



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, OCTOBER 23, 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 Laura Culleton and Samantha Lasher, Community Development, and Tessa Beaty, Deputy Clerk.

TABLED ITEMS FROM SEPTEMBER 25, 2023:

1. LITTLE VALLEY 2ND FILING LOT 27 AMENDED PLAT, FILE NO. 22-LAND4232: The amended plat regarding Lot 27 of the Little Valley Subdivision 2nd Filing, located at 4075 Little Valley Road, Estes Park. The lot is zoned EV RE-Rural Estate and contains a single-family residence built in 1973.

The owner applied for a variance for a new garage, where it was found the existing residence was built within the right-of-way for Little Valley Road. The amended plat is to vacate only the portion of the right-of-way and utility easement that contains the footprint of the house encroaching and a 5-foot-wide area around the structure's perimeter. The lot line will be adjusted to reflect this vacation. The right-of-way is 60' wide, with a traveled way of approximately 20 feet. The vacation of 17' will not impact the traveled way.

The Engineering Department has expressed no concerns about this request and recommends approval.

Once the amended plat is approved, the in-progress variance application may continue.

No neighbor comments were received.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Little Valley 2nd Filing Lot 27 Amended Plat, File No. 22-LAND4232, with the following conditions:

1. All conditions of approval shall be met, and the Final Plat recorded within six months, or this approval shall be null and void.

2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the Little Valley 2nd Filing.
3. Before recording, the plat shall be updated to reflect all edits requested by the County Surveyors comments memo.

Commissioner Shadduck-McNally stated that this item will be tabled until the Land Use Hearing on November 13, 2023.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to table this discussion item until November 13, 2023.

Motion carried 3-0.

PUBLIC HEARING CONSENT ITEMS:

1. GARSKE SUBDIVISION PRELIMINARY PLAT, FILE NO. 23-LAND4336: The applicant, Mike Walker of the TBGroup, representing the property owners, submitted an application for a preliminary plat to resolve legal lot issues associated with the subject parcel. The Larimer County Land Use code defines a legal lot as *A lot, parcel, or tract of land created by a legal conveyance of said lot, parcel, or tract before May 5, 1972; a lot, parcel, or tract shown on a subdivision plat which was approved and recorded before May 5, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel, or tract created by approval of the County Commissioner in conformance with the subdivision regulations in effect at the time of approval; or a parcel of 35-acres or more, which, when created, did not cause a parcel of less than 35-acres to remain.*

The property with parcel ID 9820000018 is a 10-acre parcel that was part of the Cross Tie Valley Ranch Association Exemption. It appears that part of the property was Tract B of that Exemption, and part was Tract A. To be a legal lot, the property would need to be an intact Tract of that Exemption with the same legal description of the Tract as described on the plat.

The property with parcel ID 9820000026 is a 0.58-acre parcel and does not appear to have been created through a land division or exemption process. To be a legal lot, it would need to have the same legal description as it had on or before May 5, 1972. The lots would need to be put back into their last legal configuration or the lots would need to be established as legal lots through a Subdivision or Planned Land Division process.

The owners are proposing to combine the two existing parcels mentioned above to create one continuous “legal” 10.58-acre residential lot. There is an existing single-family residence and an accessory through the land division process. This will make one legal lot and eliminate the non-conforming status of the lots.

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.

Comments were received from the following referral agencies:

- Larimer County Engineering

- Larimer County Health Department
- Larimer County Code Compliance
- Division of Water Resources
- Poudre Fire Authority (PFA)
- Colorado Geological Survey

Comments were not received from the following referral agencies:

- Century Link
- Colorado Parks and Wildlife
- Larimer County Parks
- Larimer County GIS
- Larimer County Soil Conservation
- Larimer County Weed District
- West Fort Collins Water District
- Water Supply and Storage Ditch Company

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 Garske Subdivision, File #23-LAND4336, subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plat and with the information contained in the Garske Subdivision, File #23-LAND4336, 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 Garske Subdivision.
2. The property owners follow the County's "as built" permitting process for the items outlined in the Code Compliance referral comments included in the staff report.

PUBLIC HEARING DISCUSSION ITEMS:

1. BANKER APPEAL, FILE NO. 23-GNRL0545: The subject property, Rockin'K Diamond Ranch, is a 273.4-acre property donated to Larimer County as a Conservation Easement in December 2021. The Conservation Easement was established to preserve habitat, open space, agricultural land, scenic views, and ecological values, such as protecting riparian areas on the North Fork of the Little Thompson River.

The property is currently comprised of three adjacent parcels, which were acquired by John Banker over the past decade. Parcel #1414300003 is now 36.4 acres, parcel #1414000019 is currently 200.85 acres, and parcel #1423000035 is presently 36.31 acres. The 200.85-acre parcel, #1414000019, now consists of five separately deeded parcels combined for tax purposes under one parcel number.

The applicant requests an appeal to be exempt from Article 6.5, Land Division Procedures, of the Larimer County Land Use Code to create a new 11.4-acre parcel from parcel #1423000035.

Section 3.J., *Subdivision*, on page 14 of the Deed of Conservation Easement, states that “*the [Grantor and Grantee] agree that a single one-time subdivision of the Property into two legal parcels is permitted, with flexibility in the assignment of acreage of the two parcels, provided that the smaller parcel contains building envelope “in its entirety and does not exceed thirty-five acres.”*”

The applicant’s intent for this appeal request is to create a separate 11.4-acre parcel containing Building Envelope B without going through the Land Division Procedures outlined in Article 6.5 of the Land Use Code. No additional roads are being proposed with this request. Existing road, well, and septic infrastructure are proposed to be utilized. Furthermore, the Deed of Conservation Easement restricts the uses and development of this land.

Should the Board of County Commissioners approve the appeal to Article 6.5, the applicant must combine the remaining land through deeds, resulting in three total parcels.

- 11.4-acre parcel containing Building Envelope B
- 77-acre parcel containing the existing single-family home
- 184-acre parcel

In addition to the appeal to Article 6.5 of the Land Use Code, the applicant also requests that the \$870 application fee for this process be waived.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Banker Appeal to allow an exemption from the Land Division Procedures of the Larimer County Land Use Code, File #23-GNRL0545, subject to the following conditions:

1. Any future development and use must follow the standards outlined in the Deed of Conservation Easement, recorded at reception #20210115676. Any future uses shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code before commencement of the use.
2. All conditions of approval shall be met, and the final resultant deeds recorded by October 23, 2024, or this approval shall be null and void.
 - a. One resultant deed that contains the legal description of resulting parcel A signed and notarized by all property owners.
 - b. One resultant deed that contains the legal description of resulting parcel C signed and notarized by all property owners.
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 after recording 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. There will be no further property division, including 35-acre developments.

The Development Services Team recommends denial of the Banker's Appeal to waive the \$870 application fee for this request, File no. 23_GNRL0545.

Commissioner Shadduck-McNally explained that this discussion item would be added to the consent agenda.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the consent agenda, which included the Garske Subdivision Preliminary Plat, File No. 23-LAND 4336, and the Banker Appeal, File No. 23-GNRL0545, subject to the conditions in the staff reports.

Motion carried 3-0.

TUESDAY, SEPTEMBER 12, 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, Commissioners' Office, and Tessa Beaty, Deputy Clerk.

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

1. **PUBLIC COMMENT:** Larry Sarner, Loveland, addressed the Board. Mr. Sarner expressed concern for the budget for Larimer County and how the funds would be used in the future. Mr. Sarner suggested that the county should cut the county mill levy.

Commissioner Shadduck-McNally closed public comment.

Commissioner Stephens explained that the county does not plan to keep the "windfall" and suggested that anyone interested attend the budget meeting on Saturday, October 28, 2023.

Commissioner Shadduck-McNally explained the forthcomingness of the county, and they want to keep everything transparent. Commissioner Shadduck-McNally explained that the county would look at a large mill levy if Proposition HH does not pass.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF OCTOBER 9, 2023:**

MOTION:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of October 9, 2023.

Motion carried 3 – 0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 30, 2023:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

ABATEMENTS:

1. **PETITION FOR ABATEMENT OR REFUND OF TAXES ACCOUNT NUMBER #R1373790**

AGREEMENTS

1. **CONSTRUCTION SERVICES AGREEMENT – ENGINEERING: BID NO. B23-10 PROJECT NO. 8510 – PRAIRIE TRAILS PID, THE BLUGGS PID, AND BONNELL WEST PID OVERLAY AWARD 2**

2. **RIDGEWOOD MEADOWS PID ADVISORY BOARD BYLAWS**

APPOINTMENTS

1. **RECOMMENDED REAPPOINTMENTS TO THE AGRICULTURAL ADVISORY BOARD – AMBER GRAVES AND MAUREEN MCDONOUGH**

2. **RECOMMENDED APPOINTMENTS TO THE AGRICULTURAL ADVISORY BOARD – RYAN PETERSON, DENNIS LACERTE, AND CARMEN FARMER**

3. **RECOMMENDED APPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD – NICHOLAS PETERSON, JENNIFER MILLER, JONATHAN COMYN, DAWN PAEPKE, LAUREN PELLOW, LUCINDA KERSCHENSTEINER, AND JILLIAN FRESA**

4. **RECOMMENDED REAPPOINTMENTS TO THE CLUB ESTATES GENERAL IMPROVEMENT DISTRICT – PHIL SOREIDE AND CLARK MAPES**

5. **RECOMMENDED REAPPOINTMENT TO THE COTTONWOOD SHORES PUBLIC IMPROVEMENT DISTRICT**

6. **RECOMMENDED APPOINTMENT TO THE SADDLEBACK PUBLIC IMPROVEMENT DISTRICT – CLARK MOZER**

7. **RECOMMENDED REAPPOINTMENT TO THE SCENIC RANCH ESTATES PUBLIC IMPROVEMENT DISTRICT – MIKE RUSHING**

8. RECOMMENDED REAPPOINTMENT TO TERY COLE PUBLIC IMPROVEMENT DISTRICT

9. RECOMMENDED REAPPOINTMENT TO THE RED FEATHER LAKES PLANNING ADVISORY COMMITTEE

10. RECOMMENDED APPOINTMENT TO THE SOLDIER CANYON ESTATES PUBLIC IMPROVEMENT DISTRICT – ALAN MILLER

DEEDS

1. DEED OF DEDICATION FROM JESUS AND JEANETTE RODRIGUEZ FOR RIGHT OF WAY ON CR 19, PN 337

MISCELLANEOUS

1. LEGAL ACTION REQUESTED FOR A NEW DISTRICT COURT CASE REGARDING CODE COMPLIANCE CASE NUMBER 23-CCC0110

2. SHA YANG STIPULATION AS TO TAX YEAR 2023 VALUE

3. KNIPPING DENNIS J/ANN M STIPULATION AS TO TAX YEAR 2023 VALUE

4. BRUNS LAURENCE R/CLAIRE J STIPULATION AS TO TAX YEAR 2023 VALUE

POLICIES

1. HUMAN RESOURCES POLICY & PROCEDURE 331.4M CONDITIONS OF EMPLOYMENT POLICY

2. HUMAN RESOURCES POLICY AND PROCEDURE 331.4.25D_LEGAL COMPLIANCE POLICY

RESOLUTIONS

1. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III

2. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III

3. FINDINGS AND RESOLUTION DENYING THE BAREFOOD REAL ESTATE INVESTMENT LLC ADMINISTRATIVE SPECIAL REVIEW SHORT-TERM RENTAL

4. FINDINGS AND RESOLUTION APPROVING THE HOUGH PLANNED LAND DIVISION, PLANNED DEVELOPMENT PRELIMINARY PLATS AND APPEALS

5. RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION TO THE CAMERON PEAK FIRE BUILDING PERMIT FEE REDUCTION PROGRAM

M O T I O N

Commissioner Stephens moved the Board to approve the Consent Agenda for October 24, 2023.

Motion carried 3 – 0.

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

6. DISCUSSION ITEMS:

1. 2024 VISIT ESTES PARK OPERATING PLAN: Laurie Kadrich, Assistant County Manager, addressed the Board. Ms. Kadrich explained that the Board has an oversight role for the town of Estes Park funding proposal.

Kara Franker, CEO of Visit Estes Park, addressed the Board. Ms. Franker explained the importance of community stewardship and conservation. Ms. Franker expressed the need to extend the tourist season for the community and how specific events help Estes Park. Larimer County residents are always welcome to visit Estes Park. Ms. Franker explained that Estes Park was featured on The Today Show and CBS National News.

Commissioner Stephens expressed appreciation for the work being done to help support the community. Commissioner Stephens asked about how data informs the plan for business. Ms. Franker explained the data initiative that was put into place to help collect and analyze data. Ms. Franker highlighted how data collected creates informed decisions on marketing and target marketing. The data examines the viewer's experiences and how/when people view the marketing plan. Ms. Franker explained how artificial intelligence was beta-tested to help this Visit Estes marketing plan.

Commissioner Kefalas expressed gratitude for the progress that the relationship between the county and Estes Park had strengthened. Commissioner Kefalas asked about the operation plan informing the future and how the workforce housing initiative has been implemented. Ms. Franker explained that the relationship between Estes Park and the county is part of an intergovernmental agreement. Ms. Franker continued highlighting how the previous operational plan was used to create reliable results and transparency within the program. Ms. Franker explained the workforce housing and childcare resources have increased because of a district-wide election to ask voters to approve a 3.5 percent increase to the original lodging tax. The taxpayer money goes through a process where the money goes to the state and then back to the Town of Estes Park to use specifically for workforce housing and childcare services. Commissioner Kefalas asked about data-informed decision-making and the percentage of people who stay at short-term rentals vs traditional housing.

The Board supported the plan's approval and appreciation of the work.

Commissioner Shadduck-McNally explained that Larimer County is one of the first in the state to start the workforce housing tax. Commissioner Shadduck-McNally expressed gratitude for Visit Estes and the partnership that was created.

Manager Volker explained that not all marketing districts are as transparent as Visit Estes and explained the plan's benefits.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the 2024 Visit Estes Park Operating Plan.

Motion carried 3-0.

2. BEHAVIORAL HEALTH SERVICES WOULD LIKE TO TAKE THIS OPPORTUNITY TO FORMALLY RECOGNIZE UCHealth NORTHERN COLORADO FOUNDATION AS THE RECIPIENT OF THE 2023 GARY A. DARLING AWARD ISSUED BY THE IMPACT FUND GRANT PROGRAM: Jessica Plummer, Behavioral Health Services, addressed the Board. Ms. Plummer gave a background of the impact fund grant program award. This award highlights critical work being done in the community. This year, the award highlighted the co-responder program. Ms. Plummer introduced Andrea Linafelter, Behavioral Health Manager at UCHealth. Ms. Linafelter explained how this program benefits the community and the importance of finding the intersection of criminal justice and behavioral health.

Commissioner Kefalas expressed gratitude for the collaboration between these two essential services. Commissioner Kefalas explained how behavioral health is vital each time emergency services are executed.

Commissioner Stephens explained the gratitude she had for the program working to help everyone in Larimer County.

Commissioner Shadduck-McNally echoed the other commissioner's gratitude and thanked everyone in this program.

Manager Volker gave a history of the Gary A. Darling Award and how fitting it was to the work being done in the co-responder program.

3. RECOGNITION OF CHIEF DEPUTY DISTRICT ATTORNEY AMANDA DUHON AND LYZNI MAAS, DEPUTY DISTRICT ATTORNEY III: Gordon McLaughlin, District Attorney, addressed the Board. District Attorney McLaughlin gave a brief history of the achievements of Amanda Duhon and Lyzni Maas. Deputy Duhon had led work on behavioral health justice in the criminal justice system. District Attorney McLaughlin highlighted the modern prosecution tactics used to help those impacted by the criminal justice system. District Attorney McLaughlin spoke about Deputy Maas's work specifically with drug cases, especially fentanyl-causing death cases.

Deputy Duhon expressed how honored she felt with the recognition and thanked the Board for their continued support.

Deputy Maas thanked the local partners and state partners that help fight fentanyl cases and the Board of County commissioners for their support in the position that she held.

Commissioner Stephens congratulated both deputies for their fantastic work and thanked District Attorney McLaughlin for his words explaining modern, nuanced prosecuting tactics. Commissioner Stephens continued to express gratitude for the remarkable work being done by the district attorney's office.

Commissioner Kefalas echoed the comments made by Commissioner Stephens. Commissioner Kefalas expressed a want to view the deputies in action.

Commissioner Shadduck-McNally continued to congratulate everyone for their hard work. Commissioner Shadduck-McNally expressed excitement that Larimer County has excellent workers supporting its criminal justice system. Mr. McLaughlin discussed the number of fentanyl cases in Larimer County. Commissioner Shadduck-McNally also highlighted District Attorney McLaughlin's leadership in this area.

Manager Volker explained how important peer recognition is and how the county recognizes the work's importance.

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

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 10:50 a.m.

EXECUTIVE SESSION

The Board of County Commissioners met at 1:30 p.m. with Human Resources Director, Bridget Paris. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present was Tessa Beaty, Deputy Clerk.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(f): Personal Matters – Annual Evaluation for County Manager.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:20 p.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS,
Chair Pro-tem

TINA HARRIS
CLERK AND RECORDER

ATTEST:



Tessa Beaty, Deputy Clerk

