



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 28, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also, present were: Jennifer Cram, Leslie Ellis, and Michael Whitley, Community Development; Amy White, Code Compliance; Clint Jones, Traci Shambo, Connor Sheldon, and Devin Traff, Engineering and Jeannine Haag, County Attorney; and Elizabeth Carter, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

Tabled Items:

1. **ALPS MINOR LAND DIVISION, FILE NO. 21-LAND4125.**
2. **DEINES MLD OF LOTS 1 AND AP, FILE NO. 21-LAND4069.**

Tabled Item from June 14, 2021:

1. **CEDAR SPRINGS 3RD FILING, LOTS 23 & 24, BLOCK 1 LOT CONSOLIDATION, FILE NO. 21-LAND4120:** The applicant seeks to combine two contiguous lots, Lots 23 and 24, into one 3.68-acre lot. Lot 23 contains a 1 bedroom, 1-bathroom single-family residence and two outbuildings. The single-family residence straddles the internal boundary line between the two existing lots and the applicants seek to resolve that issue with this proposed Lot Consolidation. Lot 24 contains no other structures. There have been no previous land use approvals on these two lots prior to this lot consolidation.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.7.D.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. No new lots will be created. The applicants are proposing to consolidate Lots 23 and 24 to create one, 3.68-acre lot.

- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by Article 5.2, Lot and Block Standards. 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. The 3.68-acre lot resulting from the proposed consolidation does not meet the minimum lot size as required by the O-Open zone district, but it does not increase the nonconformity with respect to lot size for the O-Open zoning district, thus meeting this review criteria. Additionally, although the existing two lots do not meet, and the resultant parcel will not meet the lot dimension ratio required by 5.2, Lot and Block Standards, the resultant parcel will not increase the nonconformity, thus satisfying the review criteria.
- 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 Larimer County Land Use Code standards.
- D. 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. No change of impact is anticipated regarding access, drainage, utility easements, or rights-of-way.
- E. 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. Staff recommends a condition stating that any existing covenants, deed restrictions, other conditions of approval that currently apply to the individual lots will continue to apply to the new lot created by the consolidation.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of the Cedar Springs 3rd Filing, Lots 23 and 24, Block 1 Lot Consolidation, File Number 21-LAND4120 with the following conditions:

- A. All conditions of approval shall be met, and the Findings and Resolution recorded by December 28, 2021, or this approval shall be null and void.
- B. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
- C. The reconfiguration of the lots line shall be finalized at such time when the Findings and Resolution of the Board of County Commissioners is recorded.
- D. The legal description for the resultant lot shall be as stated on Exhibit "A" to this Resolution.

2. JAX/HOLCIM REZONE:

PLANNING COMMISSION DISCUSSION:

This item was on the agenda for the May 19, 2021, Planning Commission public hearing at 6:00 pm. Chair Choate wanted to confirm that if the applicant needing to use hazardous materials, they would need to complete a Special Review approval. Ms. Hillenbrand confirmed the applicant would need to complete a full Special Review process. Commissioner Barrack had a concern regarding the increase in traffic for the intersection of Overland Trail and N. Highway 287. Ms. Hillenbrand explained that at this time construction is not proposed with the Jax/Holcim Rezone project. Commissioner Wallace asked if the application was filed as a result of action on the County or filed as a result of Jax and Holcim? Ms. Hillenbrand stated that the applicant was not able to attend that evening to answer the question, but it was her understanding that the applicant had filed not as a result of action on the County. Commissioner Best-Johnson wanted to confirm that the project is for a change in zone in order for the uses that have been occurring on the site to meet the alignment with the correct zoning district. Ms. Hillenbrand confirmed that the rezone is for the existing uses that have been occurring on the site to meet the alignment with the correct zoning district. Commissioner Wallace recommended the motion to approve the rezone. Commissioner Miller seconded the motion.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Commissioner Wallace moved that the Planning Commission adopt the following Resolution:

Be it resolved that the Planning Commission recommends to the Board of County Commissioners approval of the Jax/Holcim Rezone from O – Open to PD – Planned Development, File #18-ZONE2335, subject to the following condition:

- A. The permitted uses, lot building and structure requirements, setbacks and structure height limitations for Jax/Holcim Planned Development shall be as noted in the full staff report.

CONSENT AGENDA:

Commissioner Shaddock-McNally requested that Item 5, the O'Leary Bed & Breakfast, File No. 21-Zone2927 be removed from the Consent Agenda.

1. LARIMER COUNTY URBAN AREA STREET STANDARDS REVISIONS: The Larimer County Urban Area Street Standards (LCUASS) are a comprehensive, urban level, set of engineering design and construction standards used within the city limits and growth management areas of the Cities of Fort Collins and Loveland. The standards represent a collaborative effort between Larimer County, Fort Collins, and Loveland and allow us to implement a consistent set of engineering design standards in the region. They are implemented through intergovernmental agreements between the County and Fort Collins and Loveland. The LCUASS guides the design of both private developments and public engineering capital projects within these areas. Since the original

inception of the standards in 2001, there has been revisions and updates in October 2002, 2007, 2013, 2014, and 2016.

PROCESS FOR AMENDMENTS AND REVISIONS TO THE LCUASS:

The Larimer County Urban Area Street Standards (LCUASS) is intended to be a living document that requires periodic amendments and revisions to keep it current with jurisdictional policy changes, latest technology, and industry standards. The general provisions Chapter 1 of the LCUASS (Section 1.6 – Amendments and Revisions to Standards) outlines how changes to the document shall be made. This section describes “Policy Revisions” as major changes that will cause significant increased cost or controversy and describes “Technical Revisions” as minor additions, revisions, and corrections necessary to better conform to current engineering and/or construction standards or practices. The LCUASS state that “Policy Revisions” require a public hearing for each entity. For “Technical Revisions”, the LCUASS allows for the Fort Collins and Loveland Engineer to approved technical changes, without a public hearing process but the Local Entity Engineer must still report such technical revisions to their governing body. However, in the case of unincorporated Larimer County, the Standards state that any revision, whether “policy” or “Technical”, shall become effective only after approval by the Larimer County Board of County Commissioners, following receipt of recommendation from the Larimer County Staff”.

SUMMARY OF 2021 REVISIONS:

Most of the document applies consistently to all three entities. There are some sections and appendices that only apply to one or more of the entities due to differing policies, requirements, interests and/or viewpoints. Changes to the appendices are proposed as part of this process to reflect the changes made in the main body of the document. It should be noted that many of the appendices are intended to be for reference only and so they include a note stating “Appendix Forms and Information are for Reference Only. Contact Local Entity Engineer for Original Forms and Current Information.” A summary of the more substantial proposed revisions is below. The more detailed modifications summary table is in Appendix A. The proposed final versions of the changes to each chapter, appendices, figures, and drawings can be found on the LCUASS website at <https://www.larimer.org/lcuass-adoption-2021>

REVISION SUMMARY:

Chapter 1 – General Provisions Technical corrections and text revisions. Allow technical corrections to be made administratively as long as they are not policy related or adding cost. Text revised in Section 1.9.2 to clarify off- site, adjacent, and on-site improvements for the Street Construction Policy. Section 1.9.3.B was re-written to clarify street oversizing and third-party reimbursements for the City of Loveland. Section 1.9.4 was updated for changes that was approved by City of Fort Collins regarding variances to LOS standards that the City of Loveland would also like to adopt.

Chapter 2 – Submittal and Review Procedures Technical corrections and text revisions. Text revised in Section 2.2.2 to change the title from Public Improvement Construction Plans to Civil Construction Plans.

Chapter 3 – Information Requirements for Construction Plans Technical corrections and text revisions. Text revised in Section 3.2.6 to allow electronic PE stamps per Colorado Board of Registration Requirements.

Chapter 4 – Transportation Impact Studies Removed link volume levels of service (LOS) requirements to be consistent with CDOT, other jurisdictions, and standard practices for traffic impact studies (Loveland only). Section 4.6 revised to allow mitigation that is reasonably related and proportional to impact that is not feasible (or not desired by the Local entity) to address the specific LOS issue. Added Section 4.6.8 Alternative Mitigation Strategies for intersections that do not meet overall level of service standards, and reasonably related and proportional mitigation to address the level of service is not possible or not desired by the Local Entity, an Alternative Mitigation Strategy may be requested and considered. Section 4.6 and 4.6.8 were already adopted by the City of Fort Collins that the City of Loveland would also like to adopt.

Chapter 5 – Soil Investigations and Report Technical corrections and text revisions. Fill requirements text modified in Section 5.2.1.C to be consistent with industry standard practices.

Chapter 6 – Permits Technical corrections and text revisions. Text in Section 6.17.A.11 modified to change notification from 24 hours to 48 hours for erosion control inspection. Additionally, text change to specify that the Public Improvements Opinion of Cost are to be signed and stamped by a professional engineer (PE).

Chapter 7 – Street Design and Technical Criteria Sight distance requirements changed to be consistent with the CDOT State Highway Access Code criteria. Striped buffered bike lane and protected bike lane options on arterial roadways added to the cross-section figures. 5' (min.) sidewalk and 8' (min.) parkway width added to the Fort Collins cross section figures.

Chapter 8 – Intersections Technical corrections and text revisions. Text in Section 8.2.17 revised to indicate that roundabouts shall be designed in accordance with LCUASS Appendix I.

Chapter 9 – Access Requirements and Design Criteria Technical corrections and text revisions. Section 9.4.10, change in use updated to be consistent with CDOT criteria (20% or 100 total daily trips).

Chapter 10 – Pavement Design and Report Technical corrections and text revisions to be consistent with current practices.

Chapter 11 – Structures Technical corrections and text revisions to be consistent with current practices.

Chapter 12 – Utility Installations Technical corrections and text revisions to be consistent with current practices. Section 12.2.3 access covers shall be ¼ inch below the finished roadway surface.

Chapter 13 – Street Naming and Addressing Technical corrections and text revisions to be consistent with current practices. Website addresses updated. Road Naming Criteria title changed in Table 13-1.

Chapter 14 – Traffic Control Devices Technical corrections and text revisions to be consistent with current practices.

Chapter 15 – Street Lighting Technical corrections and text revisions to be consistent with current practices. Section 15.1.2 Replaced “\$300 design electrical deposit” text with “required electrical design deposit”.

Chapter 16 – Pedestrian Facilities Technical corrections and text revisions to be consistent with current practices. Loveland is removing Industrial areas exception for sidewalk facilities unless otherwise approved by the Local Entity Engineer Section 16.2.1.D.

Chapter 17 – Bicycle Facilities Technical corrections and text revisions to be consistent with current practices. Bicycle detection text added to Section 17.2.4.

Chapter 18 – Neighborhood Traffic Safety Technical corrections and text revisions to be consistent with current practices.

Chapter 19 – Parking Technical corrections and text revisions. Figure 19-6 revised where Local Entity Engineer can vary parking setback distance requirements on a case-by-case basis.

Chapter 20 – Public Improvements Cost Estimate Section 20.2 Remove Option of Cost and reference form.

Chapter 21 – Reserved.

Chapter 22 -Materials & Construction Specifications Technical corrections and text revisions to be consistent with current practices.

Chapter 23 – Inspection and Testing Procedures Technical corrections and text revisions.

Chapter 24 – Acceptance/Warranty Procedures and Record Drawings Technical corrections and text revisions. Section 24.3.4 Failure to Complete Repair section modified to require a 15% fee for the value of the work or a \$500 administrative fee whichever is greater.

Chapter 25 – Reconstruction and Repair Technical corrections and text revisions to be consistent with current practices. Section 25.2.4 Flow fill will be required on soft surface potholing per the discretion of the Local Entity Engineer

Appendix A - Standard Drawings The updates to Appendix A include technical revisions and corrections to meet the current industry standards and practices and to be consistent with the changes being made to the various chapters listed within this document.

Appendix B – Forms: Reimbursement, Permits, Licensing the updates to Appendix B include updated forms to be consistent with current practices.

Appendix C – Fort Collins Streetscape Design Standards The updates to Appendix C include technical revisions and corrections to meet the current industry standards and practices.

Appendix E – Standard Notes, Approval Blocks, Checklists The updates to Appendix E include updates to notes, signature blocks, and checklists be consistent with current practices.

Appendix I – Roundabout Design Manual Technical revisions and corrections to meet the current practices.

Appendix M – ADA Curb Ramps (Loveland Only) New ADA curb ramp details for Loveland.

PLANNING COMMISSION HEARING:

The amendments were presented to the Planning Commission on May 19, 2021. The proposed amendments were unanimously supported.

STAFF FINDINGS:

The revisions are not known to be controversial. The revisions are needed for consistency with current industry standards, federal & State permits, approved master plans, common methodologies, procedures & policies. Staff findings are:

- A. Adoption of the update is important to maintain the collaborative effort between jurisdictional entities using the Larimer County Urban Area Streets Standards and to implement a consistent set of engineering design standards in the region.
- B. Updates to the Larimer County Urban Area Streets Standards is periodically necessary due to changes in national, state, and regional references, refinement of design standards, and identification of ‘clean up’ items within the document.
- C. These changes are considered to include both policy and technical revisions where any anticipated increased cost to persons affected by the revision are considered to be an acceptable amount necessary in order to provide acceptable levels of service and safety, and to comply with national, state, and regional permits, references, requirements, and standards.

STAFF RECOMMENDATION:

The Engineering Staff recommends that the Larimer County Board of County Commissioners approves repealing and reenacting the Larimer County Urban Area Street Standards as proposed, with an effective date of August 1, 2021.

2. COZY CABIN EAGLE CLIFF ROAD SHORT-TERM RENTAL, FILE NO. 21-ZONE2890: This application was submitted prior to the new Land Use Code going into effect on March 31, 2021. This application is being processed under the regulations and standards of the Land Use Code effective at the time of application. The process required for a short-term rental at the time of application was a Public Site Plan Review and the process in the current Code is an Administrative Special Review. The two processes are very similar and the required application materials and approval authority are the same for both processes. The subject property is located in Estes Park, CO. The property owners request Public Site Plan Review to convert the existing single-family residence into a short-term rental. The subject property is currently zoned EV A-1 - Estes Valley Accommodations/Low Intensity. A Short-Term Rental is classified as a Low Intensity Accommodation use per the Larimer County Land Use Code and is permitted in the EV A-1 - Estes Valley Accommodations/Low Intensity zone district following Public Site Plan Review. Per the Land Use Code, a Short-Term Rental is defined as, "a dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter." The residence contains two bedrooms, is 610 square feet, and has been used for long term rentals for approximately three years. The proposed maximum occupancy is six people with two people in each bedroom and two on a sofa sleeper in the living room. Converting a single-family dwelling to a short-term rental is a change of use that triggers additional building code requirements. If planning approval is granted, a building permit will be required. One of the items to be evaluation as a part of the building permit is an alteration of the living room into an approved sleeping area.

After a building permit is issued and prior to obtaining a Certificate of Occupancy as a Short-Term Rental, the home must pass a Life-Safety Survey inspection as outlined in county code amendments. Code requirements include proper-sized bedroom emergency escape and rescue openings, smoke and carbon monoxide detectors, stovetop firestop and anti-tip device, handrails, guardrails, fire extinguishers, operations manual and exit signage. The existing residence is currently served by the Town of Estes Park Water District and Upper Thompson Sanitation District. Referrals were sent to both entities but neither entity provided comments on the application. The property has an Eagle Cliff Road address but is on a private road south of Eagle Cliff Road. There are approximately 20 parcels that gain access from the local road. The Estes Valley Fire Protection District Fire Marshall provided comments noting concerns regarding premises identification. The comments are: "Larimer County has assigned an address of 2242 Eagle Cliff Road. We believe this to be incorrect; this property is not located on Eagle Cliff Road, rather it is served by an access road which serves multiple homes. The access road needs to have an approved street name with correlating address numbers. This approach is consistent with the Larimer County Road Naming and Site Addressing System Resolution, which states "the site address of existing addressable structures or units that have an inconsistent site address shall be changed, when necessary. For example, when the current site address is found to be inconsistent with sequential numbering and/or parity." If the 2242 Eagle Cliff address assignment remains, emergency response could be significantly compromised."

Larimer County intends to evaluate approximately 100 addresses in this vicinity but does not propose to delay processing or deny the Public Site Plan application solely based on the addressing concern. One of the standards for Short Term Rentals is that the property manager shall be located within one

hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental. The property owners live in Westminster and intend to act as the property managers. According to Google maps, it would take approximately one hour and twenty minutes to drive from the property owner's primary residence and the Short-Term Rental. The applicant has identified an emergency property manager who is less than one hour travel distance from the property. It is the Development Review Team's assessment that this complies with the intent of the regulation. Neighborhood notification of the proposed project was sent to properties within 500-feet of the subject property. No responses were received. The Estes Valley Planning Advisory Committee (EVPAC) reviewed this request at their regularly scheduled meeting on May 20, 2021. EVPAC voted 6-1 to recommend approval of the Public Site Plan Review. Draft minutes from the meeting are attached as Attachment H. Considering the addressing concerns expressed by the Estes Valley Fire Protection District, the Larimer County Community Development Director determined that a public hearing before the Board of County Commissioners was warranted.

REVIEW CRITERIA:

To approve a Public Site Plan application, the Board of County Commissioners must consider the following review criteria listed in Sections 6.2.3 & 6.2.4.G and find that each criterion has been met or determined to be inapplicable:

- A. The Public Site Plan complies with all applicable requirements of this Code and any applicable supplementary regulations. The regulations for Short-Term Rentals can be found in Sections 19.6.1.A.2 and 4.3.6.E of the Code.
- B. The Public Site Plan complies with all conditions of approval imposed by the board of County Commissioners, the Board of Adjustment, or the Floodplain Review Board under another approval process authorized by this Code. There are no conditions of approval associated with another approval process authorized by the Land Use Code.
- C. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood; and Neighborhood notification of the proposed project was sent to properties within 500-feet of the subject property. No responses were received. The subject property and surrounding properties are zoned EV A-1 – Estes Valley Accommodations/Low Intensity which anticipates accommodations uses. The proposed Short-term Rental would be compatible with the existing homes and accommodations uses in the surrounding area and would be in harmony with the neighborhood.
- D. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property. There is no evidence that the proposed Short-Term Rental would result in a substantial adverse impact on other property in the vicinity of the subject property.

DEVELOPMENT SERVICES TEAM FINDINGS:

- A. The Public Site Plan complies with all applicable requirements of the Land Use Code and any applicable supplementary regulations.
- B. There are no conditions of approval imposed by the Board of County Commissioners, the Board of Adjustment or Floodplain Review Board under another approval process authorized by the Land Use Code.
- C. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood.
- E. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Cozy Cabin Eagle Cliff Road Short-Term Rental Public Site Plan, File #21-ZONE2890 subject to the following condition:

- A. This approval shall automatically expire in two years if the use has not commenced and/or a change of occupancy permit is not issued.
- B. The Short-Term Rental shall re-register their operation (i.e., operating registration) on a biannual basis.

3. SWANSON FARM RURAL LAND PLAN, FILE NO. 20-LAND4060: The Swanson Farm is located in Loveland, CO. The Swanson Farm Rural Land Plan (RLP) is a request to divide an approximately 80-acre parcel zoned FA-Farming into one single-family residential lot at 5-acres with an approximately 75-acre residual lot with a building envelope to allow one additional single-family residence. There is an existing residence on the property that is served by water from the Little Thompson Water District and an on-site septic system. Adequate water is proposed for the additional lot and building envelope via a public water tap from the Little Thompson Water District. Adequate sewage disposal for the new lot is proposed via on-site septic system.

The Swanson Farm contains productive agricultural land that has historically been flood irrigated from west to east. The proposed configuration of lots and building envelope support the continued use of flood irrigation to maintain the agricultural land. An outline for the proposed management of the agricultural land is attached. The agricultural land is included on proposed Lot 2 and is 75.175-acres, including the approximately 2-acre building envelope. Thus, the remaining agricultural land that will be maintained is approximately 73-acres +/- . This meets the two-thirds, or 67% requirement per Section 5.8.6. C. 1. (80-acres x .67 = 53.6 acres) The 73-acres of residual land is proposed to be maintained for a minimum of 40 years. There is also an existing oil and gas well on the property on proposed Lot 2. The proposed building envelope for a new single-family residence is greater than 400-feet from the well site/facilities.

The existing Land Use Code does not have a required setback for new residences from existing wells. A proposed condition of approval is to provide a note on the plat that lets any potential buyer know

of the existing oil and gas well location. The surrounding properties consist of residential and agricultural uses. The surrounding properties are a variety of sizes. The parcel to the north is 145.25-acres. The parcel to the east is 72.74-acres. The parcel to the south is 69.75-acres. The parcels to the west are 30.77, 44.98, 5.51 and 98-47-acres. The Warberg Farms and Chapman Conservation Developments are both just a little east of the property and contain several single-family residential lots at approximately 2-acres each. This property is currently accessed from County Road 11. This access is proposed to remain along with one additional access point to serve proposed Lot 2. The access will be required to meet Urban Area Street Standards (LCUASS). An access permit will be required. Additional right-of-way for County Road 11 will also be required to be dedicated with the final plat. Section 5.8.5.D.1. notes that a landowner whose project involves a single contiguous parcel and who agrees to limit the total buildable lots (including existing dwellings) to no more than the number described in the table may elect to use the administrative process. The 80-acre parcel is a single parcel and only 2 lots are proposed including one lot for the existing residence. Staff conducted a site visit on September 10, 2020. Photos of existing conditions are attached for reference.

REVIEW CRITERIA:

This application has been reviewed under criteria set forth in the Larimer County Land Use Code. Except as expressly modified by the approved conditions for this project, this development must comply with Section 5.8—Rural Land Use Process, the Road Naming and Site Addressing System Resolution, Section 8.8—Irrigation Facilities, Section 8.10—Management/Use Plans, and Section 4 – Zoning. The referral agencies noted below have responded, and fees will be collected at the time of final plat and building permit issuance as applicable to meet the requirements in Section 9.0 - Land Dedications, Fees-in-Lieu of Dedications, Facility Fees and Capital Expansion Fees. The fees that will be collected on this project are park fees, school fees, drainage fees, and Transportation Capital Expansion fees. Other fees that will be collected are Rural Land Use Process fees in effect at the time of building permit issuance.

RURAL LAND USE ADVISORY BOARD RECOMMENDATION:

This project was reviewed by the Rural Land Use Advisory Board on Monday, March 1, 2021. The Board recommended approval of the project with the addition of a condition of approval that there be a radius shown from the existing oil and gas well/equipment and a plat note letting all future buyers know of the existing condition. The motion is following, and the draft minutes of the Rural Land Use Advisory Board meeting are attached to this staff report for your review. Rural Land Use Advisory Board Recommendation: Approval of the Swanson Farm RLP with the standard conditions that require compliance with RLUP standards, as well as an additional condition regarding the location of the existing oil and gas well. Motion carried unanimously. After the RLUAB meeting on March 1, the applicant reduced the number of lots proposed from three to two (proposed Lot 1 with the existing residence and proposed Lot 2 with a building envelope and residual land) to allow for the greatest distance from the existing oil and gas well to the existing and proposed residential structures. As a result, a shared access to Lots 2 and 3 is no longer needed.

STAFF RECOMMENDATION: The Development Review Team recommends that the Board of County Commissioners approve the Swanson Farm Rural Land Plan, File # 20-LAND4060, subject to the following conditions which must be met prior to approval of final plat by the Board of County Commissioners:

- A. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Swanson Farm Rural Land Plan (File # 20-LAND4060) except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Swanson Farm Rural Land Plan.
- B. Public water will be provided for this project. A letter of commitment from the water provider must be provided prior to final plat approval. This letter of commitment must specifically state that the water distribution system is (or will be) designed to meet the normal and minimum pressure design standards contained in Section 8.1.2.A.1 of the Land Use Code or more stringent standards as required by the district. If the water system will be designed to provide fire protection, the letter of commitment also must address the pressure and delivery standards outlined in Section 8.1.4 of the Land Use Code.
- C. All roads and drainage shall be in accordance with Section 5.8.6.D. of the Rural Land Use Process. The drainage review must include information about the effects of the proposal on existing drainage patterns and address concerns about future site grading and/or storage ponds plans that might impact the on-lot septic systems and outlines plans for mitigation of such effects. Before final approval, all designs must be prepared, stamped, and certified by a qualified professional engineer licensed in the State of Colorado that design standards in 5.8.6.D. were followed.
- D. The applicant must obtain an access permit for the new access and any existing access points that have a change in use from the Larimer County Access Coordinator prior to commencing any construction on the project. The applicant and applicant's engineer must contact the Larimer County Access Coordinator to discuss access design requirements. The applicant shall comply with all such design requirements. The applicant's plans must be prepared and stamped by a qualified professional engineer licensed in the State of Colorado and certified that they meet the access design requirements.
- E. The owners shall dedicate a 40-foot half section of right-of-way along Larimer County Road 11. This dedication shall be shown on the final plat.
- F. Road names and addressing shall meet standards in the "Road Naming and Site Addressing System Resolution".
- G. If fences and existing trees are currently located in the existing or newly dedicated right-of-way, the applicants shall enter into a binding fence removal agreement with the county which, at the request of the county, shall obligate the owners to remove, at their expense, the existing fences in the dedicated half section of right-of-way. No new fences, trees or buildings shall be allowed in the right-of-way; however, repair and maintenance of existing fences shall be allowed. The fence removal agreement shall be reviewed and approved by the County Attorney.
- H. On-site septic systems for each lot will be required to meet the requirements of the Larimer County Health Department for the new lots.

- I. Automatic fire protection sprinklers will be required for all new residential structures, or another approved fire plan approved by Loveland Fire Rescue Authority or written permission to deviate from this requirement must be provided from the fire district.
- J. The residual land management plan must be reviewed and approved by Development Services Team (DST) prior to final plat approval.
- K. The residual land protective covenant and final development agreement must be reviewed and approved by the County Attorney and the DST prior to final plat approval.
- L. Restrictive covenants (if any), including provisions for internal road maintenance, small acreage management, architectural guidelines, and other requirements must be reviewed and approved by the DST prior to final plat approval or at minimum, a Road Maintenance Agreement must be submitted and reviewed and approved by the County Attorney and DST prior to final plat approval.
- M. A Lot Sale Prohibition shall be placed on this property preventing the sale of any new lots until the applicable improvements (i.e., legal access and public utilities, including but not limited to roads, water supply and electricity) have been completed and/or installed according to the project requirements. The lots cannot be sold, transferred, or conveyed unless and until the developer provides written designation stating the improvements have been completed for the lot proposed to be sold, transferred, or conveyed. The Lot Sale Prohibition will be recorded in the records of the Larimer County Clerk and Recorder and will be a covenant running with the Lots. Upon receipt of such written designation, county will provide to the Developers a release of the Lot Sale Prohibition for the particular lot(s) for which the improvements have been completed.
- N. The following must be listed on a disclosure statement, approved by the County Attorney, available to lot buyers through the public records at the time of purchase:
 - 1) The Swanson Farm RLUP was approved by Larimer County under the County's Rural Land Use Process. This is an abbreviated review process and does not involve the higher scrutiny afforded projects developed under other county land division processes.
 - 2) Passive radon mitigation measures shall be included in construction of structures designed for habitable space on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

- 3) Engineered footings and foundations may be required for new habitable construction. Please check with the Larimer County Building Department for requirements prior to submitting a building permit application.
- 4) Lot owners should be advised that there is a potential for nuisance conflicts from wildlife (such as skunks, mountain lions, bears, raccoons, foxes, coyotes, prairie dogs and snakes). The Colorado Parks and Wildlife can provide information to property owners about how to handle these situations, but lot owners are responsible for addressing wildlife conflicts if they arise.
- 5) Many other species of wildlife live in the area; some can be dangerous to humans and pets. It must be remembered that landowners will be living with wildlife. Species that may be found in the area are coyotes, mountain lions, bobcats, skunks, badgers, raccoons, deer, elk, hawks, owls, and eagles.
- 6) During certain times of the year, mosquitoes may present a significant nuisance. Larimer County does not have a mosquito abatement program. Any mosquito abatement activity will be the responsibility of the homeowner; such activity must be according to applicable Federal, State, and local rules and regulations.
- 7) Prairie dog colonies exist in the general area. Prairie dogs can be a nuisance if they migrate to developed residential property. At times, these animals are implicated in the transmission of plague to people or their pets. It is important for residents to observe animal control requirements for dogs and cats.
- 8) Agricultural operations and farming practices on adjacent properties can produce odors, noise, and dust. These are a normal part of agriculture and should be expected to occur. In addition, plowing, planting, cultivating, spraying, harvesting, and various livestock operations may be carried out at all times including nighttime.
- 9) If livestock will be kept on these lots, it will be important to carefully manage grazing in order to maintain grass cover in the pasture. Overgrazing will produce bare ground, weeds, erosion, and polluted runoff. Management of these lots should be coordinated with drainage and erosion control issues, siting of sanitation systems, fencing, and feeding.
- 10) Larimer County has adopted a Right to Farm Resolution.
- 11) The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre school fees, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer

County Park Fees (in lieu of dedication), Drainage Fees, and Rural Land Use Process fees. The fee amount that is current at time of building permit application shall apply.

- 12) Larimer County shall not maintain roads or streets in this development. Maintenance of the streets shall be the responsibility of the property owners. Failure to maintain streets may result in a lien being placed on these lots.
- 13) The owners of the residual land parcels will be responsible for maintaining the residual land according to the restrictions listed in the management plan and for providing periodic monitoring report(s) to the county.
- 14) A plat note shall be included noting the location of an existing oil and gas well and equipment on Lot 2.
- 16) Lots in this Rural Land Plan are subject to the conditions and requirements of a Development Agreement. The developer and Larimer County executed this agreement in consideration of the approval of this development. This agreement was recorded in the Larimer County Clerk and Recorder's office immediately after the plat. All purchasers should obtain and read the Development Agreement.

4. EAGLE VIEW ESTATES, LOT 4 BUILDING ENVELOPE AMENDED PLAT, FILE NO.21-LAND4136: The applicant/property owner requests an amendment to the platted building envelope for Lot 4 of the Eagle View Estates Subdivision located east of the intersection of S. County Road 21 and Center Ridge Drive, in Berthoud, CO. Specifically, the request would shift the platted building envelope 25-feet, both to the north and east, to accommodate a future expansion of the existing detached shop-garage. The applicant/owner has indicated that the proposed shift would align the north and east boundary of the platted building envelope with two existing easements, one along the north property line and the other bisecting the east portion of the property at a slight diagonal from north to south. The building envelope would not overlap the easements but would, rather, coincide with the easements. The existing single-family residence is not currently centered in the middle of the existing building envelope, but is located towards the top, near the north boundary of the platted building envelope with the existing detached garage located at the northeast corner of the platted building envelope. The proposed 25-foot shift to the north and east would align the building envelope so that the existing single-family residence would be located closer to the center of the building envelope and would shift the detached shop-garage away from the northeast corner, therefore providing additional space for a future expansion of the structure. The final plat for the Eagle View Estates Subdivision was recorded in 2002. All nine platted residential lots contain a building envelope. The original Findings & Resolution for the Eagle View Estates Subdivision does not provide any indication as to the reason for the platted building envelope nor does it give reason for the specific location of each building envelope.

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. No additional lots will be created by the amended plat. Only the building envelope is proposed to change, and not any of the property lines.
- 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 RR-2 – Rural Residential zone district for a property served by well or septic is 2.3-acres. The existing lot is currently 2.71 acres. The proposed amended plat to shift the platted building envelope would not decrease or increase the size of the existing lot.
- C. The amended plat will not create a nonconforming setback for any existing building. The amended plat to shift the building envelope would not create a nonconforming setback for any existing or proposed buildings. The proposed building envelope would meet the minimum required setback for the underlying zoning of 10-feet from the rear (north) property line and 5-feet from the side (east) property line.
- D. 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 to shift the platted building envelope would not change drainage or utility easements or rights-of-way serving the property or other properties in the area. The applicant/owner has indicated that the proposed shift would align the north and east boundary of the platted building envelope with two existing easements, one along the north property line and the other bisecting the east portion of the property at a slight diagonal from north to south. The building envelope would not overlap the easements but, rather, the boundary of the building envelope would align with the boundary of the easements; therefore, the shift would not adversely affect the existing easements.
- E. 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 Board of County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change. There are no changes to any conditions or notes on the plat proposed with this request. Any covenants, deed restrictions or other conditions of approval that apply to the original lot would still apply.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Eagles View Estate, Lot 4 Building Envelope Amended Plat, File #21-LAND4136, subject to the following conditions:

- A. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Eagle View Estates Subdivision.
- B. Any future uses on Lot 4 shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
- C. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of this amended plat approval.

6. OWASSA LAKE SUBDIVISION, LOTS 4, 5, & 24, BLOCK 26 AMENDED PLAT, FILE NO. 21-LAND4117: This amended plat is regarding Lots 4, 5 and 24, Block 26 of the Owassa Lake Subdivision. The purpose of this amended plat is to reconfigure property lines to accommodate an existing leach field and to bring an existing nonconforming building, in regard to setbacks, more into conformity. Lots 4 and 5 are located on Snake Lake Drive, owned by the Richard K. Burdette Revocable Trust. Lot 5 currently contains a single-family residence and outbuilding, and Lot 4 is vacant. Lot 24 is located on Ramona Drive, owned by Jack and Alice Kirk. Lot 24 currently contains a single-family residence and an unpermitted outbuilding.

All three lots are zoned O-Open. The proposed amended plat includes moving a portion of the northwest property boundary line of Lot 4, south, approximately 16 feet to accommodate an existing leach field and moving the west property line of Lot 5 five feet further west to bring the existing nonconforming outbuilding further into conformity, in regard to setbacks. With the adoption of Larimer County's new Land Use Code on March 31, 2021, the minimum building setbacks for all parcels in the O Open zone district changed to 25-feet from the front, 25-feet from the sides, and 25-feet from the rear property lines. Therefore, the proposed Amended Plat will not bring the existing outbuilding into complete conformance, but rather, decrease the nonconformity. As shown on the plat, the northwest corner of the existing single-family residence on Lot 5 encroaches onto Lot 6, Block 26. A Quiet Title Decree was signed between the Lot 4 and Lot 5 property owners, and Lot 6 property owners in 1995 to accommodate the encroachment. Planning staff recommended that the property owners do an amended plat to formally combine the portion of Lot 6 that the existing residence encroaches on with Lot 5. However, the property owners have decided not to pursue this option. Additionally, the Health Department recommended that Lots 4 and 5 be formally consolidated due to setback issues if a well or septic system were to ever be installed on Lot 4, as detailed on pages 6 and 7 of this report. However, the property owners have also decided not to pursue this option. No easements or rights-of-way are being vacated in conjunction with this request.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 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 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. Lot 4 of the Owassa Lake Subdivision is currently 0.23-acres, Lot 5 of the Owassa Lake Subdivision is currently 0.19-acres, and Lot 24 of the Owassa Lake Subdivision is currently 0.31-acres. The acreage of Resultant Lots 4A, 5A, and 24A will not change in this proposed amended plat. Although Lots 4, 5, and 24 do not and resultant Lots 4A, 5A, and 24A will not meet the minimum lot size, the amended plat will not increase the nonconformity, thus meeting this requirement. Currently, Lots 4, 5 and 24 meet the requirements of subsection 8.14.1.H, regarding lot dimension ratio of depth-to-width ratio of 3-to-1 and a width-to-depth ratio of 1.5-to-1, and the resulting lots will meet this requirement as well.
- C. The amended plat will not create a nonconforming setback for any existing building; The existing outbuilding on Lot 5 is currently nonconforming in regard to rear setback requirements. The amended plat will shift the rear property line of Lot 5, five feet further west to bring the setback more into conformance. Although the Amended Plat will not bring the nonconforming existing building fully into compliance, it decreases the nonconformity, thus meeting this requirement.
- 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 easements or rights-of-way serving the property or other properties in the area and therefore complies with this criterion. No easements or rights-of-way are proposed to be vacated with this request.
- 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 Owassa Lake Subdivision. A note will be added to the final plat as a condition of approval.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Owassa Lake Subdivision Lots 4, 5 and 24, Block 26 Amended Plat, File #21-LAND4117 with the following conditions:

- A. All conditions of approval shall be met, and the final plat recorded by December 28, 2021, or this approval shall be null and void.
- B. Prior to the recordation of the final plat, the applicant shall make any required technical corrections noted by the Land Surveyor of the Larimer County Engineering Department.
- C. Correct the Quiet Title Decree Reception Number on the plat.
- D. Add a signature block for the lienholder of Lot 24 on the plat.
- E. Add an owner signature block for Alice Kirk on the plat.
- F. Add the following statement to the third paragraph in the “Certification of Ownership and Dedication” approval statement on the plat after the phrase “Owassa Lake Subdivision:“ ”, ...and do hereby dedicate and convey to and for public use forever hereafter the streets as are laid out and designated on this plat...”
- G. Add an additional note to the plat that reads as follows: “The new lots created by this action are subject to the same restrictions, covenants, and regulations as set forth in the plat of record of Owassa Lake Subdivision.”
- H. Submit signed deeds showing the transfer of ownership as part of this Amended Plat.
- I. The lots are subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the minor land division.

7. GLEN HAVEN, PART OF LOT 1 & LOT 9, BLK 7 AMENDED PLAT, FILE NO. 21-LAND4134: The owners of Lot 9 and a portion of Lot 1 of the Glen Haven Subdivision are proposing to consolidate them into one lot. The properties are located at the dead end of Crosier Mountain Trail. Each of the lots currently contain a cabin. According to the applicants, the cabin on the portion of Lot 1 contains a 25-foot by 10-foot cabin built in 1930 and Lot 9 contains a 23-foot by 15-foot cabin built in 1920. The applicants propose to remove the cabin located on Lot 9 and constructing a new dwelling in the same location. The application indicated that future plans may include restoring the cabin located on the portion of Lot 1. The applicants will need to sign a use affidavit that the remaining cabin will be converted to a non-residential use, which will be a condition of approval. If in the future the applicants propose to convert it to a residential use, they would need to go through the Administrative Special Review process for an Accessory Living Area. The portion of Lot 1 that is subject of this request was originally part of the lot located directly to the west. Both of these lots are zoned CD – Commercial Destination, while Lot 9, the other lot that is subject to this request, is zoned RR2 – Rural Residential. Because the portion of Lot 1 was created prior to May 9, 1968, when the Larimer County Subdivision Resolution was approved, it is considered a legal lot and

can be combined through the Lot Consolidation process. However, because this proposed lot consolidation would create a split-zoned parcel, the applicants are going through a concurrent rezoning process, which will rezone the portion of Lot 1 from CD – Commercial Destination to RR2 – Rural Residential. Once both processes are completed, the result will be a single lot zoned RR2 – Rural Residential.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.7.D) 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. 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 5.2, Lot and Block Standards. 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. The RR2 – Rural Residential Zone District requires a minimum lot size of 100,000 square feet when the lot is serviced by a well and septic system. The CD – Commercial Destination Zone District requires a minimum lot size of 15,000 square feet. When initially combed, the CD – Commercial Destination-zoned portion of the lot will measure 13,929 square feet, which exceeds the minimum lot size. The RR2 – Rural Residential-zoned portion of the lot will measure 34,848 square feet, which is under the minimum lot size for that zoning district. However, the lot consolidation does not increase the degree of nonconformity and once the consolidated lot has been completely rezoned to RR2 – Rural Residential, the lot will measure 48,787 square feet, which decrease the degree of nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building. The proposed lot consolidation does not create a nonconforming setback for any buildings because it will remove a lot line.
- D. 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. There will be no adverse impact to access, drainage or utility easements or rights-of-way. The proposed lot consolidation decreases the number of developable lots.
- E. 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 of a condition or note on the plat that are approved with this application. 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.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Amended Plat, subject to the following condition:

- A. All conditions shall be met, and the final resolution of the Board of County Commissioners recorded by December 28, 2021, or this approval shall be null and void.
- B. The resultant lot is subject to any and all covenants, deed restrictions or other conditions that apply to the original lots in the subdivision.
- C. The reconfiguration of the lots lines shall be finalized at such time when the Findings and Resolution of the Board of County Commissioners is recorded.
- D. 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.
- E. The cabin on the portion of Lot 1 must be converted to a non-residential use. If the property owners wish to use it residentially, they must go through the appropriate Planning process.
- G. The cabin on Lot 9 must be removed before a new dwelling can be constructed.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions outlined and authorizes the Chair to sign the Findings and Resolutions.

Motion carried 3-0

DISCUSSION ITEM:

5. O'LEARY BED & BREAKFAST, FILE NO. 21-ZONE2927: Mr. Threewitt reported to the Board that the owner is requesting a Public Site Plan Review to convert the existing single-family residence into a Bed & Breakfast. The applicant/owner intends to continue to reside in the home while renting out two existing rooms in the residence on a short-term basis. A maximum of four total guests, at two guests per bedroom are allowed at any given time. No construction or modifications to the home are proposed with this request. This application was submitted before March 24, 2021, prior to the new Land Use Code going into effect on March 31, 2021. Therefore, Mr. Threewitt, noted that this application is being processed under the regulations and standards of the old code. However, the old review process and the new review process for a Bed & Breakfast approval are very similar—the old process and the process addressed here is the Public Site Plan Review while the new process is the Administrative Special Review process.

Mr. Threewitt walked the Board through the review criteria.

REVIEW CRITERIA: The Larimer County Land Use Code (Section 6.2.3) allows for the approval of a Public Site Plan review if the following review criteria have been met:

- A. The public site plan complies with all applicable requirements of this code and any applicable supplementary regulations; and 200 The subject property is located in the Estes Valley and therefore is subject to the requirements of Section 19 of the Land Use Code (LUC). Section 19 of the LUC states that a Bed & Breakfast use is permitted in the EV E – Estes Valley Estate zone district following Public Site Plan review. The proposed request complies with all applicable requirements of the LUC.
- B. The public site plan complies with all conditions of approval imposed by the county commissioners, the board of adjustment, or the floodplain review board under another approval process authorized by this code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of O’Leary Bed & Breakfast Public Site Plan Review, File #21-ZONE2927, subject to the following conditions:

- A. This approval shall automatically expire in two years if the use has not commenced and/or building permit and/or development construction permit are not issued.
- B. This Public Site Plan approval shall be automatically null and void in the event the applicant fails to comply with any conditions of approval or fails to use the property consistent with the approved Public Site Plan Review.
- C. The property owner is responsible for obtaining all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
- D. The property owner shall purchase two (2) additional System Development Fees as required by the Upper Thompson Sanitation District.
- E. The property owner shall complete the required final inspection for Building Permit #21- RES0163 prior to the 3rd “bedroom” (family room) being occupied by guests.
- F. The property owner shall obtain the required building permit and all inspection approvals for the existing 12’x14’ attached shed within two months from the date of approval of the Bed & Breakfast.
- H. No parking shall be permitted in the right-of-way.

There was a discussion between the Board and staff regarding the neighborhood covenants and how the covenants factor into approval of the application.

Chair Kefalas invited the applicant to address the Board. Donal O’Leary addressed the Board via Zoom. Mr. O’Leary noted that Estes Park has a long tradition of hospitality and welcoming visitors.

He reported to the Board that he is a conservationist himself and believes in preserving the character of the neighborhood and surrounding area. Mr. O'Leary also stated that there are several businesses operating within the neighborhood, including other bed and breakfasts. Lastly, Mr. O'Leary reported that the majority of those who have expressed opposition to the application live more than 500-feet from his residence.

The Board asked Mr. O'Leary if he was aware of the restriction of the covenants for the neighborhood. Additionally, the Board asked Mr. O'Leary to clarify his remarks about those opposed to the application who live more than 500 feet from his residence.

Chair Kefalas opened the hearing to public comment.

Thomas Bray addressed the Board. Mr. Bray reported to the Board that he has lived in the neighborhood since 1997. He noted that much of the appeal of the area is that it is a quiet setting outside of the town. He has concerns about the noise and increased traffic bed and breakfast will bring to the neighborhood. Additionally, Mr. Bray expressed concerns about the impact that businesses, such as a bed and breakfast, will have on the character of the neighborhood.

There was an exchange between the Board and Mr. Bray regarding the existing bed and breakfast operations in the neighborhood.

Chair Kefalas closed public comment and invited the applicant to respond.

Mr. O'Leary thanked Mr. Bray for his comments. He stated that he understands the concerns his neighbors have about altering the character of the neighborhood. Mr. O'Leary reported that he intentionally put his name on the application for review as a commitment to see that the bed and breakfast operates with consideration for both his guest and neighbors.

There was a discussion between the Board and staff to clarifying that there will not be a change in the zoning of property. Additionally, there was a discussion regarding the parameters for operating a bed and breakfast. Lastly, the Board asked for clarification from the County Attorney regarding the neighborhood's covenants and the role those covenants play in the application of the county's zoning and regulations.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the O'Leary Bed & Breakfast, File No. 21-ZONE2927 subject to the conditions outlined above.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:55 p.m.

TUESDAY, JUNE 29, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Commissioner Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also, present were: Michelle Bird, Public Affairs Director; and Elizabeth Carter, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** Jeremy Nelson addressed the Board in person.
2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 21, 2021:**

M O T I O N

Commissioner Shadduck-McNally moved to approve the minutes for the week of June 21, 2021.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 5, 2021:** Ms. Bird reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

ABATEMENTS:

RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES: Don and May Charitable Trust-R1209094-2020

AGREEMENTS:

1. **SIGNAL BEHAVIORAL HEALTH NETWORK LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES FEE FOR SERVICE SUBSTANCE ABUSE TREATMENT SERVICES AGREEMENT**

APPOINTMENTS:

1. **RECOMMENDED APPOINTMENT TO THE BOARD OF HEALTH:** Bernard Birnbaum.
2. **RECOMMENDED APPOINTMENTS TO THE ESTES VALLEY PLANNING ADVISORY COMMITTEE:** David Converse and Drew Webb
3. **RECOMMENDED APPOINTMENTS TO THE OFFICE ON AGING ADVISORY COUNCIL:** Colleen Conway, Janet Seely, Anita Basham, Steva Gay, Jason Morgan, Jacque Penfold,

Sharon Thomas, Megan Finnerty, Margaret Long, Ellen Pihlstrom, L. Kirsten Hartman and Doris Whitely.

LIQUOR LICENSES: United Way of Larimer County at Hillside Vineyard-Special Event 6%-Fort Collins.

MISCELLANEOUS:

1. **STIPULATION AS TO TAX YEAR 2019 VALUE:** Larimer County and 3760 E 15th LLC (Docket 76439)
2. **REQUEST FOR APPROVAL TO ENTER UPON LANDS:** Ludwig Kinzli

RESOLUTIONS:

1. **RESOLUTION FOR STATUTORY VESTED RIGHTS FOR THE PALLAORO SUBDIVISION AND APPEALS, FILE 19-LAND3948**
 2. **RESOLUTION CONSENTING TO THE REVOCATION OF THE SCENIC RANCH ESTATES ROAD ASSESSMENT FEE**
- POLICIES:**

1. **HUMAN RESOURCES POLICY 331.5P REGARDING COMPENSATION**
2. **HUMAN RESOURCES POLICY 331.4J REGARDING CONDITIONS OF EMPLOYMENT**
3. **HUMAN RESOURCES POLICY 331.4.25C REGARDING LEGAL COMPLIANCE**

RESOLUTIONS:

1. **RESOLUTION ADOPTING THE LARIMER COUNTY MULTI JURISDICTIONAL HAZARD MITIGATION PLAN**
2. **FINDINGS AND RESOLUTION APPROVING THE HOLIDAY TWIN SPECIAL EVENT 2ND APPEAL**
3. **RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III**

M O T I O N

Commissioner Stephens moved the Board of County Commissioners approve the Consent Agenda for June 29, 2021.

Motion carried 3-0

5. **COMMISSIONERS GUESTS:** The Commissioners did not have any guests.

6. LARIMER COUNTY EXTENSION FARMERS MARKET UPDATE: Alison O'Connor and Emily Alligood, Larimer County Extension. Ms. O'Connor reported to the Board that the Farmers Market is functioning at full capacity. She noted that there will be 113 vendors participating in this year's market. Ms. Alligood briefed the Board on the "Market Days! for Older Adults" program and conveyed to Board that the program has already provided 195 bags of produce for low-income older adults in Larimer County. Additionally, Ms. Alligood noted that Market Ambassadors is continuing to operate. The Market Ambassadors attend markets and promote inclusivity and diversity. Ms. Alligood also reported to the Board that Master Gardeners and Master Food and Safety Advisors are on hand to answer gardening and food preservation questions.

Ms. Alligood and Ms. O'Connor thanked the Board for their support and extended thanks to the numerous volunteers who make the market possible and make it a success.

There was a discussion between the Board and staff regarding the dates and hours of operation for the market. Additionally, the Board asked if the Storytime events will be offered in Spanish. The Board thanked Ms. Alligood and Ms. O'Connor and the partnership with Colorado State University and the City of Fort Collins to make the farmers market possible. Additionally, the Board expressed its gratitude for the many volunteers who share their expertise with residents and make the farmers market a vibrant event each Saturday.

7. LARIMER COUNTY FAIR & RODEO UPDATE: Chris Ashby, the Ranch. Mr. Ashby provided the Board with an update on the upcoming events that are part of the annual Larimer County Fair and Rodeo. Rodeo Board Chair Steve Humann and Fair Board Chair Marv Witt will present highlights of the upcoming events.

Mr. Ashby introduced Steve Humann, Chair of the Rodeo Board. Mr. Humann relayed to the Board that the rodeo will take place on August 8 through August 10, 2021. He noted that Larimer County is especially fortunate to attract a high number of elite rodeo athletes to participate in multiple events.

Mr. Ashby then introduced Marv Witt, Chair of the Fair Board. Mr. Witt noted that the Larimer County Fair has a rich history of being a family-friendly event and that is open to everyone. He relayed to the Board that there are no parking or entrance fees making it accessible to all families. Additionally, he was pleased to relay that the Larimer County Fair has a top-rated carnival. Lastly, Mr. Witt stated that Larimer County has the largest 4H program in the state.

Finally, Mr. Ashby introduced the Board to Paige Petrocco, the Larimer County Rodeo Queen. Ms. Petrocco reported to the Board that due to the COVID-19 pandemic she has stayed on and served an additional year as the rodeo queen. She reported to the Board that the rodeo queen has been a part of the Larimer County Fair for 70 years. Ms. Petrocco told the Board that serving as the Larimer County Rodeo Queen has afforded her the opportunity to help with a multitude of charity events, help promote the rodeo, and promote Larimer County's western lifestyle.

The Board thanked Mr. Humann, Mr. Witt, Ms. Petrocco as well as Mr. Ashby and his team for all the hard work to prepare for this year's fair.

8. WAIVER OF THE ANNUAL RENEWAL HEARINGS FOR THE CHOICE ORGANICS RETAIL MARIJUANA STORE LICENSE, CHOICE ORGANICS RETAIL MARIJUANA CULTIVATION FACILITY LICENSE, FLOWER POWER BOTANICALS

RETAIL MARIJUANA STORE LICENSE, AND FLOWER POWER BOTANICALS RETAIL MARIJUANA CULTIVATION FACILITY LICENSE: Michael Whitley, Planning Department. Mr. Whitley reported to the Board that the Larimer County Resolution for Licensure of Retail Marijuana Establishments (“the Resolution”) was adopted by the Board of County Commissioners in October 2013. Choice Organics, Inc. and Flower Power Botanicals, LLC were each issued one Retail Marijuana Store License and one Retail Marijuana Cultivation Facility License. The Resolution requires an annual renewal of all retail marijuana establishment licenses.

There was a discussion between the Board and staff regarding the strict regulations surrounding the issuance of a marijuana license and the role the county plays in enforcement.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the waiver of the Annual Renewal Hearing for the Choice Organics Retail Marijuana Store License, Choice Organics Retail Marijuana Cultivation Facility License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Motion carried 3-0

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve for the Choice Organics Retail Marijuana Store License, Choice Organics Retail Marijuana Cultivation Facility License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Motion carried 3-0

9. COUNTY MANAGER UPDATE: Manager Hoffmann reported she was out of the office last week.

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

With there being no further business, the Board adjourned at 10:40 a.m.

WEDNESDAY, JUNE 30, 2021

RED FEATHER TAVERN LLC LIQUOR LICENSE HEARING

The Board of County Commissioners met at 1:00 p.m. with David Ayraud, Senior County Attorney. Chair Kefalas presided, Commissioner Shadduck-McNally and Commissioner Stephens were present. Also, present were: Jared Jaques and Deirdre O’Neill, Office of the Clerk and Recorder; and Elizabeth Carter, Deputy Clerk.

Chair Kefalas opened the hearing and Blaise Terrebonne of Red Feather Tavern LLC, applicant, was sworn in.

Mr. Ayraud reviewed the following exhibits with the Board: Exhibit A – publishing of the notice in the newspaper; Exhibit B – diagram of the premises; Exhibit C – photos of Notice of Public Hearing posting on the premises; and Exhibit D – petition of the surrounding neighborhood.

Mr. Ayraud asked a series of questions of Mr. Terrebonne regarding the exhibits, and then questioned whether Mr. Terrebonne felt the needs and desires of the surrounding neighborhood support a hotel and restaurant license. Mr. Terrebonne replied in the affirmative, based upon the results of his petitioning process. When questioned whether Mr. Terrebonne was familiar with the liquor laws and if he had any alcohol server training, Mr. Terrebonne replied that he has had Training for Intervention Procedures (TIPS) training in the past. Additionally, Mr. Terrebonne reported that the staff member who will be serving as the bartender is TIPS certified.

Mr. Ayraud noted for the record that there was no one present to speak for or against the license.

There was a discussion between the Board and the applicant regarding the additional signatures received outside the designated area. Additionally, the Board asked about the optional premise and how that area will be secured and monitored. Lastly, the Board had questions for the applicant regarding training for staff and if any of the staff serving liquor will be underage.

MOTION

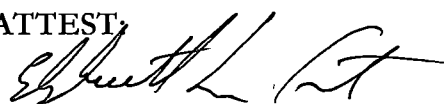
Commissioner Stephens moved that the Board of County Commissioners approve the application for a Hotel and Restaurant Liquor License for Red Feather Tavern located at 137 County Road 67A, Red Feather Lakes, Colorado 80545.

Motion carried 3-0.

With there being no further business, the Board adjourned at 1:30 p.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Elizabeth Carter, Deputy Clerk

