



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, NOVEMBER 22, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Michael Whitley, Senior Planner, Planning Department. Chair Pro-Tem Stephens presided and Commissioner Shadduck-McNally was present. Commissioner Kefalas was excused. Also present: Tracy Hicks, Planning Department, Connor Sheldon, Engineering Department; Michelle Bird, Public Information Director, Andrew Lewis, County Attorney's Office; and Kelly Bryant, Deputy Clerk.

Chair Pro-Tem Stephens opened the hearing with the Pledge of Allegiance and noted that the following items were on the consent agenda and would not be discussed unless requested to do so by the Board, staff, or members of the audience.

PUBLIC HEARING CONSENT ITEMS:

1. Crystal Lakes 14th PUD Lot 66 Building Envelope, File No. 21-LAND4179: The applicant seeks to amend the plat to relocate the existing building envelope. The property is located at 416 Yuki Drive Red Feather Lakes, CO 80545.

The LaMay property consists of 2.57-acres and is a part of the Crystal Lakes 14th PUD. The owner, Timothy LaMay, is requesting that the building envelope be relocated to better accommodate a future single-family home. The building envelope would move from the northern most portion of the property that runs along Yuki Drive to just south of Columbine Creek. The property owners provided an exhibit to show their proposed changes.

This property currently has one existing shed that was built in 2014. As identified within the code compliance research, this shed does not have a building permit and it does not meet the setbacks from the existing creek that traverses through the property. Buildings are required to be 100-feet from the centerline of any USGS identified blueline. The existing shed is located south of Columbine creek. The proposed relocation of the new building envelope will encompass the existing shed's location. The owner is working with both Planning and Code Compliance staff to bring the shed further into compliance through the necessary as-built permits and minor modification variance.

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team recommends approval of the Crystal Lakes 14th PUD Lot 66 Building Envelope, File Number 21-LAND4179 with the following conditions:

1. All conditions of approval shall be met, and the Amended Building Envelope Exhibit recorded by May 22, 2022, or 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. Erion Appeal, File No. 21-GNRL0518: The applicant requests to have the Board of County Commissioners accept a determination of the City of Loveland to decline annexation of two parcels and allow a land division and concurrent rezoning application to be processed by Larimer County. The property is located at 5280 Great Bear Lane and 5065 N County Road 11C, Loveland; located approximately 2,000 feet south of the intersection of E. 57th Street and North County Road 11C.

The subject properties are at 5280 Great Bear Lane and 5065 N County Road 11C, Loveland which are located approximately 2,000 feet south of the intersection of E. 57th Street and North County Road 11C.

Collectively, the parcels are 8.57-acres. One parcel is Lot 3 of the Shyanne Planned Land Division, it is 5.19-acres, and it is zoned PD-Planned Development. One parcel is lot 1 of the Hirsch Family Trust Minor Residential Development, it is 3.38-acres, and it is zoned RR-2 Rural Residential.

The property owners would like to reconfigure the lot lines and create one new buildable lot for residential use through the Planned Land Division with a current rezoning to PD-Planned Development.

The properties are within the Loveland Growth Management Area, and they are contiguous to City of Loveland municipal limits. The properties are located adjacent to Horseshoe Lake, and they are considered to be adjacent to city limits because water bodies are disregarded when determining contiguity. Article 2.7.2.D.2 of the Land Use Code requires that the property owners seek annexation to the City of Loveland rather than apply through Larimer County for a land division with a concurrent rezoning.

City of Loveland Development Services staff has provided an email stating that they are declining annexation of the properties because the annexation would effectively result in the creation of an enclave to the south bordered by Boyd Lake State Park and the subject property and there is substantial distance between the subject property and properties within city limits; this distance would present challenges for provision of city services. In addition, the city generally does not require annexation where the outcome would be one single-family house, which is the case here.

The revised Land Use Code that became effective on March 31, 2021, unintentionally did not carry

over the criteria for appeals from the previous Land Use Code. Until a Code amendment can be approved to include the criteria, the criteria found in Section 22 of the previous Land Use Code will continue to be used to evaluate appeal requests.

If the proposed appeal is granted, the property owners may apply for a Planned Land Division with a concurrent rezoning to PD – Planned Development without having to annex the property to the City of Loveland.

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team recommends approval of the Erion Appeal, File# 21-GNRL0518, subject to the following condition:

1. The property owner shall submit a signed Annexation Agreement to the City of Loveland if the Planned Land Division/Planned Development is approved.

A constituent (name is inaudible) requested clarification on whether the City of Loveland was going to annex the area [mentioned in Consent Agenda #2]. Michael Whitley, Senior Planner, provided explanation on this subject matter.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the remaining items on the Consent Agenda subject to the conditions outlined 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 to discuss the Board adjourned at 3:08 p.m.

TUESDAY, NOVEMBER 23, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Pro-Tem Stephen presided, and Commissioner Shadduck-McNally was present. Commissioner Kefalas was excused. Also present were: Michelle Bird, Public Information Director; and Kelly Bryant, Deputy Clerk.

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

1. PUBLIC COMMENT: Melanie Stockton, Ruth Stockton, Lisa Hecker, Robbie Rose, Lisa Maclean, Jessica Madden, Debbie Bee, Jim Winebrener, Jim Rudd and (via phone) Nick Lance each spoke on the mask mandate and vaccine matters. Commissioner Shadduck-McNally thanked the constituents for sharing their concerns and stated she was pleased with the engagement in the civic process. She wished everyone a Happy Thanksgiving. Chair Pro-Tem Stephens mentioned that she has asked the Public Health team to listen to these hearings so that they can address the health concerns of the community. She also mentioned that the Public Health Director is not an elected official in Larimer County or in Colorado, and that the U.S. Constitution does not enumerate state and county rights. She asked that the attendees refrain from using the word “Nazi” with regards to the mask wearing mandate. Lastly, she wished all a Happy Thanksgiving and reminded everyone that next weeks Administrative Matters hearing was cancelled.

Chair Pro-Tem Stephens closed Public Comment.

2. APPROVAL OF THE MINUTES FOR THE WEEKS OF NOVEMBER 15, 2021:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the weeks of November 15, 2021.

Motion carried 2-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF NOVEMBER 15, 2021: Ms. Bird reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. AGREEMENT REGARDING GRANT FOR PROVISION OF SERVICES

2. AGREEMENT REGARDING BETWEEN CDOT AND THE COUNTY REGARDING VALUES OF EASEMENTS AND FEE VALUES, AND TO CONVEY PARCELS TO EACH OTHER. This item has been removed from the Consent Agenda and will be considered at a future meeting.

3. APPROVED LANDFILL FEES, APPROVED WELLINGTON & RED FEATHER CONVENIENCE CENTER FEES, APPROVED ESTES PARK TRANSFER STATION FEES

4. APPROVED LANDFILL FEES, APPROVED WELLINGTON & RED FEATHER CONVENIENCE CENTER FEES, APPROVED ESTES PARK TRANSFER STATION FEES

5. JDHQ HOTELS, LLC, RE: LOVELAND EMBASSY SUITES

6. INTERGOVERNMENTAL AGREEMENT W/ BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY FOR THE STATEWIDE REGISTERED APPRENTICESHIP COORDINATOR

7. EMPLOYMENT AGREEMENT-AMENDMENT NUMBER 9

LIQUOR LICENSES: AMERICAN LEGION POST HOME ASSN (GEORGE BEACH POST NO. 4), LICENSE TYPE: CLUB, FORT COLLINS; THE ROCK INN LTD DBA THE ROCK INN, LICENSE TYPE: BREW PUB, ESTES PARK; – YOUNG’S LIQUOR INC DBA YOUNG’S LIQUOR, LICENSE TYPE: LIQUOR STORE, FORT COLLINS.

MISCELLANEOUS

1. TENANT ESTOPPEL CERTIFICATE – 2573/2601 MIDPOINT

2. TENANT ESTOPPEL CERTIFICATE – 2643 MIDPOINT

3. TENANT ESTOPPEL CERTIFICATE – 2619 MIDPOINT

RESOLUTIONS

1. REGULATIONS RELATING TO LARIMER COUNTY DEPARTMENT OF NATURAL RESOURCES AREAS AND FACILITIES

MOTION

Commissioner Shadduck-McNally moved to omit item number two which is an agreement between CDOT and the County on values of easements and fee values, and to convey parcels to each other for further clarification and work time and, to table it for future consideration. When it does come back up on the Consent Agenda, the notice will be reissued.

Motion carried 2-0

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the remaining consent agenda for November 23, 2021.

Motion carried 2-0

5. **COMMENTS FROM COMMISSIONERS' GUESTS:** There were no guests present.

6. **DISCUSSION ITEMS:**

None

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

8. **COMMISSIONER ACTIVITY REPORTS:** The Board detailed their attendance at events during the previous week. Chair Pro-Tem Stephens mentioned the passing of former County Commissioner, James Disney. Chair Pro-Tem Stephens, Commissioner Shaddock-McNally and County Manager Hoffmann gave their condolences to the family and friends of the former Commissioner and mentioned his love of art and Rocky Mountain National Park.

9. **RESOLUTION:** A Resolution in Support of Applying for a Planning Grant for Innovative Affordable Housing Strategies was reviewed in a work session on November 22, 2021. The Staff members in attendance of the work session yesterday were not aware that the Administrative Matters hearing for next week had been cancelled. She asked that the Chair Pro-Tem allow the reading of the resolution in today's hearing and that the Commissioner act on it today to ensure the application can be submitted within the deadline. Chair Pro-Tem Stephens allowed the reading into the record and a motion to be made to authorize the application.

Commissioner Shaddock-McNally mentioned that she was grateful to staff for bringing this forward and for the collaboration between departments. Chair Pro-Tem Stephens added a thank you to Claire Bouchard. She mentioned she was thankful for the great responses from the community as well as to consultants working on this resolution who "have made difference."

MOTION

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the resolution and to apply for the grant through DOLA between our housing coordinator and our Planning department.

Motion carried 2-0

10. **LEGAL MATTERS**

No Decision Expected

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice and C.R.S. 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategies for negotiation, and instructing negotiators regarding case # 2021CV30317, Bulow v. Jackson et al.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners move into Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice and C.R.S. 24-6-402(4)(c): Determining positions relative to matters that may be subject to negotiations; developing strategies for negotiation, and instructing negotiators regarding case # 2021CV30317, Bulow v. Jackson et al.

Motion carried 2 – 0.

With there being no further business, the Board adjourned at 10:22 a.m.


KRISTIN STEPHENS JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS
CHAIR

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Kelly Bryant, Deputy Clerk



