



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 08, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were: Doug May, Tracy Hicks, and Michael Whitley, Community Development; Traci Chambo; Engineering; Jeannine Haag, County Attorney; and Eliza Brock, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

TABLED ITEMS: GLEN HAVEN SUB L 4, 18 & 19 BLOCK 4 AMENDED PLAT, FILE NO. 20-LAND4070 - March 22, 2021

TABLED ITEMS FROM PREVIOUS MEETING:

SOUTH NOKOMIS LOTS 9-12, BLK 22 LOT CONSOLIDATION FILE NO. 21-LAND4072: The applicants seek to combine two lots within the South Nokomis Lake subdivision to create one 0.46-acre lot. The lots were originally platted as four individual lots. However, lots 9 & 10 are assessed as one lot and Lots 11 & 12 are assessed as one lot. The applicants are proposing to combine lots 9 & 10 with lots 11 & 12 to create a single new lot. There are existing residential structures on each of the lots, which the applicant is proposing to remove and build a new single-family residential structure in the center of the combined lot.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of a lot consolidation if the following review criteria are met:

- A. No additional lots will be created by the lot consolidation.

Staff Response: The intent is to consolidate the area of the two lots; therefore, no new lots will be created by the lot consolidation.

- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. 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.

Staff Response: The O – Open Zone District requires a minimum lot size of 10-acres. The existing lots are 0.2 and 0.26 acres respectively, and once combined will total 0.46 acres. While this is under the minimum lot size required by the O – Open Zone District, the proposed amended plat does not increase the degree of nonconformity.

- C. The lot consolidation will not create a nonconforming setback for any existing building.

Staff Response: There is an existing residential structure on Lots 9 & 10 and on lots 11 & 12. The applicant is proposing to remove these structures and replace them with a new single-family residential structure in the center of the consolidated lot. This proposed structure must comply with all setback requirements of the O – Open Zone District.

- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.

Staff Response: The lot will not be divided by a municipal or county boundary line, road, alley, or another lot.

- E. The lot consolidation will not adversely affect access, drainage, or utility easements or rights-of-way serving the property or other properties in the area; and

Staff Response: There will be no adverse impact to access, drainage or utility easements, or rights-of-way. The proposed lot consolidation decreases the residential density of the area.

- F. 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. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

Staff Response: A condition of approval is recommended that states that any existing covenant, deed restriction, or other conditions of approval that apply to the original lots also applies to the consolidated lots.

The Larimer County Land Use Code (Section 5.9.3) allows for the approval of a Right-of-Way or Easement Vacation if the following review criteria are met:

- A. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.

Staff Response: No Right-of-way is requested to be vacated and no land will be affected or be without utility or drainage services.

- B. The recommendations of referral agencies have been considered; and

Staff Response: All referral agency comments have been considered and are further discussed below.

- C. Any right-of-way that is vacated will be divided equally between the lots on each side unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the county commissioners approve the vacation.

Staff Response: Not applicable.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Lot Consolidation, subject to the following condition:

1. All conditions shall be met and the final resolution of the County Commissioners recorded by September 8, 2021, or this approval shall be null and void.
2. The resultant lot is subject to any and all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
3. The reconfiguration of the lots lines shall be finalized at such time when the Findings and Resolution of the County Commissioners is recorded.
4. Prior to recordation of the Findings and Resolution, provide Ownership and Encumbrances for both parcels. If the Ownership and Encumbrances include any lienholders, a Consent of Lienholder form will be required to be signed by each lienholder.
5. One of the existing dwelling units shall be removed within six months of approval.

CONSENT AGENDA

- 1. RAMONA HEIGHTS SUB. L1A&B, 2A&B, 4B, 5A&B, BLK4 AP, FILE NO. 20-LAND4063:** The proposed Amended Plat seeks to consolidate eight lots into three separate lots. The subject properties, consisting of four parcels (eight lots total), are located within the Ramona Heights Subdivision in Red Feather Lakes, Colorado. The properties fall within the O-Open Zoning District. The owners and applicants for the Amended Plat application are the Sears' and Koch Families. The Sears' Family owns the three southernmost parcels (#3028361008, #3028361002, #3028361005) which consist of the following lots: 2A, 2B, 4B, 5A and a portion of Lot 5B. The Koch

Family owns the northern most parcel (#3028361001) which consist of lots 1A, 1B and a portion of Lot 5B.

The Sears' family would like to consolidate Lots 2A, 2B, 4B and 5A and the portion of Lot 5B into 2 Lots, shown as 2C and 4C on the Amended Plat (Attachment F). The Koch Family would like to consolidate Lots 1A and 1B along with the remaining portion of Lot 5B, shown as Lot 1C on the Amended Plat. By consolidating these two lots and one partial into one lot, the Koch's will make the existing cabin, which currently straddles the shared lot line between Lots 1A and 1B, conforming in regard to setback requirements for O-Open Zoning District.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) 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.

The Amended Plat will not create any additional lots.

- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.

The minimum lot size in the O-Open zoning district is 10 acres. The 3 resultant lots of this Amended Plat (Lot 1C, 2C and 4C) are all substantially lower than the 10-acre minimum lot size. The resultant lots will not increase the nonconformity in regard to minimum lot size.

- 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 LCLUC standards.

- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.

The parcel is not currently divided by a municipal or county boundary line, road, alley, or another lot. The Amended Plat will not change this.

- E. 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.

The Amended plat will not adversely affect access, drainage or utility easement or rights-of-way serving the property or other properties in the area.

- F. 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. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

If this Amended Plat is approved, the resultant lots will still be subject to all other restrictions, covenants and conditions as set forth in the plat of record for the Ramona Heights Subdivision. The Amended Plat will also be labeled to show the existing deed restrictions.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of The Ramona Heights Subdivision L1A&B, 2A&B, 4B, 5A&B, BLK 4 Amended Plat, File Number 20-LAND4063 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by September 8, 2021 this approval shall be null and void.
2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

2. VENNER RANCH ESTATES 2ND LOTS 30 AND 31 AMENDED PLAT, FILE NO. 21-LAND4068: The applicants seek to adjust the boundary between Lots 30 and 31, Replat of a Portion of Venner Ranch Estates Second Subdivision. They own both parcels. Lot 30 is undeveloped. There is a single-family home and detached garage under construction on Lot 31.

One of the purposes of adjusting the boundary between the two lots is to allow a proposed deck on the home under construction. The deck would not comply with a required 25-foot setback from Lot 31's existing western property line but would comply with the proposed amended property line.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of an Amended Plat if the following review criteria are met:

- A. No additional lots will be created by the Amended Plat.

The proposed Amended Plat would adjust the boundary between two adjacent lots. It would not change the outer boundary of the parcels and would not create an additional lot.

- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. 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.

Subsection 8.14.1.H of the Land Use Code reads, "Lots cannot exceed a depth-to-width ratio of 3-to-1. Lots cannot exceed a width-to-depth ratio of 1.5-to-1."

The existing and proposed lots comply with these lot dimension requirements.

The minimum lot size in the EV E-1 - Estes Valley Estate zoning district is 1 acre. Lot 30 is currently 1.14 acres and Lot 31 is currently 0.7 acres. The proposed Lot 30A would be 1.134 acres and the proposed Lot 31A would be 0.71 acres. The Amended Plat complies with this criterion because it does not increase the nonconformity of Lot 31 regarding lot size.

- C. The Amended Plat will not create a nonconforming setback for any existing building.

As previously noted, one of the purposes of adjusting the boundary between the two lots is to allow a proposed deck on the home under construction. The deck would not comply with a required 25-foot setback from Lot 31's western property line but would comply with the proposed amended property line.

The Amended Plat will not create a nonconforming setback for any existing building and would therefore comply with this criterion.

- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.

The existing and resultant lots meet the requirements of Section 8.14.1.I of the Land Use Code as they are not divided by a municipal or county boundary line, road, alley, or another lot. The proposed Amended Plat complies with this criterion.

- E. 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

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 therefore complies with this criterion.

- F. 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. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

A condition is proposed stating that any existing covenants, deed restriction other conditions of approval that currently apply to the lot will continue to apply. The Amended Plat contains a note stating this condition.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Venner Ranch Estates 2nd Lots 30 and 31 Amended Plat, File 21-LAND4068 with the following conditions:

1. All conditions of approval shall be met, and the Final Plat recorded by September 8, 2021 or this approval shall be null and void.
2. Prior to the recordation of the Final Plat the applicant shall make the technical corrections required by Heather Lassner, Land Surveyor of the Larimer County Engineering Department.
3. The vacation of the utility easement and the reconfiguration of the lot lines shall be finalized at such time when the plat and findings and resolution of the County Commissioners are recorded.

Commissioner Shadduck-McNally asked a clarifying question regarding the South Nokomis lots 9-12, blk 22 lot consolidation File No. 21-LAND4072. It was decided that one structure will be taken down within 6 months. The other structure will remain on the property as construction takes place on the new home. There is currently no timeline on when the home will be completed.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the consent agenda subject to the conditions in the staff reports and further move the chair to sign the Findings and Resolutions.

Motion carried 3-0

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

TUESDAY, MARCH 9, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Alisha Jeffers, Commissioners' Office, and Eliza Brock, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** The following members of the public addressed the Board in person: Chris Green, Pastor Dave Williams, Maria Gonzales, and Janina Farinas. Johanna Ulloa addressed the Board via teleconference. Rosemary Van Gorder addressed the Board by email with questions on substance testing regarding consent agenda item number one.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 1, 2021:**

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of March 1, 2021.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 15, 2021:** Ms. Jeffers reviewed the upcoming schedule with the Board. Chair Kefalas noted the Tuesday, March 17, 2021, Laporte Planning Committee meeting has been canceled. Manager Hoffman noted that Monday, March 15, 2021, two or more commissioners will attend the Loveland City Council Meeting addressing the Ranch rezoning meeting.

4. **CONSENT AGENDA:**

ABATEMENTS:

1. **RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES:** 1411 EAST MAGNOLIA STREET, LLC

AGREEMENTS:

1. **UABACO, LLC AND LARIMER COUNTY HUMAN SERVICES CONTRACT**
2. **CARES ACT AWARD SERVICES AMENDMENT; HEART & SOUL PARATRANSIT, LLC**
3. **AMENDMENT #4 TO AGREEMENT FOR SERVICES**
4. **AMENDMENT NO. 3 AGREEMENT NO. 00083439.3 (AMENDMENT TO ENTERPRISE AGREEMENT BETWEEN LARIMER COUNTY AND ESRI)**

APPOINTMENTS:

1. **RECOMMENDED REAPPOINTMENT TO THE RETIREMENT BOARD -**
Nancy Baker

DEEDS:

1. **DEED OF DEDICATION**

RESOLUTIONS:

1. **AMENDED FINDINGS AND RESOLUTION APPROVING THE AMENDED PLAT OF HIAWATHA HEIGHTS BLOCKS 16-18**

MISCELLANEOUS:

1. **CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**
2. **Q4 2020 PUBLIC TRUSTEE REPORT**
3. **SB21-118 ALTERNATIVE RESPONSE MISTREATMENT AT-RISK ADULTS**
4. **RECOGNITION LETTER FOR THEDA ENSMINGER**

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for March 9, 2021.

Motion carried 3-0

5. **COMMISSIONERS GUESTS:** The Commissioners did not have any guests.
6. **LARIMER COUNTY RENTAL ASSISTANCE GRANT PROGRAM AGREEMENT:** Laura Walker, Human and Economic Health Director, introduced her guests from Neighbor to Neighbor; Kelly Evans, Executive Director and Alea Rodriguez, Program Director. Larimer County was granted \$10,700,000 to assist the community in the Coronavirus relief effort. Neighbor to Neighbor is a trusted partner who has served the community countywide. This agreement with Neighbor to Neighbor will administer the Emergency Rental Assistance Program (ERAP) funded by the US Treasury Department to aid qualifying individuals with rent and utility payments during the COVID-19 pandemic.

Ms. Evans reported to the Board that Neighbor to Neighbor is currently distributing \$1 million dollars per month in rental assistance where they used to distribute \$20 thousand per month before to the pandemic. The pandemic has required them to dramatically increase their staff and they are currently serving approximately 500 households per month; however, the need of the community is approximately 1,000 households per month. These households are struggling to pay their bills as well as rent. Neighbor to Neighbor's assistance provides families an alternative to homelessness and hunger.

Manager Hoffman questioned how citizens would reach out to receive assistance. The Neighbor to Neighbor staff realized that there was a greater need for Spanish-speaking staff and has partnered with other community organizations to assist households through the online application process. They

have application opportunities by phone, online and in-person. Those needing assistance can go to www.n2n.org or call to apply for rental assistance.

There was a discussion with the Board on how the organization is working to overcome the issue of trust in the community. They are working with existing community partners that have already developed trust which has proven to be the most successful route. Neighbor to Neighbor is a fast, emergency-response organization that provides quick help rather than building a long-term relationship. The funds need to be spent by the end of 2021 which they do not foresee being an issue with the current spending patterns. They have the option with these funds of paying back-rent and forward-rent.

There was a discussion with the Board on the distribution schedule outlining \$161,000 to pay a housing stability manager. Director Walker explained that the cap for the administration of the program is 10% of the grant. By using one agency as a sub-recipient rather than several vendors they can hold back 1.5% and not use the full 10%. The individual in this position will be the contract manager for the funds between the county and Neighbor to Neighbor. They will be a strong team member within Neighbor to Neighbor with outreach to municipalities, enhancing their capability to partner with utility providers. They will also spend time with Director Walker and the finance and compliance teams at the county. The remaining portion of the funds will help with supplies, marketing materials, and other tools that might be necessary to help Neighbor to Neighbor in their work to get the funds distributed. The position will be limited-term ending at the end of the year and the primary portion of the funds will be spent on payroll and benefits overhead.

The Board expressed their appreciation to both Director Walker and the Neighbor to Neighbor team. They thanked them for their hard work in the community in helping keep families safe and secure, for pivoting on such a large scale to get the funds out to the community and distributing the dollars equitably, and hiring so many people in a short time.

Manager Hoffman also thanked Neighbor to Neighbor for scaling up to such a large degree and likes the flexibility of the new dollars being able to cover both rent and utilities. She also thanked Director Walker for pivoting quickly to find the right partner and the right approach.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the agreement between Larimer County and Neighbor to Neighbor to administer the federal emergency rental assistance program in the amount of \$10,579,557.88.

Motion carried 3-0

7. COVID-19 UPDATE AND DECISIONS: Linda Hoffmann, County Manager provided an update on the work session on March 8, 2021. The Board gave direction to move forward with a contracting arrangement with community partners from the black, indigenous, and people of color (BIPOC) community to help get the vaccine to reach those populations more effectively. The public health department has prepared a plan that will give the county extra vaccines for these clinics. Manager Hoffman introduced Tom Gonzales, Public Health Director.

Director Gonzales reported that March 9, 2020, was the date he received the first call reporting a Coronavirus case in Larimer County. The county's first big obstacle was providing testing. At the start of the pandemic, approximately 30 tests per day were administered compared to the current volume of 4,000 tests per day. Over the last year, 312,000 tests were given, 20,806 COVID-19 cases were confirmed, 365 outbreaks were reported, nearly 20,000 calls to the joint information center were fielded, 100's of calls and business meetings were held, and 48,000 contract tracing calls were placed. The county's success started with immediately partnering with the office of emergency management to go into incident command.

Currently, the county has administered 101,144 doses of vaccine and has opened phase 1B.3. This phase includes those that are between the ages of 60 to 64 and front-line essential workers in grocery and agricultural.

Director Gonzales report that 74% of the 70 and older population has received the vaccine, 65% of those between 65 and 69, and 15% of those 60-64. He additionally reported that there is a disparity with three-times more of the white population being vaccinated. The health department has plans with their community health care model to remedy the disparity and help the Latinx and BIPOC communities.

On March 5, 2021, they administered 958 doses of the Johnson and Johnson vaccine. This clinic was six-times more successful than previous clinics in targeted the BIPOC community. The clinic was made up of 55 staff and volunteers, 18 vaccinators, moving through 4 lanes. They were able to move patients through the queue in one to three minutes from check-in to the administration of the shot. Emergency management service (EMS) crews were on-site to monitor any reactions. The health department is working with community organizations to do equity clinics weekly with the leftover doses. This will be on-going with leftover doses.

A major winter storm around February 22, 2021, caused a backup of supply and a small delay in progress. In Colorado, we are currently receiving 220,000 doses per week of which the county receives 13,000 to 14,000. The first week of April the state will go up to 300,000 and by mid-April, it is projected to be 400,000 doses. This will double the current supply and bring 30,000 doses per week to Larimer county. They are putting plans in place to do community vaccine clinics, pop-ups in rural areas and the BIPOC communities. The data shows that the vaccines are working, and cases are declining in both the county and nationally. Individuals can sign up to receive their vaccine by email publichealth@larimer.org, text 970-999-1770, or call 970-498-5500.

There was a discussion with the Board regarding the upcoming snowstorm in the area and how this will affect clinics this weekend. They will continue watching the forecast and plan accordingly. If the weather does not cooperate, they will postpone the clinic with Weld county and reschedule as soon as they can. They are encouraged to hear that the health department is focusing on the disparity in the BIPOC community and would like to see continued progress in that area. There was some concern expressed with the growing number of youth cases in the community. Many are asymptomatic and spread the virus without knowing it. Director Gonzales reiterated the importance of caution and care until we can get everyone vaccinated.

The Board thanked Director Gonzales and the public health staff for executing a successful clinic this past weekend. It was truly impressive and ran smoothly and orderly. They appreciate the energy, hope, and optimism of staff who have been working non-stop. Their work has not gone unnoticed.

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

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

12. **LEGAL MATTERS:**

NO DECISION EXPECTED

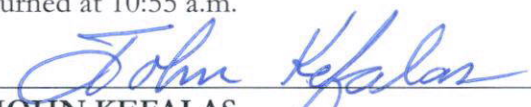
Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with attorneys for the purpose of receiving legal advice regarding options for regulating land uses while updates to the Larimer County Land Use Code are in process.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b): conference with attorneys for the purpose of receiving legal advice regarding options for regulating land uses while updates to the Larimer County Land Use Code are in process.

Motion carried 3-0

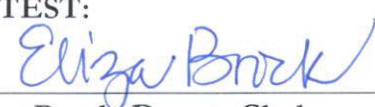
With there being no further business, the Board adjourned at 10:55 a.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Eliza Brock, Deputy Clerk

