

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 10, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Michael Whitley, Community Development Senior Planner; Jenny Axmacher, Planning Manager; Connor Sheldon, Engineering; Frank Haug, Assistant County Attorney; and Tessa Beaty, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. MONTY SUBDIVISION, FILE NO. 20-LAND4018: The owners propose to divide an existing parcel of land to create one additional residential lot. The existing parcel is 23.57-acres, and they propose to create two lots of approximately 11.85- acres and 11.59-acres.

The subject parcel, as well as the surrounding properties, are zoned O-Open which requires a minimum lot size of 10 acres. The surrounding area is characterized by a mix of lot sizes ranging from a 6.55-acre lot and a 28.48-acre lot to the south, a 13.57-acre lot to the north, a 97.5-acre lot to the east, and the 274-acre Demmel Lake parcel to the west. The uses in this area include residential and agricultural. This parcel is currently being used for residential purposes and the proposed new lot is for residential use as well. In addition to the residence, there is a building permit in process for accessory solar panels. The existing uses would be located on the proposed northern lot, Lot 1.

The existing home is served by the Northern Colorado Water Association (NCWA) and an on lot septic system. The newly proposed lot would also be served by NCWA and an on-lot septic system. No internal public roads are being proposed. The existing parcel is located adjacent to E County Road 66E. Proposed Lot 1 would continue to take access from County Road 66E, and the newly proposed Lot 2 would also take access off E County Road 66E.

Larimer County mapping indicates it is an area of low geologic hazards, it is not in a wildfire hazard area, and there are no wildlife concerns. Larimer County mapping does however indicate that there are wetlands on the property. The Land Use Code requires buffering to avoid impacting the wetlands.

The application was sent out to both referral agencies and community members. No comments were received from any community members. Referral agencies that provided comments are listed below and their comments are attached to this report.

Comments were received from the following referral agencies:

- Larimer County Engineering
- Larimer County Health and Environment
- Larimer County Environmental Planner
- Ron Perkins, Surveyor
- Larimer Code Compliance
- Larimer County Weed District
- Wellington Fire Protection District

- Division of Water Resources
- Colorado Geologic Survey
- Town of Wellington
- U.S. Fish and Wildlife
- CenturyLink/Lumen

A neighborhood meeting was not required for this proposed Subdivision.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Monty Subdivision, File No. 20-LAND4018, subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plat and with the information contained in the Monty Subdivision, File No. 20-LAND4018, except as modified by the conditions of approval or agreement of the County and applicant. The 4016 applicant shall be subject to all other verbal or written representations and commitments of record for the Monty Subdivision.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre R-1 school district 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. Fire sprinklers are required in all new residential dwellings unless at the time of building permit Wellington Fire Protection District indicates in writing another viable fire suppression system can be provided.
4. 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 three feet from the seasonal high-water table. Mechanical methods proposed to reduce the groundwater level, unless it is a response after construction, must be proposed on a development-wide basis.
5. 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 Division. 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.
6. Transportation Capital Expansion Fees will be due at building permit issuance.
7. Any access construction on E County Road 66E or work in the county right-of-way, will require an Access or Right-of-Way Construction Permit.

8. Basements will not be allowed on any newly permitted structures. This shall be added as a note on the Final Plat.

9. Show all the wetland buffers on the Final Plat. All wetlands on site require a 50' buffer except wetland #3 identified in the wetland delineation report which has a 100' buffer.

2. BRANDENBURG SUBDIVISION LOT 7 EASEMENT VACATION, FILE NO. 23-LAND4325: The applicants request to vacate an existing fifteen-foot wide and 224-foot-long utility easement located along the northwestern property line of Lot 7 of the Brandenburg Subdivision. Applicants are pursuing this easement vacation so that they can construct an accessory building. All applicable utility providers have signed the utility check sheet, indicating that they have no issues with the proposed easement vacation.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Brandenburg Subdivision Lot 7 Easement Vacation, File #23-LAND4325, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Brandenburg Subdivision.

2. Any future uses on Lot 7 shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.

3. 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 Plat Modification – Easement Vacation approval.

3. AMENDED PLAT OF LOTS 20 AND 21, BLOCK 2 OF THE WEST ACRES SUBDIVISION & APPEAL, FILE NO. 23-LAND4299: The property owners request an Amended Plat of Lots 20 and 21, Block 2 of the West Acres Subdivision to adjust the common lot line to correct a building encroachment and an Appeal to Section 5.2.1.A.7 of the Land Use Code since one of the resultant lots, Lot 20-A, will not meet the required lot depth-to-width ratio of 3-to-1

Lot 20 is located at 125 S. Sunset Street in Fort Collins and Lot 21 is located at 127 S. Sunset Street in Fort Collins. The lots are currently combined for tax purposes through the Larimer County Assessor's Office and are therefore, currently assigned one parcel number. Both lots are owned by the Burr Family Revocable Trust, as well as Richard, Brian, and Michelle Burr. Lot 20 contains an existing double wide manufactured home, placed on the property in 1992, according to the Larimer County Assessor. Lot 21 contains an existing single-family residence, constructed in 1929, according to the Larimer County Assessor. Both lots are zoned RR-2 – Rural Residential and are part of the West Acres Subdivision, which was originally platted in 1926.

The proposed Amended Plat includes adjusting the common lot line between the two lots, transferring acreage from Lot 20 (resultant Lot 20-A) to Lot 21 (resultant Lot 21-A) to resolve the encroachment of the existing residence on Lot 21, which currently crosses the common property line. Resolving this

encroachment will allow the existing residence to sit fully on one 87 lot and meet all setback requirements. Lots 20 and 21 are currently 0.917 acres and the resultant lots will be 0.807 acres and 1.03 acres, respectively.

Additionally, this request includes an Appeal to Section 5.2.1.A.7. of the Land Use Code which requires that lots shall not exceed a depth-to-width ratio of 3-to-1 and a width-to-depth ratio of 1.5-to-1. Both Lot 20 and 21 currently have a depth-to-width ratio of 4.08-to-1. The depth-to-width ratio of resultant Lot 20-A will be 5.24-to-1 with this Amended Plat, increasing the nonconformity. The depth-to-width ratio of resultant Lot 21-A will be 3.35-to-1, decreasing the nonconformity. Since the nonconformity is increasing for resultant Lot 20-A, an Appeal to the depth-to-width ratio requirement in Article 5.2 is included with this request and is explained further in the following sections.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the amended plat of Lots 20 and 21, Block 2 of the West Acres Subdivision and Appeal, File No. 23-LAND4299, subject to the following conditions:

1. All conditions of approval shall be met, and the final plat recorded by January 10, 2024, or this approval shall be null and void.
2. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the West Acres Subdivision.
3. Final resultant deeds for both resultant lots as listed below must be submitted and recorded as part of this Amended Plat:
 - a. One resultant deed that contains the legal description of resultant Lot 20-A, signed and notarized by Lot 20 property owners.
 - b. One resultant deed that contains the legal description of resultant Lot 21-A, signed and notarized by Lot 21 property owners.
4. Prior to the recordation of the final plat, the applicant shall make any required corrections noted by the Land Surveyor of the Larimer County Engineering Department.
5. Prior to the recordation of the final plat, the owners must work with the City of Fort Collins Sanitation District to ensure that resultant Lot 20-A's sewer service is properly connected to the City's sanitary system and is being billed appropriately.
6. Any future uses on the resultant lots shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
7. 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.

4. **AMENDED PLAT OF LOTS 3, 4, AND 5 OF THE HARRISON'S SUNNY SLOPE SUBDIVISION AND LOTS 4 AND 5 OF THE HARRISON'S ANNEX TO HARRISON'S SUNNY SLOPE SUBDIVISION WITH EASEMENT DEDICATION AND PLAT NOTES REMOVAL, FILE NO. 22-LAND4271:** The property owners request an Amended Plat of Lots 3, 4 and 5 of the Harrison's Sunny Slope Subdivision and Lots 4 and 5 of the Harrison's Annex to Harrison's Sunny Slope Subdivision to consolidate five existing lots into three lots with the dedication of a 14-foot access and utility easement along the common lot line of resultant Lots 1 and 2. This application also includes the request to remove Plat Note No. 3 on both original subdivision plats that states: "No building or construction shall be maintained closer than 10 feet from any side line or 20 feet from any front or back line" and allow for the underlying zoning district minimum building setbacks to apply to the resultant lots.

All five lots are currently combined for tax purposes through the Larimer County Assessor's Office; therefore, they are all assigned one parcel number and one address. The subject lots are zoned UR-1 – Urban Residential and are owned by South Bay Fort Collins LLC. Harrison's Sunny Slope Subdivision and Harrison's Annex to Harrison's Sunny Slope Subdivision were originally created in 1954. The subject properties currently contain an existing square foot single-family residence and a detached garage. The proposed Amended Plat includes consolidating the five existing lots into three lots. Lots 3, 4, and 5 of the Harrison's Sunny Slope Subdivision are each 4,000 square feet (0.092 acres) and Lots 4 and 5 of the Harrison's Annex to Harrison's Sunny Slope Subdivision are each 4,250 square feet (0.098 acres). Resultant Lot 1 will be 0.17 acres, resultant Lot 2 will be 0.15 acres, and resultant Lot 3 will be 0.16 acres.

The existing residence currently crosses the property lines of existing Lots 3 and 4 of the Harrison's Sunny Slope Subdivision and this amended plat will correct this encroachment so that the residence sits fully on resultant Lot 1. Additionally, according to the applicant's Project Description, new single-family residences are proposed to be constructed on resultant Lots 2 and 3. The proposed amended plat also includes the dedication of a 14-foot-wide access and utility easement along the common lot of line of resultant Lots 1 and 2.

The proposed easement will allow water and sewer service lines to be constructed for future development on resultant Lot 3. Water and sewer services are provided by Spring Canyon Water and Sanitation District, and they have indicated that the proposed easement will meet their requirements. The easement will also allow access from Harrison Drive to resultant Lot 3, in addition to access directly off Sunny Drive. The Engineering Department has no concerns with this proposed access easement.

Lastly, this Amended Plat also includes the request to remove Plat Note No. 3 on both original subdivision plats that states: "No building or construction shall be maintained closer than 10 feet from any sideline or 20 feet from any front or back line" and allow for the underlying zone district minimum building setbacks to apply to the resultant lots. The building setback requirements for the UR-1 – Urban residential zone district are currently 20-feet from the front property line, 7-feet from the side property lines, and 15-feet from the rear property line. The removal of these plat notes would apply only to the resultant lots as part of this amended plat and will be applicable for any future development. All other required setbacks, including those listed in Sections 2.9.4.E. (Setbacks from All Roads, Streets, and Highways) and 2.9.4.F. (Setbacks from Streams, Creeks, and Rivers) of the Larimer County Land Use Code, will still apply.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the amended plat of Lots 3, 4, and 5 of the Harrison's Sunny Slope Subdivision and Lots 4 and 5 of the Harrison's Annex to Harrison's Sunny Slope Subdivision with Easement Dedication and Plat Notes Removal, File No. 22-LAND4271, subject to the following conditions:

1. All conditions of approval shall be met, and the final plat recorded by January 10, 2024, or this approval shall be null and void.
2. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Harrison's Sunny Slope Subdivision and Harrison's Annex to Harrison's Sunny Slope Subdivision except for Plat Note No. 3 on both original plats, which has been removed with this Amended Plat.
3. Prior to the recordation of the final plat, the applicant shall add the following note to the plat of record: "The new lots created by this action are subject to the same restrictions, covenants, and regulations as set forth in the plat of records of Harrison's Sunny Slope Subdivision and Harrison's Annex to Harrison's Sunny Slope Subdivision, with the exception of Plat Note No. 3 on both original plats, which has been removed with this amended plat. The underlying zoning district minimum building setbacks shall apply for any future development."
4. Any future uses on the resultant lots shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
5. 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.

Ms. Everette discussed the tabling of the Upper Thompson Sanitation District Rezoning - File No. 23-ZONE3430. It will be discussed on July 31st, 2023.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Consent Agenda subject to the conditions outlined in the staff reports and authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS

1. WALSH PLANNED LAND DIVISION, PLANNED DEVELOPMENT, APPEALS AND MINOR MODIFICATION, FILE NO. 21-LAND4185:

Commissioner Stephens asked to be excused from this discussion item as she is a friend of the applicant. Commissioner Stephens left the Hearing Room for the duration of discussion item #1.

The applicant proposes to divide one 9.89-acre parcel that is zoned RR-2 – Rural Residential into 24 residential lots and two out lots. Out lot A would be used for drainage, water quality and open space. Out lot B is proposed for utilities and drainage. The property currently contains a single-family home and a few outbuildings. The home is proposed to be retained.

The property is at 1118 E. 57th Street, Loveland which is located on the south side of E. 57th Street approximately 250 feet east of the intersection of E. 57th Street and N. Saint Louis Avenue.

The minimum lot size in the current RR-2 - Rural Residential zoning district is 2.3 acres if a well or septic system is utilized and 0.5 acre if both public water and public sewer are utilized.

The property is to be served with public water by the Fort Collins-Loveland Water District and is to be served with public sewer by the City of Loveland.

The property is in the Loveland Growth Management Area (GMA). The Loveland Comprehensive Plan's Future Land Use Map identifies this property as appropriate for Low Density Residential Development. The Comprehensive Plan identifies residential development at a density of 2 to 4 units per acre as appropriate in the Low-Density Residential district.

The overall proposed density is 2.43 units per acre with lots ranging in size from 0.2 acres (8,847 square feet) to 0.72 acres (31,564 square feet). The average lot size is 12,500 square feet.

Because the property is in the Loveland Growth Management Area, the property must be divided through the planned land division process. A rezoning of the property to PD - Planned Development is required concurrently with the planned land division.

The Crown Point Subdivision is west of the subject property and the Grandview Estates Subdivision is to the east.

There are currently two streets stubbed to the property from the west and from the east. The applicant proposes to develop an internal public road that would connect the two stubbed streets to provide connectivity between the adjacent subdivisions.

The proposed new residential lots would gain access from the new road between the two stubbed streets and a new cul-de-sac.

Adjacent residential lots to the east and west range in size from 0.24 acres to .44 acres. Residential lots to the south range in size from 1.51 acres to 1.93 acres.

Larimer County mapping indicates that most of the property is in an area of low geologic hazards but the southern end near a waterway is classified as a severe geological hazard area. The property is not in a mapped floodplain or wildfire hazard area. The property is not identified as an important wildlife habitat.

There is a wetland adjacent to the southern end of the property.

The request includes appeals to Sections 4.5.4.C.1 & 5.3.3.A of the Land Use Code regarding cul-de-sac length and a Minor Modification to the waterway setback found in Section 2.9.4.F of the Land Use Code.

Notice of the Sketch Plan application was sent to property owners within 500 feet of the property boundaries. Sixteen emails were received. All but one email raised concerns with the request with the most common concerns being the continuation and connection of the existing streets, increased traffic (including construction traffic) in the adjacent neighborhoods, and an anticipated increased cost to maintain the existing roads that provide access to E. 57th Street.

A neighborhood meeting was held via Zoom on March 2, 2023. Approximately 35 to 40 people attended the meeting and expressed many of the same concerns regarding traffic and road maintenance.

Notice to property owners within 500 feet was sent again when the Preliminary Plat application was received. Two neighbors emailed comments on the Preliminary Plat. Both neighbors expressed concerns regarding traffic. One disputed Larimer County's ability to allow additional traffic on existing public streets.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Walsh Planned Land Division, Planned Development, Appeals and Minor Modification, File No. 21-LAND4185 subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Walsh Planned Land Division, File No. 21-LAND4185 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 Walsh Planned Land Division and Planned Land Development.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson School District R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Community 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. The applicant shall install a fire hydrant within the cul-de-sac right-of-way that is compliant with the Fire Protection standards found in Section 4.3.6 of the Land Use Code.
4. 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 three 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.
5. 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.

6. Approval of the rezoning from RR-2 – Rural Residential to PD – planned development is subject to the following condition: a. The rezoning shall be effective upon the recordation of the final plat of the Walsh Planned Land Division.

7. The permitted uses, lot, building and structure requirements, setbacks and structure height limitations for the Walsh Planned Land Division shall be as follows:

Uses permitted by right:

Detached single-family dwelling

Group home

Group home for aged

Group home for persons with behavioral or mental health disorders

Use permitted with Administrative Special Review approval:

Community gardens

Setbacks:

Front or adjacent to a street: 20 feet

Side: 5 feet

Rear: 10 feet

Minimum lot size: 0.2 acres

Maximum building height: 40 feet

Michael Whitley gave a presentation regarding this discussion item. Mr. Whitley discussed the background of this lot and application. Several emails were received regarding concerns. The most common concerns included the continuation of roads, increased traffic, and increase of cost of maintaining current roads. There was a public meeting on March 2nd. Mr. Whitley described how this development would be considered low density housing which is in line with the Loveland housing development guidelines. There were concerns submitted by the public about why a new road can't be built. Mr. Whitley described the spacing of the area and how the road would not help the traffic issue. Mr. Whitley talked about the road maintenance and how the Homeowners Association would be required to maintain roads. Mr. Whitley described how there are codes that this discussion item does not adhere to. However, Mr. Whitley continued to say how these issues would be mitigated. Mr. Whitley discussed how a neighbor raised concerns about traffic and drainage. Staff believes that these concerns have been met appropriately.

COMMISSIONER QUESTIONS:

Commissioner Kefalas asked about the specifics of how construction traffic would be mitigated and how the Homeowners Association would interact with the current Public Improvement District. Mr. Whitley described how the developer was encouraged to approach the road maintenance association

and the homeowner's association for funding the road maintenance. Mr. Sheldon further explained the intricacies of this road maintenance. Mr. Haug described the legal side of the road maintenance.

Commissioner Kefalas asked about how the road maintenance would be part of a condition of approval. Mr. Whitley explained how the conditions of approval were developed and how the commissioners would be allowed to create the road maintenance as a condition of approval.

Commissioner Kefalas further asked about the offsite improvements. Mr. Sheldon presented a document that showed the specific offsite improvements. There would be a pedestrian sidewalk completion and a widening of the shoulder to allow for pedestrian accessibility. Commissioner Kefalas asked if these offsite improvements were a condition of approval. Mr. Whitley explained that it is not a specific condition but would be upheld by the staff regardless. Mr. Sheldon spoke to the standards that were outlined in code.

Commissioner Shadduck-McNally asked about the Larimer County Urban Area Street Standards. Mr. Whitley explained how the city of Loveland and the County have the same standards for these offsite improvements.

Commissioner Shadduck-McNally asked about specifics of the waterway and wetland areas. Mr. Whitley explained that this water has been diverted by human activity. Additionally, the water is an intermittent flow as there is not water all year round. Mr. Whitley explained the step back requirements and how the staff believes the setback is adequate. Mr. Whitley showed the wetland set back and how the modification would allow development if the discussion item would be allowed.

Commissioner Shadduck-McNally asked about if surveys have been done to ensure the least amount of disturbance to the environment. Mr. Whitley explained that this is not considered Land of Ecological Significance. Mr. Whitley also stated the wetland set back is being complied with, while the waterway set back is being modified.

Commissioner Shadduck-McNally asked about the protections set in place to protect the environment. Mr. Sheldon explained that part of the development process there are steps that have been put in place to ensure protection and mitigation.

Commissioner Shadduck-McNally asked specifics about the standard of the length of cul-de-sacs. Mr. Sheldon explained that emergency services need the length of the cul-de-sac to give emergency services. Mr. Sheldon explained that the emergency access easement has been added to ensure that this issue has been addressed.

Commissioner Shadduck-McNally asked about how to ensure that everyone contributes to the road. Mr. Haug suggested that a stipulation is added to create a road association and have it be a condition of buying a house in this property development.

Commissioner Kefalas asked about the privacy fence as depicted on the map. Mr. Whitley explained that each fence has been created by currently property owners.

APPLICANT PRESENTATION

Matt Walsh addressed the Board and expressed the willingness to comply with the codes. However, either way, modifications would need to be made. Mr. Walsh continued to speak to the wetland set back which would be compliant with. Additionally, Mr. Walsh explained the relief that has been written in the code to create opportunities for development. A biologist was hired to do a study and the findings of the biologist was that there were not significant impacts on the environment. Mr. Walsh explained that a concern from a neighbor expressed concern about the construction traffic. Mr. Walsh expressed a willing to work with staff to possibly use the emergency easement for construction. Mr. Walsh wanted to ensure that the commissioners were aware of the applicant's willingness to adhere to additional conditions of approval.

Commissioner Kefalas commented that the Colorado Association of Parks and Wildlife did not have any comments about this development.

PUBLIC COMMENT:

Larry Franklin, Crown Point Resident, expressed that most of his concerns have been addressed by the staff presentation. Mr. Franklin expressed concern about the drainage from another subdivision development, K T Farms.

Commissioner Shadduck-McNally closed public comment.

APPLICANT REBUTTAL

Mr. Walsh explained that the subdivision with the drainage issues have agreed to create a new drainage pipe to help with the drainage issue. This could be considered as a condition of approval. Additionally, the applicant explained that the applicant was been able to ease many concerns about this project.

Commissioner Shadduck-McNally asked about the specifics of adding a condition of agreement while the other subdivision might not comply with their end of the contract. Mr. Haug explained that we cannot require the other subdivision to comply with this agreement. Mr. Sheldon further explained that it is a standard to comply with up-stream drainage whether it is a condition of approval or not.

DELIBERATION

Commissioner Kefalas expressed appreciation of the applicant doing his due diligence to ensure that concerns were raised have been addressed. Commissioner Kefalas is in favor of supporting this discussion item and wants to add a condition of approval regarding the participation of the road association.

Commissioner Shadduck-McNally echoed Commissioner Kefalas in appreciation of the applicant with what they have done to address concerns. Commissioner Shadduck-McNally additionally want to add a condition of approval of the road association and the offsite enhancement.

Commissioner Kefalas wanted clarification of the details of the road association. Mr. Haug explained that they would either create a road association or join an existing one. It needs to be in the public record that it is required to join a road association. The applicant expressed a want to clarify that the development needs to join an existing road association, create a road association, or created a public improvement district.

Commissioner Kefalas asked for clarification on the timeframe for creating a public improvement district as it would need to be voted on. Commissioner Shaddock-McNally added there would need to be a fallback plan if the public improvement district fails. Mr. Haug explained that the development could be made as a friendly amendment to the motion.

MOTION:

Commissioner Kefalas accepted the friendly amendment made by Commissioner Shaddock-McNally to add a condition of approval to create a new road association or join an existing road association. If the development wanted to create a Public Improvement District later, that would be possible. Another condition was to create additional offsite improvements.

Commissioner Kefalas moved the Board to approve the Walsh Planned Land Division, Planned Development, Appeals and Minor Modification, File No. 21-LAND4185 subject to the conditions found in the staff report and the two additional conditions as expressed above.

Motion carried 2-0.

2. SPEARS SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3419: The subject property is located at 40 North Fork Road, Glen Haven, CO. The property currently contains an existing single-family residence and is zoned RR-2- Rural Residential. The applicant requests Administrative Special Review approval for a small Short-term Rental located in the existing two-bedroom single-family residence with an additional sleeping area for a maximum occupancy of six (6) total guests- two (2) guests per bedroom. No construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involves:

1. Staff and referral agency evaluation.
2. Community notice and comment review.
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable.
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

A courtesy neighbor notification about the proposed project was mailed to properties 500 feet around the subject property with 204 neighbors being notified. Staff received emails from one (1) neighbor voicing concern regarding the application. The concerns range from flooding and wildfire emergencies, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbors' concerns, the Community Development Director determined that the application be scheduled at a public hearing before the Board of County Commissioners per Section 6.3.6.D.3 of the Land Use Code. The proposal is scheduled for the July 10, 2023, Board of County Commissioners land use hearing.

Administrative Special Review requires general review criteria to be met for approval (Article 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Article 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Article 6.4.3.D of the Land Use Code:

Criteria 1: The proposed use has minimal impacts on existing and future development of the area and

Criteria 2: Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.

Staff finds the application meets all other criteria in Article 6.4.3.D and all Short-term Rental Use Regulations criteria located in Article 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Spears Short-term Rental, File #23-ZONE3419, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Logan Graves gave a presentation on this short-term rental application special review. Concerns from neighbors included flooding, wildlife, among others. Condition seven in the special review was included by accident and is not included in these conditions of approval.

Commissioner Kefalas asked for clarification on the excluded condition of approval.

Commissioner Shadduck-McNally asked for clarification of the timeframe for the standard of approval. Ms. Everette explained the standard of approval is three years for finishing development.

Commissioner Shadduck-McNally further asked about the flood plain and the two different mappings as found in the packet. Mr. Sheldon explained how the county regulates to the most restrictive. There were two flood plain studies available, and the county will go with the more restrictive. Mr. Sheldon explained that the mapping might be a off and the structure itself is not located within the flood plain.

Commissioner Shadduck-McNally expressed concern about the comments from the consulting agencies as they expressed concern. Commissioner Shadduck-McNally asked if the staff felt that the applicant adequately addressed these concerns. Ms. Graves explained that it was difficult to fully understand if the property is out of compliance. Ms. Everette explained that letter from the fire department expressed concerned about this specific property or the inability to provide adequate service.

Commissioner Kefalas asked for clarification about specific concerns about this rental from the fire department. Ms. Graves explained that the fire department did not express specific concerns.

APPLICANT PRESENTATION

Rebecca and Chris Spears, Fort Collins residents, addressed the board. Ms. Spears explained the history of the acquisition of the property and the upgrades that have been done to this property. Ms. Spears described the property and its attributes, one of which is an easement of the road. Mr. Spears explained how they have been apart of the community and working with the fire mitigation and community development. Ms. Spears explained that they are planning on using the property quite a bit and how the short-term rental process would be beneficial. Ms. Spears addressed the steps that they have done to help with fire prevention and flood planning. Ms. Spears explained about the cabin on the property and how they are going through the process to move the zoning of that cabin from residential to storage.

Commissioner Kefalas asked for clarification about the flood plain. Mr. Spears explained how there is West Creek next to the lot.

PUBLIC COMMENT:

There was no one in the public who commented.

Commissioner Shadduck-McNally closed public comment.

COMMISSIONER QUESTIONS:

Commissioner Stephens asked if there were any concerns about the egress or flood plain safety. Mr. Sheldon explained how there were conditions of approval to address these issues.

Commissioner Shadduck-McNally clarified that the flood plain conditions are in the conditions of approval. Ms. Graves stated that they are not currently in the conditions of approval but could be added.

Commissioner Shadduck-McNally asked about Mr. Spears about his involvement with the fire department. Mr. Spears stated that he lives in Fort Collins and will not be a first responder but will volunteer as much as he could. Mr. Spears also stated that they are hiring a property management group to help response time to the property.

Commissioner Kefalas asked for the conditions of approval to be very clear.

DELIBERATION:

Commissioner Stephens was inclined to approve this short-term rental even though the letter from the fire department was a concern. Commissioner Stephens did recognize the steps that have gone into mitigation. Commissioner Stephens asked about the clarification of the conditions of approval.

Commissioner Kefalas supported the proposal for a short-term rental. Commissioner Kefalas was concerned about the access in case of a fire but now feels satisfied with the location and access to the property.

Commissioner Shadduck-McNally expressed concern about the fire chief letter of opposition. However, Commissioner Shadduck-McNally feels that this property did not have specific issues in

regarding fire safety. Ultimately, Shadduck-McNally did want to support this approval with the conditions discussed above.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Spears Short-Term Rental, File #23-ZONE3419, subject to the following conditions:

1. 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.
2. This 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 Administrative Special Review.
3. 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.
4. Completion of the Life Safety Inspection and obtaining a Certificate of Occupancy after this approval is required.
5. No parking shall be permitted in the right-of-way.
6. Renters must have access to all utility shut-off valves.
7. Completion and approval of system upgrades (tank and absorption field) signed off by the Health Department to support the 10-guest occupancy.
8. Compliance with all wildfire mitigation requirements.
9. Completion and approval of a building permit to convert the historic cabin to a utility shed.

And subject to these additional conditions:

1. In the event of a flood, it is the responsibility of the owner/applicant to follow proper emergency protocols to ensure public safety.
2. Information regarding flood safety, emergency alerts, and information on sheltering in place in case of a flood shall be provided in the operations manual. It is expected that this information will be provided in the operations manual throughout the duration of the use.
3. The owner shall have guest's sign-up for the LETA911 system and provide for an alternative form of emergency notification to the guests for flood events. It is advisable to install a working landline.

Motion carried 3-0.

3. WOJCIK SHORT-TERM RENTAL, FILE NO.23-ZONE3426

The subject property is located at 5005 Foothills Dr., Fort Collins, CO 80526. The property currently contains an existing single-family residence and is zoned O - Open. The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the existing 5-bedroom single-family residence with a maximum occupancy of ten (10) total guests, two (2) guests per bedroom. No major construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, Planning Division review and Building Division review were conducted concurrently. In general terms, the Planning review process involves:

1. Pre-application conference and application submittal;
2. Staff and referral agency evaluation and comment review;
3. Community notice and community comment review;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

County staff mailed a courtesy community notification about the proposed project to properties within 500-feet of the subject property and all properties within the Horsetooth Lake Estates Subdivision. Staff mailed 280 notices on February 17, 2023. Staff received community comments from four (4) community members noting concerns.

Following a review of the application, including reviewing community member and referral agency comments, the Community Development Director determined that this application should be scheduled for a public hearing before the Board of County Commissioners for their decision, per Section 6.3.6.D.3 of the Land Use Code, based on the unresolved issues described below.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Section 6.4.3.D of the Land Use Code, as described under the Review Criteria section below:

Criteria 1: The proposed use has minimal impacts on existing and future development of the area.

Criteria 2: Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.

Staff finds the application meets all other criteria in Section 6.4.3.D and meets or will meet all Short-Term Rental Use Regulations criteria located in Section 3.3.5.B.2. The following section addresses staff findings and the review criteria, including community member concerns.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Wojcik Short-term Rental, File #23-ZONE3426, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Laura Culleton gave a presentation about the history of this property and the short-term rental process. Community Development has received 4 comments in opposition of this short-term rental. Ms. Culleton discussed the pieces of the code that this short-term rental applies to.

Commissioner Kefalas asked for clarification about the floorplan. Ms. Culleton stated that there was a issue with the floorplan but the applicant

Commissioner Stephens asked about the number of the bedroom as it was stated by the Assessor's website. Mr. Culleton stated that this was an issue with the assessor and was not an issue from code compliance.

Commissioner Shadduck-McNally asked about whether the concerns of the Poudre Fire Authority. Ms. Culleton referred to the applicant to answer the specifics.

Commissioner Shadduck-McNally asked if there had been any complaints from the neighborhood and whether the

Commissioner Stephens asked about the roads in that area and if that was taken care of by the county or the residents. Mr. Sheldon explained that the majority of the roads would be maintained by private community, but it would be difficult to confirm at that moment.

Commissioner Kefalas asked if there were concerned about access to the short-term rental by emergency vehicles. Mr. Sheldon stated that road slope was not a review criterion.

APPLICANT PRESENTATION

Valerie Wojcik gave a presentation about the history of this short-term rental. The plan, as presented by Ms. Wojcik, is to live in the property during the summer and move in the fall. This would leave a neighbor as the property manager as they would be within the hour limit of response time. Ms. Wojcik explained how they are managing the complaints of the neighborhood. One example is the want to get a noise machine to monitor noise levels and to notify if the noise gets too loud.

Commissioner Stephens asked to clarification of the comment about the rental being a party house. Ms. Wojcik was not aware of specifics of that complaint.

Commissioner Kefalas asked the applicant if the plan was to invest in the machine to check noise complaints and what the repercussions would be. Ms. Wojcik did express the plan to get such a machine and their plans to enforce the consequences.

Commissioner Shadduck-McNally asked about the back-up to the property manager if they are gone. Ms. Wojcik confirmed that this is something they will be ensuring the one-hour response time. Ms. Wojcik expressed a want for people to have their number and the property manager's number.

Commissioner Shadduck-McNally asked about whether they contribute to the trail maintenance through buying a pass. Ms. Wojcik expressed that they personally buy a pass every year and will communicate with renters about this resource.

Commissioner Shadduck-McNally asked the applicant to think about a neighborhood public improvement.

Commissioner Shadduck-McNally asked if there were any other short-term rentals in the area.

PUBLIC COMMENT:

David Tharp, resident of Horsetooth Lake Estates, objected to the short-term rental because of the dirt roads. Mr. Tharp is concerned about the additional traffic on the roads will decrease the roads quality. Mr. Tharp explained the history of the Homeowners Association and how there is no maintenance group to maintain the road.

REBUTTAL:

Ms. Wojcik expressed concern for the roads as well and wanted to help with the road as well.

Commissioner Stephens asked about road conditions in the winter. Ms. Wojcik highly recommends a four-wheel drive vehicle though it is passable. Ms. Wojcik has arranged a plow to help with road conditions.

Commissioner Shadduck-McNally asks for specifics for the plowing. Ms. Wojcik gave specifics.

Commissioner Kefalas asked if there were any concerns about water or waste disposal. Ms. Culleton stated that there were none.

DELIBERATION:

Commissioner Kefalas was inclined to support this application based off of the criterion expressed in this motion. Commissioner Kefalas noted that there were no concerns from the Poudre Fire Authority.

Commissioner Stephens was inclined to support this application. Commissioner Stephens expressed gratitude for the property manager being so close and the ways that noise is mitigated.

Commissioner Shadduck-McNally wanted a condition to be added that the neighbors are given both the property managers number and the property owners number to allow for twenty-four-hour coverage. Additionally, Commissioner Shadduck-McNally encouraged the support of natural resources.

MOTION:

Commissioner Kefalas move that the Board of County Commissioners approve the Wojcik Short-Term Rental, File #23-ZONE3426, subject to the following conditions listed below and the condition that the number of the property manager and property owner are given to those within 750 feet:

1. This approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permit are not issued.
2. This Administrative Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
3. The Site shall be developed consistent with the approved plan and with the information contained in the Wojcik Short-Term Rental Administrative Special Review, File No. 23- ZONE3426, and the supplemental regulations listed above, except as modified by the conditions of approval or agreement of the County and owner. The owner shall be subject to all other verbal or written representations and commitments of record for the Wojcik Short-Term Rental Administrative Special Review.
4. 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.
5. Prior to operation as a Short-Term Rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division, and successfully pass the Life Safety Inspection.
6. The short-term rental is approved with 5 bedrooms for a maximum occupancy of 10 people.
7. Re-certification shall be required upon notice by the county, which is approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration of revocation of this approval.
8. No parking shall be permitted in the right-of-way and all parking for the use must be on-site.
9. Staff recommends the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.
10. The use must comply with the Larimer County Noise Ordinance which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines between 7pm and 7am.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 23-ZONE3426, on all advertising websites.
12. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside the front door.
13. Upon approval, the property owner shall mail the designated Property Manager's contact information to surrounding property owners within a 500-foot radius of the STR. The owner shall also mail contact information to surrounding property owners whenever the designated Property Manager changes.

Motion carried 3-0.

The Board recessed for 30 minutes.

4. MCGARVEY, KRESS, WHITNAH SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3386: The subject property is located at 4411 Storm Mountain Drive, Drake, CO. The property currently contains an existing single-family residence and is zoned RR-2- Rural Residential. The applicant requests Administrative Special Review approval for a small Short-term Rental located in the existing 4-bedroom single-family residence plus an additional sleeping area for a maximum occupancy of ten (10) total guests- two (2) guests per bedroom. No construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involves:

1. Staff and referral agency evaluation;
2. Community notice and comment review;
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

A courtesy neighbor notification about the proposed project was mailed to properties 500 feet around the subject property with 32 neighbors being notified. Staff received emails from four (4) neighbors voicing concern regarding the application. The concerns ranged from fire hazards, traffic and road maintenance, water conservation, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbors' concerns, the Community Development Director determined that the application be scheduled at a public hearing before the Board of County Commissioners per Section 6.3.6.D.3 of the Land Use 395 Code. The proposal is scheduled for the July 10, 2023 Board of County Commissioners land use hearing.

Administrative Special Review requires General Review Criteria to be met for approval (Article 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Article 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Article 6.4.3.D of the Land Use Code:

Criteria 1: The proposed use has minimal impacts on existing and future development of the area and

Criteria 2: Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.

Staff finds the application meets all other criteria in Article 6.4.3.D and all Short-term Rental Use Regulations criteria located in Article 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the McGarvey, Kress, Whitnah Short-Term Rental, File #22-ZONE3386, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Ms. Graves gave a presentation about the lot and this specific request. Ms. Graves gave a background of the code being used in this matter. There were four neighbors in opposition and three additional after the public hearing. The main comments included traffic and fire prevention.

Commissioner Stephens asked about the number of bedrooms. Ms. Graves stated that the applicants are currently working with code compliance and upgrading their septic situation.

The Board echoed Commissioner Stephens questions.

APPLICANT PRESENTATION

Josh McGarvey presented about the short-term rental application. Mr. McGarvey gave some history about the purchasing of this rental and who the other people on the application were. Mr. McGarvey explained that this would not be a full time rental. The majority of the time would be being used by the owners. Mr. McGarvey said that they are not planning on renting it during the winter so that guests won't have to worry about snow. Mr. McGarvey explained the permitting process that they are currently going through and the plan to upgrade the septic system. Mr. McGarvey explained that the house is hard wired to the internet and have cell service. The property is secluded and is more protected from fire as there is a clearing where the house is situated. Mr. McGarvey stated that the neighborhood is mainly vacation homes. Mr. McGarvey outlined the fire safety system that is being put into place to protect against fire. Additionally, Mr. McGarvey explained the road situation and how the renters will be made aware of the situation.

Commissioner Kefalas asked about the vacation home percentage. Mr. McGarvey explained that many people who live there full time might have more of an issue with the short-term rentals.

Commissioner Kefalas asked about the history of fires in the area and whether this would lead to flood problems. Mr. McGarvey explained that the bridge to the area was damaged by flooding in 2013 but the property is higher elevation so there might be less issues with flooding.

PUBLIC COMMENT:

Holly Charboreou, resident of storm mountain, expressed concern about the ability to get to the area in event of a fire. Ms. Charboreou explained how this area has had problems with fires and short-term rentals.

Kelty Wateley, resident of Storm Mountain, expressed concern about the fire risk of the area. Mr. Wateley was encouraged to hear that the applicant is taking this seriously. Mr. Wateley is also satisfied about the renovations being done for the septic situation.

Karen Yuskaitis, resident of Storm Mountain, expressed concern about the resources allocated for this area. Ms. Yuskaitis believes that the county needs to do a better job monitoring the situation up in the mountain.

Tom Schaner, resident of Greeley and Storm Mountain, expressed concern of all rentals in this area. Mr. Schaner believes that rentals are damaging to the property owners that are not short-term rental. Mr. Schaner believes that Mr. McGarvey has been doing a good job in general.

Commissioner Shadduck-McNally closed public comment.

REBUTTAL:

Mr. McGarvey stated that they are willing to be in contact with the community and work with everyone to make sure that concerns are mitigated.

Commissioner Stephens asked about whether there were concerns from the fire station. Ms. Graves said that the station went out and reviewed the situation and only had minor correction. Additionally, the station did not have any concerns about getting a vehicle up to this area.

Commissioner Kefalas was confused about the lack of comments from the Loveland Fire District. Commissioner Kefalas asked for Amy White to come up and speak to the fire issues. Commissioner Shadduck-McNally expressed concern for the fire safety. Ms. White gave some background of the area and the code compliance issues of the area and this property. Ms. Everette stated that they do not have any history of a statement from the fire agency.

Commissioner Stephens wanted to table this discussion as there needs to be more information from the fire agency.

MOTION

Commissioner Stephens moved the Board to table this discussion until July 31, 2023.

Motion carried 3-0.

5. WILLIARD SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 23-ZONE3421: The subject property is located at 205 Bella Vista Drive, Drake, CO. The property currently contains an existing single-family residence and is zoned O - Open. The applicant requests Administrative Special Review approval for a small Short-term Rental located in the existing 3- bedroom single-family residence for a maximum occupancy of six (6) total guests- two (2) guests per bedroom. No construction or modifications to the home are proposed with this request.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involves:

1. Staff and referral agency evaluation;
2. Community notice and comment review;
3. Review and recommendation by the Estes Valley Planning Advisory Committee, if applicable;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

A courtesy neighbor notification about the proposed project was mailed to properties 500 feet around the subject property with 21 neighbors being notified. Staff received four (4) emails from neighbors voicing concern regarding the application, with one neighbor requesting to remain anonymous. The concerns range from access, flooding and wildfire emergencies, road maintenance, noise, and general opposition to allowing short term rentals in the community. Due to the nature of the neighbors' concerns, the Community Development Director determined that the application be scheduled at a public hearing before the Board of County Commissioners per Section 6.3.6.D.3 of the Land Use Code. The proposal is scheduled for the July 10, 2023, Board of County Commissioners land use hearing.

Administrative Special Review requires General Review Criteria to be met for approval (Article 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Article 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Article 6.4.3.D of the Land Use Code:

Criteria 1: The proposed use has minimal impacts on existing and future development of the area and

Criteria 2: Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated. and

Criteria 3: The recommendations of referral agencies have been considered and adequately addressed.

Staff finds the application meets all other criteria in Article 6.4.3.D and all Short-term Rental Use Regulations criteria located in Article 3.3.5.B. The following section addresses staff findings and the review criteria, including neighbor concerns and the applicant's response.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Denial on the Willard Short-Term Rental, File #23-ZONE3421, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

Ms. Graves gave a background on this property and the code that is being used in this case. Four neighbors were in opposition of the short-term rental. The staff believes that that the applicant did not meet all criteria and recommended denial of this application.

Commissioner Kefalas asked a question about any conversation between the applicant and the fire department about mitigation. Ms. Graves stated that the fire department had a conversation with the applicant but is unaware of the details of that conversation.

APPLICANT PRESENTATION

Bruce Willard spoke about the history of the property and the intent to turn this property into a short-term rental. Mr. Willard spoke about the work that has gone into this property to make sure it meets the criteria. Mr. Willard spoke about the rules that they are putting into place to protect against fire.

Mr. Willard spoke about the bridge that is lacking width for fire access and how he doesn't believe that it matters who is at the residence. Mr. Willard expressed frustration about the process of getting a short-term rental.

PUBLIC COMMENT:

No one from the public addressed the board.

Commissioner Shadduck-McNally closed public comment.

Commissioner Kefalas commented about the process of denying or approving the application.

Ms. Everette apologized to Mr. Willard for the lack of communication.

Commissioner Shadduck-McNally asked about the specifics of the issues that the fire district. Ms. Graves explained that there was no water access for fire prevention and the bridge was not wide enough for emergency vehicles.

DELIBERATION

Commissioner Stephens explained that she would not be voting in support for this short-term rental because of neighbor concerns, fire concerns, and the recommendations of the staff.

Commissioner Kefalas also would not be supporting this short-term rental as it does not comply with the recommendations from staff.

Commissioner Shadduck-McNally also does not plan to support this short-term rental. This is because of issues with the neighbors and the recommendations of staff.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners deny the Willard Short-Term Rental, File #23-ZONE3421.

Motion carried 3-0.

With there being no further business, the Board adjourned at 7:55 pm.

TUESDAY, JULY 11, 2023

ADMINISTRATIVE MATTERS MEETING

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

Chair Shadduck-McNally opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** No one addressed the Board

Commissioner Shadduck-McNally closed Public Comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 26, 2023, AND JULY 3, 2023:**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of June 26, 2023, and July 3, 2023.

Motion carried 3 – 0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 17, 2023:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

ABATEMENTS

1. **PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ROGER ALEXANDER – R0259985**

AGREEMENTS

1. **FEDERAL OLDER AMERICANS ACT (OOA) SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND COLORADO LEGAL SERVICES**

2. **CONTRACT BETWEEN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, LARIMER COUNTY OFFICE ON AGING, AND LARIMER COUNTY HUMAN SERVICES**

3. **SIGNAL BEHAVIORAL HEALTH NETWORK – AMENDMENT 2**

4. **INTERGOVERNMENTAL AGREEMENT FOR PHASED DEVELOPMENT OF THE LARIMER COUNTY FLEET SERVICES CAMPUS**

5. **DEVELOPMENT AGREEMENT FOR POND FARM CONSERVATION DEVELOPMENT, FILE NO. 16-LAND3554**

6. **COLORADO EAGLES LEASE AGREEMENT**

APPOINTMENTS

1. RECOMMENDED APPOINTMENT TO THE EXTENSION ADVISORY COMMITTEE – K-LYNN CAMERON

2. RECOMMENDED MIDTERM APPOINTMENTS TO THE OFFICE ON AGING ADVISORY COUNCIL – JANEL BAILEY, DEBORAH TELLEZ, AND LORETTA WELLMAN

3. RECOMMENDED MIDTERM REAPPOINTMENT TO THE OFFICE ON AGING ADVISORY COUNCIL – ANNIE SCOTT

4. RECOMMENDED APPOINTMENTS TO THE OFFICE ON AGING ADVISORY COUNCIL – MICHELLE WAITE AND MOYNE JOHNSON

5. RECOMMENDED APPOINTMENT TO THE BOARD OF HEALTH – HEATHER WEIR

6. RECOMMENDED REAPPOINTMENT TO THE CLYDESDALE ESTATES PUBLIC IMPROVEMENT DISTRICT – BRANDON CLAUSSEN

7. RECOMMENDED REAPPOINTMENT TO THE EQUITY, DIVERSITY, AND INCLUSION ADVISORY BOARD – LAURA MACWATERS

LIQUOR LICENSES

1. LIQUOR LICENSE RENEWAL – COLONY MARKETS LTD DBA OVERLAND FOODS – LAPORTE, COLORADO

2. LIQUOR LICENSE RENEWAL – HILL TOP STORE AND ANTIQUES LLC – RED FEATHER LAKES, COLORADO

3. LIQUOR LICENSE SPECIAL EVENT PERMIT 6% - POUDDRE LANDMARK FOUNDATION – FORT COLLINS, COLORADO

4. LIQUOR LICENSE RENEWAL – WAPITI PARK CORPORTATION DBA ROCKY MOUNTAIN GATEWAY #1 – ESTES PARK, COLORADO

5. LIQUOR LICENSE RENEWAL – WAPITI PARK CORPORATION DBA ROCKY MOUNTAIN GATEWAY #2 – ESTES PARK, COLORADO

MISCELLANEOUS

1. OTTER AVIATION LLC STIPULATIONS AS TO TAX YEAR 2022 VALUE

2. JMC REAL ESTES LLC STIPULATIONS AS TO TAX YEAR 2022 VALUE

3. ACCEPTANCE BY THE BOARD OF COUNTY COMMISSIONERS OF AN ANNEXATION DENIAL FROM THE CITY OF LOVELAND

4. WARRANTY MEMORANDUM FOR WARBERG FARM CONSERVATION DEVELOPMENT, FILE NO. 04-S2296

MOTION

Commissioner Stephens moved the Board to approve the consent agenda for July 11, 2023

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS: David Born was unable to attend the meeting today.

6. DISCUSSION ITEMS:

1. UCHEALTH EMS BEHAVIORAL HEALTH SECURE TRANSPORTATION LICENSE AND VEHICLE PERMITS: Laurie Stolen, Behavioral Health Director, addressed the board and gave a brief history of this project. Ms. Stolen recognized Ryan Barstow for his work on this project. Ms. Stolen described the benefits of having a less than ambulance level of transportation for people needing care.

Molly Halligan, UCHealth Operations Manager, addressed the Board. Ms. Halligan gave a history of the project and spoke to the volume of patients being transported. This transportation helps ease the pressure on resources. Ms. Halligan recognized her team and the work that everyone did to make this project happen.

Commissioner Stephens expressed gratitude for the team that made this work happen. Commissioner Stephens spoke about the need for this kind of service in our community.

Commissioner Kefalas asked about the timeline of this service and how the reimbursement worked with this program. Ms. Halligan clarified the timeline and how reimbursement worked. Commissioner Kefalas asked about the larger community impact and the licensing of this program. Ms. Halligan gave a background on the licensing and the training that goes into working with the program. Commissioner Kefalas further asked about the relationship between UC Health and the new Larimer County Behavioral Health Longview Campus. Ms. Halligan spoke to the partnership between these two institutions,

Commissioner Shadduck-McNally thanked the team that worked on this project and expressed a need to put community first. Commissioner Shadduck-McNally invited Dillon Allen who drove for this program to address the Board. Mr. Allen gave a history of his service in this program.

MOTION

Commissioner Stephens moved the Board to approve, and issuance of a Behavioral Health Secure Transportation license and four vehicle permits for UCHealth EMS.

Motion carried 3-0.

2. LARIMER COUNTY SHERIFF'S OFFICE EMERGENCY SERVICES 2023

UPDATE: Justin Whitesell, Emergency Operations Manager, addressed the Board. Mr. Whitesell spoke about the hiring of the full-time paramedic at the Sheriff's office. Mr. Whitesell gave a background of the importance of this paramedic's work.

Commissioner Shadduck-McNally asked about the statistics of the type of emergencies that this paramedic has responded to and where these types of emergencies have taken place. Mr. Whitesell has been collecting this data and will share at the end of the year.

Mr. Whitesell continued to discuss the importance of the paramedic's training for the sheriffs office and the wide spread of the need for this kind of personnel.

Mr. Whitesell spoke about the wildfire protection agency within the Sheriffs office. Mr. Whitesell highlighted the benefits of proactive work and the collaboration with other agencies. Additionally, the Wildlife Protection Partner Program helps connect homeowners with knowledge for preventing wildfires and insurance associated with fire prevention.

Mr. Whitesell discussed the nature of search and rescue resources that would be needed for the Sheriffs office. Mr. Whitesell stated the importance of having a search and rescue helicopter to help those lost and the rescuers who would be looking for those citizens.

Commissioner Stephens asked for specifics on the home assessments and the timeline for implementing them. Mr. Whitesell stated that that program is likely a couple months out as more work needs to be done with insurance agencies and local fire departments. Commissioner Stephens asked about the Boulder program with insurance for implementation of this program. Mr. Whitesell expressed optimism for this program.

Commissioner Stephens asked about if there are any specific grants that may help with a rescue helicopter. Mr. Whitesell discussed the many different funding opportunities that the Sheriff's office has been looking into.

Commissioner Kefalas asked about the helicopter price range. Mr. Whitesell gave details about the cost of this helicopter program.

Commissioner Kefalas asked for an update on the cost of the campus and the program associated with starting this campus. Mr. Whitesell spoke about the land is being bought currently. Mr. Whitesell discussed the funding that is being looked at.

Commissioner Kefalas asked for clarification about the public outreach programs and whether the programs are just outside the municipalities or go inside the municipalities as well. Mr. Whitesell spoke about the different aspects of this program. Commissioner Kefalas also asked about how to receive Sheriffs department resources. Mr. Whitesell spoke about calling the Sheriffs Office to receive those resources.

Commissioner Kefalas thanked Mr. Whitesell and the work that the Sheriffs office has done.

Commissioner Shadduck-McNally thanked the staff for all the work that is being done. Commissioner Shadduck-McNally asked for the implementation of Narcan in the community. Additionally, Commissioner Shadduck-McNally asked about how the program has been helping search and rescue volunteers. Mr. Whitesell highlighted the importance of managing volunteers to ensure that they are protected by the county.

Commissioner Shadduck-McNally wanted to ensure that the Sheriff's department is taking advantage of the behavioral health services in the county. Mr. Whitesell echoed Commissioner Shadduck-McNally message of how important behavioral health services are for this program. Mr. Whitesell highlighted the programs that are being implemented to ensure behavioral health.

Commissioner Shadduck-McNally asked for specifics about the search and rescue trends and resources. Mr. Whitesell discussed the trend of people moving into the back country and the increase of the need for search and rescue, along with the challenges of search and rescue.

Commissioner Shadduck-McNally expressed gratitude for the work that the Sheriff's department has been doing. Commissioner Shadduck-McNally further asked about how to continue community engagement and these programs. Mr. Whitesell explained the partnership that exists between the sheriff's department and the other emergency responders in the area.

Manager Volker thanked Mr. Whitesell for the report and the information that he provided.

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

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

9. LEGAL MATTERS:

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding amendment of the Centerra South Urban Renewal Plan and the current statutory requirements for urban renewal plans that included agricultural lands.

MOTION

Commissioner Kefalas moved the Board to enter Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding amendment of the Centerra South Urban Renewal Plan and the current statutory requirements for urban renewal plans that included agricultural lands.

Motion carried 3-0.

With there being no further business, the Board adjourned at 11:05 a.m.

Jody Shadduck McNally
JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:

Tessa Beaty
Tessa Beaty, Deputy Clerk

