



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 26, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Amy White, Code Compliance; Jenn Cram, Leslie Ellis, Tracy Hicks, Alyssa Martin, Community Development; Tawn Hillenbrand and Connor Sheldon; Engineering; Lea Schneider, Environmental Health; Jeannine Haag, County Attorney; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

Tabled item to unknown date:

AT&T 650 FRONTAGE ROAD WIRELESS COMMUNICATIONS FACILITIES MINOR SPECIAL REVIEW AND DESIGN STANDARDS WAIVERS FILE NO 20-WCF0023.

1. LETTIS RIDGE ESTATES SUBDIVISION AMENDED BUILDING ENVELOPE, FILE NO 21-LAND4141: This is a request to amend the building envelope on lot 2 of the Lettis Ridge Estates Subdivision to construct a barn.

The Gerstner property consists of 4.93-acres and is a part of the Lettis Ridge Estates Subdivision. This property currently has a total of four existing buildings. There is a 40'X60' shop in the northwestern corner of the property; the single-family home is located on the northeastern corner of the property and just east of the single-family home are the locations of a 10'X20' loafing shed and chicken coop. All buildings are located within the existing building envelope. There have been no previous land use approvals on this property.

The Gerstner's would like to construct a 32' X 48' barn with a 12' lean-to on one side for shade. The purpose of the barn would be to provide shelter to the owner's horses and to provide a logical connection to the existing horse pasture. The plat for the Lettis Ridge Estates Subdivision specifies that there is a 200' building setback area on lot 2 (Gerstner property). The owner would like to amend the building envelope boundary in such a way where the southern boundary would move 100' to the south. Thus, reducing the building setback area to 100' and enlarging the building envelope so the proposed barn can be located within the building envelope. The property owners provided an exhibit to show their proposed changes.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 6.5.7.2.) allows for the approval of a minor plat amendment if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by section 5.2, Lot and Block Standards. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The amended plat will not adversely affect access, drainage or utility easements, or rights-of-way serving the property or other properties in the area.
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Lettis Ridge Estates Subdivision Amended Building Envelope, File Number 21-LAND4141 with the following conditions:

1. All conditions of approval shall be met, and the amended building envelope exhibit recorded by January 26, 2022, 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 subdivision.

2. CONTINENTAL WEST SUB. 1ST FILING LOT 4 AMENDED PLAT, FILE NO 21-LAND4144: This is a request for an amended plat to remove setback restrictions for this parcel required by the Continental West subdivision plat and allow the base zoning setback to apply.

This is an amended plat to remove the setback restrictions on the Continental West subdivision plat for this parcel and allow the base zoning setbacks to apply. The plat notes setbacks of 25' from the front lot line and 15' from the side and rear lot lines. A proposed garage and porch addition would encroach into the setback requirements, hence the request for the amendment.

A variance is running concurrently with the amended plat to allow an encroachment into the zoning setbacks that apply to the O-Open zone district. Those setbacks are 25' from all lot lines. Prior to March 31st, 2021, the setbacks for the O-Open zone district were 25' from the street lot lines, 5' from the side, and 10' from the rear.

The property contains a single-family dwelling built in 1977 and no outbuildings. The current dwelling is non-conforming regarding setbacks.

This property and surrounding parcels are zoned O-Open. Surrounding properties also contain single-family residences and variances have previously been approved in this subdivision.

The amended plat process is required to change or remove the setback restrictions on the plat. If approved, the application for a variance may proceed.

REVIEW CRITERIA

The Larimer County Land Use Code (Article 6.5.7) allows for the approval of an Amended Plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by section 5.2, Lot and Block Standards. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building
- D. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

This request would remove the setback restrictions on the plat for this specific parcel. If this amended plat is approved, lot 4 will still be subject to all covenants, deed restrictions, or other conditions of approval that apply to the original lot

DEVELOPMENT SERVICE TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Continental West Sub. 1st Filing Lot 4 Amended Plat, File #21-LAND4144, subject to the following conditions:

1. All conditions of approval shall be met and the final plat recorded by January 26, 2022, or this approval shall be null and void.
2. The setback restrictions shall be removed from lot 4 of the Continental West subdivision and the property will be subject to all other restrictions, covenants and conditions as set forth in the plat of record for the Continental West subdivision.

3. Any future additions on lot 4 that encroach into setbacks shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
4. 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.

3. SMITHFIELD SUBDIVISION LOTS 4 & 5 LOT CONSOLIDATION, FILE NO 21-LAND4148: This is a lot consolidation request to combine two existing legal lots, lots 4 & 5, of the Smithfield subdivision.

The applicant/property owner requests a lot consolidation to combine two contiguous legal lots, lots 4 & 5, of the Smithfield subdivision. The applicant/property owner intends to demolish the existing commercial structure located on lot 4 and expand the existing building located on lot 5. The building expansion is intended to replace the existing building on lot 4 which would otherwise be prohibited without the lot consolidation as a building is not permitted to be constructed over a lot line.

REVIEW CRITERIA

The Larimer County Land Use Code (Article 6.5.7.D.3) allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.
- C. The amended plat will not create a nonconforming setback for any existing building.
- D. The amended plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- E. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

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

2. Any future uses on the consolidated lot 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 lot consolidation approval.
4. **JACOBSON SHORT-TERM RENTAL, FILE NO 20-ZONE2725:** This is a request for a Public Site Plan Review for an existing 2-bedroom, plus one sleeping area, single-family dwelling to be approved for use as a Short-Term Rental.

The applicant/property owner requests Public Site Plan Review to allow the existing 2-bedroom, plus one sleeping area, single-family dwelling to be approved for use as a Short-Term Rental. (STR). A maximum of six (6) total guests, at two guests per bedroom and per approved sleeping area are allowed at any given time. No construction or modifications to the home are proposed with this request.

Note: This application was submitted before March 24, 2021, prior to the new Land Use Code going into effect on March 31, 2021, and therefore this application is being processed under the regulations and standards of the old code. However, the old review process and the new review process for a Short-term Rental approval are very similar—the old process and the process addressed here is the Public Site Plan Review while the new process is the Administrative Special Review process.

REVIEW CRITERIA

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

- A. The public site plan complies with all applicable requirements of this code and any applicable supplementary regulations
- B. The public site plan complies with all conditions of approval imposed by the county commissioners, the board of adjustment, or the floodplain review board under another approval process authorized by this code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Jacobson Short-term Rental Public Site Plan Review, File #20-ZONE2725, subject to the following conditions:

1. The Site shall be developed consistent with the approved plan and with the information contained in the Jacobson Short-term Rental, File #20-ZONE2725, 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 Jacobson Short-term Rental.

2. This Public Site Plan 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 Public Site Plan 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. 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.
5. The Short-term Rental is approved with two bedrooms and one sleeping area for a maximum occupancy of six people.
6. Prior to operation as a Short-Term Rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Department, and successfully pass the Life Safety Inspection.
7. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside the front door.
8. No parking shall be permitted in the right-of-way.
9. The property owner shall clearly state or advertise that the driveway serving the residence is only accessible by 4-wheel drive vehicles in winter months.
10. A fire safety inspection with Emergency Services shall be completed upon approval of the Public Site Plan Review.

5. **ARAGON HOLDINGS REZONE, FILE NO 21-ZONE2874:** This is a request to rezone two continuous parcels currently zoned O-Open (parcel 1) and IH-Industrial Heavy (parcel 2) to PD-Planned Development.

The applicant requests to rezone two contiguous parcels located at 516 N. Hwy 287 (Parcel 1 #9835100013) and 620 N. Hwy 287 (Parcel 2- #9835200044) from O – Open and IH - Industrial Heavy to PD – Planned Development. The properties are located approximately one-third mile east of the intersection of N. Highway 287 and N. Shields Street. Uses in this area include agriculture, residential, commercial, and Terry Lake.

The subject parcels are currently owned by Aragon Holdings, LLC. Parcel 1 is currently zoned O – Open and contains an existing auto salvage yard, office, and warehouse. The existing auto salvage yard use, or ‘Junkyard’ use is classified as an industrial use per the Larimer County Land Use Code and is not currently permitted in the O – Open zone district; therefore, the use is considered a non-conforming use. Parcel 2 is currently zoned IH - Industrial Heavy and contains an industrial recycling

yard. A 'Recycling Facility' use is classified as an industrial use per the Land Use Code and is permitted in the IH – Industrial Heavy zone district. The recycling yard was approved in 1978 and has been continuously used as a recycling yard. The intent of the rezone is to bring the existing non-conforming use into compliance with the current Land Use Code and to ensure that the existing uses are consistent with the zone district. The applicant's project description indicates that no new development is proposed with this rezone and the existing auto salvage yard use will continue.

Additionally, the applicant is proposing to combine the two parcels into one parcel. The applicant is currently pursuing an Add-On Agreement application to combine the two existing parcels. The Add-On Agreement will be completed upon approval of the rezone.

The existing parcels are located within the Fort Collins Growth Management Area. The PD – Planned Development zone district is used in growth management areas and is intended to establish densities and uses consistent with the applicable supplementary regulations of the Growth Management Area. In this instance, the zoning would reflect the current densities and select uses allowed by the current IH – Heavy Industrial zone district.

A neighborhood meeting was not required as part of this proposed rezone.

REVIEW CRITERIA

In deciding the application to amend the zoning map, the Planning Commission and the County Commissioners shall consider the approval criteria in 6.6.1.D and determine whether and the extent to which the proposed amendment meets the following:

1. Compatible with Surrounding Uses
2. Community Need or Public Benefit
3. Change of Circumstances
4. Adequate Infrastructure
5. Natural Environment
6. Additional Review Criteria in Growth Management Area (GMA) Districts
 - a. To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in section 4.2.1.B.3 have been met.
 - b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in Article 4.2.1.B.3 can no longer be met.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Aragon Holdings Rezone from O – Open and IH – Industrial Heavy to PD - Planned Development, File #21-ZONE2874, subject to the following condition:

PD PRIMARY USES: Uses in this category to include transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in

order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeteria, employee, amenities, parking, warehousing, and repair facilities

PC ACCESSORY USES: Accessory Uses that are customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use, as defined in Articles 20.2.7.E Industrial Accessory Uses and 20.2.7.F Utility Accessory Uses are allowed. All approved accessory uses are to meet applicable use regulations in LUC2021 3.4.3 General Standards for All Accessory Uses, Structures and 3.4.8 Additional Standards for Industrial Accessory Uses, and 3.4.9 Additional Standards for Utility Accessory Uses.

Chair Kefalas did have some questions on the Jacobson Short-Term Rental, File No 20-Zone2725. The Chair asked about the on-site water current septic system, and which states it can accommodate a 2-bedroom household. Lea Schneider, Health Department, did let the Commissioners know that during the permit process a room was converted into a third bedroom and the septic system can accommodate up to six guests.

Chair Kefalas also had a question on the remoteness of the location and that it has a steep hill. Tawn Hillenbrand, Engineering, did state that the main access is off of Hickory Drive with availability for two-three vehicles and is on a steep grade. In the winter months it would be advisable for four-wheel vehicles only. There is additional parking on a neighboring property and that would need to be clearly stated in the listing.

Chair Kefalas let the public know that this consent agenda item is for the site plan approval.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for Monday, July 26, 2021, subject to the conditions in the staff report; and to authorize the Chair to sign the Findings and Resolutions.

The Commissioners did have some questions on whether there is a Homeowner's Association and covenants in the community. Ms. Hillenbrand let the Commissioners know that there is a Homeowner's Association. The Commissioners stated that per emails received the community did not have enough votes to ban short-term rentals.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:15 p.m.

PUBLIC HEARING

The Board of County Commissioners met at 6:30 p.m., with Matt Lafferty, Principal Planner. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Leslie Ellis, Community Development Director; Lea Schneider, Environmental Health; Frank Haug, County Attorney; Matt Sura, Larimer County Consultant; and Deirdre O'Neill, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. AMENDMENTS TO ARTICLE 11.0. OIL AND GAS FACILITIES, 2.94. SETBACKS, AND 3.2 TABLES OF ALLOWED USES OF THE LARIMER COUNTY LAND USE CODE, FILE NO 241-CODE0255

Amend the Larimer Land Use Code by:

1. Repeal and replace Article 11.0 Oil and Gas Facilities
2. Amend Article 2.9.4 Setbacks to add reciprocal setback provisions related to oil and gas facilities
3. Amend the table allowed uses in Article 3.2.6 Table of Allowed Principle Uses (Rural) and Article 3.2.7 Table of Allowed Uses-(Urban) to eliminate oil and gas facilities from certain zone districts to align with the proposed Article 11.0 Oil and Gas Facilities regulations.

DEVELOPMENT TEAM RECOMMENDATION:

County staff and consultants recommends approval of the Land Use Code amendments and as found in File #21-CODE0255- Oil and Gas Regulations Code Amendments, subject to the conditions to the approval outlined in the staff report.

Chair Kefalas explained the public hearing process to the public and that the hearing will conclude at 10:00 P.M. and if need be, continue on Thursday, July 29, 2021, at 6:30 P.M.

STAFF PRESENTATION

Matt Lafferty, Principle Planner, explained that they are proposing to make amendments to article 11 of the Land Use Code, changes to 2.9.4 setbacks and modifications to 3.2- table of allowed uses by zone districts. Mr. Lafferty spoke about the tremendous amount of outreach that has gone into this from many public hearings and work sessions.

Matt Sura, Special Consultant to Larimer County, gave an in-depth presentation on the oil and gas regulations. The intent is to protect public health, safety, and general welfare, the environment, and wildlife resources by establishing a regulatory framework for new and existing oil and gas facilities (O&GFs) that are proposed or located in the unincorporated areas of Larimer County. Mr. Sura stated that the purpose of these regulations is to avoid impacts to ensure a comprehensive land use process and transparent public process for the development of new O&GFs, and establish criteria for review and approval or denial of new O&GF applications in the county. The objective of the oil and gas code amendments is to prepare oil and gas regulations that exceed or align with the recently adopted Colorado Oil and Gas Conservation Commission (COGCC) regulations by analyzing the COGCC and other community regulations to identify areas for improvement.

Mr. Sura explained that Senate Bill 19-181 was established to protect public welfare in relation of oil and gas regulations. It was signed into law on April 16, 2019, which gave local governments explicit authority over oil and gas regulations.

Mr. Sura gave a PowerPoint presentation showing multiple maps that show current and future oil and gas development as well as graphs showing daily production. In 2020, 62% of wells produced an average of less than one barrel per day in Larimer County. Mr. Sura went on to explain the pre and post-production areas including well pad construction, drilling, fracking and emissions. Mr. Sura gave an overview of the 2019 Risk Assessment long and short-term health risks as well as siting regulations which looks at zoning, alternative location analysis, and setbacks. Under existing rules there is little opportunity for new oil and gas development near heavily residential areas in the county even under existing rules. Mr. Sura went over the COGCC setbacks compared to Larimer County. The 2,000-foot setback from school facilities has not changed. Larimer County has drafted 1,000-2,000-foot minimum setbacks from homes which differs from the COGCC setbacks at 500-2,000-feet. The COGCC determined that a 2,000-foot distance is an important measure to protect the public safety from potential traffic impacts. Larimer County draft has 1,000-foot setbacks from Community Park land, public parks, regional park land and trails, and trailheads defined in the Land Use Code. Larimer County requires O&Gs to be located outside of the floodplains unless "no other location is feasible". Staff agrees with public comment that oil as developed may be banned from 100-year floodplain. Larimer County is proposing a 300-foot setback from all rivers, streams, and creeks. This is larger than the current Larimer County setback of 100-feet but smaller than previously proposed of 500-feet. The minimum required setback from any river, stream, or creek identified on a US Geological Survey is 100-feet from the centerline of the water course.

During the presentation, Mr. Sura also touched upon the subject of Reverse Setbacks for new homes including pre-production phase-1,000-feet from oil and gas locations until wells are drilled and completed and early production phases-1,000-feet from working pad surface for two-years after production.

Mr. Sura spoke of the substantial modification to the applications for existing facilities in 11.3.3.A- "A substantial modification is any permanent physical change not required by law that substantially increases the site footprint, air emissions, traffic, noise, or risk of spills, or will significantly change the operations of the O&GF. Use of a drilling rig or hydraulic fracturing equipment to deepen or recomplete an existing well into a new geologic formation is a substantial modification."

As part of his presentation, Mr. Sura went over air quality mitigation plans, odor mitigation plans, water quality and water bodies, incident and accident reporting as well as noise reports and dust mitigation plans. All plans must be submitted with all O&GF applications. O&GF applications must contain a map of ecologically important areas including critical wildlife habitat areas, riparian area, rivers, water bodies, wetlands, potential conservation areas identified by the Colorado Natural Heritage Program.

After the presentation the Commissioners did have some questions and comments for staff and Mr. Sura. These questions included the reason for the change from 500-feet to 300-feet for rivers and streams from a previous draft, questions on emissions from leaks, setbacks on hospitals and care facilities. There were also questions on Natural Resources which Daylan Figgs, Director of Natural Resources responded to and questions on noise levels which were answered by Lea Schneider, Health and Environment.

The Chair opened up the hearing for public comment and stated that the Commissioners will continue with their questions after public comment.

The following people approached the Board: Deb Bjork representing Greg Bjork; Andre Forkes-Gudmundson representing Ed Behan, Charles M Brunswick, Susan Quinnell, Nancy Garcia and Shirley White; Andrew Klooster representing Tom Hoehn; Doug Henderson representing Janice Lynne; Mary Bodosky representing Marda Turman; Emily Gallichotee, Rose Lew, Lori Brunswig, Karen Artell, Dr. Cory Carroll, Tim Goasar, Gayla Maxwell Martinez, Rutioio Martinez, and Jonathan Singer. They are in support of amending oil and gas regulations but do not feel that the regulations go far enough. They feel the need for stronger setbacks, protection of open space, detrimental impacts on water and air quality, enforcement, transparency, health risks, noise, emissions, protection of wildlife and the effects on the public who live in close proximity to oil and gas facilities.

The following members of the public are in opposition to the amended regulations. They feel there are already regulations in place which do consider health, safety and environment implications, oil and gas promotes jobs, punitive rules, higher mill levies, personal property rights and loss of tax revenue. Chris Colclascuer representing Randy Evans, Cameron Gracey, and Tom Shaw; Stuart Turley, Richard Mulhern representing Elizabeth Mulhern, Ron Herkstroeter, Larry Danielson, Dave Cordle, Janet Juell, Chris Nelson, and Julie Palmer, Oil and Gas Task Force.

The Commissioners each thanked the members of the public who joined the meeting tonight in person and via zoom and thanked the staff as well.

MOTION

Commissioner Shadduck-McNally moved that the Board recess until Thursday, July 29, 2021, at 6:30 P.M. to continue the amended oil and gas regulations FILE NO 241-CODE0255.

Motion carried 3-0

The Board recessed at 10:10 P.M.

TUESDAY, TUESDAY, JULY 27, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Brenda Gimeson, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board via phone: Deb Bjork and Mary Bedosky concerning Oil and Gas regulations.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 19, 2021:

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of July 19, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 2, 2021: Ms. Gimeson reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

- 1. MODIFICATION OF GRANT AGREEMENT, COOPERATIVE AGREEMENT BETWEEN THE US FOREST SERVICE AND LARIMER COUNTY SHERIFF'S OFFICE**
- 2. AMENDMENT #2 TO PROFESSIONAL SERVICES AGREEMENT (P19-32, BUILDING SUPPORT EQUIPMENT SERVICES)**
- 3. DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AMENDMENT**
- 4. SFY 2021-2022 CORE SERVICES PROGRAM ALLOCATION AND PLAN**
- 5. AMENDMENT TWO- THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND AUT VENTURES LIMITED**
- 6. AMENDMENT ONE-THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND SPECIALIZED ALTERNATIVES FOR FAMILIES AND YOUTH OF AMERICA INC**
- 7. AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND POLARIS PARTNERS COUNSELING AND CONSULTING LLC**
- 8. STIPULATION AS TO TAX YEAR 2019 VALUE -GLACIER LODGE LP CORRECTED**

APPOINTMENTS

- 1. RECOMMENDED MID-TERM APPOINTMENT TO THE LYONS REGIONAL LIBRARY DISTRICT BOARD OF TRUSTEES**

LIQUOR LICENSES: The following liquor licenses were approved/issued: Hogwild Barbeque Inc-Beer and Wine-Fort Collins; Athletes in Tandem Inc-Special Event 6%-Loveland; Fort Collins Elks Lodge-Special Event -Fort Collins

Miscellaneous: Request for Approval to Enter Upon Lands-Riverview Farm LLC.

POLICIES

HUMAN RESOURCES OPERATING POLICY AND PROCEDURES 331.6Q: BENEFITS

RESOLUTIONS

1.WARRANTY MEMORANDUM FOR THE LUKEN SUBDIVISION

2.RESOLUTION DECLARING INTENT TO CREATE A LOCAL IMPROVEMENT DISTRICT 2021-1 RUSTIC BRIDGE

3.CREED EXEMPTION AND BOUNDARY LINE ADJUSTMENT TRACTS A AND D AMENDED PLAT AND BOUNDARY LINE ADJUSTMENT

4.CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND THE CENTER FOR FAMILY OUTREACH, INC

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda.

Motion carried 3-0

4. **COMMISSIONERS GUESTS:** The Commissioners did not have any guests. Commissioner Stephens did mention she is excited to hear from the 4-H group who will be presenting information on the upcoming Larimer County Fair and Rodeo.

DISCUSSION ITEMS:

6. **APPROVAL OF THE BOARD OF EQUALIZATION REFEREE RECOMMENDATIONS:** The Referee's recommendations to the Board of Commissioners convened as the Board of Equalization need to be reviewed and approved for the hearings held from July 15-20, 2021.

MOTION

Commissioner Stephens moved that the Board of County Commissioners convene as the Board of Equalization.

Motion carried 3-0

Elizabeth Cater and Jared Jaques, Clerk and Records office, gave a brief update to the Board on the hearings held from July 15-July 20, 2021. There was a total of 154 accounts, 138 hearings and of those hearings, 126 accounts were adjusted, 24 were denied, 47 were stipulated and 4 were withdrawn.

MOTION

Commissioner Stephens moved that the Board of County Commissioners, convened as the Board of Equalization, approve the recommendations submitted by the referees for the hearings held July 15-July 20, 2021.

Motion carried 3-0

MOTION

Commissioner Stephens moved to adjourn meeting as the Board of Equalization and reconvene as the Board of County Commissioners.

Motion carried 3-0

7. PROVIDE INFORMATION ABOUT THE UPCOMING EVENTS AT THE LARIMER COUNTY FAIR AND RODEO: To inform the commissioners briefly about the upcoming events at the Larimer County Fair and Rodeo. Chris Ashby, Director of the Ranch, and Katie Daywalker, 4-H, introduced several participants in the 4-H Junior Leadership Club. The Larimer County 4-H Junior Leadership club is a great opportunity for 4-H members to gain leadership experience, develop professional skills, and earn scholarships for higher education. 4-H empowers young people with the skills to lead for a lifetime. In these programs, kids and teens complete hands-on projects in areas like health, science, agriculture and civic engagement in a positive environment where they receive guidance from adult mentors and are encouraged to take on proactive leadership roles.

Lillie Akinson, spoke of her experiences as an officer in the Jounior Leadership club as well as the current projects she is working on. She stated that this is her sixth year, and she is excited to show her projects and she made mention of the dairy bar which is held in the McKee building. She will be selling ice cream, hot dogs, chili, etc. with other 4-H members. She urged everyone to stop by. Ms. Akinson stated that anyone over the age of 14 can join the leadership club and serve on community projects.

Amelia Macy, president of the Harmony Hustlers Club, and Jr Leadership club also spoke about the dairy bar and stated she has been involved in 4-H for eight years. It is a great opportunity to learn leadership qualities and to gain business experience. Ms. Macy will be showing her chickens and pigeons at the fair. She has also written a poultry manual for future 4-H members and is hoping to make it the official manual for Larimer County.

Cara Rudnick, 4-H leader Superintendent, went over the multiple projects that the 4-H members are working on including photography, cake decorating, knitting, shooting sports program and entomology, to name a few.

Baily Schilling, 4-H youth shooting sports agent, spoke about the upcoming exhibits and projects including the sale of livestock on August 11, 2021. He was a member of 4-H from 2005-2015.

Doug Pennock, Chairman of the livestock sale committee, thanked the Commissioners for their continual support and mentioned that this year approximately 265 youth will be selling their livestock at auction. The majority of the youth have spent their own money on the initial investment for caring and feeding of their animals.

Chris Ashby went on to talk about the pancake breakfast that will be held on Sunday, August 8, 2021, at 7:00 A.M. It is a free event open to the public. The Commissioners will be volunteering as well as other elected officials.

The Commissioners thanked each of them individually for their hard work and dedication as well as mentioned numerous awards some of the participants and leaders have received. They congratulated Amelia Macy on getting published and Manager Hoffmann spoke of her years in 4-H clubs and is appreciative of their dedication and service.

8. UPDATE AND ACTION REGARDING FLASH FLOODING ASSOCIATED WITH CAMERON PEAK FIRE BURN SCAR: Lori Hodges, Emergency Management Director. On Tuesday, July 20, 2021, significant flash flooding occurred in the Cameron Peak Fire Burn scar area that resulted in significant property damage and loss of life. Commissioner Kefalas, Chair of the Board of County Commissioners, signed a resolution declaring local disaster emergency and the Board needs to consider extending that and taking related action.

Lori Hodges, Kohl Parrott, and Ricardo Perez, Office of Emergency Management, updated the Board on the magnitude of responding to and recovery from the impact of the post-fire flooding, debris flows and mudslides in the Black Hollow area of Poudre Canyon. Ms. Hodges explained that the emergency declaration was signed by the Chair last week and there are some changes due to state provisions which would allow the county the ability to move general funds into the road and bridge fund if there is a state declaration declared. There is also a provision pertaining to debris removal on both public and private lands.

Ms. Hodges let the Board now that the transition has begun from the Sheriff's office taking the lead on the flooding to Larimer County Emergency Management. The Search and Rescue has been called off and there two task force groups now in place, concentrating on the cleaning-up of debris and the providing support to community members in the Black Hollow community. There is also a bridge that will need to be removed and they are working closely with the US Forest Service.

Kohl Parrot spoke about the taking of vegetative debris to be reduced and potentially reused. The larger household debris will be taken to the landfill. He did answer the question of large boulders. These will not be removed. Additional assessments will be investigated on what will be removed and what will stay as natural resource. It will be a decision made by the US Forest Service.

Ricardo Perez will lead the community services task force and announced that they are coordinating with long term recovery groups such as Summit Stone to provide support services to the community members that were impacted. There is a community event this Saturday, July 31, 2021, to be held at Fire Station #2 in Rustic.

The Commissioners and the County Manager thanked them for their tireless efforts and stated the families who have suffered are in their thoughts and prayers.

MOTION

Commissioner Shadduck-McNally moved to approve a resolution extending the disaster emergency.

Motion carried 3-0

10. COUNTY MANAGER UPDATE: Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

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

12. LEGAL MATTERS: None requested

With there being no further business, the Board adjourned at 10:50 a.m.

THURSDAY, JULY 29, 2021

PUBLIC HEARING

The Board of County Commissioners met at 6:30 p.m., with Matt Lafferty, Principal Planner. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also, present were Leslie Ellis, Community Development Director; Daylan Figgs and Meegan Flenniken, Department of Natural Resources; Lea Schneider, Environmental Health; Frank Haug, County Attorney; Matt Sura, Larimer County Consultant; and Deirdre O'Neill, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

2. AMENDMENTS TO ARTICLE 11.0. OIL AND GAS FACILITIES, 2.94. SETBACKS, AND 3.2 TABLES OF ALLOWED USES OF THE LARIMER COUNTY LAND USE CODE, FILE NO 241-CODE0255

This is a continuation of the Public Meeting from Monday, August 26, 2021. Chair Kefalas announced that the hearing will begin with public comment from those who signed up on Monday, August 26, 2021, but did not get a chance to speak. The Chair also wished to mention emails that were received not only from the public but State Representatives as well. Chair Kefalas then stated to the public and those present how the remainder of the hearing will proceed.

Matt Lafferty gave a brief introduction stating the purpose of the hearing is to update Larimer County's Oil and Gas Regulations in the Land Use Code.

Chair Kefalas re-opened the hearing for public comment.

The following members of the public addressed the Board: Trisha Fanning, Small Operators Society, representing Neil Warner, Skylyn Warner, Ryan Warner, Jody Kost; Jennifer Bryant; Raymon Lucas, Scott Koskie, Nadine Jung, Rose Epperly, Anson Perina, Candace McNear, Sandy Harem, Sharon Aderson, Andy Peterson, William Reinert, Rich Coolidge, and Carrie Hackenberger all spoke in opposition to the Oil and Gas Regulation amendments. They believe that there are already strict regulations in place and the unreasonable and unrealistic updates will drive the gas and oil industry out of Colorado which will hurt working families. They spoke about the potential loss of tax revenues, loss of jobs, personal property rights, the misinformation, and falsehoods they believe are being spoken of concerning the gas and oil industry. Ms. Fanning gave an in-depth presentation on what it takes to get an oil and gas permit in Colorado.

The following members spoke in support of regulations with additions: Representative Andrew Boesenecker representing other state representatives, Charles Kopp, Trisha Nelson, Megan Thornburn, Laurie Anderson, Van Bortz, Jenna Marrow, Nancy York and Vicky McLane. Their collective concerns are air quality, noise, water quality, protect conservation, expand setbacks to protect citizens and wildlife. They are requesting monthly leak detection as opposed to yearly. There was concern about climate change and emissions.

Chair Kefalas closed public comment.

The Board took a brief recess.

The Board returned to session

The Board had several questions and suggested changes to the amendments. There was an in-depth conversation on public disclosures, venting and flaring as well as the explanation on designees. Each of the Commissions added several proposals to the amendments including setbacks, location restrictions, financial insurance, enforcement and inspections, and language, either adding or deleting.

There were several questions for the County Attorney as well as for the Department of Natural Resources.

Each of the Commissioners thanked the members of the public as well as staff for engaging in this procedure. The Commissioners stated that the intent is to protect public health, safety, and general welfare. Chair Kefalas publicly acknowledged the members of the public who work in the oil and gas industry understanding these regulations will affect them.

MOTION

Commissioner Stephens moved that the Board approve the Land Use Code Amendments because they are reasonable and necessary to protect the public health, safety, environment, and wildlife by

1. Removing and replacing to Article 11.0 Oil and Gas Facilities (pages 8-38 of the BOCC packet)
2. Adding language regarding reciprocal setbacks to articles 2.9.4, setbacks (pages 126-132 of the BOCC packet).
3. Removing use allowance for oil and gas facilities in specific zone districts delineated in the use tables (urban and rural) in article 3.0 as noted in 11.3.2 location restrictions of the proposed article 11.0 amendments as found in File NO 21-CODE0255, Oil and Gas regulations code amendments subject to the following:

- 1.The effective date of regulations will be September 15, 2021.
- 2.The Board of County Commissioners authorize the Community Development Director to administratively approve non substantiative modifications, non-substantive changes include such as but not limited to:

- a. format changes
- b. text amendments correcting omissions or errors
- c. text amendments that improve clarity
- d. updated cross references

- 3.Text modifications made by staff during the presentation (Matt Sura) pages 9 and 10 of the BCC PowerPoint presentation keeping the 500-foot setbacks.
- 4.Text amendments as agreed upon by the Board of County Commissioners at the public hearing for oil and gas facilities regulations on July 29, 2021, specifically to make the following modifications:

- a. Article 2.9.4.g.2.c and related sections shall be modified to include a timeframe for reverse setbacks during production phase three years
- b. Article 11.3.25.2.a (Financial Assurance) shall be no less than \$93,000 allowing for adjustment based on COGCC web page.
- c. Public notification of event or emergency activity that could pose a health, safety or welfare issue to the public, environment, or wildlife.
- d. Align 11.3.2 with 2.9.4.g.2 regarding what facilities, multifamily uses nursing homes, in-home daycares and the like should be subject to setbacks. Use language of 2.9.4.g.2
- e. Keep 11.3.2.d.4 setback from items in a, b, and c at 500 feet.
- f. Modify 11.3.2.b to read-Oil and Gas locations shall be located at least 2,000-feet from the property line of any school facility, hospital, medical clinics, senior living, or assisted living facility, multi-dwelling unit or state licensed daycare as defined by Colorado State Law.
- g. Modify 11.3.2.c oil and gas locations shall be at least 1,000 feet from the following unless alternative compliance is by the Board of County Commissioners as part of a Special Review application for the following:

1. Building units that are not subject to a waiver from all building unit owners and tenants explicitly agreeing with the informed consent to the proposal of oil and gas locations.

2. publicly maintain trails and trail heads and community park land, public parks and regional land as defined in the Land Use Code.

3. public water supply intakes or public water supply wells.

- h. Modify 11.1.3.b to strike the word new.
- i. Add all parks, dog parks etc to the uses listed in article 2.9.4.G.3.
- j. Natural Resources amendments including removal of NR-Natural Resources and FO-Forestry from 11.3.2, location restrictions.
- k. Include Natural Resources suggested amendments as part of the staff presentation.

Motion carried 3-0

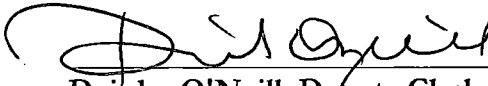
The Board adjourned at 11:05 p.m.




JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk