



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, AUGUST 12, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Kefalas presided. Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were Christina Scrutchins, Admin Support; Matthew Lafferty, Principal Planner; Michael Whitley, Senior Planner; Conner Sheldon, Civil Engineer II; Laura Culleton, Planner I; Rebecca Everette, Community Development Director; Frank Haug, Assistant County Attorney; and Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

ITEM TABLED TO SEPTEMBER 23, 2024

1. **RIVERSIDE FARM 2ND FILING AMENDED PLAT & RIGHT OF WAY VACATION, FILE NO. 19-LAND3877**

PUBLIC HEARING CONSENT ITEMS:

1. **BROWN FAMILY CONSERVATION DEVELOPMENT PRELIMINARY PLAT, FILE NO. 19-LAND3867**

This item was on the Consent Agenda for the July 17, 2024, Planning Commission public hearing at 6:00 pm.

At the hearing, the item was introduced, and the item remained on the Consent Agenda.

The Planning Commission voted unanimously to recommend approval of the Consent Agenda, and the motion passed with a vote of 8-0.

PROJECT DESCRIPTION/BACKGROUND:

The Applicant proposes to divide a 35-acre (+/-) parcel that is zoned O – Open into one residential lot and a residual lot with a residential building envelope. The property currently contains a single-family home, a detached garage/shop and several small sheds.

The property is located at 13875 N. County Road 7, Wellington which is on the west side of N. County Road 7 approximately one mile north of the intersection of N. County Road 7 and Labrador Lane.

Because this property is 30 acres or larger, the Land Use Code requires that the property be divided through the Conservation Development process unless the Board of County Commissioners grants an appeal to allow the property to be developed through the Subdivision process.

Section 5.3.6.A of the Land Use Code requires that a minimum of 80% of the total developable land area in a Conservation Development be set aside as residual land. The Code allows for a building envelope to be identified for a home and accessory buildings on residual land. Land within that building envelope is calculated as developed land and not as residual land.

The preliminary plat consists of Lot 1 which is a 4.709-acre residential lot containing the existing single-family home and Residual Lot A which is 29.863 acres. Residual Lot A contains a 2.204-acre building envelope where one new single-family home could be constructed. The plat also dedicates 40 feet of right-of-way along the N County Road 7 frontage for a total right-of-way dedication of 0.423 acre. 10212 After the dedication of right-of-way, the parcel is 34.577 acres, and the minimum residual land required is 27.66 acres. The residual land within the proposed Conservation Development is 27.66 acres (the size of Residual Lot A minus the size of the building envelope).

Lot 1 and Residual Lot A will share an access point onto N County Road 7.

There are no wetlands or other environmentally sensitive areas identified on the property.

There is an intermittent stream on the property. The private driveway serving the building envelope on Residual Lot A crosses the stream.

The segment of the drive from the shared access point to the west side of the stream's channel will need to be designed as part of the final plat process. The design of the culvert conveying flows under this driveway will also need to be included with the final drainage report. The Development Services Team proposes conditions of approval to address these items.

Emails were received from two neighbors. Both emails asked questions regarding the availability of water for the newly created lot. The home on Residual Lot A (within the building envelope) will be served by a water tap from the Northern Colorado Water Association. Although the Association has a moratorium on issuing new water taps, the tap to serve Residual Lot A has already been purchased and Northern Colorado Water Association staff have confirmed that a water tap will be issued to serve the parcel.

The initial preliminary plat submittal proposed to create two residential lots in addition to the residual lot. This would have resulted in the ability to construct two new homes. The application materials were revised to propose to create only one residential lot and the residual lot. This would allow for the construction of one new home.

Some of the referral agency and neighbor comments refer to the initial submittal, before the number of proposed lots was reduced.

DEVELOPMENT SERVICES TEAM FINDINGS:

1. The Brown Family Conservation Development would be compatible with existing and permitted land uses in the surrounding area.

2. The Brown Family Conservation Development can comply with all standards of the Land Use Code.
3. The proposed Conservation Development will result in no substantial negative impact on environmentally sensitive areas or features, agricultural uses or other lands.
4. Approval of the Brown Family Conservation Development will not result in a substantial adverse impact on other property in the vicinity of the proposed Conservation Development.
5. The recommendations of referral agencies have been considered.

2. JEFFERY MINOR LAND DIVISION, FILE NO. 24-LAND4412

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 39.37-acre metes and bounds parcel zoned O - Open. The property contains one single-family residence constructed in 1987, and several outbuildings. The Applicant is requesting a Minor Land Division to create two separate legal lots that would be approximately 21.98-acres and 17.38-acres in size. The purpose of this Minor Land Division is to separate 21.98-acres of vacant land from parcel #0430000027 so that it can be combined with a neighboring property located to the west. The existing single-family home and outbuildings will remain on the 17.38-acre Lot 2.

Currently, the 39.37-acre parcel is divided by County Road 37e. The Applicants wish to sell the southern 21.98-acre portion of this parcel to their neighbor so that the parcel is no longer split by County Road 37e. Following approval of this minor land division, the vacant parcel will then be combined with Lot 2 of the Browning MLD (Parcel #0430006702) through an amended plat under Planning case 24-LAND4413.

While density will not be increased with this request, the Minor Land Division process is being used to create a plat of record and because the creation of lots under 35-acres require Board of County Commissioner approval.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Jeffery Minor Land Division, File 24-LAND4412, subject to the following conditions and authorization for the chairman or their designate to sign the plat when the conditions are met, and the plat is presented for signature:

1. All conditions of approval shall be met, and the final plat recorded by February 12, 2025, or this approval shall be null and void.
2. Lot 1 of the Jeffery Minor Land Division must be combined with Lot 2 of the Browning MLD through the Amended Plat process.
3. All access from Lot 2 of the Jeffery Minor Land Division must meet the requirements of the Larimer County Engineering Department. As such, the two eastern-most points of access must be consolidated to the satisfaction of the Larimer County Engineering Department.

3. LEGISLATIVE REZONING FROM OPEN (O) AND RURAL RESIDENTIAL (RR-2) TO NATURAL RESOURCES (NR), FILE NO. 24-ZONE3670

DISCUSSION:

At the July 17, 2024, Planning Commissioner Hearing this item was moved from the discussion portion of the agenda to the Consent Agenda. The item was moved as there were no members of the public in attendance at the meeting and the all the Planning Commissioners were in support of the item as proposed.

The Planning Commission unanimously recommended approval of the Legislative rezoning as proposed.

PLANNING COMMISSION AND STAFF RECOMMENDATION:

1. The Planning Commission recommends to the Board of County Commissioners approval of the Proposed Zoning Amendments to the Larimer County Zoning Map and the Larimer County Front Range Zoning Map (Planning File # 24-ZONE3670) to change the zoning designation of multiple publicly owned properties from O (Open) and RR-2 (Rural Residential) to NR (Natural Resources) as proposed, and
2. The Planning Commission Certified the Larimer County Zoning Map and the Larimer County Front Range Zoning Map as proposed.

DISCUSSION:

Following the adoption of the Comprehensive Plan (2019) and subsequently the Land Use Code (2020/2021), it was decided that the County would undertake a series of legislative zoning actions to align the land use objectives of the Comprehensive Plan with the zoning districts of the Land Use Code. To initiate this effort, the Community Development Department processed the first legislative rezoning change in the fall of 2023, which involved land held by both the City of Fort Collins and Larimer County. To maintain momentum the current legislative rezoning request anticipates reclassifying State and Federally owned properties in Larimer County from the existing O (Open) and RR-2 (Rural Residential) zone districts into the NR (Natural Resources) zone district.

For reference the existing zone districts O (Open) and RR-2 (Rural Residential) are described as follows:

The RR-2 (Rural Residential) district is intended to accommodate rural residential uses, along with compatible agricultural and civic uses. It serves as a transition between rural and urban areas. Development options include conservation development or subdivision depending on the size of the property being developed. Minimum lot sizes are based on the availability of public water and sewer serving the property.

The O (Open) district is intended to accommodate a wide range of development patterns. It is primarily intended for rural residential uses and agricultural uses.

If approved, the NR (Natural Resources) district will apply and is described as follows:

The NR (Natural Resources) district is intended to maintain the character of natural areas, public lands, and open lands. Rural residential development may be allowed through the Rural Land Use Process.

As proposed, the NR (Natural Resources) district is directly aligned with the existing and anticipated use of the publicly owned properties that are being considered in this request. Furthermore, this change represents a significant step towards aligning the policy objectives of the Comprehensive Plan with the regulatory allowances of the Land Use Code zoning districts.

STAFF RECOMMENDATION:

1. Staff recommends that the Planning Commission recommends to the Board of County Commissioners approval of the Proposed Zoning Amendments to the Larimer County Zoning Map and the Larimer County Front Range Zoning Map (Planning File # 24-ZONE3670) to change the zoning designation of multiple publicly owned properties from O (Open) and RR-2 (Rural Residential) to NR (Natural Resources) as proposed by the Community Development Department, and
2. Staff recommends that the Planning Commission Certify the Larimer County Zoning Map and the Larimer County Front Range Zoning Map as proposed.

4. 655 8TH STREET SE APPEALS, FILE NO. 22-ZONE3194

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 9.06-acre parcel located on the north side of 8th Street SE approximately one-quarter mile east of the intersection of Highway 287/S Lincoln Avenue and 8th Street SE. The address is 655 8th Street SE, Loveland.

The property is zoned IL – Industrial Light and is in the Loveland Growth Management Area.

There have been no Site Plan, Special Review, variance, or other land use approvals on the property.

Since 2000, a Site Plan Review process has been required to evaluate commercial and industrial properties for compliance with current development standards prior to changes of uses or tenant finishes within existing buildings, prior to the construction of new commercial or industrial buildings, and prior to the establishment or expansion of outdoor storage.

Approximately three years ago, outdoor storage was established on the property without benefit of Site Plan Review approval. That use came to the attention of the Code Compliance staff and the property owners have been working with Code Compliance and Planning Division staff to bring the site into compliance.

In 2022, the property owner submitted a Site Plan Review application to establish outdoor storage yards, offices, and warehouses on the property. The request has since been modified. The Applicant currently proposes to develop the property with five outdoor storage yards under single ownership with additional fencing, an all-weather surface internal access road, and an infiltration pond to

accommodate on-site stormwater runoff, and landscape improvements along 8th Street SE and along the northern perimeter fence.

The five outdoor storage yards which would be rented individually to businesses. Storage containers may be located within designated areas within each yard.

Contractors leasing the storage areas, with or without storage containers, are prohibited from using the sites for office purposes, hosting meetings, living or staying on-site, or performing maintenance on vehicles and equipment.

Since there are no permanent operations or structures, there are no wastewater requirements and restrooms are not proposed to be provided. Portable restrooms are prohibited.

The Site Plan Review request includes four appeals to Land Use Code standards. The Site Plan Review process is administrative, and Site Plan Review applications are approved by the Community Development Director subject to compliance with all applicable development standards. Appeals to development standards must be granted by the Board of County Commissioners.

The four Land Use Code sections being appealed are Section 4.6.7.E.1 regarding paving, Section 4.6.7.H regarding electric vehicle charging space requirements, Section 4.8.2.C.3 regarding perimeter fencing, and Section 4.8.2.D.2.c regarding fencing material.

Section 4.6.7.E.1 requires that nonresidential parking areas and associated local access roads in the Urban Districts and Growth Management Areas be paved with concrete or asphalt. Section 4.6.7.H requires that electric vehicle parking spaces be provided for nonresidential uses when more than 10 parking spaces with 10% of the spaces being EV-capable, 10% of the spaces being EV-ready, and 5% of the spaces being EV-installed.

The Land Use Code defines EV-capable as, “The installation of electrical panel capacity with a dedicated branch circuit and continuous raceway from the panel to future electric vehicle parking spaces. The term is distinguished from and does not include EV-Installed or EV-Ready.” The Land Use Code defines EV-ready as, “The installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet.”

Section 4.8.2.C.3 (Development Perimeter Fencing) reads,

Fences installed on the perimeter, or any development shall meet the following criteria:

a. If fencing is proposed around the perimeter of a development, any fencing adjacent to a county road or state or federal highway shall be compatible with existing land uses, topography, and landscaping in the immediate vicinity.

b. Fences longer than 40 feet shall include one evergreen tree or three shrubs for each 40-foot section or portion thereof planted on the outer or public side of the fence.

c. Fences longer than 100 feet shall provide variation by using changes in height, different material combinations, offset angles, articulation and/or plant materials.

Section 4.8.2.D.2.c. disallows the use of chain link fencing, with or without slats, when the fence is used for screening or buffering.

The northern property line is the centerline of the Farmers' Irrigation Canal. Half of the ditch is on the subject property and there is a ditch rider road south of the ditch. There is an existing chain link fence south of the ditch rider road.

Notice of this application was mailed to property owners within 500 feet of the parcel. No comments from surrounding property owners were received.

DEVELOPMENT SERVICES TEAM FINDINGS:

1. Approval of the appeal would not subvert the purpose of the standard or requirement.
2. Approval of the appeal would not be detrimental to the public health, safety or property values in the neighborhood.
3. Approval of the appeal is the minimum action necessary.
4. Approval of the appeal would not result in increased costs to the general public.
5. Approval of the appeal would be consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Board of County Commissioners approve the 655 8th Street SE Appeals, File No. 22-ZONE3194 subject to the following conditions:

1. The access apron must be paved with asphalt, concrete, or similar material from the edge of the adjacent roadway to the right-of-way (ROW) line.
2. The drive aisles must be surfaced with an adequate section of recycled asphalt, or similar material, capable of supporting a fire apparatus with a weight of 80,000 pounds.
3. The parking and/or storage areas must be surfaced with CDOT Class 6 Roadbase (or equivalent).
4. A revised landscape plan must be submitted that includes one evergreen tree or three shrubs for each 40-foot section or portion thereof planted on the south side of the existing fence and at least 35 feet south of the ditch centerline.
5. It is understood that these appeals will only apply to the currently proposed outdoor storage use which includes designated areas for enclosed container storage. Any further intensification of the property must fully comply with all applicable standards, including access and parking requirements, paving, perimeter fencing, and landscaping.

MOTION

Commissioner Stephens moved the Board of County Commissioners to table Item #3 on the Consent Agenda – Riverside Farm 2nd Filing Amended Plat & Right of Way Vacation, File No. 19-LAND3877, to September 23, 2024.

Motion carried 3 – 0.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the items on the Consent Agenda including with revised conditions for Item #2 subject to the conditions in the staff reports and further move to authorize the Chair to sign the Findings & Resolutions.

Mr. Lafferty confirmed to the Board that they would be approving two motions inside of Item #4 – only one motion is required, but the Board would be approving the zoning and in addition approving to publish the official zoning map, which will be recorded with the Clerk & Recorder's Office.

Motion carried 3 – 0.

PUBLIC HEARING DISCUSSION ITEMS:

****13938 W COUNTY ROAD 18E PANO AI APPEAL, FILE NO. 24-GNRL0554 ; 9375 GOLD MINE ROAD PANO AI APPEAL, FILE NO. 24-GNRL0555 ; 3519 MINUTEMAN DRIVE PANO AI APPEAL, FILE NO. 24-GNRL0556 ; 740 N COUNTY ROAD 41 PANO AI APPEAL, FILE NO. 24-GNRL0557, were bundled into one presentation.**

1. 13938 W COUNTY ROAD 18E PANO AI APPEAL, FILE NO. 24-GNRL0554

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 120-acre parcel located approximately one-quarter mile northeast of the intersection of W County Road 18E and Green Mile Drive. The address is 13938 W County Road 18E, Loveland and the property is zoned O – Open.

The property contains an 80-foot-tall wireless communication facility (cell tower) and is otherwise undeveloped. A permit (18-COM0079) was issued in 2018 to construct the existing tower as a replacement for a previous cell tower.

2. 9375 GOLD MINE ROAD PANO AI APPEAL, FILE NO. 24-GNRL0555

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 38.77-acre parcel located approximately three-quarters of a mile north of the intersection of Stag Hollow Road and Gold Mine Road. The address is 9375 Gold Mine Road, Loveland and the property is zoned O – Open.

The property contains a 60-foot-tall wireless communication facility (cell tower) and is otherwise undeveloped. Special Review approval for the tower was granted by the Board of County Commissioners in 1988 and a permit for the tower was issued later that same year.

3. 3519 MINUTEMAN DRIVE PANO AI APPEAL, FILE NO. 24-GNRL0556

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 5.0-acre parcel located approximately two miles northwest of the intersection of Minuteman Drive and Soderburg Drive. The address is 3519 Minuteman Drive, Fort Collins and the property is zoned O – Open. The parcel is surrounded by Horsetooth Mountain Open Space.

The property contains a 140-foot-tall wireless communication facility (cell tower) and is otherwise undeveloped. A permit (97-F7709) was issued in 1997 to construct the existing tower.

4. 740 N COUNTY ROAD 41 PANO AI APPEAL, FILE NO. 24-GNRL0557

PROJECT DESCRIPTION/BACKGROUND:

The subject property is a 79.99-acre parcel located east of the intersection of N County Road 41 and Tip Top Road. The address is 740 N County Road 41, Bellvue and the property is zoned O – Open.

The property contains six cell towers and is otherwise undeveloped. There have been multiple zoning approvals and permits issues for cell towers on the subject property.

DEVELOPMENT SERVICES TEAM FINDINGS:

1. Approval of the appeal would not subvert the purpose of the standard or requirement.
2. Approval of the appeal would not be detrimental to the public health, safety or property values in the neighborhood.
3. Approval of the appeal is the minimum action necessary.
4. Approval of the appeal would not result in increased costs to the general public.
5. Approval of the appeal would be consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Board of County Commissioners approve the
13938 W County Road 18E Pano AI Appeal, File No. 24-GNRL0554;
9375 Gold Mine Road Pano AI Appeal, File No. 24-GNRL0555;
3519 Minuteman Drive Pano AI Appeal, File No. 24-GNRL0556; and
740 N County Road 41 Pano AI Appeal, File No. 24-GNRL0557,
subject to the following conditions:

1. To maintain privacy, access to the data collected by the cameras shall be restricted to the property owner, public utilities, fire districts, and public safety officials.
2. The use of the cameras is limited to Pano AI, Inc. and any successors if Pano AI, Inc. is acquired by another company. An unrelated entity must obtain a separate appeal approval to utilize cameras installed by Pano AI, Inc. or to install new cameras.
3. The number of cameras shall be limited to the minimum necessary to achieve 360-degree coverage, not to exceed four cameras.

STAFF PRESENTATION:

Mr. Whitley addressed the Board to detail the Request for Appeals and what these requests entail. Within his presentation, Mr. Whitley showed the Board maps comprised of the locations of the sites including photos of the sites. He also provided an overview of the Appeal Review Criteria as well as Conditions of Approval. Mr. Whitley also stated that they did receive public response in favor and in opposition to 740 N County Road 41 Pano AI Appeal, File NO. 24-GNRL0557. He then provided the Team's recommendations, reiterating the recommended Conditions of Approval including the suggested Motions.

Commissioner Shadduck-McNally asked how long data and photos are kept. Mr. Whitley advised this question could/would be answered during the Applicant's presentation.

Commissioner Stephens asked for clarification in regard to unpermitted towers at at least one of the locations [mentioned during Mr. Whitley's presentation]. Mr. Whitley provided clarification to this question referencing location 740 N County Road 41.

Chair Kefalas asked if there were any additional issues with the towers at this location (740 N County Road 41), or any of the other locations.

Mr. Whitley stated that Staff had no additional concerns as they exist.

APPLICANT PRESENTATION:

Kat Williams, Director, Government Development for Pano, addressed the Board. Ms. Williams provided the Board with an overview of her professional background. She also detailed how Pano offers an integrated, end-to-end solution for wildfire awareness. Ms. Williams also discussed the issue of privacy, and that Pano aims to ensure privacy where individuals expect it. She then answered Commissioner Shadduck-McNally's earlier question, stating that they keep data and photos in order to give AI data to train on.

Marianne Boring, Site Acquisition Manager for Pano, addressed the Board. Ms. Boring went into further detail to address privacy concerns and explained Pano's pixelation system. She also acknowledged the Staff's recommended Conditions of Approval, stating there would be no issues complying with Condition 2 and Condition 3, but requested to remove Condition #1 due to its restrictive nature.

Commissioner Stephens asked for clarification in regard to unpermitted towers at at least one of the locations [mentioned during Mr. Whitley's presentation – and, asked previously]. Ms. Boring assured the Board that Pano runs a structural report/review of all sites prior to installing cameras.

Commissioner Shadduck-McNally asked how often maintenance or service is scheduled on these cameras. Ms. Boring advised there is no set schedule, but maintenance is required when there is a malfunction or the camera needs cleaned. Commissioner Shadduck-McNally clarified the data and photos are kept in perpetuity. Ms. Boring confirmed this. Commissioner Shadduck-McNally clarified that Pano is asking for expanded uses in their camera footage in which Ms. Boring confirmed this to be true. Commissioner Shadduck-McNally reiterated her concern with the issue of privacy.

Chair Kefalas asked a question in regard to a map that was shown during Ms. Williams' presentation, specifically, how far out can a camera see. Ms. Boring stated typically a 10-mile radius. Chair Kefalas requested clarification of Ms. Boring's request in regard to Condition #1. Ms. Boring clarified the request is to remove Condition #1 due to its restrictive nature. Chair Kefalas then followed up on a question asked previously about permitted and unpermitted towers at location 740 N County Road 41, if the camera will be placed on a permitted or unpermitted tower. Ms. Boring was unsure of the answer to this question.

Commissioner Stephens asked about privacy of new homes that might be built within the camera's view. Ms. Williams advised that Pano works on an "ad hoc" basis.

PUBLIC COMMENT:

Michael Haydon, resident and Wildland Fire Manager; Tim Amidon, resident and Colorado State University researcher; and, Hans Rodvik, Area Manager, Community & Local Government Affairs with Xcel addressed the Board to speak in favor and support of this type of technology.

Karen Salaz, resident, addressed the Board in reference to 740 N County Road 41 Pano AI Appeal, File No. 24-GNRL0557. Ms. Salaz inquired about using a private entity when the US Forest Service has already deployed a surveillance system. She also asked about free access for the different departments and organizations – and, asked if these cameras meet standards. She also stated she supports Condition #1.

Chair Kefalas closed public comment.

APPLICANT REBUTTAL:

Ms. Williams addressed Ms. Salaz's questions, providing clarification through additional information.

COMMISSIONER QUESTIONS:

Commissioner Shadduck-McNally asked who is paying for these cameras. Mr. Whitley stated this was not part of the decision-making process. Ms. Williams provided a detailed answer to Commissioner Shadduck-McNally's question. Commissioner Shadduck-McNally stated her concern is to be sensitive in ensuring privacy where individuals expect it.

Commissioner Stephens addressed Staff in regard to the Applicant's request to remove Condition #1. Ms. Axmacher advised that Staff would be hesitant to remove the Condition as requested but could amend the Condition. Mr. Whitley provided additional details to the Board to further explain how Condition #1 was determined and agreed upon by Staff.

Ms. Boring advised the Board that Pano would be open to modifications to Condition #1 to be less restrictive, specifically expanding access to news outlets, universities, and tower owners.

After discussion, the Commissioners would be open to expanding Condition #1.

Mr. Whitley followed up on previous concerns and questions in regard to unpermitted towers at at least one of the locations – providing the Board with details of the towers at this location site.

COMMISSIONER DELIBERATION:

Commissioner Shadduck-McNally questioned unpermitted towers and asked for clarification due to concerns with this issue. Mr. Whitley provided clarification through a detailed explanation to this question.

Commissioner Stephens stated she believes a balance was struck between safety and privacy.

Chair Kefalas expressed that he believes the criteria has been met and would be in support of this application.

MOTION

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the following Appeals subject to the three conditions [agreed upon and stated by Ms. Axmacher prior to this Motion] *Condition #1: To maintain privacy, access to the data collected by the cameras shall be restricted to the property owner, public utilities, fire districts, public safety officials and telecommunication tower owners. The data may be shared/accessed by accredited education and research institutions subject to the approval by the Community Development Director* for the following four locations – 13938 W County Road 18E Pano AI Appeal, File No. 24-GNRL0554; 9375 Gold Mine Road Pano AI Appeal, File No. 24-GNRL0555; 3519 Minuteman Drive Pano AI Appeal, File No. 24-GNRL0556; and 740 N County Road 41 Pano AI Appeal, File No. 24-GNRL0557.

Motion carried 3 – 0.

5. LARIMER COUNTY LAND USE CODE AMENDMENTS, FILE NO. 24-CODE0278

DISCUSSION:

At the Planning Commission hearing on July 17, 2024, the Community Development Department presented the proposed code amendments listed above. Having no members of the public in attendance regarding the amendments, the Planning Commission opted to discuss only certain amendments identified by the Commissioners. As such the hearing focused on the proposed

amendments regarding Home and Accessory Rural Occupations, and the changes with the term Family.

Discussion regarding the proposed amendment to require operators of home or accessory rural occupation to submit a registration certificate centered on what benefit would arise from such a requirement. Several of the Commissioners believed that the requirement was onerous and unnecessarily imposing additional requirements on the operator of such uses. Other Commissioners found that demonstrating understanding and compliance with the standards for such uses was beneficial and should reduce the time Code Compliance staff spends researching such uses and resolving complaints with such uses. After much deliberation on this item the Planning Commission moved to approve the proposed amendment requiring a registration for home and accessory rural occupations as proposed. The motion on this item passed 5-3.

Discussion on the proposed amendment regarding the term Family was centered on why the amendment was being made. Following the presentation by staff the Planning Commission voted unanimously to approve this item, and the remaining proposed changes were not discussed.

PLANNING COMMISSION AND STAFF RECOMMENDATION:

The Planning Commission recommends to the Board of County Commissioners approval of the Land Use Code amendments which generally include clarifying the intent and applicability of setbacks and standards, adding and updating various use allowances and use descriptions, and refining processes, procedures, and standards for clarity and ease of use, as found in File #24-CODE0278, subject to the following condition:

1. The effective date of the proposed code amendments will be August 12, 2024.

STAFF PRESENTATION:

Mr. Lafferty addressed the Board stating that while the Board has seen the Items within this presentation, previously, for the purpose of having an open discussion and understanding of the Code Amendments the Board has requested to hear testimony regarding four specific Items. Mr. Lafferty then went on to detail these specifically requested Items more thoroughly.

Adding to Mr. Lafferty's presentation, Amy White, Larimer County Code Compliance Supervisor, addressed the Board stating it's easier to be proactive in regard to home occupations.

Also adding to Mr. Lafferty's presentation, Jared Seay, Planner I, addressed the Board in regard to the topic of Tiny Home on Wheels. He defined Tiny Home on Wheels and went on to explain what this Code update intends to do.

COMMISSIONER QUESTIONS:

Commissioner Shadduck-McNally asked when a zoned residential property becomes a commercial business based on the volume of business being provided on that property. Mr. Lafferty addressed this question providing a detailed answer.

Commissioner Stephens expressed her appreciation for the conversation, debate and effort surrounding this discussion.

Chair Kefalas asked how this will be enforced. Mr. Lafferty explained how enforcement and this process would occur.

Chair Kefalas asked what the application/registration process looks like. Ms. White addressed this question – stating it asks baseline questions.

Commissioner Shadduck-McNally inquired about Short Term Rentals asking for clarification. Mr. Lafferty provided a clarifying answer.

Chair Kefalas asked the motivation in regard to Accessory Living Areas. Mr. Lafferty explained that most recently this came up at the planning level and went on to explain the motivation in supporting this.

PUBLIC COMMENT:

There was no one in person or online to offer public comment.

Chair Kefalas closed public comment.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Land Use Code Amendments which generally include clarifying the intent and applicability of setbacks and standards, adding and updating various use allowances and use descriptions, and refining processes, procedures, and standards for clarity and ease of use, as found in File No. 24-CODE0278, subject to the following Condition the effective date of the proposed Code Amendments will be August 12, 2024.

Motion carried 3 – 0.

With there being no further business, the Board adjourned at 5:35 p.m.

TUESDAY, AUGUST 13, 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, Commissioners' Office, and Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT:

Ed Behan, Media and Outreach Liaison with the Larimer Alliance for Health, Safety & the Environment, addressed the Board. Mr. Behan commended the County in its efforts to pursue

effective regulation of the Prospect Energy Oil & Gas operations in Larimer County. He highlighted Prospect Energy's record of violations and issues and expressed confidence in the monitoring and verification process that will follow the shutting down and restoration of Prospect Energy's sites. Mr. Behan inquired about the effective date of the agreement that triggers the timeline of remediation [detailed in the *Coloradoan* article].

Chair Kefalas advised Mr. Behan that an answer to his question in regard to an effective date will be followed up on.

Chair Kefalas closed Public Comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF AUGUST 5, 2024

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of August 5, 2024.

Motion carried 3 – 0.

- 3. REVIEW OF THE SCHEDULE FOR THE WEEKS OF AUGUST 19 AND AUGUST 26, 2024:** Ms. Martin reviewed the upcoming schedule for the weeks of August 19 and August 26 with the Board.

- 4. CONSENT AGENDA:**

ABATEMENTS

- 1. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000**

AGREEMENTS

- 1. SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH POUDRE RIVER PUBLIC LIBRARY DISTRICT FORMERLY KNOWN AS FORT COLLINS REGIONSL LIBRARY DISTRICT**
- 2. PROFESSIONAL SERVICES AGREEMENT (P24-09, GRANT WRITING SERVICES; HDR)**
- 3. CORDANT HEALTH SOLUTIONS LABORATORY SERVICES AGREEMENT**

APPOINTMENTS

- 1. RECOMMENDED RESCINDED APPOINTMENT TO THE BOARD OF ADJUSTMENT – LISA CHOLLET**

2. RECOMMENDED ALTERNATE MIDTERM APPOINTMENTS TO THE BOARD OF ADJUSTMENT – CHRIS BURNETTE AND BRANNON HUGHES
3. RECOMMENDED MIDTERM APPOINTMENT TO THE BOARD OF ADJUSTMENT – FORREST HANCOCK

LIQUOR LICENSES

1. SPECIAL EVENT LIQUOR PERMIT 6% - REALITIES FOR CHILDREN DBA THE REALITIES RIDE AND RALLY REALITIES FOR CHILDREN – LOVELAND, COLORADO
2. LIQUOR LICENSE RENEWAL-1616 CHAMPA LLC DBA RIVER FORKS INN – DRAKE, COLORADO

MISCELLANEOUS

1. MO HP5 HARMONY LLC STIPULATION AS TO TAX YEAR 2023 VALUE
2. CENTERRA MARKETPLACE PROPERTIES LLC STIPULATION AS TO TAX YEAR 2023 VALUE
3. TEMPORARY CONSTRUCTION EASEMENT (CITY OF FORT COLLINS)
4. ASSUMPTION OF FIRE CONTROL DUTY

Commissioner Shadduck-McNally expressed her gratitude to Planning Commissioner Lisa Chollet for her service to the Board of Adjustment.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for August 13, 2024.

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS:

Commissioner Shadduck-McNally introduced Sandra Wright, Homeward Alliance, to share an update.

Ms. Wright addressed the Board to discuss the progress and efforts of Homeward Alliance – specifically, the creation of the Loveland Homelessness Task Force and detailed the goals the Task Force is working toward. Ms. Wright then introduced Leah Johnson who was contracted by the Loveland Homelessness Task Force to be a meeting facilitator.

Ms. Johnson addressed the Board to thank them for all of their support.

Each of the Commissioners expressed their appreciation and gratitude to Ms. Wright, Ms. Johnson, and Homeward Alliance for the work being done.

Commissioner Stephens asked Ms. Wright how many people will be able to be housed in the proposed site [discussed by Ms. Wright as part of the detailed goals the Taskforce is working toward]. Ms. Wright stated that they anticipate approximately 100 overnight beds but suspect that eventually there will be approximately 150 beds. Commissioner Stephens also requested details in regard to those experiencing homelessness and their local ties as well as inquiring as to whether there is a capital campaign. Ms. Wright offered detailed answers to both of these questions.

Commissioner Shadduck-McNally inquired about Ms. Wright's mention of the street-based outreach program (HOPE) through the City of Fort Collins – asking if something similar would be happening in the City of Loveland or would this be a different non-profit. Ms. Wright stated the Loveland program would be very similar to the Fort Collins program and went on to detail the program's approach and strategy.

6. DISCUSSION ITEMS:

1. PROCLAMATION FOR WOMEN'S RIGHT TO VOTE AND EQUALITY DAY – AUGUST 26, 2024

League of Women Voters members Trish Warner (Loveland), Pat Berger (Windsor) and Linda Mahan (Fort Collins) addressed the Board. Ms. Berger detailed the history and timeline of women's voting rights. Ms. Warner addressed the Board to extend an invitation to the Women's Equality Day Celebration event on August 22nd.

Commissioner Stephens read the Proclamation for Women's Right to Vote and Equality Day.

Collectively, each of the Commissioners thanked Ms. Warner, Ms. Berger and Ms. Mahan for attending and speaking in regard to this important matter. The Commissioners expressed their appreciation, gratitude, and thanks for their dedication and hard work that they do.

County Manager Volker thanked Ms. Warner, Ms. Berger, and Ms. Mahan for the work they do and stated that it's great to celebrate the women in our community who are doing the good work.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Proclamation declaring August 26, 2024, as Women's Right to Vote and Equality Day.

Motion Carried 3 – 0.

The Board took a brief recess.

The Board returned to session.

7. COUNTY MANAGER UPDATE: County Manager Volker briefly detailed the events of 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 10:20 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Heather Arment, Deputy Clerk

