



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, OCTOBER 24, 2022

LAND USE PUBLIC HEARING

The Board of County Commissioners met at 3:00 p.m., with Michael Whitley, Planner. Chair Stephens presided. Commissioner Kefalas and Commissioner Shaddock-McNally were present. Also, present were Samantha Lasher, Community Development; Lesli Ellis, Community Development Director; Lea Schneider, Health, and Environment via Zoom; Frank Haug, Assistant County Attorney; and Kelly Bryant, Deputy Clerk.

Chair Stephens began the meeting with the Pledge of Allegiance.

Tabled Items to Uncertain Date

1. CYO Amended Special Exception, File No. 22-ZONE3204

Tabled Items from October 10, 2022, at 3:00 PM

1. Ladera Minor Land Division with Easement Vacation File No. 22-LAND4268 has been withdrawn.

CONSENT ITEMS:

1. Solfermoser Appeal, File No. 22- GNRL0537. This is a request for an Appeal to Land Use Code Section 3.4.3.A.2-"The total combined ground floor area of all accessory structures shall not exceed 10 per of the lot's net area" in order to build an accessory garage addition on an existing single-family lot. The property is located at 3711 Post Road LaPorte, CO and owned by Scott Solfermoser.

BACKGROUND:

The applicant's proposal is a 635-square foot addition to the existing 352-square foot detached, 1-car garage. The resulting structure would be a 987 square foot, 3-car detached garage. The applicant has proposed several iterations of this garage addition to planning and building, with the expressed intent

of meeting all base setbacks. An alternative approach was considered but is not preferred and includes attaching the existing detached garage and proposed addition to the primary structure, at which point the lot coverage maximum would no longer apply.

APPEAL REVIEW PROCESS AND CRITERIA:

Procedure for Appeals to Deviate from Standards (§6.7.2.B.5) When considering whether to approve an appeal to deviate from standards or requirements of the Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- a. Approval of the appeal will not subvert the purpose of the standard or requirement.
- b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- c. Approval of the appeal is the minimum action necessary.
- d. Approval of the appeal will not result in increased costs to the general public.
- e. Approval of the appeal inconsistent with the intent and purpose of the Code.

The appeal may be granted if the applicant shows by a preponderance of the evidence that granting the appeal will be consistent with the intent and purpose of the Code.

APPEAL CLAIMS, EVIDENCE, AND STAFF FINDINGS:

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

The Code establishes minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community (§3.4.1). The purpose of this regulation is to ensure that massing of structures on a property are substantially uniform within the context of the neighborhood, and that sufficient open space is achieved on individual lots and in conformity with the surrounding properties.

Staff Findings: A 2.5% increase in the lot coverage limitation for this request does not subvert the purpose of the lot coverage standard. This neighborhood contains attached accessory structures which exceed the 10% coverage and are exempt from this regulation. Additionally, the neighborhood contains improvements that appear to meet or exceed the 10% coverage limitation. The overall level of open space in the area is consistent with urban residential development, and accessory structures are predominantly situated to impact side and rear yards. Therefore, staff finds that the size and placement of the improvement is consistent with development in the vicinity and would not subvert the purpose of the standard.

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

The proposed improvement is analogous to other existing accessory structures in the neighborhood, and does not impede site distances, emergency services access, or other public needs. The front façade massing will be articulated and meet existing setbacks consistent with general neighborhood design.

Notice of this proposal was mailed to adjacent property owners within 500-feet on September 28, 2022. As of the date of this memo, no comments were received in favor or opposed to the proposed action. Since this is an appeal and is time-limited by code, and since the proposed use is a minor exceedance of a by-right use of the property, a formal referral process was not initiated. If this appeal is approved, the applicant will be required to apply for a building permit and the proposal will be subject to the standard review process and fees associated with that action.

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

The applicant has proposed an alternative design whereby the proposed accessory structure would be attached to the primary structure. If attached, the improvement would not be subject to a lot coverage limitation and could further encroach on unimproved portions of the lot. The request as proposed provides the structural dimensions to meet the owner's needs while remaining constrained to the purpose of the regulation. Therefore, this appeal is the minimum action necessary to implement the intent of the regulation while providing the property owner the fullest use of the property and maintaining the integrity and character of the neighborhood.

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

The proposed improvement and appeal result in no net change of costs to the general public.

e. Approval of the appeal inconsistent with the intent and purpose of the Code.

The intent and purpose of this Code provision is to minimize adverse impacts on surrounding properties and the community, and to ensure proportionally adequate open space on individual residential lots. Staff analysis finds that the proposed action is a minor exceedance of the code provision and remains consistent with the character of the neighborhood. The proposed action is the minimum action necessary to meet the intent of the code while providing concessions sufficient to accommodate the owner's proposed use.

DEVELOPMENT SERVICES TEAM FINDINGS:

Therefore, the Development Services Team finds:

File No. 22-GNRL0537, a proposal to deviate from the lot coverage standard in §3.4.3.A.2 of the Code, is consistent with the intent and purpose of the Code subject to the proposed Conditions of Approval as outlined in the recommendation.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Solfermoser Appeal, File No. 22GNRL0537, subject to the following conditions:

1. All established setbacks shall be met, or the appropriate separate review action shall be pursued, and approval granted prior to construction.
2. All building and engineering permits and associated fees shall be secured prior to construction.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the consent agenda of October 24, 2022.

Motion carried 3-0

The meeting adjourned at 3:05 p.m.

TUESDAY, OCTOBER 25, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Laurie Kadrich, Assistant County Manager. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were Tom Clayton, Communications Department, Sarah Martin, Commissioner's Office and Kelly Bryant, Deputy Clerk.

1. **PUBLIC COMMENT:** The following member of the public addressed the Board: Phoebe McWilliams spoke about elections integrity.

Chair Stephens closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF OCTOBER 17, 2022.**

MOTION

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

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 31, 2022: Ms. Martin reviewed the upcoming schedule with the Board. The Board did present updates and changes to the upcoming schedule for Ms. Martin.

4. CONSENT AGENDA:

AGREEMENTS:

- 1. 2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM (EMPG) AGREEMENT AND AWARD LETTER**
- 2. STATE OF COLORADO INTERGOVERNMENTAL AGREEMENT - DISABILITY PROGRAM NAVIGATOR IGA CT KAVA 2023**
- 3. PROJECT AGREEMENT NOCO PLACES 2050**
- 4. LARIMER COUNTY BEHAVIORAL HEALTH SERVICES GRANT AGREEMENT 22-TP6-TSD**
- 5. LARIMER COUNTY BEHAVIORAL HEALTH SERVICES GRANT AGREEMENT 22-TP6-ECP**
- 6. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN LARIMER COUNTY AND THE BIG THOMPSON WATERSHED COALITION**
- 7. MEMORANDUM OF UNDERSTANDING BETWEEN LARIMER COUNTY AND THE LARIMER CONSERVATION DISTRICT**
- 8. LARIMER COUNTY QUESTICA FIRST AMENDMENT**
- 9. AGREEMENT FOR JAIL SERVICES**

APPOINTMENTS:

- 1. RECOMMENDED APPOINTMENT TO WESTRIDGE ESTATES PID – Scott Griffin**
- 2. RECOMMENDED MIDTERM APPOINTMENT TO THE ESTES VALLEY PLANNING ADVISORY COMMITTEE – Scott Stewart**

LIQUOR LICENSES: Vern's Inc dba Vern's Place – Hotel and Restaurant, LaPorte, Colorado

RESOLUTIONS

1. FINDINGS AND RESOLUTION APPROVING THE ALSUP APPEAL TO COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION
2. FINDINGS AND RESOLUTION APPROVING THE COURTNEY/VANBUSKIRK SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for October 25, 2022.

Motion carried 3-0.

5. **COMMISSIONERS GUESTS:** The Commissioners invited The Ranch Director Conor McGrath to speak to the Board. Commissioner Shadduck-McNally introduced Mr. McGrath while thanking the departing Interim Director Todd Juergens and the staff. Mr. McGrath stated he was very excited about taking this leadership role. He said that was looking forward to working with the Commissioners on their vision for The Ranch's future. Commissioners welcomed him to the team and said that they looked forward to working with him in the future as well.

DISCUSSION ITEMS

1. **RESOLUTION EXPRESSING INTENT TO PROVIDE FUNDING TO ASSIST WITH THE REGIONAL K-12 WORKFORCE CENTERS** This resolution expresses the intent of the Board of County Commissioners to provide \$2,000,000 of American Rescue Plan Act funds to contribute to the construction of a new Future Ready Career Center and an addition to the Thompson Career Center, to be done by Thompson School District and Poudre School District in partnership, once the project has full funding and upon the approval of a subsequent, future agreement by the Board of County Commissioners.

Laura Walker, Human and Economic Director, spoke to the Board. She stated that funding has been awarded to the county and that some of those funds have been distributed to a variety of transformation projects in the community. She announced that this project, The Regional K-12 Workforce Centers plan, is a collaborative effort between Poudre School District led by Superintendent Dr. Brian Kingsley, and Thompson School District led by Superintendent Dr. Marc Schaffer. Dr. Schaffer and Dr. Kingsley each spoke to the Board. They stated that they were thankful for the efforts of many people in serving the students and the community.

Commissioner Shadduck-McNally mentioned she was impressed that the school districts worked and supported each other so well during the pandemic. She asked about transportation for the students between the school districts. Superintendent Schaffer mentioned that the grant application is for a regional approach to serve Loveland as well as Estes Park. Commissioner Kefalas asked about the types of careers that the students will be working toward and if counselors would be available to support these efforts. He also asked about connections with local community colleges in the region.

Superintendent Schaffer provided further details to answer those questions but emphasized Construction and Health Care Services pathways would be available through this program. He stated that these students will be immediately employable once they graduate. Commissioner Kefalas added his gratitude for their collaborative work to improve the lives of those participants. Chair Stephens stated she had an opportunity to speak with students and staff of the program and understood their excitement for their futures. She stated that the use of these funds will absolutely change lives. Commissioner Stephens questioned if the graduation rates would be improved with enrollment into these programs. Dr. Kingsley did say that data would show improved graduation rates as well as improved mental health of those participants and graduates.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the resolution to express intent to provide funding to assist with the Regional K-12 Workforce Centers and commit \$2,000,000 from the American Rescue Plan Act.

Motion carried 3-0

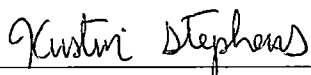
The Board took a brief recess.

6. **PUBLIC COMMENT** (additional) At 9:53 a.m. Joseph Flannagan spoke to the Board about Public Improvement Districts in Larimer County.

7. **COUNTY MANAGER UPDATE:** The Assistant County Manager, on behalf of County Manager Lorenda Volker, updated the Board on this week's coordination meetings and upcoming projects and activities.

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

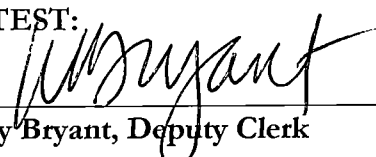
With there being no further business to come before the Board, Chair Stephens adjourned the hearing at 10:25 a.m.



KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Kelly Bryant, Deputy Clerk

