MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 25, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Frank Haug, Assistant County Attorney; Amy White, Code Compliance Supervisor; and Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT: No public comment in person or via Zoom.

SECOND READING OF THE LARIMER COUNTY CODE SECOND REVISED ORDINANCE 111220020011 – CHAPTER 6 ANIMALS

Ms. White explained that she would read the title of the ordinance, which is the next step for this ordinance to become effective. She then detailed the process to bring the ordinance to a future Consent Agenda for adoption.

Ms. White read the title of the ordinance.

After confirming no public comment in person or via Zoom, Chair Kefalas closed public comment.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Second Reading of the Larimer County Code 2nd Revised Ordinance 111220020011 – Chapter 6 Animals

Motion carried 3-0.

With there being no further business, the Board recessed at 3:04 p.m.

LAND USE HEARING ADDENDUM

The Board of County Commissioners met at 6:30 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Frank Haug, Assistant County Attorney; Connor Sheldon, Civil Engineer; Justin Currie, Planner; Jenny Axmacher, Planning Manager; Lea Schneider, Environmental Health Planner; and Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING DISCUSSION ITEMS:

1. LEMMON FAMILY TRUST CONSERVATION DEVELOPMENT, FILE NO. 22-LAND4255 (ADDENDUM-ADDITIONAL ATTACHMENT):

Ms. Everette explained that one additional comment was provided via email. It did not appear in the published agenda and packet, but it has been provided to the Commissioners for this evening's hearing. Also, the online packet is missing Attachments D, E and F from the Planning Commission's packet, but hard copies have been printed out and given to each of the Commissioners.

STAFF PRESENTATION: Mr. Currie explained that the slideshow being presented this evening was the slideshow presented at the Planning Commission on February 21, 2024. He detailed the location of the proposed project, the specific request of the applicant, the required conservation development process, the general standard review criteria, the preliminary plat development standards review criteria, the Planning Commission's Condition of Approval, the recommendation, and the suggested motion.

COMMISSIONER QUESTIONS: Commissioner Shadduck-McNally asked if comments had been received from the Colorado Parks & Wildlife Department. Mr. Currie responded that no comments had been received.

Chair Kefalas asked Mr. Currie to clarify, or explain better, the conservation development split, the land available for development as well as the floodplain and wetland area. Mr. Currie explained in further detail, the answers to Chair Kefalas' questions. Chair Kefalas also questioned the contradiction between the presentation and the information that was received – that no community members had offered comments. Mr. Currie explained how/why this occurred. Chair Kefalas then inquired about the 500-foot radius notification of the proposed development/subdivision. Ms. Everette detailed that the 500-foot radius notification is a Land Use code standard – and, in this case, the code was met. Chair Kefalas advised that this is something he would like to address for future consideration. Commissioner Stephens and Commissioner Shadduck-McNally echoed Chair Kefalas' desire to address the 500-foot radius notification process for future consideration.

Commissioner Shadduck-McNally asked for further clarification of the open space/trail system that is shown in a diagram in the packet of information. Commissioner Shadduck-McNally also questioned the approved building envelopes – requesting additional details. Mr. Currie answered Commissioner Shadduck-McNally's question in further detail.

APPLICANT PRESENTATION: Alex Hoime with HT Land Partners presented the River at Overland Crossing development slideshow. The slideshow consisted of photos of the landscape of the proposed development, the review criteria (discussed previously), the balance of design approach, topography diagrams of the development including the open space and trail system as well as addressing the floodplain, wetland area and conservation land. Additionally, the slideshow presentation detailed septic and water issues as well as other utilities serving the subdivision.

COMMISSIONER QUESTIONS: Commissioner Stephens asked about access to Eagle Ditch. Mr. Hoime gave further information in regard to Commissioner Stephens' question. Commissioner Stephens asked additional questions in regard to farming operations in the surrounding area and potential conflict, spacing of properties, landscaping plans and water restrictions. Mr. Hoime addressed each of Commissioner Stephens' concerns.

Commissioner Shadduck-McNally addressed concerns with protecting the floodplain area and riparian habitats. She went on to ask what measures had been taken to address the wildlife in this area. Mr. Hoime spoke about the measures and thought that went into the design for this development. Commissioner Shadduck-McNally also asked about night sky/sky pollution and what the plans for this might be. Mr Hoime stated the land use codes would be adhered to in this regard. Commissioner Shadduck-McNally asked, and Mr. Hoime provided - additional details in regard to the oil and gas setback. Commissioner Shadduck-McNally then asked about the fiber optic services and other utility service options in which Mr. Hoime responded.

Chair Kefalas asked about the cluster development. Mr. Hoime detailed the open space and trail system.

PUBLIC COMMENT:

Patti Martillaro, Grant Gillig, Ronald Kenner, Alicia Corso, Jim Laib, Robin Lawrence, Devaki Douillard, Dave Daubert and Linnea Carlson addressed the Board. Each of these residents live near this development detailed their concerns with this potential development. These concerns included (not limited to) traffic/speed, school capacity, water rights, lot sizes, floodplain, bicycle/agriculture equipment traffic, septic/sewer, wetland, too many parcels, providing water to the pond in the off season, timing of the traffic study and why a wildlife conservation plan was not required.

Leslie Radocy, Jonathan Hall, Christine Torres, Matthew Morin, Brian Campbell, Shelby Campbell and Leah Smith addressed the Board. Each of these residents live near this development expressed their support of this potential development and detailed why they are in support of this development.

Chair Kefalas closed public comment.

APPLICANT REBUTTAL:

Mr. Hoime addressed the concerns and remarks made during public comment. He confirmed that these concerns have been heard and understood. Mr. Hoime offered additional information, in regard to the public comments and concerns, to support the design process that went into the planning of this potential development.

Chair Kefalas suggested continuing the hearing for final decision due to documents and information having been just received. Chair Kefalas advised more time would be needed in order to process this additional new information.

Commissioner Shadduck-McNally inquired about why the property had been subdivided a few times. Mr. Currie explained how/why this property may have been divided multiple times. Commissioner Shadduck-McNally asked if private property and the riparian area / open space area would have a property division – to protect people's property. Mr. Currie explained whether fences are or are not required as it pertains to this question. Commissioner Shadduck-McNally then asked about the entrance for ingress/egress in regard to the fire department. Mr. Currie detailed the access point(s) for emergency access. Commissioner Shadduck-McNally asked what is required to stay in (or is allowed outside) of the building envelope(s). Mr. Currie clarified what is/is not allowed/required in regard to the building envelope(s).

Commissioner Stephens asked for clarification of concerns in regard to the culvert issue that was addressed during public comment. Mr. Sheldon addressed this concern and explained that the drainage report outlines how it's going to drain and effectively outfall, which should eliminate some of the problems that currently exist. Commissioner Stephens asked Ms. Schneider about how the septic tanks work with the water table – in regard to ground contamination. Ms. Schneider explained that this was looked at during the review process and a Soils Engineering Report was completed. She continued that each lot would have to go through another soil evaluation specifically for the Health Department septic permit and went on to explain the process once this evaluation has been completed. Lastly, Commissioner Stephens addressed public comment concerns in regard to traffic and speed – stating that these concerns were heard but can certainly be addressed in other forums.

Mr. Sheldon clarified that while a few members of the public had commented that the speed limit is going to be changed – the traffic engineer for the project provided a recommendation for the speed limit on County Road 21 to be reduced. Mr. Sheldon then went on to explain the process when reducing a Larimer County speed limit. Confirming, it's not a foregone conclusion that it is happening.

Chair Kefalas inquired, per public comment, why the traffic study was done at a time different than when a traffic study is generally done. Mr. Sheldon clarified how/when traffic studies are completed.

Commissioner Shadduck-McNally addressed and clarified a public comment in regard to approving homes in Berthoud (inside the city limits) as well as a comment made about profit and county revenue. She expressed concern in regard to these comments and explained her reasoning for concern. Commissioner Shadduck-McNally then asked and received clarification from Ms. Schneider for clarification in regard to the septic system process.

Chair Kefalas stated that within the information, it is stated, the subdivision is proposed to be phased. Chair Kefalas asked Mr. Currie what his understanding of this is. Mr. Currie detailed his understanding of what the proposed phased plan entails.

DELIBERATION:

Chair Kefalas addressed the possibility of continuing this item to a future hearing for decision. Possible dates for continuation were discussed amongst the Commissioners, and the date of continuation for decision of April 8th was agreed upon.

M O T I O N

Commissioner Stephens moved to continue the Lemmon Family Trust Conservation Development, File No. 22-LAND4255 to April 8, 2024, at 3:00 p.m.

Motion Carried 3-0

With there being no further business, the Board adjourned at 9:03 p.m.

TUESDAY, MARCH 26, 2024

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT: There was no public comment in person or on-line.

Commissioner Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 18, 2024:

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of March 18, 2024.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF APRIL 1, 2024: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES – EXCEEDS A REFUND AMOUNT OF $10,000

2. PETITION FOR ABATEMENT OR REFUND OF TAXES – EXCEEDS A REFUND OF $10,000

AGREEMENTS

1. PROFESSIONAL SERVICES AGREEMENT (P24-01, MISC ASPHALT, CONCRETE & CONSTRUCTION)

2. SOURCE WATER PROTECTION (FOREST MANAGEMENT) – MEMORANDUM OF UNDERSTANDING AND TERMS AND CONDITIONS BETWEEN THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND LARIMER COUNTY DEPARTMENT OF NATURAL RESOURCES AGREEMENT #4937-MOUT

3. GRANT AGREEMENT – AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD FOR TOWN OF ESTES FISH HATCHERY WORKFORCE HOUSING

4. COLORADO DEPARTMENT OF HUMAN SERVICES BEHAVIORAL HEALTH ADMINISTRATION FUNDED LARIMER COUNTY CO-RESPONDER SERVICES PROGRAM CONTRACT AMENDMENT #3

APPOINTMENTS

1. RECOMMENDED APPOINTMENTS TO THE PARAGON ESTATES PUBLIC IMPROVEMENT DISTRICT – MARK ANDERSON AND JON SMITH

LIQUOR LICENSES

1. LIQUOR LICENSE NEW – RIVERSIDE COLORADO LLC DBA POUDRE PARK MARKET – BELLVUE, COLORADO

2. LIQUOR LICENSE SPECIAL EVENT LIQUOR PERMIT – ATHLETES IN TANDEM INC – BELLVUE, COLORADO

3. LIQUOR LICENSE SPECIAL EVENT LIQUOR PERMIT – ATHLETES IN TANDEM INC – LOVELAND, COLORADO

4. LIQUOR LICENSE RENEWAL – REV ENTERPRISES INC DBA SANDY'S CONVENIENCE STORE – FORT COLLINS, COLORADO

MISCELLANEOUS

1. 2024 LEGISLATIVE PRIORITY ADOPTION

2. MONAGHAN FARMS INC. STIPULATION AS TO TAX YEAR 2023 VALUE

3. CSURF STIPULATION AS TO TAX YEAR 2023 VALUE
4. AMERICAN FURNITURE WAREHOUSE CO STIPULATION AS TO TAX YEAR 2023 VALUE

5. ZHOU DACHENG/YAN WENXIN STIPULATION AS TO TAX YEAR 2023 VALUE

POLICIES

1. **LARIMER COUNTY DISASTER POLICY**

2. **SIGNATURE AUTHORITY FOR COUNTY EXPENDITURE AND REVENUE COMMITMENTS POLICY**

RESOLUTIONS

1. **RESOLUTION ADOPTING THE LARIMER COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

M O T I O N

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the Consent Agenda for March 26, 2024.

Motion carried 3-0.

5. COMMISSIONERS' GUESTS: Commissioner Shadduck-McNally began by stating she along with Chair Kefalas and County Manager Volker had attended the Project Self Sufficiency Bring the Power Social on March 22nd. She then explained that the Larimer County Department of Human Services and Department of Economic and Workforce Development were honored with the 2024 Vision Maker Award. Commissioner Shadduck-McNally declared it was an honor and privilege to be at this event to see them be recognized and elevated for their phenomenal work that they do every day to change people's lives. She thanked Project Self Sufficiency for all they do for this community, for a wonderful event and for recognizing the Larimer County staff.

County Manager Volker echoed Commissioner Shadduck-McNally's comments. She then introduced Tracy Mead, Chief Executive Office of Project Self Sufficiency, and asked her to explain about the award and why the Larimer County staff were chosen.

Ms. Mead addressed the Board. She explained that Project Self Sufficiency is a Human Services organization, working in Larimer County for over 35 years, that supports low-income single parent families. She stated that each year Project Self Sufficiency recognizes a partner in the community that is instrumental in accomplishing their (Project Self Sufficiency) mission. Ms. Mead then went on to read a few excerpts shared at the March 22nd event stating – "They are true partners in our work. They are a go-to resource for expertise, resources, and connections."

Vanessa Fewell, Larimer County Human Services Division Manager, addressed the Board. Ms. Fewell thanked Ms. Mead and Project Self Sufficiency. She detailed how the partnership between Human Services; Economic and Workforce Development; and Project Self Sufficiency work in collaboration.

Marcine Kasner, Workforce Development Associate Director, addressed the Board. Ms. Kasner stated that she has had a long history with Project Self Sufficiency and the partnership has been very meaningful. She also stated that the partnership with Human Services is very robust – something they are very proud of and continued that they are very honored to receive this award.

Commissioner Stephens congratulated the Human Services and Economic and Workforce Development departments. She stated this award is a testament to the work that they do.

Commissioner Shadduck-McNally thanked Ms. Mead for being in attendance. She stated that Project Self Sufficiency is a pilar in the community – the legacy and ripples of all of their hard work – and all of the families lives they have changed. The work they do is important work and hard work – and they do it in a way that empowers people. She thanked the Larimer County team for the work they do and for partnering with such a great organization.

Chair Kefalas echoed the comments made by Commissioner Shadduck-McNally and Commissioner Stephens. He then detailed some data that was shared during the March 22nd event – stating this organization is very effective in doing what its mission states it is doing.

County Manager Volker stated that it's not often that a non-profit organization recognizes a government agency. This is striking for the community – and it works because these teams focus on the outcome. She thanked Project Self Sufficiency for the recognition and thanked the teams for the work they do every day.

6. DISCUSSION ITEMS: There were no discussion items.

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

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

9. LEGAL MATTERS: None requested.

With there being no further business, the Board adjourned at 10:03 a.m.

John Kefalas

JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:

Heather Arment, Deputy Clerk

LARIMER COUNTY CLERK
SEAL
COLORADO