



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 25, 2022

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also, present were Traci Hicks, Samantha Lasher, Planning; Lesli Elis, Community Development Director; Traci Shambo and Connor Sheldon, Engineering Department; Frank Haug, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens invited everyone to join in and stand for the Pledge of Allegiance.

Chair Stephens explained that there are four items on this evening's consent agenda and explained each item. The Commissioners nor any member of the public wished to pull any items from the consent agenda for a full hearing.

1. MOUNTIAN VIEW MOBILE HOME EXPANSION REZONE, FILE NO. 21-ZONE2897: This is a request to rezone a 4.52-acre parcel from CC-Commercial Corridor and MHP-Manufactured Housing Park to PD-Planned Development to allow mobile homes to be added to the property as an extension of the Manufactured Housing Park to the south.

This item was on the agenda for the March 16, 2022, Planning Commission public hearing at 6:00 pm. At the hearing, staff presented the Development Services Team report recommending approval of the rezone application.

The Larimer County staff stated the intent of the project is to rezone CC-Commercial Corridor and MHP-Manufactured Housing Park to PD-Planned Development to allow mobile homes to be added to the property as an extension of the Manufactured Housing Park to the south.

The park is 4.15-acres in size. A .37-acre vacant parcel was combined with the parcel containing the park in November 2021, through a director-approved lot consolidation process

The .37-acre parcel is zoned CC-Commercial Corridor and previously contained two manufactured homes. If this application is approved, four manufactured homes are proposed to be placed on the property. Because the property is in the Fort Collins Growth Management Area, the property must be rezoned to PD – Planned Development.

The original application provided included a Special Review to approve the expansion of the existing manufactured housing park. However, it has since been omitted from this application. As a part of the PD-Planned Development zoning, the applicant has requested the expansion of the existing manufactured housing park be approved via Site Plan Review process. It was determined that with the scale of expansion the site plan could be waived by the planning department.

MHP-Manufactured Housing Park zoning has the following base zoning setbacks: 15-feet from the front property line, 7-feet from the side property line and 7-feet from the rear property line. The setbacks proposed in the PD-Planned Development zoning are 0 feet from the front property line and 6' from side and rear property lines. Staff has reviewed the proposed PD-Planned Zoning setbacks and have found that they are consistent with the existing mobile home operation setbacks.

REVIEW CRITERIA

In deciding the application to amend the zoning map, the Planning Commission and the County Commissioners shall consider the general review 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
2. COMMUNITY NEED OR PUBLIC BENEFIT
3. CHANGE OF CIRCUMSTANCE
4. ADEQUATE INFRASTRUCTURE
5. NATURAL ENVIRONMENT

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends that the Planning Commission recommend the Board of County Commissioners approval of the Mountain View Mobile Home Park Expansion Rezone, File #21-ZONE2897.

2. CRYSTAL LAKES 15TH PUD LOT 68 BUILDING ENVELOPE, FILE NO. 21-LAND4207: This is a request to expand Building Envelope approximately 230-square feet in order to encompass a proposed 14' X 18' shed.

The applicant/property owner requests an amendment to the platted building envelope for Lot 68 of the Crystal Lakes PUD 15th Filing located at 302 Shasta Way Red Feather Lakes, CO 80545. Specifically, the request would expand the platted building envelope 230-feet, to the southwestern portion of the property, to accommodate a proposed 14'X 18' shed. The proposed building envelope will not encroach into any setbacks and will also not encroach into any utility easements.

The property has an existing 2,220 cabin built in 2004. Currently there are no other structures located on the property. The property is served by an existing well and septic system.

REVIEW CRITERIA

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

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

If this amended plat is approved, the resultant lots will still be subject to all other restrictions, covenants and conditions as set forth in the plat of record for the Crystal Lakes 15th Filing PUD.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Crystal Lakes 15th PUD Lot 68 Building Envelope, File #21-LAND4207, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Crystal Lakes PUD 15th Filing.
2. Any future uses on Lot 68 shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
3. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of this amended plat approval.

3. CRYSTAL LAKES 15TH PUD LOT 8 BUILDING ENVELOPE FINDINGS AND RESOLUTION EXTENSION, FILE NO. 21-LAND4124: This is a request to increase the size of the original building envelope for future improvements to the property.

The Tait property consists of 3.05-acres and is a part of the Crystal Lakes PUD 15th Filing. This property is vacant except for one 10' X 12' storage shed on the property. There have been no previous land use approvals on this property.

The Tait's would like to enlarge their current building envelope to encompass flat land that is more conducive to future improvements on their property. The original building envelope is approximately 7,400-square feet as shown on the original plat. The Tait's propose to increase the building envelope to a total of 10,750-square feet as shown on the proposed exhibit. The proposed building envelope will not encroach into any setbacks as dictated by the E-Estate Zoning District and will also not encroach into any utility easements.

REVIEW CRITERIA

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

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

If this amended plat is approved, the resultant lots will still be subject to all other restrictions, covenants and conditions as set forth in the plat of record for the Crystal Lakes 15th Filing PUD.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team recommends approval of the Crystal Lakes 15th PUD Lot 8 Building Envelope, File Number 21-LAND4124 with the following conditions:

1. All conditions of approval shall be met, and the Amended Building Envelope Exhibit recorded by November 24, 2021, or this approval shall be null and void.
2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

4. APRIL 2022 LUC ERRORS AND OMISSIONS AMENDMENT, FILE NO. 22-CODE0268: Amendments to the Larimer County Land Use Code to address errors and omissions in Articles 3, 4, 5, 8 and 12.

The Larimer County Land Use Code (Code) was largely adopted in December 2020 with additional Articles and amendments and corrections in 2021. Subsequently through its implementation, staff and others have identified components of the Code which were omitted or incorrectly incorporated into the Code. This memo addresses the following eight (8) proposed amendments to rectify these concerns:

1. Correction to §3.2.3.B.2. to add the CD Commercial Destination zoning district as one that allows for multiple principal uses.
2. Corrections to Table 3-1 in §3.2.6. and Table 3-2 in §3.2.7. to align use allowances with §11.3.2.A, Oil and Gas facilities.
3. Corrections to the Table of Allowed Accessory Uses in §3.2.8. to correct errors related to helipads.
4. Corrections in §3.4.5.B.2. to the review process required for Business Accessory Dwelling Units to align with Tables 3-3 and 3-4 in §3.2.8.
5. Addition to §4.12 Water Quality to include an omitted “Water Quality Adjacent to Drinking Water Reservoirs” section (formerly Sec. 8.12.6).
6. Correction to §5.7.2. to remove reference to the Estes Valley as a location where a planned land division is required.
7. Corrections to the allowed sign area for nonresidential signs in Table 8-4 in §8.4.3.B.; and
8. Updates to Article 12 floodplain regulations that were inadvertently omitted from the Code in 2021.

The purpose for these amendments is to provide applicants and the community with clarity and consistency in the code text and subsequent implementation actions regarding appropriate uses, review processes, and regulations contemplated by staff, the Planning Commission, and the Board of County Commissioners.

REVIEW CRITERIA

There are two review criteria for amendments to the text of the Land Use Code:

1. The proposed changes are consistent with the Master Plan (Larimer County Comprehensive Plan) and the intent and purpose of Land Use Code.
2. The proposed changes are necessary to correct an omission or error in the Land Use Code.

STAFF RECOMMENDATION:

Staff recommends that the Larimer County Planning Commission recommend to the Board of County Commissioners approval of the proposed amendments to the Larimer County Land Use Code, File #22-CODE0268 as described in Items #1 through #7 as well as Item #8 and other minor formatting changes to the table of contents in order to correct errors and omissions in the Land Use Code, with an effective date of April 26, 2022.

MOTION

Commissioner Shadduck- McNally moved to approve the items on the consent agenda for Monday, April 25, 2022, subject to the conditions in the staff report and further move to authorize the Chair of the Board of County Commissioners to sign the findings and resolution.

Motion carried 3-0

PUBLIC HEARING:

1. **GRACE CHRISTIAN CHURCH REZONING, FILE NO. 21-ZONE3139:** Chair Stephens stated that the applicant requests to rezone two parcels, totaling 1.13-acres, from UR-2 Urban Residential to PD-Planned Development to allow a variety of uses, including assembly uses. If the rezoning is approved, an assembly use would be allowed with Administrative Special Review approval.

Samantha Lasher, Planning gave an overview of the application stating that the subject property is owned by the Grace Christian Church and is located approximately 1.5 miles east of Interstate 25 at 5100 E. Highway 14 in Fort Collins. The property consists of two adjacent parcels totaling approximately 1.13-acres that are zoned UR-2 – Urban Residential and located within the Fort Collins Growth Management Area (GMA). Per the application, one parcel is approximately 0.246-acres and is designated as outlot A of the Vista Bonita subdivision. The second larger parcel is approximately 0.887-acres, and is a metes-and-bounds parcel, not part of a platted subdivision. The property is located within the Vista Bonita neighborhood and the surrounding area is characterized by small, single-family residential lots. The property consists of a 6,318-square foot main residence, which was historically used as a schoolhouse, and an 816-square foot additional residence, which was previously used as a headmaster’s cottage. Both structures are located on the larger parcel and the smaller parcel is currently vacant. The property would be accessed by Orilla Del Lago.

Grace Christian Church is proposing to use the subject property as an Assembly Use for a secondary facility for church operations and a long-term residential use for staff members. The existing 6,318 square-foot main residence would be primarily used as a facility for Grace Christian Church’s staff meetings. The staff meetings would occur once a week, mid-week for two hours total, approximately 30 weeks out of the year, lining up with the academic schedules of Colorado State University and the University of Northern Colorado.

Additionally, the main residence would be used for three to four small, midweek Bible study classes during the same 30 weeks that the staff meetings are held. The Bible study classes each last for one hour typically between the hours of 5 PM and 7 PM. The main residence would also be used for the occasional private gathering for members of the Church, including but not limited to, an annual barbeque for the usher crew, a wedding rehearsal dinner, a staff dinner, baby shower, bridal shower, wedding groomsmen dinner, or birthday party. No outdoor amplified music is proposed, and if events are held in the evening, they would end by 10 PM.

Lastly, the main residence would be used as free, temporary accommodations for visiting ministers.

The secondary 816-square foot residence would be used as a long-term rental for 1-2 full-time staff members, who would act as caretakers of the property.

Main church services would not be held at the site, and it would not be open to the public.

Because the property is located within the Fort Collins Growth Management Area, the property must be rezoned to PD – Planned Development. The proposed allowed principal and accessory uses for the PD zone district are tailored to closely match the Larimer County MU-N – Mixed-Use Neighborhood zone district.

If the rezoning is approved, approval of the Assembly Use with outdoor area will be required through the Administrative Special Review process. Relatedly, staff strongly recommends the applicant apply for an Amended Plat/Boundary Line Adjustment to formally combine the two subject parcels to better accommodate future property improvements prior to the Administrative Special Review.

REVIEW CRITERIA

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In considering the application, the Planning Commission and the County Commissioners shall consider the general review criteria in §6.3.8.D, and the specific rezoning criteria which is discussed below:

1. Compliance with this Code
2. Compliance with other applicable regulations
3. Compliance with prior approvals
4. Compliance with zoning district standards
5. Compliance with developmental standards
6. Compliance with other code provisions

There are two existing structures on the property, including an approximately 6,000-square foot historic schoolhouse and approximately 800-square foot additional residence, which are compatible with the type, intensity, character, and scale of the land uses surrounding the subject property. Per the applicant, there are no propose changes to the existing buildings with this request.

The surrounding area is primarily made up of single-family residential. The subject property is surrounded by a mixture of zone districts, including UR-2 and UR-3 Urban Residential to the north and west, RR-2 – Rural Residential to the south and east, and PD – Planned Development directly to

the south, across Highway 14. The caretaker's dwelling would be used as a long-term residence for 1-2 staff members and the main residence would be used for operations of the Grace Christian Church. Although the proposed Assembly Use is a non-residential use, potential impacts of this proposed use will be addressed during the subsequent Administrative Special Review process. Additionally, as previously discussed, the proposed allowed primary and accessory uses for the PD zone district are tailored to closely match the MU-N zone district. Uses were tailored to allow uses that were compatible with the applicant's request and the surrounding neighborhood. For example, Vehicle Fuel Sales is an allowed use in the MU-N zone district with approval through the Site Plan process, however, this use was not included for the proposed PD zone district as it is not compatible with the surrounding area.

Therefore, the proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Grace Christian Church Rezoning, File #21-ZONE3139.

Ms. Lasher went over the proposed allowed and removed uses and Connor Sheldon, Engineering relayed that the engineering items will primarily be addressed as a part of the Administrative Special Review for Assembly Use with an outdoor area. No parking for the Assembly Use will be allowed in the right-of-way; all parking will be required to be on-site, which will be formally evaluated during the review process.

Mr. Threewitt explained that this is a transitional project that began under the old Land Use Code which the update occurred after the neighborhood meeting but prior to the application. The original request was for a church use which was allowed in the existing zone districts subject to Special Review. The specific church use was removed from the code update to align with the Religious Land Use Institutionalized Persons Act of 2000 (RLUIPA) which states "Strengthen the right of incarcerated individuals to assert their religious principles and to **help religious institutions avoid state regulations of their property through zoning restrictions.**"

In order to approve an "Assembly Use" for this property, an approved zoning change and subsequent Administrative Special Review would be the new process.

The Commissioners had some questions for staff including when the applicant purchased the property, as well as the level of communication that has occurred between the community and the applicant as related to intentions of the property. There were questions of clarification on parking especially during special events.

The property was purchased in April 2021 and postcards were sent out to the surrounding area after the sketch plan and application was submitted to the county which subsequently led to significant

public emails, comments etc. A neighborhood meeting was then held in July 2021 to address some of the neighbors' concerns.

Commissioner Kefalas had a question on compatibility with the neighborhood. Ms. Lasher stated in this such instance they are looking at the compatibility of the rezone and that spot zoning does not occur.

Chair Stephens invited the applicant to provide an overview of the application and its uses.

Matt Lewis, Head Administrator for Grace Christian Church did reiterate that he purchased the property in April 2021, and at that time submitted an application for special review to approve the assembly use of the property. This was a largely vacant, underutilized property and the exterior was in disrepair. He spoke of the neighborhood meeting in July 2021 where neighbors' concerns and questions were addressed. Mr. Lewis stated that one of the main concerns of the neighbors is of "Future proposed uses". Many uses have been excluded such as restaurant, gas stations and bars as that would not be a good fit for the surrounding area. He addressed the concerns of traffic relaying that this is a secondary use facility, and this property would not be used for large gatherings. This would be used for a once-a-week meeting and therefore not affect traffic but only for a narrow timeframe.

Chair Stephens opened the hearing for public comment.

Don Threewitt announced that there is a city-wide connectivity internet outage, and the hearing is not able to be streamed and 21 people were hoping to participate via zoom and now cannot so he suggested to the Board to table the hearing or allow the folks in the audience to provide comment and then continue to a later date of May 9, 2022, for the members who would like to comment.

Chair Stephens discussed this with the Commissioners and the County Attorney and announced that they will allow the members in person to provide comment and then table the remainder of the hearing to a late date in order for the members of the public who had wished to watch and comment via zoom.

The following members of the public spoke in opposition to the rezone: Nicole Holm, Andy Morris, Mary Waring, Gary Holm, Kate Norton, Ann Morgan, Rich Feldman, Sherell Morgan, Lance Smith, Jenn Morris, Barry Kramer and Greg Tooley. Their collective concerns are parking, safety, additional traffic in the neighborhood, no left turn will be possible onto Camino Real, future commercial projects, changing the scope of the neighborhood, church members using the lake and park, zoning change will create a pattern of traffic not suitable for the neighborhood, children riding bikes and walking in a neighborhood with no sidewalks and adding traffic will be a safety issue, short notice of hearing and how will the intended use be regulated?

Chair Stephens thanked everyone in the audience and apologized for the connectivity issues announcing that the meeting will continue with public comment on May 9, 2022.

MOTION

Commissioner Kefalas moved to continue the Grace Christian Church Rezoning, File #21-ZONE3139 until May 9, 2022, at 6:30 p.m.

Motion carried 3-0

With there being no further business, the Board adjourned at 8:00 p.m.

TUESDAY, APRIL 26, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, Interim County Manager. Chair Stephens presided. Commissioner Shadduck-McNally was present. Commissioner Kefalas was excused. Also present were Austin Harvill, Commissioners Office and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Heather Lahdenpera spoke about follow up on the Board of Health survey and what happens with the data. She also had comments on Boards and Commissions to ensure they are inclusive. Angela Myers, Larimer County Clerk and Recorder wanted to bring Senate Bill 230 to the public's attention. This bill is concerning the expansion of county employees' rights to collective bargaining. Clerk Myers hopes the public will oppose this bill and contact their legislatures. The bill originally included school districts and municipalities, but both have been dropped from the bill. Clerk Myers is concerned that county government is the only ones left on this bill. She believes this bill will be detrimental to election integrity and urges public to read and oppose the bill.

The Commissioners thanked those who gave comments and assured Ms. Lahdenpera that the Board interviews candidates for the openings on Boards and Commissions and takes this very seriously. The Commissioners ensured Clerk Myers that they are aware of SB230 and are making sure there are no unintended consequences for our county and will do what's best for the county and its employees.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 18, 2022

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of April 18, 2022

Motion carried 2-0

2. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 2, 2022: Mr. Harvill reviewed the upcoming schedule with the Board.

The Commissioners announced some corrections and additions to the schedule.

4. CONSENT AGENDA:

AGREEMENTS:

- 1. PROFESSIONAL SERVICE AND SOFTWARE LICENSE AGREEMENT (P20-28 ENTERPRISE ASSET MANAGEMENT SYSTEM)**
- 2. SOFTWARE LICENSE AGREEMENT**
- 3. GRANT SUBRECIPIENT AGREEMENT AMERICAN RESCUE PLAN IMMEDIATE NEEDS GRANT SUB AWARD WITH THE CITY OF FORT COLLINS**
- 4. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND JACOB FAMILY SERVICES, INC DBA THE JACOB CENTER**
- 5. AMENDMENT TWO TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LIVEFULLY LLC**
- 6. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND TENNYSON CENTER FOR CHILDREN AT COLORADO CHRISTIAN HOME**
- 7. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND ATTACHMENT AND FAMILY FOCUSED THERAPY**
- 8. AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND TURING POINT CENTER FOR YOUTH AND FAMILY DEVELOPMENT INC**
- 9. LARIMER COUNTY, COLORADO PROFESSIONAL SERVICES AGREEMENT**
- 10. INTERGOVERNMENTAL AGREEMENT FOR THE ASSESMENT, COLLECTION AND REMITTANCE OF EMERGENCY SERVICES IMPACT FEES**
- 11. AMENDMENT TWO TO THE AGREEMENT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES(LCDHS) AND LARIMER COUNTY COMMUNITY JUSTICE ALTERNATIVES (LCCJA)**

DEEDS:

- 1. DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM JAMES A JORDAN AND HEATHER R JORDAN (OWNER) TO LARIMER COUNTY**

2. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM COREY F BOVEE (OWNER) TO LARIMER COUNTY**
3. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM CHARLES R WILLOX HOMESTEAD ONE LLC (OWNER) TO LARIMER COUNTY**
4. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM JOHN C WILLOX (OWNER) TO LARIMER COUNTY**

LIQUOR LICENSES: InnRich Corporation dba Inn of Glen Haven -Transfer of Ownership-Hotel and Restaurant-Glen Haven; Seven Keys Lodge LLC-Renewal-Hotel and Restaurant-Estes Park

MISCELLANEOUS: Warranty Memorandum for Alpaca Farm 3A and 4A Subdivision

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, April 26, 2022.

Motion carried 2-0

4. **COMMISSIONER GUESTS:** The Commissioners did not have any guests.

DISCUSSION ITEMS

1. **DECLARING APRIL 24-30, 2022, VICTIMS' RIGHTS WEEK:** Laura Hinojos, Senior Deputy District Attorney, spoke about her fight for victims as a prosecutor as well as a victim of violent crime to treat people with fairness, dignity, and respect. Victims are guaranteed certain rights at different phases of the criminal justice system from police investigations through eventual court hearings. Ms. Hinojos wished to express her gratitude to Larimer County for taking the time to recognize the importance of victims' rights with this proclamation.

Commissioner Shadduck-McNally read the proclamation declaring April 24-30, 2022, Victims' Rights Week.

The Commissioner each thanked Ms. Hinojos for her hard work with the District Attorney's office in fighting for victims as well as the collaboration with the Sheriff's Department, Human Resources and Community Justice Alternatives who were all instrumental in the proclamation and work on behalf of victims of crime.

MOTION

Commissioner Shadduck-McNally moved to approve the Proclamation recognizing April 24-30, 2022, as Victims' Rights Week.

Motion Carried 2-0

The Commissioners took a brief recess for a photo.

2 PROVIDE AND DISCUSS CURRENT FIRE DANGER CONDITIONS: Justin Whitesell, Emergency Operations Director for the Larimer County Sheriff's Office, stated that he would prefer to discuss the amended ordinance first and then discuss the fire danger conditions. The Commissioners agreed.

3 APPROVE AND ADOPT THE AMENDED ORDINANCE: The ordinance as it is written causes confusion for the public and fire agencies within Larimer County. The ordinance lacks certain devices that are available to the general public. This proposal is to amend the ordinance to clarify language resolving the issues and concerns with the current ordinance. The purpose of this ordinance is to preserve and protect the public safety, and welfare of the citizens of Larimer County, Colorado, by restricting open fires and open burning in the unincorporated areas of Larimer County.

This ordinance shall apply within the unincorporated territory of Larimer County and shall prohibit open fires, contained open fires and the sale, use or possession of fireworks upon the conditions of this ordinance.

Mr. Whitesell read the title of the second reading of the ordinance stating, "Ordinance concerning the restriction of open fires, contained open fires, fireworks, public displays of fireworks and use of combustible devices 2022."

Chair Stephens stated that the full text of the ordinance is on the Larimer.org for those who wish to read it.

Mr. Whitesell explained that the ordinance is a vessel that gives the ability to create a resolution restricting or banning items that are listed in the ordinance with definitions when the conditions are met if a restriction is appropriate.

MOTION

Commissioner Shadduck-McNally moved to approve and adopt the Ordinance concerning the restriction of open fires, contained open fires, fireworks, public displays of fireworks and use of combustible devices 2022.

Motion carried 2-0

Mr. Whitesell then gave an update on fire conditions pertaining to discussion item #2 to the Commissioners stating that there have already been several fires throughout the county and state in 2022. He went over some slides of the predictive Rocky Mountain Area Fire History including weather outlook as well as precipitation forecast chart as these are some of the factors they take into consideration. The difficulty assessing fire danger this time of year that the US Forest Service manages the weather stations which provides us with scientific data that is required by state statute and is relied

upon in the case of restrictions. But, as of now, that data is not available until green-up occurs and when most of the snow has dissipated.

The Commissioners had several questions and concerns about red flag days which puts us at greater risk as well as looking at other factors to gather data since we are now not able to get this data in the early fire season timeframe. There were also questions on drones and if that is part of the ordinance since a recent fire was started by a drone crashing and the battery overheated which started this particular fire. Mr. Whitesell stated that there is nothing currently in the ordinance about drones.

Mr. Whitesell talked about fire restrictions and that it does give those who may not seem to be paying attention more notice about conditions. There are not yet a lot of recreators as there are still areas that have snow as well as parts of the forest service still closed. Other counties have already put restrictions in place.

Mr. Whitesell stated that education is the key to making the public aware of conditions as best we can. There is a concern about winds that have been problematic in recent weeks. The Commissioners thanked Mr. Whitesell for all his hard work and spoke about putting some restrictions in place but would have to take into consideration changing conditions.

David Ayraud, Deputy County Attorney explained that there would need to be a resolution with a 24-hour notice. The Commissioners stated that tomorrow, April 27, 2022, at 1:30 p.m. would be within the 24-hour timeframe if it is noticed to the public and on the record.

8. **COUNTY MANAGER UPDATE:** Interim County Manager Volker updated the Board on this week's coordination meetings and upcoming projects and activities.

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

10. **LEGAL MATTERS**

EXECUTIVE SESSION PURSUANT TO C.R.S.24-6-402(4)(b): Conference with an Attorney for receiving legal advice.

MOTION Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session Pursuant to C.R.S.24-6-402(4)(b): Conference with an Attorney for receiving legal advice regarding case 2022cv30091, Resurrection Christian School et al. versus Tom Gonzales et al.

Motion carried 2-0

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve Larimer County to defend and indemnify the County defendants named in the lawsuit filed by Resurrection Christian School, case no 2022CV3009.

Motion carried 2-0

With there being no further business, the Board adjourned at 11:00 a.m.

SPECIAL MEETING

The Board of County Commissioners met at 1:30 p.m. with Lorenda Volker, Interim County Manager. Chair Stephens presided. Commissioner Shadduck-McNally was in attendance. Commissioner Kefalas was excused. Also present was Deirdre O'Neill, Deputy Clerk.

This is a special meeting to consider adopting a Fire Restriction Resolution. Justin Whitesell, Emergency Operations Director for the Larimer County Sheriff's Office and Captain Joe Shellhamer, Sheriff's Office, presented slides to the Board detailing predicted weather models through the weekend, precipitation percentages and long-term draught analysis. The snow water equivalent percentage is lower than normal, and the wind conditions remain a cause for concern. Other counties have already established fire restrictions so this would put us in line with neighboring counties. They also spoke of escalated costs and went over the 8-14-day temperature forecasts that contain above average temperatures

The Commissioners believe that this is the right thing to do given draught conditions and winds. This will help build awareness and remind those to be safe and behave responsibly.

The Resolution authorizes the Board of County Commissioners to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest fires is found to be high. The resolution also authorizes the Board to prohibit the sale, use and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the county.

Be it further resolved, the Sheriff of Larimer County is authorized to exempt from such ban any gas or liquid fueled fire, use of fireworks or public fireworks displays approved in advance by the Sheriff, after inspection of the containment structure, surrounding vegetation and potential fire fuel, and the immediate availability of fire suppression apparatus.

Mr. Whitesell will present an update to the Board at the May 10, 2022, Administrative Matters meeting. The Fire Departments, Road and Bridge, and the Forest Service have been notified of the possible pending resolution.

MOTION

Commissioner Shadduck-McNally moved that the Board adopt the Resolution for a Fire ban effective April 27, 2022, at 6 p.m. through May 11, 2022, at 6 p.m.

Motion carried 2-0

The Board adjourned at 1:50 p.m.

Kristin Stephens
KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:

Deirdre O'Neill
Deirdre O'Neill Deputy Clerk

