



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, FEBRUARY 26, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Frank Haug, Assistant County Attorney; Jenny Axmacher, Planning Manager; Amy White, Code Compliance Supervisor; Samantha Lasher, Community Development; Samantha Mott, Community Development; and Tessa Beaty, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

Commissioner Kefalas asked the Board to move the reading of the ordinance to after the consent agenda.

PUBLIC HEARING CONSENT ITEMS:

1. JOHNSON ACRES PLANNED LAND DIVISION/PLANNED DEVELOPMENT AND APPEALS, FILE NO. 21-LAND4118: The applicant proposes to subdivide a 37.97-acre (+/-) parcel zones RR-2 Rural Residential into three residential lots. The proposed lots would be approximately 5.8-acres, 7.8-acres, and 21.5-acres. There is an existing home with several outbuildings that would remain on the 5.8-acre lot.

The subject property is located at 628 North County Road 5, Fort Collins, at the southeast corner of North County Road 5 and E. County Road 48. The property is located within the Town of Timnath Growth Management Area (GMA).

The property is currently zoned RR-2 Rural Residential. The surrounding properties are also currently zones RR-2 Rural Residential. The surrounding area is characterized by a mix of lot sizes ranging from 3.6 to 10.4 acres to the north, a 76.75-acre lot to the west, a 35.3-acre lot to the south, a 37.97-acre lot to the east, and a 6.25-acre lot in the middle of this parcel. The uses in this area include residential and agricultural. 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 acres if both public water and public sewer are utilized.

The existing home is served by an East Larimer County Water District (ELCO) water tap and an on-lot septic system. The applicants are proposing both East Larimer County Water District and on-lot septic systems to serve the newly proposed lots. The property is located within the Boxelder Sanitation Service Area. Because the lots are within a Growth Management Area, they should connect to public sewer. This requirement is being appealed with this request.

The existing home currently has direct access to both North County Road 5 and E. County Road 48. The newly proposed 5.8-acre lot is proposing to keep an access point off County Road 48, the proposed 7.8-acre lot is proposing to take access off North County Road 5, and the newly proposed 21.5-acre lot is proposing to take access off Desert Eagle Drive.

Larimer County mapping indicates it is an area of low geologic hazards, and it is not in a wildfire hazard area. Larimer County mapping indicated there were potential wetlands in the southwest portion of the parcel, within proposed Lot 2. However, a wetland delineation report submitted by the applicant indicated there are no wetlands on the property.

The existing parcel is located within the Timnath Growth Management Area (GMA). This project is required to comply with the requirements of the Intergovernmental Agreement (IGA) between Larimer County and the Town of Timnath. The IGA recognized that there is a Growth Management Area but does not indicate it is within the GMA overlay zoning district. The property is being divided through the Planned Land Division process. A rezoning of the property to PD - Planned Development is running concurrently with the Planned Land Division.

The applicant is proposing to rezone the property from RR_2 Rural Residential to PD – Planned Development with the PD zone district consistent with the RR-2 zone district. The PD zoning is intended to establish densities and is used consistently with the applicable supplementary regulation of the GMA district. In this instance, the zoning would reflect the current densities and land uses allowed by the current RR_2 zone district.

This request includes several appeals to the Land Use Code: Article 4.3.5 (On-lot septic in a Growth Management Area), Article 4.5.4.b.1 (connectivity), and Article 5.3.a (Public Right-of-Way).

This request has been referred to adjacent landowners and to affected agencies. We have not received any comments from neighbors. Referral agency comments are attached to this report, and some of the comments are incorporated in this report.

Comments were received from the following referral agencies:

- Larimer County Engineering
- Larimer County Department of Health and Environment
- Larimer County Environmental Review
- Larimer County Code Compliance
- Division of Water Resources
- Colorado Geologic Survey
- East Larimer County Water District

- Poudre Fire Authority
- U.S. Fish & Wildlife
- Boxelder Sanitation District
- CenturyLink/Lumen
- Town of Timnath
- City of Fort Collins

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

- A) The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Johnson Acres Planned Land Division, File No. 21-LAND4118, subject to the following conditions:
1. The final plat shall be consistent with the approved preliminary plan with the information contained in the Johnson Acres Planned Land Division/Planned Development, File No. 21-LAND4118, 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 of commitments of record for the Johnson Acres Planned Land Division/Planned Development.
 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. A residential fire sprinkler system will be required during the building permit phase for any new dwelling unless a hydrant capable of producing 1,000 gallons per minute with a minimum residential pressure of 20 pounds per square inch will be installed within 400 feet of any new dwellings. A residential fire sprinkler system will also be required during the building permit phase for any new dwelling if the distance between the dwelling and a secondary access point is more than 660 feet.
 4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based on a site-specific soil 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 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 the 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 that 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. Revise the plat to show the recorded waterline easement along County Road 5.

7. The applicant will need to address any unresolved engineering issues discussed in the Engineering Department's referral comments at the final plat phase. Refer to Steven Rothwell's letter dated September 28, 2023.
 8. Transportation Capital Expansion Fees will be due at the issuance of building permits.
 9. A Development Construction Permit is required prior to commencing improvements.
 10. Any required onsite/offsite improvements must be constructed prior to the certificate of occupancy.
 11. Basements are not to be allowed on Lot 3 due to measured groundwater levels.
 12. Street landscaping will need to be provided in conjunction with building permits for new residential development on the lots.
- B) The Development Services recommends that the Planning Commission recommend to the Board of County Commissioners approval of the rezoning from RR_2 Rural Residential to PD – Planned Development, File No. 21-LAND4118, subject to the following conditions:
- a. The rezoning shall be effected upon the recordation of the final plat of Johnson Acres Planned Land Division
 - b. The permitted uses, lot building and structure requirements, setbacks, and structure height limitations for Johnson Acres Planned Development shall be as indicated in the applicant's project description.
 - c. The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Appeals to the following Articles in the Land Use Code: Article 4.3.5 (On-lot septic in a Growth Management Area), Article 4.5.4.B.1 (Connectivity), and Article 5.3.A (Public Right-of-Way).

2. AMENDED PLAT OF PARCELS A-E OF THE STOLZ EXEMPTION PLAT (#S-120-75), TRACT A OF THE KEN WILLIAMS JR. MINOR RESIDENTIAL DEVELOPMENT (#S-7-87), LOT 3 OF THE HODGES MINOR RESIDENTIAL DEVELOPMENT (#S-118-90), AND PARCEL B-1 OF THE MEREDITH S. HODGES TRUST BOUNDARY LINE ADJUSTMENT (#96-OS0861) AND PARCELS A-2 AND C-1 OF THE MEREDITH S. HODGES TRUST BOUNDARY LINE ADJUSTMENT (#99-S1493) AND ACCESS/UTILITY EASEMENT VACATIONS, FILE NO. 22-LAND4217: This combined amended plat/boundary line adjustment application consists of seven existing unplatted parcels and platted lots that are proposed to be consolidated into three resultant lots, in addition to the proposed vacation of two access/utility easements. All subject properties are owned by the Meredith S. Hodges Trust and are collectively, informally known as the Lucky Three Ranch. Per the applicant's project description, Lucky Three Ranch is used primarily for agricultural hay

production. The purpose of this proposal is the clean up all properties owned by the Meredith S. Hodges Trust by consolidating certain lots and recognizing all properties on one plat.

The subject properties are located directly northwest of the intersection of S. County Road 19 and W. County Road 16 in Loveland, Colorado, and are all zoned RR-2 – Rural Residential. The properties contain various agricultural outbuildings and two single-family residences, located at 2425 S. County Road 19 and 2457 S. County Road 19. The subject properties are addressed and described as follows:

- 3207 W. County Road 16 (Parcel No. 9528405702): This lot is tract A of the Ken Williams Jr. Minor Residential Development (MRD), File No. S-7-87. This lot's boundaries are not changing as a result of this application, and the minor residential development restrictions will remain in place. This lot will be known as Resultant Lot 1.
- 2544 Meredith Land (Parcel No. 9528406703): This lot is lot 3 of Hodges Minor Residential Development (MRD), File No. S-118-90. This lot's boundaries are not changing as a result of this application, and the MRD restrictions will remain in place. This lot will be known as Resultant Lot 2.
- 2425 S. County Road 19 (Parcel No. 9528400040): This lot consists of Parcels D and E, created as part of the Stolz Exemption Plat, File No. S-120-75. Parcel E is currently considered a separate legal lot, even though it does not have a separately assigned parcel number and is therefore included as one of the seven subject properties.
- 2323 S. County Road 19 (Parcel No. 9528400042): This lot was originally part of parcel B and parcel B of the Stolz Exemption Plat and is in its current configuration as parcel C-1, as a result of the Meredith S. Hodges Trust Boundary Line Adjustment, File No. 99-S1493.
- 2457 S. County Road 19 (Parcel No. 9528400011): This parcel was originally parcel A-1 of the Meredith S. Hodges Trust Boundary Line Adjustment, File No. 96-OS0861 and is in its current configuration as parcel A-2, created as a result of the Meredith S. Hodges Trust Boundary Line Adjustment, File No. 99-S1493. Parcel A of the Stolz Exemption Plat was combined with existing parcel A-2.
- Parcel No. 9528400024 (no address assigned): This parcel is parcel B-1 of the Meredith S. Hodges Trust Boundary Line Adjustment, File No. 96-OS0861.

The five above-noted properties are proposed to be consolidated into Resultant Lot 3.

The application also includes a proposal to vacate the existing Access and Utility Easement, located along the northern property line of Resultant Lot 2, and the Access Easement, located in the southeastern corner of Resultant Lot 3, perpendicular to County Road 19.

A 40-foot-wide ditch easement around an existing irrigation ditch lateral, located on the eastern side of Resultant Lot 3, will be dedicated via a separate instrument, and noted on the plat. Additionally, as previously mentioned, there are two existing residences located at 2425 S. County Road 19 and 2457 S. County Road 19. These properties are proposed to be consolidated (in addition to two other properties) to make up Resultant Lot 3. Two primary residents are not permitted on one lot.

Therefore, the applicant has submitted an Administrative Special Review application to convert the residence on 2425 S. County Road 19 to an Accessory Living Area (File No23-ZONE3542). A condition of approval has been added to this application that the proposed accessory living area must be approved prior to the final plat being recorded. If it is not approved, the residence must be removed or converted to a non-habitable personal storage building.

All referral agency comments have or will be addressed, and no written community member comments have been received regarding this proposal.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Service Team recommends approval of the amended plat of Parcels A-E of the Stolz Exemption Plat (#S-120-75), Tract A of the Ken Williams Jr. Minor Residential Development (#S-7-87), Lot 3 of the Hodges Minor Residential Development (#S-118-90), and Parcels B-1 of the Meredith S. Hodges Trust Boundary Line Adjustment (#96-OS0861) and Parcels A-2 and C-1 of the Meredith S. Hodges Trust Boundary Line Adjustment (#99-S1493) and Access/Utility Easement Vacations, File No. 22-LAND4217, subject to the following conditions:

- 1) All conditions of approval shall be met, and the final plat recorded by August 26, 2024, or this approval shall be null and void.
- 2) Prior to the recordation of the final plat, the applicant shall ensure that the Little Thompson Water District's comments, as indicated in the Commitment Letter, dated March 28, 2023, and Planning Division's comments, as indicated on the plat in attachment D of the Board of County Commissioner's public hearing packet, have been addressed.
- 3) Prior to the recordation of the final plat, the applicant shall dedicate the proposed irrigation ditch lateral easement by separate document and reference the reception number on the plat.
- 4) Prior to the recordation of the final plat, the Administrative Special Review application, File No. 23-ZONE3452, for a proposed accessory living area for the existing residence on 2425 S. County Road 19 must be approved. Otherwise, the existing residence must be removed or converted to a non-habitable personal storage building.
- 5) The resultant lots are subject to all covenants, deed restrictions, or other conditions that apply to the original lots.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the consent agenda subject to the conditions outlined in the staff report and further moved to authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0.

**1ST READING OF THE LARIMER COUNTY CODE SECOND REVISED
ORDINANCE 11222002O001 – CHAPTER 6 ANIMALS**

Amy White gave a brief history of the changes to the Larimer County Code regarding Chapter 6. Specifically, there were changes to the name of the NOCO Humane Society and to update the ordinance based on the new Colorado statutes regarding the rabies vaccine.

Ms. White gave details of the updates to the code. Ms. White explained the next steps in the process.

With there being no further business, the Board adjourned at 3:25 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m. with Rebecca Everette, Community Development Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Frank Haug, Assistant County Attorney; Jenny Axmacher, Planning Manager; Matt Lafferty, Principal Planner; Amy White, Code Compliance Supervisor; and Tessa Beaty, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING DISCUSSION ITEMS:

1. WINDCLIFF ESTATES LEGISLATIVE REZONING FROM ESTES VALLEY ESTATE (EV E-1) TO ESTES VALLEY ESTATE SHORT-TERM RENTAL (EV E-1S), FILE NO. 23-ZONE3562: On June 1, 2023, revised regulations for short-term rentals became effective. The revised short-term regulations are applicable to all short-term rentals located in the unincorporated areas of the County. These regulations include the unincorporated areas of the Estes Valley Planning Area but have no effect on the existing cap limiting the number of short-term rentals allowed in the Estes Valley Planning Area.

During the process of developing the short-term regulations, some property owners in the Estes Valley (Windcliff Estates) suggested that the separation requirements and the cap limiting the number of short-term rentals should not be applicable to their neighborhood. The property owners' position was based on allowances in their covenants allowing the rental of homes. These allowances date back to the inception of the neighborhood in the 1970s. Their position further implied that many property owners rely on the rental of their properties to maintain ownership and have operated for many years under the premise that such use of their property was permitted.

In response to the issues raised by the Windcliff property owners, the County adopted the new zone district Estes Valley Estate short-term Rental (EV E-1S) that, if applied, would allow neighborhoods in the Estes Valley Planning Area the opportunity to change their zone district allowing short-term rentals without being subject to the separation and cap requirements.

At the request of some of the property owners in the Windcliff neighborhood, the Community Development Department is processing the proposed legislative rezoning. If approved, the zoning district of the Windcliff neighborhood would change from EV E-1- Estes Valley Estate to EV E-1S – Estes Valley Estate Short-Term Rental as follows:

- (Existing) EV E-1 Estes Valley Estate Zoning District – This district preserves the predominately lower-density residential uses that have been established in the Estes Valley. The district regulations permit single-family residential uses as densities of one dwelling unit per acre.
- (Proposed) EV E-1S Estes Valley Estate Zoning District- This district preserves the predominately lower-density residential uses that have been established in the Estes Valley. The district regulations permit single-family residential uses as densities of one dwelling unit per acre, and it allows Short-Term Rentals to be exempt from the residential cap and separation requirements.

While this change would eliminate separation and cap requirements applicable to the Estes Valley, property owners seeking to have a short-term rental will still need to comply with the County short-term rental regulations.

On November 16, 2023, the Development Services Team presented the proposed zoning changes to the Estes Valley Planning Advisory Committee (EVPAC). The EVPAC, after hearing the staff report, listened to testimony from the public, which largely supported the request based on the historical precedence of such uses. Also included in the testimony were comments from residents who were opposed to the request as they didn't want their neighborhood to be inundated with such uses. After taking testimony from the public, the EVPAC moved to send a recommendation of support to the proposed rezoning action.

STAF RECOMMENDATION:

Because of the subjective nature of the proposed rezoning, the Development Services Team will not be offering a recommendation.

STAFF PRESENTATION: Mr. Lafferty addressed the Board. Mr. Lafferty explained that this application is a legislative rezoning, which is different than a regular rezoning because there is no applicant; instead, the county is processing this rezoning proposal. Mr. Lafferty gave a brief history of short-term rental rules in the county and how they relate to this proposal. Several residents of the Windcliff estates requested that two of the short-term rental regulations would not apply to their community. Mr. Lafferty explained that if the Board approves this application, they must adopt a new zoning map. Mr. Lafferty gave a brief overview of the review criteria for rezoning and how staff views the criteria as subjective and, therefore, necessary for the Board to decide.

Mr. Lafferty explained that the Planning Commission could not make a recommendation as they were divided on the decision. The Planning Commission found that there would be fairness issues regarding the approval of this application.

COMMISSIONER QUESTIONS:

Commissioner Shadduck-McNally asked about the fire mitigation in this zone and whether applicants would need to reapply. Mr. Lafferty explained that new applications must go through the county's regulations. Mr. Lafferty further explained that those who were already approved would not need to reapply.

Commissioner Shadduck-McNally further asked about the transfer of short-term regulation. Ms. Everette explained that this rezoning would only exempt the short-term rentals from the 500-foot regulation and the cap, so all other requirements of short-term rentals in Larimer County would be in place. Therefore, the regulation of transfers would apply to the Windcliff estates.

Commissioner Shadduck-McNally asked about the possibility of every house becoming a short-term rental. Mr. Lafferty confirmed that if every application went through the application process.

Commissioner Shadduck-McNally asked about the review criteria. Mr. Lafferty explained that the review criteria should be either met or decided to be inapplicable.

Commissioner Shadduck-McNally asked if this was a gated community. Mr. Lafferty expressed that he did not believe so.

Commissioner Shadduck-McNally asked about the equity issue with the application. Mr. Lafferty explained that any application in Larimer County will have a time and money commitment.

Commissioner Shadduck-McNally asked about the likelihood of the neighborhood meeting the standards of the short-term rental. Mr. Lafferty explained that they did not review the entirety of the neighborhood, but preliminary reviews of the neighborhood show that it would be unlikely that every house could meet the criteria of becoming a short-term rental.

Commissioner Stephens asked whether other communities could apply for this same rezoning. Mr. Lafferty confirmed that they could.

Commissioner Stephens asked about the accommodation of creating this rezoning for neighborhoods like Windcliff.

Mr. Everette explained that there are other communities that have different zoning and don't have to have specific short-term rental regulations. Ms. Everette highlighted that even if this neighborhood was rezoned, it wouldn't be the only community in the Estes Valley that allows short-term rentals. Mr. Haug explained that this zoning does not allow hotels or motels to move into the area. Mr. Lafferty highlighted the difference between a bed and breakfast and a hostel short-term rental.

Commissioner Stephens asked about the individual approval processes of short-term rentals in the community. Mr. Lafferty confirmed that each short-term rental must go through its own approval process.

Commissioner Kefalas clarified that the 500-foot separation and the cap would not apply if this application were approved. Commissioner Kefalas asked about the current number of short-term rentals within the Windcliff estates. If this rezoning application were approved, then the number of Estes Valley short-term rentals would decrease. Mr. Lafferty explained that the cap within unincorporated Estes Valley would decrease by the number of short-term rentals in the Windcliff estates today. Going forward, any new short-term rentals in Windcliff would not count towards the Estes Valley cap.

Mr. Haug explained the cap on short-term rentals. He recommended to the Board that if they approved this rezoning, they should reduce the number of short-term rental caps in Estes Park by the number of short-term rentals in the Windcliff that are currently operating. Commissioner Kefalas asked whether this would be a condition of approval. Mr. Haug explained that a condition of approval would help clarify the intent of this meeting. Mr. Haug further explained that the Estes Valley cap on Short-Term rentals should be reviewed annually.

Commissioner Stephens asked whether Windcliff could have more short-term rentals. Mr. Haug confirmed that the cap would not apply to the Windcliff community.

Ms. Everette explained the intent of decreasing the short-term rentals in the Estes Valley if the Windcliff zones are to show the number of existing short-term rentals, not to increase or decrease for the rest of the valley.

Commissioner Kefalas asked about the new short-term rental regulations that were put in place last year and the inspection aspect of the regulation. Ms. Everette explained that relicensing is required for new short-term rentals every two years.

Commissioner Kefalas asked about the review criteria and whether the change of circumstances would apply to this situation. Mr. Lafferty explained that it is possible to look at the situation in that way. Mr. Lafferty further explained that Larimer County doesn't work with covenants of neighborhoods, and whether there was a significant change of circumstances is a matter of opinion.

Commissioner Kefalas further asked about the history of the neighborhood in 2023 regarding the involvement of the neighbors. Mr. Lafferty referred to the property owners.

Commissioner Shadduck-McNally asked for clarification about the relicensing process for those already approved. Ms. Everette explained that every short-term rental will need to be relicensed every two years.

PUBLIC COMMENT:

Don Darling, a Windcliff Resident, addressed the Board. Mr. Darling explained that he has had a long history with the Windcliff community. Mr. Darling expressed support for the rezoning application.

Lisa Joslyn, a Property Rental Management member, addressed the Board. Ms. Joslyn expressed support for the rezoning as she believes that without the rezoning, the community would drastically change.

Don Stevenson, a Windcliff Resident, addressed the Board. Mr. Stevenson expressed support for the rezoning application. Mr. Stevenson explained that the preservation of neighborhood integrity is vital. Given that, this rezoning would preserve the community as it has existed in the past.

Jamie Stevenson, a Wildcliff Resident, addressed the Board. Ms. Stevenson expressed a positive relationship with the rental program. Ms. Stevenson expressed support for the rezoning application.

Judy Peet, a Wildcliff Resident, addressed the Board. Ms. Peet expressed opposition to the rezoning application. Ms. Peet explained that people would likely come to Windcliff to be able to start a short-term rental, increasing the total. Ms. Peet further explained that rezoning would be detrimental to the community.

Deborah Chiappe, a Windcliff Resident, addressed the Board. Ms. Chiappe explained that the short-term rental owners are community members and aren't just renting year-round. Ms. Chiappe expressed support for the ability to short-term rent without a cap.

Sharon and John Wenner, Windcliff residents, addressed the Board. Ms. And Mr. Wenner expressed support for the rezoning.

Rich Chiappe, a Windcliff Resident, addressed the Board. Mr. Chiappe expressed support for the rezoning application as the neighborhood is compatible with short-term rentals.

Robert Foster, a Windcliff Resident, addressed the Board. Mr. Foster expressed a belief that the rezoning will benefit the Windcliff community.

William Brown, a Windcliff Resident, addressed the Board. Mr. Brown explained that he has concerns about the tourist economy of Estes Park and expressed a belief that short-term rentals help bring more tourists. Mr. Brown expressed that the new regulations create issues with the review criteria.

Richard Mulhern, an Estes Park Resident, addressed the Board. Mr. Mulhern expressed support for the rezoning of the Windcliff community.

Walter Dietrich, a Windcliff resident, addressed the Board. Mr. Dietrich explained his history within the Windcliff community and his support for the rezoning application. Mr. Dietrich explained that this change would help maintain the community.

Ellen Doiron, a Windcliff resident, addressed the Board. Ms. Doiron gave a brief history of her experience with short-term rentals. Ms. Doiron expressed confidence in the Home-Owners Association and the ability to effectively rent homes short-term.

John Donaghy, a Windcliff Resident, addressed the Board. Ms. Donaghy expressed support for the rezoning.

Kaiser Yusuf, a Windcliff Resident, addressed the Board. Mr. Yusuf expressed support for the rezoning.

Stephen Massad, a Windcliff Resident, addressed the Board and expressed support for the rezoning.

Lanier Whilden and Wade Whilden, Windcliff Residents, addressed the Board and expressed support for the rezoning. Ms. Whilden explained her history with renting within the Windcliff estates.

Albert Middeke, Carol Ann Frost, Kim Natale, Trey Garland, Curt Davis, Floyd Jennings, Melissa Eigenmann, Rick Levinson, James Mapes, Michael Johnson, John Weissler, and John Weissler, Windcliff Residents, addressed the Board and expressed support for the rezoning. These residents expressed a belief that short-term rentals fit the Windcliff community and benefit many people.

Julia Reschke, a Windcliff Resident, addressed the Board. Ms. Reschke expressed opposition to the rezoning. Ms. Reschke expressed concern about the number of short-term rentals that this rezoning might cause.

Joanne Fritz and Mary Lou Sumioka, Windcliff Residents, addressed the Board and expressed opposition to the rezoning.

Chris Armstrong, a Windcliff Resident, addressed the Board. Mr. Armstrong expressed confusion about the cap on short-term rentals in the Estes Valley and expressed support for the rezoning application.

Commissioner Kefalas closed public comment.

REBUTTAL:

Mr. Lafferty specified that no one outside the Windcliff Estates would be losing the opportunity to have a short-term rental as the cap is just being reduced by the number already approved in the Windcliff neighborhood. Mr. Lafferty continued to explain that the short-term rental regulations that were put into place in 2023 did not create the cap as the cap had been put into place in 2016. Spacing between short-term rentals was put into place in the 2023 regulations. Mr. Lafferty explained that even licenses that have already been approved have to be relicensed every two years. Mr. Lafferty concluded with clarification about the transferability of the rental license.

Mr. Haug explained that there are two main issues at play, ordinances and land use regulations. Mr. Haug explained the nuances between these two subjects. The ordinance helps with regulating already existing rentals. The rezoning would not have any effect on the ordinances.

Commissioner Kefalas asked about the enforcement ordinance that comes into play in this situation and the oversight of the POA. Ms. White explained that every 2 years, the rentals need to be relicensed, and every four years, the rentals that have already been approved must come into compliance.

Sharron Wenner addressed the Board. Ms. Wenner explained that the change in regulations was a significant change of circumstance. Ms. Wenner explained that the neighborhood was not asking for special exemptions, besides what is allowed in the code.

Commissioner Shadduck-McNally asked Mr. Lafferty whether this zoning regulation was a special circumstance created for the Windcliff neighborhood. Mr. Lafferty confirmed that, no meeting was held with Windcliff Estates to create this zoning.

Commissioner Shadduck-McNally confirmed that the comments from the Windcliff Estates prompted the creation of this zoning opportunity. Mr. Lafferty confirmed that.

Commissioner Shadduck-McNally clarified that the cap on Estes Valley existed before the land use code changed and that this rezoning would benefit the residents of Windcliff Estates.

Commissioner Shadduck-McNally asked about how much further development exists in Windcliff Estates. Mr. Lafferty explained that if there are vacant lots in the neighborhood, they can be developed, but the exact number is not readily available.

Commissioner Shadduck-McNally asked for clarification that any additional short-term rental application must go through all of the requirements. Mr. Lafferty confirmed this.

Commissioner Stephens asked about the number of calls or complaints in their neighborhood. Ms. White explained that only one complaint has come through in this neighborhood.

Commissioner Stephens further clarified that the number of short-term rental opportunities is not being reduced. Mr. Lafferty confirmed this.

DELIBERATION:

Commissioner Shadduck-McNally expressed that she was conflicted about approving this application. Commissioner Shadduck-McNally expressed a want to acknowledge those who expressed a dissenting opinion and may not have been able to be at this meeting. Commissioner Shadduck-McNally expressed a want to respect both sides. Commissioner Shadduck-McNally discussed the review criteria and whether this case meets the intended review criteria.

Commissioner Stephens expressed support for the rezoning as there is a long history of overwhelming support for short-term rentals. Commissioner Stephens described the unique environment that this neighborhood has cultivated. Commissioner Stephens described the review

criteria and how this case meets them. She further expressed gratitude for the respect that was shown in the proceedings.

Commissioner Kefalas also expressed support for the rezoning of the Windcliff Estates. Commissioner Kefalas thanked those who spoke about this matter. Commissioner Kefalas echoed Commissioner Stephens's sentiments about the review criteria.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Proposed Zoning Amendments to the Larimer County Zoning Map – Estes Valley Planning Area (Planning File #23-ZONE3562) to change the zoning designation of all property within the Windcliff Estates from EV E-1 – Estes Valley Estate to EV E-1S – Estes Valley Estate Short-Term Rental as proposed, subject to the following conditions:

- 1) The short-term rental cap found in 13.6.1.C.4 of the Larimer County Land Use Code shall be reduced by the number of lawfully approved short-term rentals in Windcliff Estates.

And

- 2) I move the Board of County Commissioners to Certify the Larimer County Zoning Map – Estes Valley Planning Area as presented.

The motion carried 3-0.

With there being no further business, the Board adjourned at 9:35 p.m.

TUESDAY, FEBRUARY 27, 2024

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT: No one addressed the Board.

Commissioner Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF FEBRUARY 19, 2024:

MOTION:

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of February 19, 2024.

Motion carried 3-0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEKS OF MARCH 4, 2024:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

AGREEMENTS

1. **2024 MUNICIPAL LAW ENFORCEMENT AGREEMENT BY AND BETWEEN LARIMER COUNTY, COLORADO, AND THE TOWN OF TIMNATH, COLORADO**

2. **LICENSE FOR MARINA OPERATIONS CARTER LAKE RESERVOIR**

APPOINTMENTS

1. **RECOMMENDED APPOINTMENTS TO THE ESTES VALLEY PLANNING ADVISORY COMMITTEE – NATALY HANDLOS AND DOYLE BAKER**

2. **RECOMMENDED APPOINTMENT TO THE OFFICE ON AGING ADVISORY COMMITTEE – JUDITH BRANNON**

LIQUOR LICENSES

1. **LIQUOR LICENSE RENEWAL – SENOR RAFAEL AT THE MEXICAN INN LLC DBA SENOR RAFAEL AT THE MEXICAN INN – LOVELAND, COLORADO**

2. **LIQUOR LICENSE RENEWAL – SYLVAN DALE RANCH LLLP DBA SYLVAN DALE RANCH – LOVELAND, COLORADO**

MISCELLANEOUS

1. **BLUE FEDERAL CREDIT UNION STIPULATION AS TO TAX YEAR 2023 VALUE**

2. **140 BUNYAN AVE LLC STIPULATION AS TO TAX YEAR 2023 VALUE**

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Consent Agenda for February 27, 2024.

Motion carried 3-0.

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

6. DISCUSSION ITEMS:

1. INTRODUCING LARIMER COUNTY'S FIRST ELECTRIC VEHICLE: Heidi Vilhauer, Fleet Services, addressed the Board. Matt Townsend, Assistant Facilities Director, was also present. Ms. Vilhauer spoke about the first electric vehicle purchased by Larimer County. This purchase contributes to the environmental plan and markets it to other groups within the County. Ms. Vilhauer explained the development of a logo and slogan to help promote the vehicle. The benefits and features of the electric vehicle were discussed. Chargers will be installed around the county.

Mr. Townsend addressed the Board. Mr. Townsend discussed the benefits of the electric vehicle, such as the recharging feature and the ability of the vehicle to perform effectively.

Commissioner Stephens asked about the rebate for using an electric vehicle. Ms. Vilhauer confirmed that we did receive a rebate.

Commissioner Stephens asked about the mileage for using the vehicle. Ms. Vilhauer explained that the mileage is usually sufficient for around-town errands, but it is important to plan.

Commissioner Stephens asked about the charging stations. Ms. Vilhauer explained that people will need to plan about charging, and there is an app to track where available chargers are. Mr. Townsend explained additional features of the Ford truck.

Commissioner Shadduck-McNally asked about an additional credit that could be received for local governments adopting electric vehicles.

Commissioners Shadduck-McNally asked about the availability of using the vehicle. Mr. Townsend confirmed that the vehicle is designated for facilities but always invites people to come and check it out.

Commissioner Shadduck-McNally asked about the plan for the future of charging stations. Ms. Vilhauer explained there are plans for installing more chargers and explained the benefits of

Commissioner Shadduck-McNally asked about the logo and the size of the vehicle. Mr. Townsend confirmed the number of people who could comfortably fit in the vehicle. Mr. Townsend and Commissioner Shadduck-McNally discussed the towing feature of the vehicle.

Commissioner Kefalas expressed excitement for this innovation.

2. ADOPT GOALS AND OBJECTIVES FOR 2024-2028 LARIMER COUNTY STRATEGIC PLAN: Josh Fudge, Performance, Budget, and Strategy Director, addressed the Board. Mr. Fudge gave a brief background on the strategic plan and its development. Mr. Fudge highlighted four goal areas that were identified. These goals include resilient, equitable, and engaged community, quality of life, natural and built environment, and county operations. Mr. Fudge explained how the goals will be approached and how they will be tackled. The teams that will

oversee each goal area were introduced. Mr. Fudge gave a high-level overview of how each of these goals breaks down into smaller objectives.

Commissioner Shadduck-McNally expressed excitement for the Natural and Built Environment goal and asked about community collaboration. Mr. Fudge explained that the specifics of the goal outreach is determined by the team as it develops.

Mr. Fudge highlighted other plans that the County has developed to support residents of Larimer County.

Commissioner Stephens asked about the equitable economy piece of the plan and wanted to highlight wealth inequality within our community, especially among people of color and women. Commissioner Stephens expressed a desire to help those in the community build wealth and to highlight economic justice.

Commissioner Shadduck-McNally echoed Commissioner Stephens's comments about economic justice and helping satisfy the community's needs.

Commissioner Shadduck-McNally explained that there is a population of those we are trying to keep out of the criminal justice system and how important it is to help this population.

Commissioner Kefalas asked about direct care and whether that includes older adults. Mr. Fudge explained that NOCO's work includes the entire care sector.

Commissioner Kefalas asked about the next steps for these goals, which will be acted upon. Mr. Fudge explained that none of the teams are finalized, but there are many systems in place to track and help these objectives come to life.

Commissioner Kefalas expressed interest in being involved in these work sessions.

Manager Volker thanked those who have been working hard on this project. Manager Volker highlighted how the county has been thinking ahead and how this strategic plan ties everything together. Manager Volker expressed a want to impact the community and how this plan helps the county see these changes.

MOTION

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the goals and objectives for the 2024-2028 Larimer County Strategic Plan.

Commissioner Kefalas explained that this document reflects the values of the community.

Commissioner Shadduck-McNally thanked everyone who was involved in this project.

Motion carried 3-0.

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:** None requested.

With there being no further business, the Board adjourned at 10:35 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Tessa Beaty, Deputy Clerk

