density, and intensity are consistent with the applicable supplementary regulations, if any, or with the LaPorte Area Plan or other adopted subarea plan. The property is within the boundary of the City of Loveland Growth Management Area and the Fort Collins – Loveland Corridor Area. As proposed, the rezoning would be consistent with the property's existing zoning and

would be consistent with the land use types and densities identified as appropriate for the property on the City's Future Land Use Map and the corridor area plan.

- H. In order to establish or enlarge a GMA district, the Board of County Commissioners must also find that the criteria in subsection 4.2.1.B.3 have been met; and the subject request would not enlarge the existing GMA. thus, this criterion would not apply to this application.
- I. The Board of County Commissioner may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in subsection 4.2.1.B.3 can no longer be met. The subject request would not propose to exclude any area from the established Loveland GMA boundary and therefore this criterion would not be applicable to this application.

#### APPEAL – APPEAL 8.14.1.H OF THE LAND USE CODE (LOT DEPTH-TO-WIDTH):

Lots shall not exceed a depth-to-width ratio of 3-to-1. Lots shall not exceed a width-to depth ratio of 1.5-to-1. When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the Board of County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The review criteria for considering the appeals are found in Section 22.2.3 of the Land Use Code. The Board of County Commissioners will consider each of the following factors and make findings pertaining to each one, which, in their discretion, applies to the appeal.

#### REVIEW CRITERIA FOR APPEALS:

- a. Approval of the appeal will not subvert the purpose of the standard or requirement. The proposed lot shapes and sizes are more than adequate to allow development that would meet the required setbacks and would allow for future development of these lots. Approval of the appeal does not appear to subvert the purpose of the standard or requirement.
- b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood. Approval of the appeal should not be detrimental to public health, safety, or property values in the neighborhood.
- c. Approval of the appeal is the minimum action necessary. Approvals of the appeal is the minimum action necessary to allow the applicant to move forward with this proposal. Approval of the appeal will not require any other subsequent approvals by the county.
- d. Approval of the appeal will not result in increased costs to the general public. Approval of the appeal should not result in increased costs to the general public.
- e. Approval of the appeal in consistent with the intent and purpose of the Code. The proposed use is consistent with the zoning and uses in the area and granting this Appeal should not change the character of the neighborhood. It is staff's assessment

that this request meets the intent and purpose of the Land Use Code with the conditions of approval.

Based on the analysis, the Development Services Team's assessment is that approval of the appeal is consistent with the intent and purpose of the Land Use Code which is fostering predictability in land development and establishing a process that efficiently and equitably applies the Code to individual sites while respecting property owner rights and the interests of Larimer County citizens.

#### DEVELOPMENT SERVICES TEAM FINDINGS (PLANNED LAND DIVISION):

1. The K T Farms Planned Land Division complies with the County Master Plan, the Loveland Growth Management Area, and the Fort Collins – Loveland Corridor Area plan.
2. The Planned Land Division is compatible with existing and allowed land uses in the surrounding area.
3. The Preliminary Plat for the KT Farms Planned Land Division complies with all standards and technical requirements of the Land Use Code except lot-depth-to-width/width-to-depth.
4. The Board of County Commissioners are concurrently reviewing a rezoning of the land to PD Planned Development.
5. The recommendations of referral agencies have been considered.
6. Approval of the proposed Planned Land Division will not result in a substantial adverse impact on other property in the vicinity of the proposed Planned Land Division.

#### DEVELOPMENT SERVICES TEAM FINDINGS (REZONING):

1. The proposed change is consistent with the County Master Plan.
2. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property.
3. Conditions in the neighborhood have changed to the extent that the proposed change is necessary.
4. The proposed change will not result in significant adverse impacts on the natural environment.
5. The proposed change addresses a community need.
6. The proposed change results in a logical and orderly development pattern.

DEVELOPMENT SERVICES TEAM FINDINGS APPEAL TO SECTION 8.14.1.H (Width-To-Depth and Depth-To-Width Ratio) OF THE LAND USE CODE:

1. The Development Services Team concludes that the approval of the appeal would not subvert the purpose of the standard or the requirement.
2. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
3. Approval of the appeal is the minimum action necessary.
4. Approval of the appeal will not result in increased costs to the general public.
5. The Development Services Team concludes that the approval of the appeal would be consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

- A) The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the KT Farms Planned Land Division, File #18-LAND3841, and the requested Appeal to Section 8.14.1.H of the Land Use Code regarding lot depth-to-width and width-to-depth, subject to the following conditions:
  1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the KT Farms Planned Land Division/Planned Development, File #18-LAND3841, except as modified by the conditions of approval or agreement of the county and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the KT Farms Planned Land Division/Planned Development.
  2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
  3. Fire hydrants shall meet the spacing and fire flow and fire duration requirements as specified by Loveland Rural Fire Protection District or any new homes must be equipped with an approved residential automatic sprinkler system.
  4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water

level, unless it is a response after construction, must be proposed on a development wide basis.

5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
6. The applicant will need to address any unresolved engineering issues discussed in the Engineering Department's referral comments at the final plat phase
7. Transportation Capital Expansion Fees will be due at building permit issuance.
8. A Development Construction Permit is required prior to commencing improvements.
  - A) The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the rezoning from RR-2 Rural Residential to PD - Planned Development, File #18-LAND3841, subject to the following conditions:
    - a. The rezoning shall be effective upon the recordation of the final plat of KT Farms Planned Land Division.
    - b. The permitted uses, lot building and structure requirements, setbacks and structure height limitations for KT Farms Planned Development shall be as follows:

KT FARMS PD - Planned Development Zone District Standards  
FA Farming.

A. Principal uses:

Agricultural

1. Agricultural labor housing (S)
2. Apiary (R)
3. Commercial poultry farm (S)
4. Equestrian operation (PSP/MS/S)
5. Farm (R)
6. Feedyard (S)
7. Fur farm (S)

8. Garden supply center (S)
9. Greenhouse (R)
10. Livestock Veterinary clinic/hospital (MS/S)
11. Packing facility (R)
12. Pet animal facility (MS/S)
13. Pet animal veterinary clinic/hospital (MS/S)
14. Sod farm, nursery (R)
15. Tree farm (R) Residential
16. Group home (R)
17. Group home for the aged (R)
18. Group home for developmentally disabled (R)
19. Group home for the mentally ill (R)
20. Single-family dwelling (R)
21. Storage buildings and garages (R) Institutional
22. Cemetery (S)
23. Child/elderly care center (S) 2
4. Church (MS/S)
25. Community hall (MS/S)
26. Hospital (S)
27. School, nonpublic (S)
28. State-licensed group home (S)

#### Recreational

29. Country club (S)
30. Golf course (S)

#### Accommodation

31. Bed and breakfast (MS/S)
32. Seasonal camp (S) Industrial
33. Mining (S)
34. Oil and gas drilling and production (R)
35. Small solar facility (R/PSP)
36. Small wind energy facility (MS) Utilities
37. Commercial mobile radio service (SP/S)
38. Radio and television transmitters (S)

#### B. Lot, building and structure requirements:

1. Minimum lot size:
  - a. 100,000 square feet (2.3 acres) if a well or septic system is used.
  - b. 21,780 square feet (0.5 acre) if both public water and sewer are used.
  - c. Maximum density in a conservation development is calculated by dividing the total developable area by the required minimum lot size. Maximum density in a rural land plan is determined by subsection 5.8.6.A. Lots in a conservation development or rural land plan that

use a well or an individual septic system must contain at least two acres (87,120 square feet). Lots in a conservation development or rural land plan connected to public water and either a public sewer or community sewer system are not required to meet minimum lot size requirements (except for the purpose of calculating density).

2. Minimum required setbacks: (If more than one setback applies, the greater setback is required.)
  - a. Street and road setback (Refer to section 4.9.1 setbacks from highways, county roads, and all other streets and roads.) The setback from a street or road must be 25 feet from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.
  - b. Side yards—Five feet.
  - c. Rear yards—Ten feet.
  - d. Refer to section 4.9.2 for additional setback requirements (including but not limited to streams, creeks, and rivers).
3. Maximum structure height—40 feet.

**2) HIGH DRIVE HEIGHTS SUBDIVISION LOT 8 AND LOT 9A HIGH DRIVE HEIGHTS AMENDED PLAT OF LOTS 3, 9 & 10 LOT CONSOLIDATION AND EASEMENT VACATION, FILE NO. 22-LAND4245:**

The applicant seeks to combine two contiguous lots, Lots 8 High Drive Heights Subdivision, Division 4 and Lot 9A High Drive Heights, Division 4, of Amended Lots 3, 9 & 10, into one 1.06-acre lot. Lot 8 currently contains two small summer cabins built in 1929 and 1939 respectively. The applicants are proposing to build a new single-family residence in the center of the consolidated lot. The two summer cabins will be removed or converted to non-habitable structures, which is a condition of approval. There have been no previous land use approvals on these two lots prior to this lot consolidation.

The Larimer County Land Use Code (Article 6.5.7.D.3) allows for the approval of a lot consolidation if the following review criteria are met:

- A. No additional lots will be created by the amended plat. No new lots will be created. The applicants are proposing to consolidate Lots 8 and 9A to create one, 1.06-acre lot.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by Article 5.2, Lot and Block Standards. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity. The 1.06-acre lot resulting from the proposed consolidation meets the minimum lot size as required by the EV-E – Estes Valley Estate zone district of ½ acre. Additionally, the

proposed consolidation brings the lots into conformance with the required lot dimension ratio.

- C. The amended plat will not create a nonconforming setback for any existing building; If approved, all associated setbacks related to the consolidated lot would conform to the Larimer County Land Use Code standards.
- D. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and no change of impact is anticipated regarding access, drainage, or rights of way. The applicants are proposing to concurrently vacate the platted 10-foot-wide utility easement along the east property line of Lot 9A. The relevant utility providers have been notified of this application and have signed the attached utilities check sheet.
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. Staff recommends a condition stating that any existing covenants, deed restrictions, other conditions of approval that currently apply to the individual lots will continue to apply to the new lot created by the consolidation. In reviewing a proposed plat modification, the Board of County Commissioners shall also consider the following review criteria (Article 6.5.8.D.1):

1. Vacation of Right-of-Way or Easement

- a. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services. No right-of-way is being vacated as part of this request. The proposed vacation of the 10-foot utility easement along the eastern property line of Lot 9A will not affect access. The relevant utility providers have been notified of the request and have signed the attached utility check sheet. 53
- b. The recommendations of referral agencies have been considered. Recommendations of referral agencies have been considered and there are no concerns.
- c. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the

vacated right-of-way differently but must sign deeds to transfer ownership after the Board of County Commissioners approve the vacation; and No right-of-way is being vacated as part of this request.

- d. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303. no right-of-way is being vacated as part of this request.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the High Drive Heights Subdivision Lot 8 and Lot 9A High Drive Heights Amended Plat of Lots 3, 9 & 10 Lot Consolidation and Easement Vacation, File Number 22-LAND4245 subject to the following conditions:

1. All conditions shall be met, and the final resolution of the Board of County Commissioners recorded by December 11, 2022, or this approval shall be null and void.
2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
3. The reconfiguration of the lots line shall be finalized at such time when the Findings and Resolution of the Board of County Commissioners is recorded.
4. The two existing cabins shall be removed or converted to non-habitable space prior to issuance of Certificate of Occupancy for the proposed single-family residence.
5. The legal description for the resultant lot shall be as stated in the report.

**3. Approval of the Amendment to the Development Agreement to extend the Completion Date from 12-31-2021 to 12-31- 2022.** Thunder View Subdivision, File Number 21-LAND4142, whose final plat was approved by the county via Findings and Resolution dated 12-10-2019 at Reception No. 20190079464. The Developer intends to develop the Property in 1 phase. The property is 10 acres, subdivided into four single family lots.

The applicant is seeking an approval from the Board of County Commissioners to amend the Completion Date. Section 8 of the Thunder View Subdivision Development Agreement (DA) states, "All improvements required to be constructed or installed for development of the Property, and all other matters agreed to be performed shall be installed, constructed, or performed by developer on or before 12-31-2021." Section 8 [Completion Date] may be amended "by mutual consent of the county and 75% of the Property owners based on one (1) vote per lot, provided such amendment is in writing." This request includes one Amendment, and approval is requested by a motion of the Board of County Commissioners. 100% of the current lot owners have signed and attested the proposed amendment.

#### REVIEW CRITERIA:

The Larimer County Land Use Code does not provide discrete review criteria for an amendment to a Development Agreement. Staff does not object to the extension of the completion date by one year to December 31, 2022. Any subsequent extension requests will be evaluated at the time of the request.

#### REVIEW AGENCY AND NEIGHBORHOOD COMMENTS:

The application was not formally referred to partner agencies. Development Agreement (DA) amendments are administrative in nature, and extension of a completion date for the DA doesn't impact the appropriate administration of the agreement in this case. The sole reason that this request is presented is due to the clause in Section 35 of the DA which requires agreement between the Board of County Commissioners and the applicable property owners. Neighborhood notice was mailed to property owners within 500' feet of the proposal, and all directly affected owners have consented and signed the amendment. Staff has not received any community comments as of the date of this staff report. If written comments are submitted after the agenda publication date, they will be made available to Commissioners and the public at the hearing.

#### STAFF SUMMARY AND CONCLUSION:

The Amendment to the Development Agreement is administrative in nature and authorizes an extension of the completion date. All affected parties have agreed to this action.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Therefore, the Development Services Team recommends approval of File Number 21- LAND4142, approving the Amendment to the Development Agreement for Thunder View Subdivision.

#### **M O T I O N**

Commissioner Kefalas moved that the Board of County Commissioners approve the three items on the Consent Agenda for July 11, 2022, subject to the conditions laid out in the staff report; and further moves to authorize the Chair to sign the Findings and Resolutions.

**Motion carried 2-0.**

With there being no further business, the Board adjourned at 3:10 p.m.

**TUESDAY, JULY 12, 2022**

#### **ADMINISTRATIVE MATTERS MEETING**

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, Interim County Manager. Chair Pro Tem Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were Michelle Bird, Public Affairs Director, and Elizabeth Carter, Deputy Clerk.

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

1. **PUBLIC COMMENT:** Chair Pro Tem Shadduck-McNally opened public comment. Ed Beham addressed the Board on behalf of the Larimer Alliance for Health, Safety, and the Environment. Mr. Beham discussed the need for air quality monitoring in Fort Collins.

Chair Pro Temp Shadduck-McNally closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 4, 2022:**

## **M O T I O N**

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of July 5, 2022.

**Motion carried 2-0**

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 20, 2022:** Ms. Bird reviewed the upcoming week's schedule with the Board.

4. **CONSENT AGENDA:**

## **AGREEMENTS:**

1. **EXECUTIVE OFFICE OF THE PRESIDENT OFFICE - NATIONAL DRUG CONTROL POLICY – GRANT AGREEMENT**

2. **INTERGOVERNMENTAL AGREEMENT FOR FLOODPLAIN MODELING AND COMBINED LETTER OF MAP REVISION (LOMR) FROM ROSSUM DRIVE TO TAFT AVENUE ALONG THE BIG THOMPSON RIVER**

3. **NON-EXCLUSIVE PREMISES USE AGREEMENT - MORGUE CONTRACT FOR NEW PATHOLOGIST**

## **APPOINTMENTS:**

1. **RECOMMENDED APPOINTMENT TO THE BOARD OF HEALTH-Christy Bush**

**LIQUOR LICENSE:** Buck's Liquor LLC- Retail Liquor Store-Red Feather Lakes, Colorado; Ft Collins Lodging LLC dba Clarion Hotel/Quality Inn-Hotel & Restaurant-Fort Collins, Colorado; Supermarket Liquors Inc-Tasting Permit-Fort Collins, Colorado

## **MISCELLANEOUS:**

2. **UKG WORKFORCE DIMENSIONS CONTRACT APPROVAL**

## **RESOLUTIONS:**

**1. RESOLUTION CALLING AN ELECTION REGARDING LARIMER COUNTY KORAL HEIGHTS PUBLIC IMPROVEMENT DISTRICT NO. 46**

**MOTION**

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, July 11, 2022.

**Motion carried 3-0**

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

**DISCUSSION ITEMS:**

**6. DISCUSSION ON THE APPOINTMENT OF A NEW COUNTY MANAGER, AND THEN VOTE TO APPOINT THE SELECTED CANDIDATE AND APPROVE AN EMPLOYMENT CONTRACT.** Bridget Paris, Human Resources Director.

Ms. Paris conveyed her gratitude to the many individuals, including the county leadership, who participated in the selection process. She relayed that last week the Board of County Commissioners identified a preferred candidate.

The Board thanked Ms. Paris and the Human Resources Department for all of their efforts and management of the process. The Board expressed its strong support for the selection of Interim Manager Volker. The Board highlighted the Interim Manager's proven track record of leadership over the many years that she has served as the Assistant County Manager. The Board also commented on the Interim Manager's relationships with partners in the community, with the public, and staff.

The Board noted that multiple elected officials were in attendance including Treasurer Josey, Clerk Myers, and Sheriff Smith.

**MOTION**

Commissioner Kefalas moved that the Board of County Commissioners appoint Lorenda Volker as the next County Manager and further move to approve the Employment Contract with Lorenda Volker as presented by county staff.

**Motion carried 2-0**

Manager Volker thanked the Board and staff for the opportunity to serve as County Manager. She noted that the Larimer County Community and its partners are the best one can ask for and she looks forward to the road ahead.

The Board took a brief recess. The Board reconvened.

**7. RECOGNITION OF PUBLIC HEALTH DIRECTOR, TOM GONZALES, WHO WAS GIVEN THE DELTA OMEGA HONORARY MEMBER AWARD BY THE**

**COLORADO SCHOOL OF PUBLIC HEALTH-** Laura Walker, Human & Economic Health Services Director.

Ms. Walker reported to the Board that the Delta Omega Honorary Society was first established in 1924 at John's Hopkins University. Since that time, numerous chapters have been established throughout the country. This includes a chapter at the Colorado School of Public Health. Ms. Walker stated that the Colorado School of Public Health honored Larimer County Public Health Director Tom Gonzales with the Delta Omega Honorary Member Award.

Ms. Walker introduced Mr. Gonzales to make a few comments. Mr. Gonzales expressed his gratitude to the Board, the Board of Public Health, and the staff for all of their support. He relayed that he would not be nearly effective in his role if it were not for the team effort approach that is a part of the Larimer County culture.

The Board extended congratulations to Mr. Gonzales and expressed its deep appreciation for his leadership throughout the Covid-19 Pandemic. The Board noted that one of the primary roles of county government is to protect public health, safety, and welfare. Larimer County is fortunate to have a dedicated leader in Mr. Gonzales. The Board also noted that while navigating the county through Covid-19, the Public Health Department continued to carry out other core tasks such as restaurant inspections, wastewater and septic inspections, as well as a variety of other tasks aimed at protecting public health.

Manager Volker noted that public health is a team sport, and that Larimer County is very fortunate to have Mr. Gonzales at the helm.

The Board took a brief recess. The Board reconvened.

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

**9. COMMISSIONER ACTIVITY REPORTS:** The Board detailed their attendance at events during the previous week. Commissioner Kefalas reminded the public that the last day to sign up for the Senior Homestead Tax Exemption is this Friday, July 15, 2022.

**10. EXECUTIVE SESSION:**

Executive session pursuant to Colorado Revised Statute, 24-6-402(4)(a), for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of open-space and conserved real property currently owned by Larimer County.

**MOTION**

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statute, 24-6-402(4)(a), for the purpose of discussing the purchase,

acquisition, lease, transfer, or sale of open-space and conserved real property currently owned by Larimer County.

**Motion carried 2-0**

With there being no further business, the Board adjourned at 10:05 a.m.

  
JODY SHADDUCK-McNALLY  
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS  
CLERK AND RECORDER

ATTEST:

  
Elizabeth Carter, Deputy Clerk

