



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JANUARY 10, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also, present were: Lesli Ellis, Community Development Director; Samantha Lasher and Samantha Mott; Community Development; Andy Lewis, County Attorney's Office; Connor Sheldon and Steven Rockwell, Engineering; Frank Haug, Assistant County Attorney; and Elizabeth Carter, Deputy Clerk. Lea Schneider, Health Department joined the meeting virtually.

Chair Stephens opened the hearing with the Pledge of Allegiance.

Commissioner Kefalas requested that Item #2, the Mountain Whitewater Descent Amended Special Review #3 and Appeals be pulled from the Consent Agenda.

CONSENT AGENDA:

1. PEAKVIEW PLD/PD FINAL PLAT APPEAL, FILE NO. 21-GNRL0525: This is a request for an appeal to in Article 6.5.6 of the current Land Use Code (Section 5.13.5.E. of the previous Land Use Code) and a modification to the condition of approval for Peakview PLD/PD Appeal, 20-GNRL0486, regarding the final plat completion timeframe of one year. On December 14, 2020, the Board of County Commissioners granted approval of an appeal to the final plat completion timeframe with a condition of approval stating, "The final plat process must be completed within one year from the date that the Finding and Resolution is recorded for this appeal." The Findings & Resolution was recorded on December 16, 2020. This request is to allow the applicants some more time to complete the final plat process.

The Peakview (PLD/PD) Preliminary Plat was approved in April of 2007. The Peakview development approved a land division to create three new lots and rezoned the property to PD-Planned Development to allow for mixed-use residential and commercial. The Findings and Resolution is attached for reference.

The Land Use Code Article 6.5.5.C.8.a.1 (previously Section 5.3.14.I) specifies that preliminary plat approvals are effective for one year. If a complete final plat application is not submitted to the Planning Department within one year of preliminary plat approval, the preliminary plat approval will automatically expire. The Peakview Final Plat was submitted to Larimer County around August 2007 and met that requirement.

This request is for an extension to the timeframe for completing the final plat process to allow the applicants to continue working on the final plat for the Peakview PLD/PD. Article 6.5.6 (previously Section 5.13.5.E) of the Land Use Code establishes a one-year time limit for completing a final plat. The final plat was submitted in August of 2007.

The property consists of two parcels, a 24.92-acre parcel and a 14.75-acre parcel, located at the northwest corner of Highway 14 and Greenfields Road, approximately 3/4 mile west of I-25. The property is located within the Fort Collins Growth Management Area. Uses in the area are a mixture of industrial, residential, and commercial.

The applicants have submitted documentation describing the complexities of this project and demonstrating that it has been an active application during the period since the final plat was submitted. The applicants have continued to reach out and work with staff, both planning and engineering, to address the issues with this development during this final plat phase. During that time there have been changes to some of the requirements and the applicants have been working on addressing those changes such as frontage road improvements, improvements to Boxelder Creek and the Cooper Slough, roundabout design standards, road alignments, Colorado Department of Transportation (CDOT) improvements, among others.

The applicants have been meeting with staff to develop an acceptable resubmittal of final plat documents addressing the outstanding issues. Since the final plat has been active and in process for much longer than the one-year timeframe, staff determined that this appeal to the final plat timeframe should be processed prior to the resubmittal of the final plat documents. Staff is aware that the applicants have been working on this project and support this request for an appeal to the final plat timeframe.

REVIEW CRITERIA:

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the Board of County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The Board of County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement. The Peakview PLD/PD Preliminary Plat has been approved and the applicants have been working with and communicating with staff since the initial submittal of the final plat to address the concerns and issues applicable to the site. The final plat must be consistent with the approved preliminary plat and the referral agencies that were involved in reviewing the preliminary plat are also involved in reviewing the final plat. The applicant is preparing to

resubmit the final plat documents to the county. For these reasons, granting an extension to the timeframe for completion will not subvert the requirement.

- B. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood. The final plat must be consistent with the preliminary plat. The referral agencies will have a chance to comment on the next final plat submittal. In conformance with the process for this appeal a request for comment was sent out to neighboring property owners and staff did not receive responses from any of the neighbors.
- C. Approval of the appeal is the minimum action necessary. Approval of the Appeal will not require any other subsequent approvals by the county and will allow the applicant to continue with the pending final plat application. Approval of a final plat application is an administrative function subject to its conformity with the previously approved preliminary plat.
- D. Approval of the appeal will not result in increased costs to the general public. There are no additional costs to the public if the Appeal is approved.
- E. Approval of the appeal is consistent with the intent and purpose of the Code. The timeframe for final plats is in place to ensure that projects are completed and that the projects will comply with any applicable requirements such as Land Use Code requirements. Land Use Codes and standards are updated and subject to change over time, so if a project is in a review period for too long then it may not meet the new requirements. As mentioned previously, there are numerous issues and complexities associated with this project due the location to Colorado Department of Transportation (CDOT) highway, the new local road alignment, and environmental factors such as compatibility with adjacent waterways. The applicants have been working to address those changes and work with staff to comply with current regulations and address any outstanding concerns. If this appeal is granted, the applicant will resubmit their Final Plat materials which will be sent to referral agencies and reviewed to make sure they meet the current applicable requirements. Therefore, granting the appeal would not be inconsistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Board of County Commissioners Approve the Peakview PLD/PD Final Plat Appeal, File# 21-GNRL0525, subject to the following condition:

1. The final plat process must be completed within one year from the date that the Findings and Resolution is recorded for this appeal.

2. MOUNTAIN WHITEWATER DESCENT AMENDED SPECIAL REVIEW #3 AND APPEALS, FILE # 21-ZONE2903: (Pulled from the Consent Agenda)

3. GRAFF REZONING, FILE NO. 21-ZONE3072: The applicant requests to rezone the parcel located in Fort Collins from O – Open to RR-2 Rural Residential. The property is located approximately 200-feet north of the intersection of N. County Road 13 and E. Douglas Road. The subject property currently contains an existing single-family dwelling, an accessory living area, barn, stables, and multiple outbuildings.

The applicants'/property owners' project description indicates that no new development is proposed with this rezone. Uses in this area include residential and agriculture. The applicants/property owners are currently operating a Large Agritourism Enterprise use at the subject property without county approval and are thereby the center of an active Code Compliance Case. The applicants/property owners are seeking to resolve the ongoing issue. Per the current Larimer County Land Use Code (LUC), an Agritourism Enterprise use is considered an accessory use and is incidental to the primary agricultural use existing on site. Prior to March 2021 and the adoption of the current LUC, a Large Agritourism Enterprise use would have been permitted in the O – Open zone district following Special Review approval; however, with the adoption of the new code, a Large Agritourism Enterprise use is no longer permitted in the O – Open zone district, therefore triggering this request.

The applicants/property owners are concurrently seeking Special Review approval for a Large Agritourism Enterprise use with the understanding that an approval is dependent upon the outcome of this rezone request. 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 Board of County Commissioners shall consider the approval criteria in Article 6.6.1.D and determine whether and the extent to which the proposed amendment meets the following:

1. Compatible with Surrounding Uses The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

The parcel is currently zoned O – Open. Surrounding properties to the west are currently zoned RR-2 – Rural Residential while properties to the north, south, and east are currently zoned O - Open. Uses in this area include residential and agriculture. Generally, the RR-2 Rural Residential zone district is intended to accommodate rural residential uses, along with compatible agricultural uses. Additionally, the zone district is intended to serve as a transition between rural and urban areas. Considering the subject property's location just outside the northern boundary of the City of Fort Collins Growth Management Area (GMA), the

proposed RR-2 Rural Residential zone district would serve as a better transition, more so than the current O-Open zone district, between the urban area within the GMA and the rural area beyond. The proposed rezone would allow the existing single-family residence, accessory living area, and agricultural uses to continue as permitted uses. In addition, the proposed rezone would allow the existing Large Agritourism Enterprise use to continue following Special Review approval. The permitted uses would be compatible with existing and allowed uses on properties in the neighborhood. The existing parcel is approximately 7.13 acres in size. For parcels served by a well or onsite septic system, the minimum lot size in the RR-2 Rural Residential zone district is 2.29- acres, therefore the existing parcel would conform to the dimensional standards of the proposed zone district. The minimum lot size in the current O - Open zone district is 10- acres. Consequently, the existing lot is currently considered non-conforming with respect to lot size as it does not meet the minimum lot size standard of the current zone district. If approved, this request would resolve the non-conforming lot size issue.

2. Community Need or Public Benefit The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

The applicants/property owners are currently operating a Large Agritourism Enterprise use without county approval and are thereby considered out of compliance with the Larimer Land Use Code (LUC). As noted previously, due to the recent changes to the LUC, the applicants/property owners are required to rezone the property to a zone district that permits the existing use prior to seeking approval for the use. The applicants/property owners are concurrently seeking Special Review approval for the existing Large Agritourism Enterprise use with the understanding that approval for the use is contingent upon the approval of this request. Should both the rezone request and Special Review approval be approved, the Code Compliance issues would be resolved.

3. The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

As previously mentioned, the applicants/property owners request to rezone the subject property from O-Open to RR-2 Rural Residential in order to seek approval for an existing Large Agritourism Enterprise use which is not currently permitted in the O-Open zone district due to recent changes to the Land Use Code.

4. The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

The subject property was previously developed. There is no new development proposed with this rezone application. The subject property currently take access from N. County Road 13. North County Road 13 is classified as a Minor Collector on the Larimer County Functional Road Classification Map. Water service is provided by East Larimer County Water District (ELCO) and the property is currently served by an on-site sewage treatment system. As noted previously, the applicants/property owners are concurrently seeking Special Review approval for an existing Large Agritourism Enterprise use. The Special Review application, as well as any future development applications for the subject property, would be evaluated and reviewed to ensure that all development standards including public facilities are provided to the level required by the Land Use Code.

5. The proposed change does not result in significant adverse impacts on the natural environment.

As previously noted, no new development is proposed with this rezone application. The property is not in a wildfire hazard area. Geographical Information Systems (GIS) data indicates that there are no known geological hazards on site or sensitive wildlife habitat areas. The proposed rezone should not result in significant adverse impacts on the natural environment.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Graff Rezoning, File #21-ZONE3072, from O – Open to RR-2 Rural Residential.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioner approve the Consent Agenda for January 10, 2022, as amended, and subject to the conditions in the staff report and authorizes the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

DISCUSSION ITEMS:

ITEM PULLED FROM THE CONSENT AGENDA:

MOUNTAIN WHITEWATER DESCENT AMENDED SPECIAL REVIEW #3 AND APPEALS: Samantha Mott, Community Development. Ms. Mott addressed the Board and stated

that the item was pulled from the Consent Agenda at the request of the applicant. The applicant had been in contact with staff regarding Condition #24 and requested that this condition be withdrawn. Ms. Mott reported to the Board that the property is located in Fort Collins. The property is zoned PD-Planned Development and is 12.88-acres. She relayed that there have been multiple special reviews of the property over the years and that this particular review is associated with the Mountain Whitewater Descent and Paddler's Pub.

This appeal includes two appeals. One regarding landscape management and the other to have septic system in a Growth Management Area (GMA).

For this Amended Special Review, the applicant has requested to construct a new building with an outdoor patio to host the rafting operations (office, retail space) and a tavern (with a restaurant) for year-round operations. In addition, an outdoor event venue (live music, private events, etc.) has been proposed with a stage/chapel and restroom structure. The combined operations site capacity is proposed to be 500. This request indicates the maximum occupancy for the site is no more than 500 people (including employees) on site at any one time. If the required number of restrooms for this maximum capacity are not provided during the building permit stage, the maximum occupancy will be reduced further. The proposed days and hours of operation are as follows:

1. The rafting business (Mountain Whitewater) will operate May to August, with associated accessory uses such as food trucks and equipment storage. Hours of operation will be 6 a.m. – 8 p.m. daily.
2. The bar/tavern (Paddlers' Pub) will operate year-round. Hours of operation will be 11 a.m.-12 a.m. daily with reduced hours in the winter.
3. The outdoor concert area for events will operate between April and October. The hours of operation will be Monday-Thursday 5 p.m.-9 p.m., Friday and Saturday 4 p.m.-10:30 p.m., and Sunday from 3 p.m.-8 p.m.

Ms. Mott noted that this item was on the consent agenda for the December 15, 2021, Planning Commission public hearing. At the hearing, staff made a brief presentation regarding the Development Services Team recommendation of approval for the Mountain Whitewater Descent Amended Special Review #3 and Appeals. There were no questions from the Planning Commission and there was no public comment. The Planning Commission voted unanimously to recommend approval of the consent agenda and the motion passed on a vote of 7-0. Additionally, Ms. Mott reported that there have been no comments received from neighbors or businesses in the area throughout the process.

Planning Commission and Development Services Team Recommendation:

- A) The Development Services Team recommends approval of the Mountain Whitewater Descent Amended Special Review #3, File #21-ZONE2903, pursuant

to the recommendation and conditions outlined in the Planning Commission Meeting Minutes and staff report on December 15, 2021:

- B) The Development Services Team recommends approval of the Appeal to the landscaping requirements in Section 8.5 of the Land Use Code, pursuant to the recommendation outlined in the Planning Commission Meeting Minutes on December 15, 2021:
- C) The Development Services Team recommends approval of the Appeal to the requirements in Section 8.1.1 of the Land Use Code to allow on-site septic in the Growth Management Area, pursuant to the recommendation outlined in the Planning Commission Meeting Minutes on December 15, 2021: Commissioner Dougherty moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Larimer County Board of County Commissioners approve the consent agenda. Commissioner Rowe, Green, Choate, Barrack, Dougherty, Best Johnson, and Chair Barnett voted in favor of the motion. Motion passed 7-0 Commissioner Wallace lost virtual connection and was not able to participate in the voting of the motion to approve the consent agenda.

The Planning Commission Recommended Conditions:

1. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Mountain Whitewater Descent Amended Special Review #3, File #21- ZONE2903, 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 Mountain Whitewater Descent Amended Special Review #3.
3. Failure to comply with any conditions of the Amended Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
4. This application is approved without the requirement for a Development Agreement, but a Developer Acknowledgement will be required to be signed as part of the Site Plan Review.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to county, county may withhold building permits, issue a written notice to applicant to appear and show

cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the county's election to use one shall not preclude use of another. In the event county must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by county including, but not limited to, reasonable attorney's fees.

6. County may conduct periodic inspections to the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. The Findings and Resolution shall be a servitude running with the Property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.
8. Site Plan Review and approval is required prior to commencement of the expansion of the approved expanded uses on the property. This includes the submittal of any final approved documents required as part of the Site Plan Review process such as development construction plans, final site plan, landscape plan, drainage and erosion control report and plan, agreement to annex, developer acknowledgement.
9. The applicant must obtain building permits and pay all applicable fees including Transportation Capital Expansion Fees (TCEF) required by the Larimer County Engineering Department which will be due at the time of building permit issuance.
10. All proposed buildings or unpermitted buildings must meet the required setbacks; this includes storage containers. The applicant is proposing some storage containers for the site, the location shall be shown on the site plan and approved through the Site Plan Review process. The building locations may be adjusted during the Site Plan Review process to meet this requirement.
11. No part of any building may extend into or above any easement. All easements must be shown and labeled on all plan sheets. The building locations may be adjusted during the Site Plan Review process to meet this requirement.
12. Any existing or proposed easements for the Little Cach irrigation ditch crossing the property must be dedicated and shown on the site plan prior to Site Plan approval. Additionally, the Site Plan Review application shall demonstrate that there are adequate facilities and easements to ensure delivery of irrigation water through the development area to the properties located south of the development.

13. Prior to approval of the Site Plan Review the applicant must develop a wetlands mitigation plan for replacement of the disturbed wetland areas to staff for review and approval. The plan must be prepared by or under the responsible direction of a person with demonstrated technical expertise in the field who is acceptable to Larimer County. If the mitigation plan needs to be reviewed by a third-party consultant that must be paid for by the applicant (per LUC Section 8.01.A). The applicant may need to provide a guarantee or surety as part of the mitigation plan to ensure survival of replacement wetlands.
14. Any required off-site improvements must be constructed prior to commencement of the expanded use of the property.
15. A Development Construction Permit is required prior to commencing any improvements to the site.
16. Any new or unpermitted signs will require sign permits and must comply with requirements of the Land Use Code.
17. The previous 2014 Special Review, Mountain Whitewater Descents Special Review, File#14-Z1926, will be replaced with this Amended Special Review and it will no longer be active.
18. The previous 2016 Amend Special Review, Mountain Whitewater Descents Amended Special Review, File #16-Z2002, will be revoked.
19. The existing building (home) can remain during construction but must be demolished under appropriate local and state permits and notifications after construction is completed and this should be noted on the Site Plan.
20. The applicants shall comply with the recommendations identified in the submitted Bird Nest Survey to avoid impacts to wildlife.
21. The rafting business (Mountain Whitewater) will operate May – August, with associated accessory uses such as food trucks and equipment storage. Hours of operation will be 6 a.m. – 8 p.m. daily.
22. The bar/tavern (Paddlers' Pub) will operate year-round. Hours of operation will be 11 a.m.-12 a.m. daily with reduced hours in the winter.
23. The outdoor concert area (music events) will be seasonal and will be held between April and October. The hours of operation will be Monday-Thursday 5 p.m.-9 p.m., Friday and Saturday 4 p.m.-10:30 p.m., and Sunday from 3 p.m-8 p.m. The number of events will be limited as follows: six events/month with 500 people, 10 events/month with 250, and 10 events with 125 people.

24. The number of employees will be limited to 8 full time employees year-round, 30 full time summer employees and 40 part time summer employees.
25. Maximum occupancy for this site is limited to 500 people at any time (this includes both the tavern/pub, and the outdoor event area). A lower occupancy limit may be set during the building permit process unless adequate plumbing facilities are provided for 500 people, as determined by the Building Division. If the maximum occupancy is determined to be less than 500 people based on adequate plumbing facilities, the applicants will need to revise the site plan sheet to indicate the new maximum occupancy and the property owners must sign a Use Affidavit with the building permit.
26. Sound mitigation measures shall be installed and followed as identified in the Wave Engineering Paddler's Pub – Acoustical Report dated August 27, 2021, and identified in the comment letter from Lea Schneider with the Department of Health and Environment dated November 10, 2021.
27. A post-operation sound evaluation is required to be completed within 30 days of commencing operation. This sound evaluation shall measure sound levels at an amplified live music event with all required sound study mitigation measures in place to determine if more mitigation is necessary to reduce impacts to residential neighbors and evaluate levels at property lines.

Ms. Mott relayed to the Board that the applicant had reached out to staff about the possible withdraw of Condition #24. Condition #24 relates to the number of staff on the premises. Ms. Mott noted that the Development Service Team does not object to the removal of Condition #24 as the property will still have to adhere to the maximum capacity limits laid out in Condition #25.

Chair Stephens invited the applicant to address the Board. John Beggs, Russel & Mills Studios refrained from making any comments on behalf of the applicant at this time.

Chair Stephens opened public comment. Mark Goldstein and John Donaldson addressed the Board in support of the appeal. Mr. Goldstein and Mr. Donaldson expressed that Paddler's Pub has always been a good neighbor. They both also expressed support for a sewer connection in the area.

Chair Stephens invited the applicant to address the Board. Mr. Beggs reported to the Board that the applicant supports efforts for a long-term plan which would include a hook-up to sewer and remains open to discussions on that possibility.

There was a discussion between the Board and staff that the cost of a sewer hook-up at this point is extremely costly. Additionally, the Board confirmed with staff that this appeal includes two enhanced septic systems. Lastly, the Board also confirmed with staff that the other 26 Conditions recommended by the Planning Commission will remain in place.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Mountain Whitewater Descent Amended Special Review #3 And Appeals, File # 21-ZONE2903 subject to the conditions as outlined, minus Condition #24.

Motion carried 3-0.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners recommend approval of the Appeal to the landscaping requirements in Section 8.5 of the Land Use Code.

Motion carried 3-0

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Appeal to the requirements in Section 8.1.1 of the Land Use Code to allow on-site septic in the Growth Management Area.

Motion carried 3-0.

1. STUNNING VIEWS ROCKY MOUNTAIN HOME SHORT-TERM RENTAL APPEAL:

Samantha Lasher, Community Development. Ms. Lasher relayed to the Board that the subject property is a 0.93-acre parcel located in Estes Park approximately 0.3 miles north of the intersection of Pole Hill Road and E. Highway 36. The property is zoned O-Open and is located in the Meadowdale Hills Subdivision, 1st Filing.

Ms. Lasher reported to the Board that the property currently contains a single-family residential home and the property owner applied for Administrative Special Review approval for a three-bedroom, six guest short-term rental (STR) on August 13, 2021. Administrative Special Review for an STR requires both Planning Division and Building Division approval. Planning Division review was conducted prior to Building Division review. In general terms, the Planning review process involves: staff and referral agency review; neighborhood notice and comments collection; review and recommendation by the Estes Valley Planning Advisory Committee, if applicable; and the scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director. This STR application was not presented to the Estes Valley Planning Advisory Committee since the property is not within an Estes Valley zone district.

Ms. Lasher noted that Administrative Special Review requires certain General Review Criteria to be met for approval (Article 6.4.3.D in the Land Use Code), in addition to supplemental review criteria

for small STRs (Article 3.3.5.B.2. in the Land Use Code). In the initial review of the STR application, staff determined that three of the General Review Criteria were substantially unmet. Therefore, staff did not progress into reviewing the supplemental Review Criteria, in Article 3.3.5.B.2. If the Board of County Commissioners grants this appeal, staff suggest a condition of approval be added that the STR application continue to be reviewed under the Administrative Special Review process and all review criteria are to be met before approval.

Ms. Lasher stated that in October 2021, staff found that the application and submitted materials did not sufficiently meet requirements in Article 6.4.3.D the General Review Criteria for Short-term Rentals, and on October 20, 2021, the Community Development Director issued a denial of the STR application. The specific unmet requirements were: 1. Article 6.4.3.D.1 of the Land Use Code states that “The proposed use has minimal impacts on existing and future development of the area.” 2. Article 6.4.3.D.2 of the Land Use Code states that “Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.”

The administrative finding that Criteria 1 and 2 had not been met is based on the following evidence. The Planning Division sent neighborhood notice postcards to all properties within 500-feet of the subject property, in addition to other properties further than 500 feet, within the Meadowdale Hills Subdivision, 1st Filing, for a total of 50 neighbors. This is standard practice when a notification may split a neighborhood or subdivision. Staff received written community comments from 21 community members who were directly notified and others residing in the neighborhood, with 19 community members indicating opposition to case approval, and 2 indicating support. The subjects of community concerns were traffic, noise, compatibility, wildfire, water concerns, and conformity with applicable Covenants, Controls, and Restrictions, among others (. Staff also found a third General Review Criteria to have not been met: 3. Article 6.4.3.D.3 of the Land Uses Code states that “The recommendations of referral agencies have been considered and adequately addressed.”

Legal access is required per Article 4.3.3.G.2 in the Land Use Code. The neighboring property, 105 Pine Tree Drive, shares a driveway with 71 Pine Tree. Therefore, the Larimer County Engineering Division noted in their original comments that the property owner needed to ensure legal access to the property for purposes of an STR (See Attachment H). No evidence was submitted in the original application to verify legal access of the shared driveway for an STR use, and therefore, the Engineering Division’s comments were not adequately addressed.

Ms. Lasher reported to the Board that on October 1, 2021, staff emailed the original applicant and property owner of the STR application, indicating that the Community Development Director was intending to deny the application based on the reasons listed above. The email further outlined the next steps—including withdrawing the application and resolving the issues, or appealing the formal denial, if issued. Staff asked the applicant to specify how they would like to move forward by October 15, 2021.

No response was received from the applicant or property owner regarding the email sent on October 1, 2021. Therefore, based on area impacts as evidenced by the number of community concerns and

restrictions outlined in the MHPOA Private Covenants, and unmet technical requirements as evidenced by no submitted proof of legal access, on October 20, 2021, the Community Development Director denied the STR application, File No. 21-ZONE3078.

On November 12, 2021, within the 30-day period after the decision, the applicant formally appealed the Director's denial of the STR application, File No. 21-ZONE3078, and submitted a complete appeal application.

This application is an appeal to the Community Development Director's decision to deny the STR application, File No. 21-ZONE3078. This is not a decision to approve or deny the STR application. If the Board of County Commissioners grants the appeal which overturns the Director's decision and allows the applicant to receive approval, a suggested condition of approval is noted in the Suggested Motions section on page 5. If the Board of County Commissioners denies the appeal, the property owner cannot proceed forward with File No. 21-ZONE3078, and "for one year following the revocation or denial of an application by the decision-making body, the Community Development Department shall not accept a new application for subject property that is the same or substantially similar to the one previously denied," per Article 6.3.9.E in the Land Use Code.

APPEAL REVIEW PROCESS AND CRITERIA:

The appeal procedures for Appeals of Administrative Decisions and Director Interpretations are found in Section 6.7.2.B of the Land Use Code. An appeal is not a development application. In this appeal and prior to the hearing, the initiation, contents, scheduling, and notice all complied with that section of the Land Use Code, as follows:

Procedure for Appeals of Administrative Decisions and Director Interpretations

- a. Initiation of Appeal. A written application for appeal was submitted to the Community Development Department within 30 days of the decision or interpretation which the person believes to be in error. Staff Response: A complete appeal application was submitted on November 12, 2021, 23 days after the Director's denial on October 20, 2021.
- b. Contents of Appeal. The appeal was submitted on a form provided by the Community Development Department and included a statement of the decision or interpretation being appealed, the date of the decision or interpretation, and facts, legal authority, or other evidence along with the application fee. Staff Response: The applicant submitted a complete appeal application, consisting of the application form, application fee, appeal request, and legal description of the subject property.
- c. Scheduling. Upon receipt of the appeal, staff and the Director scheduled the appeal on the next available agenda of the County Commissioners, no later than 60 days after the date on which a properly completed notice of appeal is filed. Staff Response: A hearing was scheduled with the Board of County Commissioners on

January 10, 2022, 59 days after the complete appeal application was submitted on November 12, 2021.

- d. Notice. Notice of the time and place of the appeal hearing was published in a newspaper of general circulation at least ten days before the hearing date. Notice by first-class mail also was sent to property owners in the vicinity of the proposal as the Director determined notice was appropriate given the interest in the application. Staff Response: Legal notice of the time and place of the appeal hearing was published in the Trail Gazette newspaper on December 3, 2021. All property owners that were notified of the STR application, File No. 21-ZONE3078, were also notified of the appeal hearing. Notice postcards were created on November 20, 2021.
- e. According to the Code, action by the Board of County Commissioners at the appeal hearing must include the following. i. The Board of County Commissioners will take relevant evidence and testimony from the person who filed the appeal, the administrative officer, Director, county staff, and any interested party. ii. The Board of County Commissioners will only consider the same application, plans, and materials that were the subject of the original decision or interpretation, the record of that decision or interpretation, and the issue raised by the person who submitted the appeal unless the Board of County Commissioners determine other evidence to be relevant and helpful. Testimony from interested parties may be considered only as it relates to the administrative officer's decision or the Director's interpretation. iii. At the conclusion of the hearing the Board of County Commissioners will affirm, affirm with modifications, or reverse the decision of the administrative officer or the interpretation of the Director. iv. The Board of County Commissioners may refer an appeal to the Planning Commission for a recommendation. The decision to refer an appeal to the Planning Commission will be made by the Board of County Commissioners within 14 days of the date the appeal was submitted.
- f. Burden of Proof. The decision of the administrative officer or the Director's interpretation will not be reversed unless a preponderance of evidence supports that the decision is in error or inconsistent with the intent and purpose of the Land Use Code. The applicant submitted an appeal request in response to the Director's denial determination. The applicant also submitted an Easement Agreement for the driveway shared between the subject property, and 105 Pine Tree Drive. Larimer County staff does not enforce private covenants and does not conduct original research into provisions contained in any applicable covenants. However, if valid evidence of a covenant restriction is submitted during the review process, staff considers such restrictions as supplementary evidence of area compatibility as outlined in the applicable general review criteria. With the appeal, the applicant submitted responses to the HOA Private Covenants and the legal access issue. Community comments were not addressed by the applicant. Meadowdale Hills Property Owners Association (MHPOA) Board of Directors provided a copy of the

“Restated Declaration of Protective Covenants for Meadowdale Hills, First and Second Filings Larimer County Colorado,” dated February 23, 1999, during the comment period for the original STR application. The MHPOA Board of Directors stated that the proposed STR use would be in violation, based on the language provided in their Protective Covenants, including language in Section 2 that states “All lots within the above-described property shall be used for residential purposes only, except as hereinafter specifically provided.” This restriction comports with Article 3.3.5 of the Land Use Code, which clarifies that Larimer County considers STRs a Commercial Use. The underlying intent or meaning of the terms “residential purposes only” and “shall be used for single-family occupancy only” as they pertain to the MPHPOA covenants is not applicable for the county’s review, and any current or future interpretation by MHPOA of their documents is not within the scope of this appeal. Community commenters have advanced this information to clarify their position, and staff accepts it as ancillary evidence of non-compatibility. As presented in the STR Denial Resolution, the MHPOA covenant language is supporting evidence to the significant number of neighbor opposition that staff received for the STR application, with concerns that the STR will create impacts and is not compatible with the character of the neighborhood. As previously discussed, staff received written community comments from 21 community members who were directly notified and others residing in the neighborhood, with 19 community members indicating opposition to case approval. Two (2) community members indicated support. (See Attachment E). Regarding the 3rd general review criteria, no proof of legal access was provided with the original application nor by the deadline of October 15, as previously discussed. The Larimer County Code Compliance Division received a complaint from a Mr. Clifford Considine on May 30, 2020, regarding the use of the shared driveway. The Code Compliance Department received this complaint prior to the submittal of the original STR application. Mr. Considine was the previous property owner of 105 Pine Tree Drive and stated that Mr. Hugo was in violation of their Easement Agreement because he was using the driveway for STR purposes. Relatedly, Father Chris Considine and Shannon Considine, the current co-owners of 105 Pine Tree, provided comments on the original STR application, opposing the proposed STR use. The Easement Agreement that was submitted as part of the appeal and which Mr. Cliff Considine referenced in his comments state that the use of the easement is conditioned upon 71 Pine Tree being used for single-family residential purposes only. As noted, STRs are considered a Commercial Use per the Land Use Code. It is the conclusion of the Development Review Team that the applicant did not provide evidence that the decision of the Community Development Director’s decision is in error or inconsistent with the intent and purpose of the Land Use Code. The Development Services Team recommends that the Board of County Commissioners uphold the determination of the Director.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends denial of the Stunning Views Rocky Mountain Home Short-Term Rental Appeal, File No. 21-GNRL0523.

There was a discussion between the Board and staff regarding the easement for the shared driveway. The Board asked staff to clarify that the easement agreement regarding the driveway was made with the previous owners of the property and not the applicant.

Chair Stevens invited the applicant forward. Mike Samelson, Wick & Trautwein LLC addressed the Board on behalf of the applicant. Mr. Samelson noted that there are three main areas of concern: the covenants, the access easement for the shared driveway, and neighborhood opposition. He noted that there has been a proposed amendment to the covenants specifically prohibiting short-term rentals Mr. Samelson suggested that the proposed amendment indicates that currently STRs are not prohibited by the covenants. He relayed that the amendment has not, to date, been approved.

Mr. Samelson relayed to the Board that the easement for the driveway is an access easement. He noted that the agreement requires the property to be for single-family use. The applicant has no intention of changing the use of the property. It is a three-bedroom, six-person house. It will not be used for larger gatherings. He noted that six people occupying the house will not be much different from the occupancy of other homes in the neighborhood.

There was a discussion between the Board and Mr. Samelson regarding a potential increased risk due to wildfire caused by short-term rentals. There was also a discussion regarding renters being allowed to smoke outside. Additionally, the Board asked the applicant about risks from winter weather and difficult road conditions.

Chair Stephens opened public comment. Shannon Considine, Tom Darnell, Kathy Moran, Keith Pearson, James Gilgard, Tom Vogelsong, and David Batey spoke in support of the Director's decision and in opposition to the short-term rental. Collectively, they expressed concern about using the property as a STR will be in violation of the easement agreement, that these rentals compromise the character of the neighborhood, that short-term rentals are prohibited by the covenants, and that these rentals often add to the risk of wildfire. Additionally, the speakers noted that the Larimer County Land Use Code designates short-term rentals as a commercial use and is contrary to the residential nature of the neighborhood.

Chair Stephens closed public comment and invited the applicant to respond to public comment. Sean Hugo, the applicant addressed the Board. Mr. Hugo noted that when the property was purchased in 2012 as a vacation home it was understood that the property could be rented out. Additionally, he stated that he and his partners would be happy to prohibit smoking on the property if it would allay concerns of the Board and the neighbors. Lastly, he noted there are very few rentals in winter.

Mr. Samelson also addressed the Board in response to public comment. He reported to the Board that there was a case before the Colorado Court Appeals in 2015 which ruled that designation for single-family use does not, in turn prevent a home from being used for a short-term rental. He also noted

the easement agreement designates that the property is used for single-family use, it does not prohibit the use of short-term rentals.

There was a discussion between the Board and staff as to whether the subject property had already been used as a short-term rental and if it was out of compliance. There was also a discussion if other short-term rentals in the area were out of compliance. The Board also clarified with staff the Larimer County Land Use Code stipulates short-term rentals are considered to be a commercial use.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners affirm the decision of the Director and deny the appeal to the Community Development Director's determination regarding the Stunning Views Rocky Mountain Home Short-Term Rental, File No. 21-GNRL0523.

Motion carried 3-0.

2. ADOPTION OF AND AMENDMENTS TO THE 2021 INTERNATIONAL RESIDENTIAL, BUILDING, AND RELATED CODES: Eric Fried, Chief Building Official. Mr. Fried reported to the Board that every three years, the International Code Council (ICC) publishes new editions of the International Residential, Building, Plumbing, Mechanical and related codes ("I-Codes"). He noted that through extensive nationwide discussion, proposals, amendments, public hearings and electronic voting, the I-Codes are developed by code professionals, building scientists and construction industry stakeholders, then adopted around the country by states, cities and counties with local amendments reflecting their local needs and situations. The I-Codes form the framework upon which Larimer County develops its local building codes. In addition, Larimer County adopts the most recent National Electrical Code published by the National Fire Protection Association.

The codes being considered are the following:

- 2021 International Residential Code (IRC)
- 2021 International Building Code (IBC)
- 2021 International Energy Conservation Code (IECC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Fuel Gas Code (IFGC)
- 2021 International Mechanical Code (IMC)
- 2021 International Plumbing Code (IPC)
- 2021 International Property Maintenance Code (IPMC)
- 2021 International Swimming Pool and Spa Code (ISPSC)
- 2020 National Electrical Code (NEC)

Mr. Fried reported to the Board that Larimer County's most recent codes (the 2018 I-Codes) were adopted by the Board of County Commissioners on December 17, 2018, and took effect on February 1, 2019. Amendments to several of the codes regarding short-term rentals were approved by the Board

of County Commissioners on June 10, 2019, and took effect September 1, 2019. The county's building codes are reviewed by a community/staff Code Review Committee, the Board of Appeals and Planning Commission (PC), and the Board of County Commissioners (BOCC), which adopts them. During the 2021 code cycle, upholding county guiding principles of public engagement and cultivating partnerships, these additional actions were taken:

- Northern Colorado CBOs met for months to discuss each entity's code adoption needs.
- Local fire department representatives briefed the Commissioners in February 2021 on residential fire sprinklers.
- A joint Fort Collins/Larimer County code review committee met from May through October.
- A customer survey hosted on the Community Development Department website garnered almost 100 responses.
- Working with the County Engagement Coordinator, contract "community connectors" collected 206 surveys in unincorporated Fort Collins-area mobile home parks with written materials in Spanish to engage historically underserved communities.
- Draft code amendments were posted on the County Building Division web page.
- City/county staff took the draft codes to meetings of the Poudre Fire board, Homebuilders Association, Board of Realtors, Chamber of Commerce, and other stakeholder groups.

Mr. Fried relayed to the Board that the proposed codes and amendments were brought to the Larimer County Board of Appeals on November 10, 2021. The Board unanimously recommended approval of the codes as amended. The proposed codes and amendments were brought to a joint Board of County Commissioners/Planning Commission work session for discussion on November 10, 2021. The proposed codes and amendments were presented at a Larimer County Planning Commission hearing on December 15, 2021. The Planning Commission voted 8-0 to recommend approval. One minor change was subsequently made on the advice of Assistant County Attorney Frank Haug, in consultation with Director of Emergency Management Lori Hodges, regarding damage abatement cost recovery procedures in the International Property Maintenance Code. Per the direction of the Planning Commission, scrivener's errors in metric conversions were fixed.

Mr. Fried walked the Board through the major changes, either to the 2021 I-codes as written, or as proposed local amendments. He noted that these include:

1. Chapter One – adopt a single set of administrative provisions for all commercial codes, add administrative provisions for the NEC.
2. IRC/IBC Section 105.2 – Keep code as is, exempt from permit requirements residential sheds up to 200 sq. ft. in area, commercial sheds up to 120 sq. ft., fences up to 7' high.
3. IRC Section R313 – Require fire sprinklers for new duplexes, townhouses, and Short-term Rentals (but not for detached single-family dwellings).
4. IRC Section R313 - Require sprinklers for detached single-family dwellings in any fire district as designated by the Board of Larimer County Commissioners. Sprinklers are already required in Lyons Fire District, but the Commissioners may add other districts.

5. IRC Section R331/IBC Ch. 36 - Update Wildfire Hazard Area rules for increased defensible space, non-combustible ground cover and siding.
6. IRC Section R332 – Update Vacation Home/Short-term Rental rules including exterior solid fuel appliances, fire extinguishers and exterior lighting.
7. IRC Section R333.1/IBC Section 1811 – Require passive radon-mitigation systems and radon tests for all new dwelling units, and system activation for tests above 4.0 pCi/L.
8. IRC Section R333.2/IBC Section 420.12 – All new dwelling units shall be “Electric Vehicle Ready” with a pre-wired circuit for future charging station installation.
9. IRC Section R333.3 – All new dwelling units shall be “Renewable Energy Ready” with a pre-wired circuit for future rooftop solar photovoltaic or wind energy installation.
10. IRC Section R902.1/IBC Ch. 15 – Class A fire-rated roof coverings required countywide.
11. IRC Section R905.2.4.2/IBC Ch. 15 - Impact-resistant asphalt shingles required countywide.
12. IRC Chapter 11/IECC – Prescriptive insulation requirements rise to R-60 attics, R-30 walls with all cavity insulation, R-20 for wall cavities with R-5 continuous exterior insulation, or multiple combinations that can achieve compliance. All new construction must involve an approved air leakage specialist at the beginning, not the end, of the process to help minimize air leakage by final inspection. All ducts must be pressure tested. Mechanical rooms must be enclosed.
13. Adoption of the International Swimming Pool and Spa Code for the first time

Mr. Fried recommends that the Board of Larimer County Commissioners adopt the 2021 International Residential, Building, Existing Building, Energy Conservation, Fuel Gas, Mechanical, Plumbing, Property Maintenance, and Swimming Pool and Spa Code as amended herein, and the 2020 National Electrical Code administrative amendments, as being in the best interest of the people of Larimer County, effective March 1, 2022. The CBO further recommends that the Board of Larimer County Commissioners repeal the 2018 International 393 4 Residential, Building, Existing Building, Energy Conservation, Fuel Gas, Mechanical, Plumbing, and Property Maintenance Code, also effective March 1, 2022. Adopting the most recent codes will promote County residents’ health, safety, and welfare, and benefit them by:

- Establishing consistency of code adoption amendments with neighboring jurisdictions.
- Helping protect against natural disasters like fire, flood, heavy snows, and windstorms.
- Ensuring continued eligibility for FEMA and other federal, state, and private-sector grants (FEMA considers most recent code adoptions as a factor in awarding grants)
- Ensuring a continued high rating by the Insurance Services Organization (ISO), which affects insurance rates for home and property owners throughout the county.
- Aligning building codes with Land Use Codes, County Climate Smart goals, and other plans.

Mr. Fried noted the Board’s interest in energy efficiency measures and highlighted the energy-saving measures included within the updates.

Chair Stephens opened the meeting to public comment. No members of the public addressed the Board. Chair Stephens closed public comment.

There was a discussion between the Board and staff regarding universal design and the benefits of long-term residency in a home. Additionally, the Board asked for clarity on defensible space and its applicability to the building code and in particular new construction and remodels. Lastly the Board and staff discussed sprinklers, energy capacity, and access to energy efficiency grants. The Board thanked Mr. Fried and his staff for their efforts in preparing and presenting the Code updates.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners adopt the 2021 International Residential, Building, Existing Building, Energy Conservation, Fuel Gas, Mechanical, Plumbing, Property Maintenance, Swimming Pool and Spa Code as amended herein, and the 2020 National Electrical Code administrative amendments, and repeal the 2018 International Residential, Building, Existing Building, Energy Conservation, Fuel Gas, Mechanical, Plumbing, and Property Maintenance Code (File #21-CODE0252).

Motion carried 3-0.

TUESDAY, JANUARY 10, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present were: Austin Harvill, Commissioners' Office; and Elizabeth Carter, Deputy Clerk.

Commissioner Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Jessica Madden, Lisa McLean, Jim Winebrenner, Nick Lance, Katie Cassis, Tasha Carr, Keri Park, and Lindsey Noosel addressed the Board regarding the mask mandate and access to the arts and various events which require vaccinations and boosters. Jason Wright, Debbie Wilson, and Gerald Wilson addressed the Board regarding the Warberg Farm Conservation Development. Chair Stephens closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JANUARY 3, 2022:

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of January 3, 2022.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JANUARY 17, 2022:** Mr. Harvill reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

APPOINTMENTS:

1. **RECOMMENDED APPOINTMENT TO THE RED FEATHER LAKES COMMUNITY LIBRARY BOARD OF TRUSTEES-** William Moxon

2. **RECOMMENDED REAPPOINTMENT TO THE BRUNS PUBLIC IMPROVEMENT DISTRICT #35-**David Morse

3. **RECOMMENDED APPOINTMENT TO THE RED FEATHER LAKES GENERAL IMPROVEMENT DISTRICT #13A-**Julie Dominick

LIQUOR LICENSE: Ptarmigan Acquisition LLC dba Ptarmigan Country Club-Hotel and Restaurant-Fort Collins.

MISCELLANEOUS:

1. **LARIMER COUNTY EAGLE CREST PUBLIC IMPROVEMENT DISTRICT NO. 74 ADVISORY BOARD BYLAWS**

RESOLUTIONS:

1. **RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III**

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for January 11, 2022.

Motion carried 3-0

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

6. **RECOGNITION OF THE RANCH EVENTS COMPLEX TEAM FOR WINNING SIX AWARDS AT THE INTERNATIONAL ASSOCIATION OF FAIRS AND EXHIBITIONS FOR THE 2021 SEASON:** Diana Frick, The Ranch Events Complex. Ms. Frick noted that Louise Romero, Tia Ramano, and Katie Buttermore were in the audience. Ms. Frick reported to the Board that the Ranch won six awards at the International Association of Fairs and Exhibitions for the 2021 season. The awards are given based on the size of the fair. Larimer County falls into the category of less than 100,000 in attendance.

Ms. Frick relayed to the Board that fairs across the country, as well as Canada and Australia vie for these awards each year. She noted that there 1,174 applications were submitted for consideration.

Ms. Frick relayed to the Board that the Ranch Complex won two First Place Awards. The winning events include:

Tiny house - Best 1st Year event not produced by facility staff.

Newsletter - Best Newsletter.

Ms. Frick noted that the Ranch also won four Second Place Awards. The events which won Second Place include:

Fair Barns Arena layout change – Traditional Technique/Procedure/Policy developed by Fair management to correct an issue or challenge related to an Agricultural Program.

Fair coloring page - At Home Fair activity.

Sensory Day - Unique exhibit/Promotion/Special event/Community engagement/competition showcased during the year.

Promotor guide - Printed promotional material specific to facility rentals - Katie, Hannah, and the event team.

The Board thanked Ms. Frick and the Ranch staff for their hard work and continued effort to bring a wide range of events to the complex for residents of Larimer County. The Board also complimented the Team from the Ranch on their creativity, innovation, and adaptability in changing environments. Lastly, the Board especially thanked the Ranch Team for the sensory day at the Fair.

The Board took a brief recess.

The Board reconvened.

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

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

NOTES:

9. **LEGAL MATTERS:** Executive Session pursuant to C.R.S 24-402(b) for conference with an attorney for the purpose of receiving legal advice regarding Colorado Open Meeting statutes and public comment guidelines.

MOTION

Commissioner Kefalas move that the Board of County Commissioner enter into Executive Session pursuant to C.R.S 24-402(b) for conference with an attorney for the purpose of receiving legal advice regarding Colorado Open Meeting statutes and public comment guidelines.

Motion carried 3-0

With there being no further business, the Board adjourned at 10:15 a.m.

Kristin Stephens
KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Elizabeth H. Carter
Elizabeth Carter, Deputy Clerk

