



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, SEPTEMBER 27, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Kefalas presided and Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Lesli Ellis, Community Development Director; Jennifer Cram, Matt Lafferty, Michael Whitley, Community Development; Connor Sheldon, Engineering Department; Lea Schneider, Environmental Health; Frank Haug, Assistant County Attorney; and Elizabeth Kimball, Deputy Clerk.

Chair Kefalas opened the meeting 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.

1. RAMSEY SUBDIVISION AMENDED PLAT AND DEVELOPMENT AGREEMENT MODIFICATION, FILE NO. 21-LAND4168: This is an amended plat to remove a note prohibiting basements on Lots 2, 3, and 13 of the Ramsey Subdivision and a development agreement modification to remove reference to that prohibition.

The Ramsey Subdivision is a 13-lot subdivision that was recorded on August 26, 2020. A standard Larimer County requirement is that basements shall not be less than three feet from the seasonal high-water table.

Due to the possibility of high ground water associated with Donath Lake and the Loudon Ditch, a note was included on the Ramsey Subdivision plat which reads, "Construction of basements in Lots 2, 3, and 13 shall not be permitted."

There is another plat note that is applicable to the other lots within the subdivision. That note reads,

"Lots 1 and 4-12 shall require a licensed geotechnical engineer to analyze site-specific ground water levels, with consideration given to seasonal fluctuations, prior to basement construction."

Item 5 on the Ramsey Subdivision Development Agreement reads,

“Basement construction shall be restricted on Lots 2, 3 and 13 based on high groundwater. All remaining lots are required to demonstrate, through a site-specific geotechnical report, that basement construction is feasible and will not be impacted by high groundwater, with consideration given to the water table in peak season.”

The developer has since completed infrastructure improvements within the subdivision and completed a soils report. The developer proposes to remove the restriction on basements on Lots 2, 3, and 13. This would allow homes on the lots to include basements subject to the same requirement that a site-specific geotechnical report requirements and groundwater separation requirements that apply to all other lots within the Ramsey Subdivision.

REVIEW CRITERIA:

Larimer County Engineering Department development review staff members have reviewed the materials per the criteria found in the Larimer County Land Use Code, Larimer County Rural Area Road Standards, and Stormwater Design Standards.

1. As noted in the project description, the new construction will still need to meet the Larimer County standard which requires that the lowest habitable floor level is at least 3 feet above the highest groundwater level.
2. The construction will also need to adhere to all recommendations of the lot specific Geotechnical Subsurface Exploration Report completed by Soillogic. Similar to Larimer County's standard requirements, the Geotechnical report also recommends limiting basement foundation bearing elevation or finished crawl space subgrade elevation to at least three feet above the level of water in order to account for some seasonal fluctuation in the level of groundwater and to reduce the potential for water infiltration in the basement areas.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Ramsey Subdivision Amended Plat and Development Agreement Modification, File 21-LAND4168, subject to the following conditions:

1. Plat Note 2 regarding construction of basements on Lots 2, 3, and 13 shall be deleted.
2. Plat Note 3 shall be amended to read, “All lots shall require a licensed geotechnical engineer to analyze site-specific groundwater levels, with consideration given to seasonal fluctuations, prior to basement construction.”
3. The plat notes and Development Agreement changes shall be finalized at such time when the findings and resolution of the County Commissioners is recorded.
4. Any covenants, deed restrictions, or other conditions of approval not amended will continue to apply to the lots.

2. SKOTT SUBDIVISION PRELIMINARY PLAT FILE NO. 19-LAND3866: This is a request to divide a subdivision of a 7.97-acre parcel into two lots of approximately 5.37 and 2.58-acres each in the RR-2-Rural Residential zone district. Appeals to the Land Use Code Articles 5.2.1.A.7 and 5.3.1.A regarding lot depth-to-width ratio and public right-of-way required are also requested. The Skott property is located between State Highway 34 to the north and West County Road 20 to the south at 415 North County Road 23H. The application proposes to divide the 7.97-acre parcel into two single-family residential lots. The resultant lots are proposed at 2.58-acres and 5.37-acres each. The parcel is located within the RR-2-Rural Residential zone district and the proposed lots will meet the minimum lot size of 100,000 square feet or 2.3-acres.

This area is characterized by a mix of rural residential lots that range from 2.3-acres to 8-acres. The surrounding uses include residential and agricultural uses. There is also a nonconforming salvage yard adjacent to the southeast side of the property.

The property currently has one single-family dwelling and a detached shop/garage and playhouse. The application proposes to create a 2.58-acre lot that would include the existing single-family dwelling and playhouse and a 5.37-acre lot that would include the existing detached shop/garage. There is currently an active Code Compliance Case related to the intensity of the rural occupation on the property. This is being addressed separately from this application for land division. The resulting lot where the rural occupation currently exists will meet the minimum of 5-acres per Article 3.2.7.C if the land division is approved.

Water service will be provided by the Little Thompson Water District which currently serves the existing single-family residence on proposed Lot 1. The existing residence is served by an on-site septic system, and an additional on-site septic system is proposed to service the new residential Lot 2. The property currently takes access from the west side of North County Road 23H. The proposed access for both lots is via a shared access easement in the same location off North County Road 23H.

Larimer County mapping indicates that this property is in an area of low geologic hazards, it is not in a mapped floodplain or wildfire hazard area. There are no wildlife concerns. There are wetlands on the property that are delineated on the preliminary plat along with the required buffer area.

This plan does not provide for the required public right-of-way and the existing lot is L-shaped so the proposed lot configuration cannot meet the depth to width ratio requirement. The application includes appeal requires to Articles 5.2.1.A.7 and 5.3.1.A of the Land Use Code.

THE DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Commissioner Choate moved and Commissioner Dougherty seconded that the Planning Commission adopt the following resolutions:

BE IT RESOLVED that the Planning Commission recommends to the Board of County Commissioners approval of the Skott Subdivision File #19-LAND3866 subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Skott Subdivision File #19-LAND3866, 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 records for the Skott Subdivision File #19-LAND3866.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson R2-J School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
3. Prior to the approval of the final plat an updated commitment letter shall be provided from the Little Thompson Water District to demonstrate adequate water. The commitment letter will include flows to demonstrate that required fire protection can be fulfilled
4. Fire Requirements – All new residential structures will be required to have residential fire sprinkler systems. Unless otherwise approved by the fire marshal, this requirement shall remain in effect until such time that infrastructure of the water utility will allow for the placement of fire hydrants as required by code. This condition must be noted on the final plat.
5. Prior to approval of the final plat the appropriate turnaround to meet Rural Area Road Standards and Loveland Fire Rescue Authority requirements shall be shown on the plat.
6. Prior to approval of the final plat the required dedication of 30-feet of public right-of-way shall be shown along the northern property line to meet connectivity requirements.
7. The developer shall pave an apron from the edge of road to the edge of proposed right-of-way along North County Road 23H. An access permit will need to be applied for through the Engineering Department for any access construction work in the County right-of-way. No subdrains will be permitted in the right-of-way.
8. A road maintenance agreement shall be recorded for the private access easement and turnaround.
9. The final plat shall include a note that states that measures be taken to control erosion and sedimentation during all phases of construction. After the temporary activity is complete, all disturbed areas shall be repaired to a condition that is equal to or better than the existing condition.
10. The building envelopes shown on the final plat shall be updated to be consistent with zone district requirements and the required wetland buffer.

11. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.

12. Passive radon mitigation measures shall be included in construction of residential structures 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.

13. A Development Construction Permit will be required for the construction of site improvements.

MOTION

Commission Shadduck-McNally moved to approve the items on the Consent Agenda subject to the conditions in the staff reports and further move to authorize the Chair to sign the findings and resolutions.

Motion carried 3-0

DISCUSSION ITEMS:

1. LAND USE CODE AMENDMENTS TO THE RECREATIONAL VEHICLE PARK AND REGULATIONS, FILE NO. 21-CODE0256: Jen Cram, Community Development, addressed the Board. Ms. Cram gave a detailed overview of the three Code amendment updates that were being presented from Article 3.0 Use Regulations. The three amendments are as follows: to Article 3.2 Table of Allowed Uses, Article 3.3 Use of Specific Standards, and 3.5 Temporary Uses and Structures. Ms. Cram also noted that Article 20 Rules of Interpretation and Definitions were to be amended as well. Amending Section 20.2 Definitions of use Categories and Specific Use Types by adding or amending definitions of Primitive and Modern Campgrounds, Recreational Vehicle Park and Recreational Vehicle and finally, amending Section 20.3 Other Terms Defined by adding definitions of Sanitary Facility and Sanitary Waste Station.

The current Land Use Code effective March 31, 2021, carried forward the previous regulations for the development of Recreational Vehicle Parks and Campgrounds in unincorporated Larimer County. The previous regulations date back to 2000 and are based on an adopted resolution from 1970. Much has changed since 2000 with outdoor recreation and how recreationalists use public spaces. Contemporary Recreational Vehicles are fully equipped temporary dwellings. The intent of the proposed amendments to the Land Use Code are to be consistent with the Comprehensive Plan adopted by 2019 and to provide contemporary standards for the development of Recreation Vehicle (RV) Parks and Campgrounds in Larimer County. In addition, proposed amendments provide updates

standards for the use of RV's outside of Recreational Vehicle Parks and recognizes that Tiny Homes on wheels currently function as an RV and as such have the same standards.

During the projects 4-month timeframe (May to September 2021), the project team has hosted two public open houses and maintained website content with one public draft to provide opportunities for public input. RV Park and Campground owners were one of the stakeholder groups that participated in the open houses. Workshops were also conducted with Larimer County staff including Planning, Engineering, Health and Environment and Code Compliance. There were also two joint work sessions with the Planning Commission and Board of County Commissioners that covered the proposed content.

REVIEW CRITERIA:

Amending the test of this Code is a matter committed to the legislative discretion of the Board of County Commissioners. Per Section 6.6.2.D to approve a change in the code text, the Planning Commission in their review and recommendation, and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code.

The Board and staff had a brief discussion.

Chair Kefalas opened the hearing to Public Comment. There was no one present to comment, and Chair Kefalas closed Public Comment.

The Board had some deliberation and thanks Staff for their hard work.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the Land Use Code Amendments File #21-CODE0256 as presented by:

1.) Amending Article 3.0 Use Regulations by:

- a. Amending Section 3.2 Table of Allowed Uses,
- b. Amending Section 3.3 Use Specific Standards, and
- c. Amending Section 3.5 Temporary Uses and Structures,

and

2.) Amending Article 20 Rules of Interpretation and Definitions by:

- a. Amending Section 20.2 Definitions of Use Categories and Specific Use Types by adding or amending definitions of Primitive and Modern Campgrounds, Recreational Vehicle Park and Recreational Vehicle, and

b. Amending Section 20.3 Other Terms Defined by adding definitions of Sanitary Facility and Sanitary Waste Station.

These amendments are found in File #21-CODE0256 and Attachments B (redline version) and C (clean version) attached to the Planning Commission hearing packet subject to the following:

1. The effective date of the regulations shall be November 1, 2021.

Motion carried 3-0

2. AMENDMENTS TO THE LAND USE CODE REGARDING DEVELOPMENT STANDARDS (PARKING, LANDSCAPING, AND BUFFERING), FILE NO. 21-CODE0258: Matt Lafferty, Community Development, address the Board. Mr. Lafferty gave a detailed description of the recommended Land Use Code amendments. He proposed amending Article 4.0 Development Standards to add allowances to Sub-Sections 4.2.1.C.3.d Off-Street Parking and Loading and 4.2.1.C.3.e Landscaping of Section 4.2 Applicability regarding requirements for minor expansions and changes of use. He spoke on repealing and replacing Section 4.6 Off-street Parking and Loading, Section 4.7 Landscaping and Section 4.8 Adjacency and Buffering. Amending Article 20.0 Rules of Interpretation and Definitions by adding definitions for Agricultural Fencing, Entrance and Exit, Electric Vehicles, Soil Amendments, and Understory Landscaping to Section 20.3 Other Terms Defined.

Mr. Lafferty noted this new section 4.6: Off Street Parking and Loading, would introduce Electric Vehicle (EV) charging requirements. Notably, these standards do not require that a charging station be provided, rather that large parking areas designate space(s) for EVs and install the necessary electrical infrastructure for a charging station. This approach was based off of input from the Planning Commission and Board of County Commissioners.

Some of the key changes in the Landscaping would require general landscaping standards updated to incorporate and encourage water-wise landscaping principles. This process would introduce minimum required landscaping percentages (of total lot area) in the Urban character area. Modified and reformatted the Larimer County Plant list and modified and expanded the buffering system established in Phase 1.

The Land Use Code amendments proposed herein focus on refining existing development standards related to parking, landscaping, and buffering. The primary objective of these revised standards is to move away from a one-size-fits-all set of standards to a more flexible approach that allows site development options based upon the context and intensity of the use.

The current Land Use Code regulations for parking and landscaping were originally established with the adoption of the 2000 Land Use Code and were carried forward with the adoption of the current Land Use Code. Since 2000, the parking regulations have remained unchanged and the landscape regulations were most recently updated in 2013 in response to changing landscape practices, including provisions requiring all landscape plans be prepared by a licensed landscape architect. While the buffering standards were a new addition to the Land Use Code in 2020, they only addressed the relationship between residential and agricultural uses. The proposed amendments will expand the standards to address buffering between other land use types that may generate compatibility concerns, such as residential adjacent to industrial.

During the project's 5-month timeframe, the project team has conducted several activities aimed at generating input from the community and interested parties, primarily engineers, architects, and developers. Notification for input included email notice to over 400 individuals, but only a few people participated at the open house and provided comments during comment period. The public outreach and other activities for these proposed amendments to the development standards included:

- Scoping of potential modifications (1 month)
- Virtual public open house (1)
- Staff workshop (1)
- Discussion draft comment periods (2)
- Planning Commission/Board of County Commissioners Joint Work Sessions (3)

REVIEW CRITERIA:

Amending the text of this Code is a matter committed to the legislative discretion of the Board of County Commissioners. To approve a change in the code text, the Planning Commission in their review and recommendation, and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code.

The primary objective of these code updates is to align the Land Use Code with the objectives of the Comprehensive Plan adopted in 2019, which included formulating regulations that respond to the context of specific site development applications. Staff believes that the proposed development standards provide such flexibility to react to the urban and rural diversity of land found throughout the County.

Commissioner Shadduck-McNally asked about future modifications to the Night Sky Lighting section. Mr. Lafferty briefly touched base on section 4 in the Larimer County Land Use Code that speaks about the Lighting section which speaks directly on the Lighting Provisions. This will be addressed in future hearings.

The Board and staff discussed drought conditions and concerns.

Matt Goebel, Director of Clarion Associates, addressed the Board via webcam. Mr. Goebel spoke with the Board regarding their concerns of the Electric Vehicle requirements to property owners in the current Land Use Code.

The Board had a brief discussion and deliberation.

Chair Kefalas opened the hearing to Public Comment. There was no one present to offer public comment. Chair Kefalas closed Public Comment.

The Board gave their appreciation to staff for their hard work

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Land Use Code Amendments File #21-CODE0258 as presented, by:

- 1.) Amending of Article 4.0 Development Standards to:
 - a. Add allowances to Sub-Sections 4.2.1.C.3.d Off-Street Parking and Loading and 4.2.1.C.3.e Landscaping of Section 4.2 Applicability regarding requirements for minor expansions and changes of use,
 - b. Repeal and replace Section 4.6 Off-Street Parking and Loading
 - c. Repeal and replace Section 4.7. Landscaping, and
 - d. Repeal and replace Section 4.8. Adjacency and Buffering,

And

- 2.) Amending Article 20.0. Rules of Interpretation and Definitions by adding definitions for Agricultural Fencing, Entrance and exit, Electric Vehicles, Soil Amendments, and Understory Landscaping to Section 20.3 Other Terms Defined.

These Amendments are found in File 21-CODE0258 – Development Standards Code Amendments and Attachments B (redline version) and C (clean version) attached to the Planning Commission hearing packet subject to the following:

- 1.) The effective date of the regulations shall be November 1, 2021.
- 2.) The changes recommended by the Planning Commission as noted on the Slides 21, 22, and 23 of the Staff PowerPoint presentation are recommended.
- 3.) To direct staff to review additional changes to regulations related to Electric Vehicles including a teared approach to installation and present that information to the Board on November 15th of 2021 about those recommendations.

Motion carried 3-0

3. LAND USE CODE AMENDMENTS TO ARTICLE 13, THE ESTES VALLEY SUPPLEMENTAL REGULATIONS, FILE NO.21-CODE0261: Lesli Ellis, Community Development Director, addressed the Board.

Larimer County Land Use Code Article 13 (formerly Section 19), Supplemental Regulations for the Estes Valley, addresses the zoning and standards for the unincorporated area of the Estes Valley. In March 2020, the standards were carried forward into the Larimer County Land Use Code (LUC) from the Estes Valley Development Code (EVDC) to enable the County to provide development review for the unincorporated areas of the Estes Valley. At the time, the goal was to maintain consistency with the EVDC and administer standards for at least a year before making substantial changes. Since that time, the County has worked with applicants, administered the Code, and considered possible changes during Phase 2 of the LUC Update – and what changes that may emerge from the ongoing Town/County Comprehensive Planning process. See webpage: engageestes.org, for more information.

After several months of discussion, the proposed “light touch” changes to the LUC Supplemental Regulations for the Estes Valley are the following:

1. Amend Article 13 and Section 3.3.5.B to allow “Preexisting Lodging Facilities” as a Use by Right in Accommodations zoning districts (EV A and EV A-1), and to amend the Use Regulations (Section 13.6) and Definitions (Section 13.8) to include this new use to address basic life-safety inspection and registration requirements.
2. Amend Article 13 to create a “Townhome Project” use that is allowed by Administrative Special Review in Accommodations zoning districts (EV A and EV A-1) and in the RM residential zoning district, and to amend the Use Regulations (Section 13.6) and Definitions (Sections 13.8) to include this use. The purpose is to be consistent with intent of the prior Estes Valley Development Code provisions and to ensure compliance with underlying zoning districts and include development standards for parking and drainage.

These changes aim to align the Code with intentions of the Accommodations districts for lodging facilities and how the Town of Estes administered these code provisions, while keeping the changes limited and improving on certain life-safety and site development standards. A Land Use Code is an evolving document, so periodic changes are appropriate, and the County anticipates additional changes to Article 13 that emerge during the comprehensive plan policy discussions.

Public Engagement and Input on the Estes Valley Code Changes. The staff and consultant have discussed these topics with the Estes Valley Planning Advisory Committee on: April 15, May 20, and July 15, 2021. Members of the public also attended and provided comments during some of those meetings. Additionally, the County held a virtual public meeting on Zoom on August 4, 2021, to share preliminary proposed code changes. 36 people attended the event, with questions about having short-term rentals on particular properties in the Accommodations zoning districts and expressed concerns about short-term rentals in the community. Also, staff heard from community and property owners within the Accommodations zoning districts about these topics for several months through 2021 and discussed potential code changes with Town of Estes staff, Board of County Commissioners, and Planning Commission at several work sessions.

Estes Valley Planning Advisory Committee (EVPAC) Recommendation:

On August 25, 2021, EVPAC reviewed and recommended in favor of the proposed code changes and asked staff to come up with a better, more encompassing term than preexisting “hotel conversion use,” which was the term used in the draft at the time. (Note: The proposed new term is preexisting “lodging facility.”) Member Converse expressed that he would have voted in favor of the townhome project change but not the preexisting lodging item, due to general concern about short-term rentals in the community.

REVIEW CRITERIA:

Amending the text of the Land Use Code is a matter committed to the legislative discretion of the Board of County Commissioners. To approve a change in the code text, the Planning Commission

and the Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code.

As noted above, the intent of these proposed amendments is to align the Land Use Code and its standards with the Comprehensive Plan adopted in 2019 and are useful and necessary to be consistent with the intent of the 1996 Estes Valley Comprehensive Plan, currently under review, and the Estes Valley Development Code as it predated the insertion of these sections into the Larimer County Land Use Code.

The Board showed their appreciation to Staff for their hard work.

Chair Kefalas opened the hearing to Public Comment.

Seth Hanson addressed the Board. Mr. Hanson is in support of this amendment with a few slight modifications. He believes this amendment falls short of the intended use of the A in A-1 districts. Those are classified in the Larimer County Code as non-residential districts (A stands for Accommodations). He is building duplexes on these individual lots, and he used to be able to short-term rental these units and with this updated amendment he will no longer be able to. Mr. Hanson expressed his concern as a developer standpoint.

Chair Kefalas closed the hearing to Public Comment.

The Board had a brief deliberation.

Commissioner Stephens moved that the Board of County Commissioners approve the request to amend Subsection 3.3.5 of Article 3 and Article 13, shown in Attachment A as recommended by Staff and the Planning Commission. These code changes would be effective immediately. The proposed regulations found in Attachment A in redline format include the following changes:

1. Amend Sub-Section 3.3.5.B.2.a, by adding language denoting that Preexisting Lodging Facilities allowed in the EV A and EV A-1 zoning districts are not subject to the requirement for short-term rentals (one per property).
2. Amend Article 13.0, Supplemental Regulations for the Estes Valley, by:
 - a.) Adding to the Zoning District Tables, Tables 13-1 and 13-4: (a) Preexisting Lodging Facilities as a permitted Use by Right in the EV A and EV A-1 zoning districts, and (b) Townhome Project use to the EV RM, EV A, and EV A-1 zoning districts as an Administrative Special Review process.
 - b.) Amending Section 13.6., Use Regulations, by adding: (a) Sub-Section 13.6.1.A., Townhome Project site development standards, and (b) Sub-Section 13.6.D., Preexisting Lodging Facilities, requirements for basic life safety inspection and registration.
 - c.) Renumerating Section 13.6.1, Specific Use Standards, because of that addition.
 - d.) Adding to 13.8, Definitions: (a) the term “Preexisting Lodging Facilities” to Sub-Section 13.8.2.C.2, Accommodations, Low Intensity, with proposed staff changes and (b) the term “Townhome Projects” to Sub-section 13.8.2.C.29.b.

Motion carried 3-0

With there being no further business, the Board adjourned at 5:16 p.m.

TUESDAY, SEPTEMBER 28, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided, and Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Austin Harvill, Public Communications, and Elizabeth Kimball, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Doug Henderson, Cory Carroll, Gaila Maxwell Martinez, Jonathan Singer, and Tim Gosar regarding oil and gas regulations.

Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 20, 2021:

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of September 20, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 4, 2021: Mr. Harvill reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND JUSTICEWORKS CO, LLC

2. AMENDMENT ONE TO THE INTERAGENCY AGREEMENT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LARIMER COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

3. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND TURNING POINT CENTER FOR YOUTH & FAMILY DEVELOPMENT, INC**
4. **P20-23 CORRECTIONAL FACILITY CONTRACT FOOD SERVICES – LC JAIL**
5. **MAXIMIZING ECONOMIC RECOVERY IN NORTHERN COLORADO**
6. **AMENDMENT TO BUREAU OF RECLAMATION ASSISTANCE AGREEMENT R19AC00049 – ANS SHELTERS**
7. **22IHIA 170687 – K – LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES – OEC-PSSF(V3) WITH ML**
8. **AMENDMENT TO THE BUREAU OF RECLAMATION'S COOPERATIVE AGREEMENT FOR THE RECREATION SITE IMPROVEMENT AT HORSETOOTH RESERVOIR – INLET BAY WATER LINE**

APPOINTMENTS:

1. **RECOMMENDED APPOINTMENTS TO THE EXTENSION ADVISORY COMMITTEE**
2. **RECOMMENDED MID-TERM APPOINTMENT TO THE ESTES PARK ESTATES PUBLIC IMPROVEMENT DISTRICT #25**
3. **RECOMMENDED MID-TERM APPOINTMENT TO THE RED FEATHER LAKES COMMUNITY LIBRARY BOARD OF TRUSTEES**

LIQUOR LICENSES: Charco Broiler Inc – Hotel and Restaurant – Fort Collins

MISCELLANEOUS:

1. **JULY 21 BOCC EXPENSE REPORT**
2. **NOTICE OF LIEN – MATTHEW WOOD**
3. **NOTICE OF LIEN – JAMES SCHLICHTING, DEBORAH SCHLICHTING**
4. **NOTICE OF LIEN – PHX SONS INC**
5. **NOTICE OF LIEN – TRAILS AT VISTA BONITA HOMEOWNERS ASSOCIATION**
6. **NOTICE OF LIEN – VICTORIA AMMON**

RESOLUTIONS:

1. RESOLUTION ACCEPTING GRANT AWARD

2. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY I

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for September 28, 2021.

Motion carried 3-0

5. COMMISSIONERS GUESTS: Commissioner Stephens invited Savannah Overturf – she was named Colorado and National Miss Amazing 2021 to address the Board. Ms. Overturf has created a nonprofit to educate the public on people with disabilities.

Commissioner Shadduck-McNally invited Angela Myers, Clerk and Recorder, to address the Board. Clerk Myers touched base regarding a nickname that is on the ballot. Statute says that with respect to nicknames of candidates on the ballot that the name of each person nominated shall be written or printed in only one place on the ballot. Each nominated person's name may include one nickname, if the person regularly uses the nickname, and the nickname does not include any part of a political party name. Clerk Myers is open to questions, according to statute there is nothing that she could have done to prevent the nickname from being printed.

6. PROCLAIM SEPTEMBER 2021 AS NATIONAL KINSHIP CARE APPRECIATION MONTH: Angela Mead, Deputy Division Manager, Human Services, addressed the Board. Every year during the month of September, our nation recognizes the importance of kinship care. Nationally, 2.7 million children are being raised by grandparents, other relatives, or close family members. There are several hundred kinship families in Larimer County. By proclaiming September as Kinship Care Appreciation month, we hope to extend our appreciation and gratitude for kinship efforts to keep kids safe and providing family support that is needed during difficult times.

Ms. Mead introduced Gail Engel, founder of Grand Family Coalition, to the Board. Ms. Engel works with schools to advocate for other grand families and speaks at several events a year on behalf of grand families. She is out in the community inspiring advocacy and spreading knowledge about grand family needs.

Ms. Engel introduced Tracy Shable. Ms. Shable shared her story of raising her grand children and acknowledged the help and support the Grand Family Coalition has given her.

The Board showed their support and appreciation to all parties involved in the presentation.

Commissioner Shadduck-McNally read the proclamation.

The Board took a brief recess.

The Board reconvened at 10:34am.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the proclamation to designate September 2021, as National Kinship Care Appreciation Month.

Motion carried 3-0

7. APPOINT A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS TO REPRESENT LARIMER COUNTY ON THE COLORADO COUNTIES INC. (CCI) 2021 LEGISLATIVE COMMITTEE: Michelle Bird, Public Affairs Director, addressed the Board. Ms. Bird asked to have one member of the Board appointed to represent Larimer County at the Colorado Counties 2021 legislative committee meeting so that they can set an agenda for the 2022 legislative session. According to bylaws the committee does meet annually. Additionally, Larimer County does have three items that is hopefully going to be on the legislative agenda. The meeting is scheduled to be on Wednesday, October 6, 2021, and is offered both in-person or virtually.

The Board had a brief discussion on schedules. Commissioner Shadduck-McNally is available and will be attending the meeting virtually.

M O T I O N

Commissioner Stephens moved to appoint Commissioner Jody Shadduck-McNally to attend and vote at the Legislative Committee Of Colorado Counties Inc on October 8, 2021 and authorize the Chair to sign and submit documentation of this appointment.

Motion carried 3-0

8. CLIMATE SMART PHASE II AND SUSTAINABILITY PROGRAM: Heidi Pruess, Commissioners' Office, addressed the Board. Ms. Pruess conducted a presentation on the Climate Smart Framework, adopted in January 2021. This Climate Smart Framework Contemplated Phase II of this initiative to include robust Community Outreach prior to development of a subsequent implementation plan. Ms. Pruess is seeking approval of a contract between Logan Simpson and Larimer County to conduct Phase II as well as allocating funding for the contracted work.

Ms. Pruess is asking the Board for approval to hire a consultant. The phased approach that was presented to the Board included Phase I that had the framework and hire staff and she is now ready for Phase II of the project of community outreach, development of internal plan initiation, and strategy prioritization to begin.

Ms. Pruess presented the idea of a Task Force that would be conducting the community outreach mission. This Task Force would include 15-25 members, this Task Force is not intended to be a voting body, but rather a sounding board to ensure that every step of the project fits within the context of the community. The Task Force will be leaders and active participants moving forward and will help with decision making and assist in getting the word out to the community.

Phase II Timeline:

- Fall 2021 – Hire Contractor, Initiate Taskforce, Initiate Internal “Walk the Talk” Plan
- Winter 2021 – 2022 – Community Outreach, Internal Plan Development, BCC Update
- Spring 2022 – Strategy Prioritization, Melding of Community Outreach and Internal Planning with Framework, Proposed Outcomes and next steps to BCC

The Board had a brief deliberation.

MOTION

Commissioner Shaddock-McNally moved to approve the Climate Smart Program Community Outreach Contract with Logan Simpson and the appropriate \$61,800 funding from the General Funds Reserves.

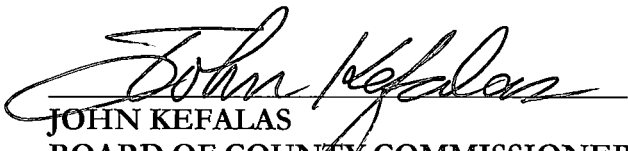
Motion carried 3-0

9. **COUNTY MANAGER UPDATE:** Ms. Hoffmann updated the Board on this week’s coordination meetings and upcoming projects and activities.

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

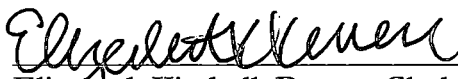
11. **LEGAL MATTERS:** None Requested.

With there being no further business, the Board adjourned at 11:26 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Kimball, Deputy Clerk

