

Date: Thursday, May 16, 2024

Time: 3:30 PM

Location: Virtual, Zoom Link: https://larimer-org.zoom.us/webinar/register/WN_gveRevTiSryOXOULPtYOxw

ESTES VALLEY PLANNING ADVISORY COMMITTEE MEETING MINUTES

The Larimer County Estes Valley Planning Advisory Committee met virtually by Zoom video at 3:30 p.m. on Thursday, May 16, 2024, at which time the following business was transacted.

Committee members present: Rex Poggenpohl, David Converse, Mike Kennedy, Drew Webb, and Doyle Baker

Staff present: Rebecca Everette, Michael Whitley, Frank Haug, Christine Luckasen and Christina Scrutchins

Board of County Commission present: Jody Shadduck-McNally

AMENDMENTS TO THE AGENDA

Rebecca proposed to make a change to the order of the Discussion items.

Amendment: Discussion Item No. 3 – Ex-parte communication be moved to Discussion Item No. 1.

Member Poggenpohl moved, and member Webb seconded the motion to approve the May 16, 2024, agenda of the Larimer County Estes Valley Planning Advisory Committee as amended. Motion carried (5-0).

PUBLIC COMMENT REGARDING OTHER RELEVANT MATTERS NOT ON THE AGENDA

None.

APPROVAL OF MINUTES

– Adoption of the Agenda

- Amendment: Member Kennedy moved, and member Stewart seconded the motion to approve the April 18, 2024, agenda of the Larimer County Estes Valley Planning Advisory Committee as presented. Motion carried (5-0).

– Staff Updates

- Amendment: Member Converse recommended that if Larimer County staff provides any advice regarding meeting attendance to a committee member, staff will provide the same information to all committee members at the same or nearly same time.

Member Converse moved, and member Webb seconded the motion to approve the May 16, 2024, minutes of the Larimer County Estes Valley Planning Advisory Committee as amended. Member Baker abstained. Motion carried (4-0).

COMMUNICATION ITEMS

COMMISSIONER UPDATES

Commissioner Shadduck-McNally provided an update on recent and ongoing activities. The Commissioner highlighted a productive meeting in Estes Park and noted the recent Land Use Hearing, which involved a substantial 3,800-page packet. The commissioners have been busy with legislative sessions, with significant bills like House Bill 1379 (Regulate Dredge & Fill Activities in State Waters), a conservation bill, and a broadband bill awaiting the governor's signature. She promised to share a legislative report with those interested.

Commissioner Shadduck-McNally also mentioned the county's preparations for potential future scenarios, including an upcoming budget retreat and intensive emergency management training at FEMA and Homeland Security facilities in Maryland. She will host a town hall on May 22 regarding wildfire conditions, with participation from fire chiefs and other experts. Additionally, the county secured a \$9.7 million grant from the U.S. Forest Service for wildfire mitigation and biomass planning, with significant funds allocated for the Estes Valley Fire Protection District.

STAFF UPDATES

Staff member Everette announced that the Estes Valley Planning Advisory Committee and the LaPorte Area Advisory Committee will now hold quarterly meetings. This change aims to make better use of everyone's time and allow staff more preparation time between meetings. The committees have been very active in significant projects like short-term rental policy and the Estes Forward Plan, but currently, the workload has decreased as they await further actions from the town on code changes and annexation policies.

Staff member Everette emphasized that this shift to quarterly meetings should not be seen as a reduction in the committees' importance. Special meetings may still be scheduled if necessary to address development cases requiring timely recommendations.

Member Poggenpohl expressed discomfort at learning about the change in a public meeting. They inquired if this change also applied to Red Feather Lakes, to which staff member Everette responded that no decisions had been made for Red Feather Lakes yet.

Commissioner Jody Shadduck-McNally assured members that the change is meant to respect their time and keep them engaged with substantial work. The Commissioner offered to have one-on-one conversations to address any concerns.

Members Webb and Kennedy expressed their understanding and support for the update. Member Converse asked if the change to quarterly meetings would affect the timing of the mountain coaster issue. Staff member Everette responded that the item is still under review, and they are waiting for a resubmittal. There is no set timeframe for recommendations or decisions, but they could hold a special meeting if needed. She also mentioned that they haven't finalized the quarterly meeting dates yet and are trying to avoid scheduling during difficult months like holidays.

Member Webb suggested that the quarterly meetings be held in person rather than on Zoom. Staff member Everette said they could accommodate in-person meetings or a hybrid format, noting that there have been mixed preferences in the past. Member Poggenpohl proposed polling members a month ahead of the scheduled quarterly meeting to decide if an in-person meeting is appropriate, which staff member Everette agreed was a good idea.

Member Baker asked for clarification on how study sessions would be handled with quarterly meetings and raised a concern about the bylaws requiring changes to be submitted a month in advance. Staff member Everette explained that the quarterly meetings would combine study sessions and policy discussions. Staff member Everette acknowledged the need to update the bylaws to align with the new county-wide policy and mentioned that this was already on the agenda for discussion.

Staff member Everett also provided updates on two main topics. First, the mountain coaster project is awaiting resubmittal, with staff member Whitley as the assigned planner. Once resubmitted, the project will be reviewed by the Estes Valley Advisory Committee (EVAC) for recommendation before going to the County Commissioners for a decision. Second, the staff is working on a package of "errors and omissions" code changes to the land use code, which will be presented to the Planning Commission and Board of County Commissioners in a work session in June. These updates are expected to be adopted in the July-August timeframe, and the details will be shared with EVPAC for review in a future meeting.

Member Webb inquired with staff member Everett about upcoming code changes going to the planning commission and their relevance to the Estes Valley. Staff member Everett clarified that one specific change under consideration pertains to where and how conservation developments are allowed. This adjustment aims to align regulations within the Estes Valley more closely with those across the rest of Larimer County. She emphasized the importance of obtaining recommendations from the committee before moving forward with this proposal.

Commissioner Shadduck-McNally interjected, noting recent legislation signed into law that affects town regulations, particularly concerning accessory dwelling units (ADUs). She expressed the need for extensive community and commissioner discussions to ensure alignment and address concerns, especially regarding unincorporated areas. Commissioner Shadduck-McNally highlighted the ongoing assessment of the legislative impact on land use bills and emphasized the importance of gathering all pertinent information before initiating discussions.

Member Poggenpohl contributed to the discussion by highlighting the contentious nature of proposed ADUs. They pointed out that while ADUs aim to increase affordable housing options, they also introduce concerns about increased density within existing residential zones. They also emphasized that any decision regarding ADUs represents a significant change that requires careful consideration of its impact on local neighborhoods and communities.

Staff member Everett further clarified that the recently adopted legislation regarding ADUs primarily applies to areas within city boundaries and those covered by metropolitan planning organizations, rather than unincorporated areas like the Estes Valley. However, it was acknowledged that the legislation sparks broader discussions and considerations regarding ADUs within the Estes Valley community.

COMMITTEE MEMBER UPDATES

Member Poggenpohl apologized for not introducing the newest member Doyle earlier during roll call and gave them a moment to introduce themselves.

Member Baker shared that they moved to Estes 12 years ago from Rome after spending 15 years there and additional time abroad through various international organizations, including the UN. They described their background as a trained economist specializing in agricultural economics and public policy. Member Baker emphasized their professional experience in planning issues and their ongoing involvement in the Estes Valley planning commission as the next stage of their career.

DISCUSSION ITEM(S)

ITEM NO. 1 – EX-PARTE COMMUNICATION

County Attorney Haug explained the different roles that committee members play: legislative and quasi-judicial. In the legislative role, they advocate for broad policies like regulations on short-term rentals or conservation developments, seeking community input and discussing these matters openly. Conversely, in a quasi-judicial role, they act more like judges, assessing specific cases based on evidence presented during public hearings. Haug stressed the importance of avoiding ex parte communications (discussions outside official meetings) in quasi-judicial roles to maintain fairness and transparency. While not legally mandated for advisory boards, such practices uphold the integrity of

122 decision-making processes. Member Baker expressed understanding but questioned the legal
123 requirement for such restrictions, pointing out that advisory boards like theirs lack decision-making
124 authority as per Larimer County policy and Colorado Revised Statutes. Haug acknowledged the lack
125 of explicit mandates but emphasized that maintaining uniform information and fair procedures
126 enhances the board's credibility. They agreed that clarity in bylaws and policies could improve
127 transparency and recommended revisiting these guidelines for future revisions. The discussion also
128 touched on attending community meetings. Haug cautioned against members attending unofficial
129 meetings related to pending cases, as it might suggest bias or preconceived judgments, akin to judges
130 avoiding private discussions on ongoing legal matters. This approach ensures that all board decisions
131 are based on publicly available information and thorough deliberation during formal sessions.

132 ITEM NO. 2 – BYLAWS UPDATE

133 The EVPAC is considering updates to their bylaws, aligning them more closely with county policies and
134 ensuring consistency with other advisory committees. They acknowledged the need to incorporate
135 timing changes for quarterly meetings and to address any discrepancies between current bylaws and
136 county-wide policies. Staff member Everette proposed a process where they would review the existing
137 bylaws, suggest revisions to align with county policy, and present a marked-up version for committee
138 review at the next meeting. This approach aims to streamline the bylaw revision process and ensure
139 clarity and consistency across all planning advisory committees.

140 Members highlighted the importance of clarifying EVPAC's responsibilities within the bylaws. They
141 emphasized the need to explicitly define the committee's role in advising on zoning issues, land use
142 codes, and other community concerns. This clarity would not only guide committee activities but also
143 align expectations with county regulations and procedures. Additionally, there was a consensus
144 among members about the necessity for better communication channels with the County Planning
145 Commission. They expressed a desire for more structured feedback on their recommendations and
146 clearer understanding of how their advice influences county-level decisions.

147 The discussion also touched on the awareness of EVPAC among new members of the County Planning
148 Commission. They noted instances where new commissioners were unaware of EVPAC's
149 recommendations, highlighting a potential gap in communication and awareness between the
150 committee and other county bodies. Members suggested enhancing training programs for planning
151 commissioners to include comprehensive information about the roles and contributions of advisory
152 committees like EVPAC.

153 ITEM NO. 3 – NEW COUNTY BOARDS & COMMISSIONS POLICY:

154 [HTTPS://PUBLIC.POWERDMS.COM/LARIMERGOVT/DOCUMENTS/3267678](https://public.powerdms.com/larimergovt/documents/3267678)

155 Staff member Everette discussed the development and implementation of a new policy governing
156 Larimer County's various boards and commissions. They explained that the policy arose from a
157 comprehensive review conducted by the County Commissioners and County Manager's offices,
158 aimed at improving alignment and efficiency across the numerous boards. Staff member Everette
159 highlighted the diverse nature of these boards, ranging from advisory and quasi-judicial roles to
160 geographically specific committees. They pointed out that issues such as attendance policies, officer
161 voting procedures, and ethical standards for board members were identified as areas needing
162 standardization and clarity. The new policy includes provisions on term start dates, recruitment
163 processes, and detailed descriptions of different board types—advisory, constituent advisory, technical
164 advisory, working groups, quasi-judicial, decision-making, and task forces. They elaborated on each
165 board type's roles and responsibilities, including the roles of County Commissioners, staff liaisons,
166 responsible officials, and administrative contacts. Terms and attendance policies were standardized
167 across boards, emphasizing the importance of regular attendance and addressing potential issues
168 with absenteeism. Additionally, the policy covers meeting cancellations, rescheduling, and the
169 temporary suspension of boards or commissions due to staffing or resource constraints. Staff member

Everette outlined recruitment procedures, including eligibility criteria and the handling of vacancies, with transparency in the appointment process. Bylaws must align with the county-wide policy, and there's a focus on orientation and training for new board members to ensure consistency and effectiveness in board operations. Ownership of intellectual property produced by boards, adherence to copyright laws, and the public accessibility of board-related documents under open records policies were also emphasized. They concluded by encouraging board members to review the policy in detail, stressing its implications for board governance and operational standards within Larimer County.

Member Converse raised concerns about the use of personal email for committee communications rather than county-issued email addresses. They expressed frustration over having to manage a separate email account solely for committee-related correspondence and emphasized the importance of ensuring that such emails are not accidentally deleted. Staff member Everette acknowledged the issue and confirmed that certain boards within Larimer County, like the Planning Commissioners and Board of Adjustment, do receive county-issued email addresses that remain consistent with the position. They committed to exploring the possibility of providing similar email addresses to committee members if there is sufficient interest or concern among them. Members Poggenpohl and Webb echoed support for the idea of using more secure, county-issued email addresses, drawing attention to the need for confidentiality and compliance with open records policies. Staff member Everette suggested setting up forwarding from these county email addresses to personal accounts to streamline access while ensuring centralized record-keeping. They emphasized the importance of maintaining careful communication practices to avoid inadvertently using personal emails for official correspondence, which could inadvertently make them subject to public records requests. The discussion then shifted to procedures for submitting formal recommendations or position statements to the Larimer County Board of County Commissioners. Staff member Everette outlined the process whereby the committee would prepare and approve recommendations in meetings, which would then be submitted by them, as the staff liaison, to the county manager for distribution to the commissioners. This procedure aimed to streamline communications and ensure that committee recommendations were presented in a structured, unified manner. Staff member Everette emphasized the committee's responsibility under open meetings policies to conduct all meetings publicly and provide opportunities for observation by the community. They assured members that staff would support the committee's decision-making processes without exerting undue influence, instead focusing on providing guidance and maintaining procedural integrity. The discussion also touched on reimbursement policies for committee members, clarifying that mileage could be reimbursed for travel exceeding 10 miles from home to attend meetings, and other out-of-pocket expenses related to board business could also be reimbursed. Staff member Everette assured members that staff member Scrutchins, the administrative contact, could assist with any questions regarding reimbursement procedures.

Commissioner Shadduck-McNally highlighted the complexities and importance of governance across Larimer County's numerous boards and commissions, emphasizing the need for standardized policies and procedures. They mentioned their own practice of using separate personal and county phones, reflecting the critical need for clear communication channels in official capacities. They appreciated the committee's efforts to address issues such as email use and the importance of the code of conduct, noting that while these issues may not directly apply to EVPAC, they are critical across various other boards where alignment and adherence to policies have been crucial. Commissioner Shadduck-McNally underscored the county's oversight of over 33 boards and commissions, as well as 65 public improvement districts, which play essential roles in local governance, from budget decisions to infrastructure maintenance. Looking forward, they mentioned ongoing improvements in recruitment processes through new software, aimed at enhancing efficiency in appointing and supporting board members. This initiative aims to streamline recruitment efforts and improve communication with prospective candidates, potentially transforming current practices for the better.

Staff member Everette concluded the discussion on board and commission policies, emphasizing several key points. They highlighted the county's provision of stipends for individuals facing barriers to participation, such as childcare needs, underscoring the county's commitment to inclusivity in board membership. They assured the members of general liability insurance coverage and guidance on conflict of interest issues, urging transparency and disclosure when personal relationships or financial interests may influence decisions. Regarding meeting minutes, staff member Everette acknowledged the committee's preference for more detailed records, balancing between action-oriented summaries and verbatim accounts, especially for complex topics like development projects. They welcomed feedback on the level of detail in minutes to ensure they align with committee preferences. Also mentioned was the addendum detailing the code of conduct, stressing the importance of fair and unbiased decision-making, respectful interactions, and adherence to confidentiality when handling sensitive information like legal memos or development cases. In response to Member Poggenpohl's request, staff member Everette mentioned they will forward the policy to absent members and invited questions, ensuring all committee members are well-informed and engaged. They also assured Member Kennedy of providing accessible links to the policy document and related references for further review.

ITEM NO. 4 – FUTURE LAND USE CODE TRAINING REQUESTS

The conversation focused around the need for training and updates regarding land use codes and processes, particularly within Larimer County. Staff member Whitley initiated the discussion by highlighting feedback received from previous meetings, emphasizing the desire among some members for more comprehensive training in land use codes. Member Poggenpohl reinforced this by noting the varied backgrounds of committee members, stressing the importance of equipping all members, especially those without prior land use experience, with necessary knowledge to effectively participate in decision-making.

Member Converse echoed the sentiment, expressing interest in updates on recent legislative changes and their potential impacts on the county, particularly concerning issues like accessory dwelling units and other zoning regulations. This was supported by Staff member Everette, who mentioned upcoming considerations such as revising the outdoor lighting code, which could directly affect the valley.

The discussion shifted to specific topics like development plans and annexation, with members Webb and Kennedy highlighting the community's interest in being informed about potential developments that might affect them, even before formal applications were submitted. Member Baker emphasized the value of functional, topic-specific training over generalized knowledge, citing examples from their previous experiences.

Throughout the discussion there was a clear consensus on the need for targeted, practical training that aligned with upcoming issues and potential developments in the county. Staff member Whitley assured the committee of ongoing communication regarding upcoming applications and legislative changes, emphasizing the importance of proactive engagement and readiness among committee members.

OTHER BUSINESS

Member Poggenpohl affirmed the importance of addressing any questions about policy and procedures during their upcoming discussions, ensuring thorough understanding. Member Converse then notified the group of their unavailability for the June 18th meeting due to work constraints in an area with limited cell service, prompting thanks from Staff member Everette for the advance notice.

Member Baker expressed enthusiasm for expanding the committee's legislative role, suggesting that discussions could extend to providing advisory support to both the Commissioners and the County Planning Commission, particularly regarding follow-ups to initiatives like Estes Forward. They highlighted specific proposals for land use code changes in the valley's county areas, proposing that the committee could focus on these topics over the next year or two.

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268 Staff member Everette acknowledged the suggestion, noting that discussions on the Town's Land
269 Development Code update were already in progress and that they would seek presentations from
270 relevant parties when appropriate. They emphasized the unique relationship between the
271 unincorporated valley areas and the town, due to factors like public lands, underscoring the
272 importance of aligning county initiatives with town developments.

273 **ADJOURN**

274 With there being no further business, the meeting adjourned at 5:45 p.m.

DRAFT