



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, FEBRUARY 6, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Michael Whitley, Community Development Senior Planner. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Tracy Hicks and Tawn Hillenbrand, Planning; Connor Sheldon, Engineering; Lea Schneider, Health; Frank Haug, Attorney's Office; and Kelly Bryant, Deputy Clerk.

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

CONSENT ITEM:

1. MCLAIN EASEMENT VACATION, FILE NO. 22-LAND4267 This request is to partially vacate an existing 10-foot 'utility easement' located along the side or east property line where the resulting easement would be 3.5-feet. The property is located at 440 Pine Tree Drive, Estes Park, Colorado and the Applicant/Property Owner is Phil McLain.

PROJECT DESCRIPTION:

The applicant is requesting to adjust the 10-foot utility easement located along the side or east property line by 6.5 feet to reduce it to a 3.5-foot utility easement. Partially vacating the easement would allow for a future garage addition to the existing home. The applicant has submitted a concurrent application for a front and side setback variance which was heard at the January 24, 2023, Board of Adjustment meeting.

There are no known utilities located in the proposed vacation area.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.8.D.1) allows for the approval of a plat modification, specific to Easement Vacations, if the following review criteria are met:

- A. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services; This request is to partially vacate an existing 10-foot wide 'Utility Easement' located along the side or east property line. This request does not include the vacation of any public right-of-way. Partially vacating the 'Utility Easement' would not leave the subject property or any adjacent properties without access to public right-of-way. The subject property is accessed from Pine Tree Drive.

There are no known utilities located in the proposed vacation area. The applicant provided the required Utilities Checklist, signed by Century Link and the Town of Estes Park Light & Power Department.

- B. The recommendations of referral agencies have been considered; Referral agencies had no concerns with the proposed request. Referral responses are attached to this report.
- C. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the county commissioners approve the vacation. This request does not include right-of-way vacation; therefore, this criterion is not applicable.
- D. Right-of-way vacations must also meet requirements of C.R.S. 43-2-303 Not applicable to this request.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the McLain Easement Vacation, File #22-LAND4275, 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 Meadowdale Hills 2nd Filing.
2. Any future uses on Lot 61 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 Plat Modification – Easement Vacation approval.

- 2. TOWN OF WELLINGTON MINOR LAND DIVISION AND APPEAL, FILE NO. 22-LAND4267** This is a Minor Land Division request to divide one parcel into three lots with existing uses with the two new lots to be acquired by the Town of Wellington for public utilities. This

request includes an appeal to deviate from the minimum lot sizes required by the O-Open zoning district. The property is located at 10691 N County Road 11, Wellington, CO 80549; Located southwest of the intersection of N. County Road 11 and E. County Road 68. The applicant is Nathan Ewert, P.E., Town of Wellington, 8225 3rd Street, Wellington CO 80549 and the Property Owner is North Poudre Irrigation Company, 3729 Cleveland Avenue Wellington, CO 80549.

PROJECT DESCRIPTION:

The applicant/property owner requests a Minor Land Division to divide a 273.85-acre parcel owned by North Poudre Irrigation Company (NPIC) into three lots. NPIC's parcel consists of Reservoir 3 which is used by NPIC for water storage, a private boat club and campground located at the south end of the Reservoir, in addition to the Town of Wellington's Water Treatment Plant, and the Town of Wellington's Pretreatment facility and raw water pump station. The Town of Wellington currently leases the land where the Water Treatment Plant and intake facility are located and have decided to purchase the land rather than rely on a 40-yearold lease agreement.

Specifically, the request is to create a new north parcel (Lot 1), a new south parcel (Lot 2), with the remainder of the existing parcel designated as Lot 3.

Proposed Lot 1 will be ~8.97 acres and will contain the current treatment plant with additional area for future expansion, which will include a new treatment building, ozone building, chemical building, three new solids drying beds, two new backwash ponds and a new septic system. This lot is proposed to be acquired by the Town of Wellington.

Proposed Lot 2 will be ~1.53 acres and will contain the town's Raw Water Intake Facility from North Poudre Reservoir #3. The new lot will be larger than the existing operations area to 16 accommodate future expansion of the intake facilities. This lot is proposed to be acquired by the Town of Wellington.

The remainder of the property is proposed Lot 3, which will consist of the remaining 263.36 acres. This lot contains the North Poudre Reservoir #3 and the existing campground.

The property is zoned O-Open which has a minimum lot size of 10 acres. The town is requesting an appeal from this requirement to allow for the creation of an 8.97-acre lot (Lot 1) and a 1.53-acre lot (Lot 2). The configuration of the lots and the resulting lot sizes have been carefully considered by the Town. In negotiating the terms of the land purchase, the town sought to balance the many goals and interests of the community in an equitable fashion, weighting the amount of land necessary to accommodate future expansions needed to meet the growing demand from the town and to keep costs manageable for utility rate payers.

REVIEW CRITERIA:

The Minor Land Division process can be used to divide off an existing legal use from the remaining vacant property with the condition that the development of the vacant property must be approved through the appropriate land division process and for the division of land for open space or other public uses. To approve a Minor Land Division, the Board of County Commissioners must consider the review criteria below and find that each criterion has been met or determined to be inapplicable. These criteria are noted below and underlined, with Staff's assessment immediately following of the criteria.

- A. The property is not part of an approved or recorded Subdivision plat. The subject property is not currently part of an approved or recorded Subdivision plat.
- B. The property is not part of an Exemption or Minor Residential Development approved under the previous Subdivision Resolution or a Minor Land Division. This property is not part of an Exemption or a Minor Residential Development or a Minor Land Division.
- C. The newly created parcels will meet the minimum lot size required by the applicable zoning district. The parcel is zoned O, Open, which has a minimum lot size of 10 acres. The newly proposed lots will be approximately 8.97-acres (Lot 1), 1.53-acres (Lot 2), and 263.36-acres (Lot 3) in size. Proposed Lot 1 and Lot 2 do not meet the minimum lot size requirement in the O zoning district. The applicant is seeking an appeal to this requirement which is discussed under the review criteria below.
- D. The newly created parcels meet minimum access standards required by the County Engineer. The Larimer County Engineering Department has indicated that they do not have any issues with the proposal, but any further division or development of these parcels would require another application for land division and/or a development review process. The two proposed lots each have a single access to County Road 11 that meet the spacing requirement. The existing uses of the proposed lots is not changing.
- E. Approval of the Minor Land Division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use. The newly proposed lots will not result in impacts greater than those of the existing uses. The resultant 8.97-acre lot and 1.53-acre lot are already developed, and the expansion of the facilities will not result in an increase of traffic.

APPEAL REVIEW CRITERIA:

An appeal to deviate from Minimum Lot Size Requirements.

When considering whether to approve an appeal to deviate from the minimum lot size requirements of this Code, the County Commissioners may grant the appeal subject to the safeguards and conditions consistent with their findings concerning the following factors. The 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. The lot size being proposed is consistent with the pattern of existing lots in the neighborhood. The area surrounding the subject property is primarily comprised of large acre agricultural parcels. East and adjacent N. County Road 11 is the Wilson Conservation Development Subdivision which is comprised of six residential lots averaging approximately 2 acres each. Approval of the appeal would not appreciably impact the pattern of existing lots in the area, as there is considerable variability in lots sizes. Additionally, the Minor Land Division is being used to separate the different uses that are existing onto separate parcels and no additional developable lots are being created with this plat.

- B. The proposed lot has sufficient area to support the intended use of the lot. All three lots have sufficient area to support the existing uses of the lots and have sufficient area to expand the intended uses of the lots. Proposed Lot 1 which will consist of 8.97 acres is served by an On-Site Wastewater Treatment System, where a minimum of 2.29 acres is required per the Land Use Code. Proposed Lot 2 is not large enough to support wastewater treatment. However, the use on this lot is an intake facility which are generally only accessed for maintenance on equipment and do not require potable water supply and wastewater.
- C. There are physical features of the site or other special circumstances that support the proposed lot size. The newly proposed lots being acquired by the Town of Wellington were sized to support the existing uses and the necessary expansion of the facilities needed to support the Town's water needs for the next 20 years. The presence and shape of the reservoir make the subject property particularly unique. The Town's facilities are already in place and the inclusion and acquisition of the narrow strip of land connecting the two sites would not benefit the Town. Moreover, the cost to acquire this narrow strip of land would correlate to price increases for utility rate payers. Ordinarily staff would not consider a financial hardship as a special circumstance. However, this project contributes to the provision of basic services needed to support the Town of Wellington and cutting costs for the beneficiaries is, in this case, considered a special circumstance.
- The shape of usable land due to the reservoir, the location of the existing facilities, and the public cost all constitute a special circumstance.
- D. Granting the lot size appeal is consistent with the intent and purpose of this Code. The uses are existing, and the Minor Land Division is being used to separate the uses onto separate lots. The smaller lot sizes will not adversely impact the development pattern of the area and is offset by the public benefit derived from these uses.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

- A. A. The Development Services Team recommends Approval of the Wellington Minor Land Division, File #22-LAND4267, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met, and the plat is presented for signature:
1. All conditions of approval shall be met, and the Final Plat recorded by February 6, 2024, or this approval shall be null and void.
 2. 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 Minor Land Division approval.
 3. The Development Services Team recommends Approval of the Appeal to deviate from the Minimum Lot Size Requirements.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners move Consent Agenda item 2, Town of Wellington Minor Land Division and Appeal, No. 22-LAND4267 to March 27, 2023.

Motion passes 3-0

Commissioner Stephens moved that the Board of County Commissioners approve the remaining item on the Consent Agenda subject to the conditions in the staff report and further authorize the Chair to sign the Findings and Resolution.

Motion passes 3-0

With there being no further business, the Board adjourned at 3:10 p.m.

MONDAY, FEBRUARY 6, 2023

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m. with Lesli Ellis, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Rusty McDaniel, Engineering, Amy White Community Development, Lea Schneider, Environmental Health, Frank Haug, Attorney's Office; and Kelly Bryant, Deputy Clerk.

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

DISCUSSION ITEM:

1. AEG FESTIVAL SPECIAL EVENT, FILE NO. 22-SPEVENT0050 Leslie Ellis, Community Development Director spoke to the Board. She stated that this request is to host a special event/three-day music festival for up to 13,500 patrons on August 25 to 27, 2023. The property is located along County Road 29 approximately 2 ½ miles north of the Highway 34 intersection, 100 Sunrise Ranch Rd., Loveland, CO 80538. The property owners are Emissaries of Divine Light 100 Sunrise Ranch Road, Loveland, CO 80538, and the applicants are AEG Presents – Rocky Mountains division, Ned Garthe, Manager of Special Projects and Don Strasburg, President.

PROJECT DESCRIPTION:

The applicants are applying to hold a three-day Music Festival from August 25 to 27, 2023, with activity on the site happening as early as August 14 for set up and load out occurring from August 28 through 29. This would be the first AEG hosted music festival on the property on which former multi-day music festivals have been held. The last Arise festival was in 2019 on Sunrise Ranch property. The property has recently been subdivided, and the festival event is proposed on the newly created parcel that is east of North CR 29.

The application states that the maximum number of persons that will be permitted to attend at any single time is 13,500 patrons. The event will be supported by 450 staff and volunteers and 50 contracted security guards.

The part of the site slated for the event includes:

- 24-hour operations, generally opening Thursday at 4:00 p.m. with patrons leaving by noon on Monday.
- Recreational Vehicles, car camping, general admittance camping, and VIP camping.
- Three stages: a main stage (with 11 p.m. curfew Friday and Saturday and 10 p.m. curfew on Sunday), and a B Stage and DJ Tent with 1:30 a.m. curfews.
- Food and beverage vendors.
- Activities tent and a general store.
- Water stations with one gallon of water per person per day and water for cooking and shower trailers.
- Eight major banks of toilets around the grounds.
- 5,400 car parking spaces.
- Access to the event is off County Road (CR) 29, and no parking will occur along the road.
- On site emergency and medical response.

The application explains that AEG Presents – Rocky Mountains division is an experienced entertainment company that operates seven venues around Colorado that range from 500 to 17,000 persons in capacity and that include facilities such as Fiddlers Green and Red Rocks.

BACKGROUND:

In 2017, the Larimer County Land Use Code Special Events Section (Sec. 7) began to restrict properties from applying for Special Events permits if they have prior Special Review approvals with conditions limiting sizes of gatherings. At that time, Sunrise Ranch became ineligible for a Special Events permit because Devine Emissaries' existing Special Review land use approval limits the size of gatherings on the property to 170 people. By 2018, the Arise Music Festival had been held on the property for five years, and Larimer County allowed approval for events in summer 2018 and notified the applicant that they would need to amend the land use approval for the site if they wanted to host the event in 2019. Discussions ensued in summer of 2018, and the owner of Sunrise Ranch started to amend the Special Review approval but has not continued or completed that process since then. Any review and decision related to that will occur as a separate process from this Special Events permit process. Additionally, the owner opted to subdivide a 35 plus-acre parcel on which the music festival

will be held (east of CR 29), so this Special Event does not require an amendment to the Devine Emissaries' Special Review approval or an appeal to the Special Events section of the Code.

In 2019, the County Commissioners granted an appeal to the Special Events and approved an event on the site that: limited amplified music on the main stage to stop at 11:00 p.m. Friday and Saturday night and 10:00 p.m. on Sunday; limited the number of ticket sales to a maximum of 9,000 patrons; and included a requirement to submit a plan for neighborhood outreach and a 24-hour phone number by which persons may contact the applicant. That was the last year that a large event occurred on the Sunrise Ranch site in its entirety before the COVID-19 pandemic.

REVIEW CRITERIA:

The Land Use Code, Article 7 sets forth the purpose, definition and standards, and review criteria for a Special Event. To approve a Special Events permit, the County Commissioners must consider the 5 following Review Criteria as set forth in Sec. 7.5 and find that each criterion has been met or determined to be inapplicable:

7.5.1 - The applicant has demonstrated that the special event can be compatible with existing and allowed uses in the surrounding area.

The applicant does not specifically address compatibility in the application but notes the following approaches that relate to compatibility:

- Access will be via CR 27 with limited access and no parking on CR 29.
- Hours of operation for the main stage will be limited.
- The applicant has agreed to sound measuring.

Staff continues to have reservations about the size of attendance at the event as with past large events on the property and particularly the timing during a weekend when several other large events will be happening in the vicinity and region. Events that weekend include a road bike tour (Venus de Miles) that passes by on CR 29 and the Corn Festival in Loveland. The Sheriff is particularly concerned about the ability to service so many events, especially if there is any need to evacuate the site because of a wildfire or other emergency, or if other possible/pending events are scheduled, such as a home Colorado State University football game. Additionally, surrounding residents have expressed concerns about noise for the years that large events have been held on the property and about the late hours for the amplified music. They have previously requested a maximum level of sound that the festival sponsors have not addressed.

7.5.2 - The applicant has demonstrated that the special event complies with all applicable requirements of this code. The applicant has not fully addressed how the event complies with Review Criteria in Section 7.5 of the Code nor other sections (7.7 through 7.9).

7.5.3. - The applicant has demonstrated that the special event will result in no substantial adverse impact on other properties in the vicinity, including environmentally sensitive areas or features or

other lands. The applicant has not addressed how the Special Event will result in no substantial adverse impact on other properties in the vicinity, including environmentally sensitive areas or features or others' lands. The main concern relates to noise extending beyond the property lines and affecting surrounding residents, and the application does not clearly address how that will be addressed.

7.5.4 - The applicant has demonstrated that the special event has addressed the recommendations of the referral agencies. The application was referred to a variety of agencies as listed on the previous page, and responses were received from most. If the special event is approved, the applicant would need to address the following recommendations and any others from referral agencies:

- Potentially choose another date. (Larimer County Sheriff's Office)
- Present a clear and workable Wildfire Evacuation Plan for up to 14,000 personnel. (Larimer County Sheriff's Office)
- Address comments in the Jan. 6 memo. (Loveland Fire)
- Restrict parking on CR 29 and access from US 34 on that route. (Sheriff and Larimer County 6 Engineering)
- Address recommendations related to food service, kitchen, vendor supplies, solid waste, legible map showing locations of restrooms, etc., portable restrooms to be in multiple camping areas and parking lots, and a more detailed Sound Control Plan. Addressing potable water, vector control, childcare and medical, lights and dust control. (Larimer County Environmental Health)
- Provide a Certificate of Insurance if approved. (Larimer County Risk Management)
- Address building code violations on the Sunrise Ranch site. (Building Official and Code Compliance)
- Provide more detail on site emergency personnel.
- Address tent permits and emergency access path.
- Notification of weather conditions.
- Secure food and garbage overnight.

Sec. 7.5.5. - The applicant has demonstrated that the special event will comply with the applicable performance standards as set forth in Sec. 7.7, Performance Standards. The sections below note how the application complies. Special events may be required by the Director to comply with any or all of the following conditions, except for subsections 7.7.4, 7.7.9, and 7.7.10, which may only be waived with the approval of the County Health Department, the fire district or the Larimer County Sheriff respectively. Which requirements apply to a specific event will be determined based on the location and type of event and after consultation with the Larimer County Sheriff, Larimer County Department of Health and Environment, applicable fire authority and any other county or non-county department, agency or official whose consideration the Director deems essential to a full and complete assessment. All applicable requirements shall be specified in the conditions of the permit, if approved:

Sec. 7.7.1 - An adequate and safe supply of potable water meeting requirements set forth by the Colorado Department of Health or county department of health and environment shall be provided. The application on pages 2 to 3 in Section 3.7 has addressed the water supply for the event attendees.

The Health Department memo notes additional requirements for safe potable water beyond what is proposed in the application.

Sec. 7.7.2 - Separate enclosed toilets for males and females, meeting all state and local specifications, as determined by the county department of health and environment, conveniently located throughout the grounds, sufficient to provide healthful facilities, for the maximum number of persons allowed at any single time, to attend the special event shall be provided. The applicant will supply eight banks of toilets around the facility. Section 3.9 in the application addresses how toilets will be provided. The Health Department notes that additional toilets may be necessary along with handwashing stations.

Sec. 7.7.3 - A sanitary method of disposing of solid or liquid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons allowed at any single time to attend the special event. 7 The applicant has a Solid Waste plan for three-stream zero-waste management as in past events on that site. The Health Department memo includes additional requirements.

A. Sec. 7.7.4 - As determined by the county department of health and environment, the following may be required:

a. Two certified emergency medical technicians and one emergency ambulance provided for special events with 500 persons. One additional certified medical technician provided for every additional 500 persons. An enclosed structure where treatment may be rendered shall also be provided.

The applicant has contracted with Stadium Medical for doctors, nurses and paramedics, as noted on page 18 of the application, although it is not specified how many personnel will be available per this performance requirement.

A licensed practical nurse or registered nurse, licensed to practice in the state, provided for special vents with 1,000 persons. One additional nurse provided for every additional 1,000 persons. As noted above, Stadium Medical is the proposed provider, but the number of nurses is not specified in the application.

And

C. A vector control plan indicating how insects, rodents, and other vermin will be controlled by proper sanitary practices, extermination, or other safe and effective control methods. Where necessary, a plan to control animal ectoparasites, and other disease transmitting, and nuisance insects must be provided. No Vector Control Plan has been included. The Health Department recommends spraying the site before this outdoor event.

Sec. 7.7.5 - If the special event is to occur during hours of darkness, illumination sufficient to light the area of attention (stage, actors, band, etc.) be provided at the rate of at least five foot-candles. Such illumination shall not be allowed to shine or reflect unreasonably beyond the boundaries of the location of the special event.

Page 18 of the application addresses lighting. It is not clear as to whether lighting for the stages or event will shine or reflect outside of the boundaries of the event. The Health Department's memo addresses this subject.

Sec. 7.7.6 - A parking area sufficient to provide parking space for the maximum number of persons allowed at any single time to attend the special event. In addition, there shall be a traffic circulation system sufficient to allow safe and efficient traffic and pedestrian circulation for the maximum number of persons allowed at any single time to attend the special event. The flow of traffic on roads shall not be blocked or hindered, and no cars, buses or bicycles shall be allowed to park along the side of or in any public road right-of-way, without prior written approval of the county engineering department.

Pages 9 (Section 3.14) and 18 of the application addresses parking, and the application specifies that no parking will be allowed along CR 29 and using access from CR 29 from US 34 is not allowed. The applicant appears to have adequate parking for vehicles and RVs and a managed control on the flow of vehicles coming in and leaving. Engineering has reviewed the plan for parking and concurs that the parking is adequate but has asked the applicant to address a Method of Handling Traffic Plan submitted and approved by the Sheriff's Office, including plans for the US 34/CR 27 intersection and CR 27/CR 29 intersection.

Sec. 7.7.7 - Adequate facilities for communication with hospital, police and fire services shall be provided and based in the medical station. The application does not specifically address communication facilities but has stated the applicant will reach out to the emergency services that serve this area.

Sec. 7.7.8 - If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements must be provided. Since the camping is temporary, this section is not applicable. Page 18 addresses the applicant's overnight plans for water.

Sec. 7.7.9 - Security, which, as determined by the county sheriff, is adequate to control any disturbances, which might occur at the special event. An adequate plan of peer group control may be used if approved by the Larimer County Sheriff. The applicant has security proposed private security and how that will operate on page 19 of the application but does not specify which company or how many officers. The application notes a hope to contract with the Sheriff's Office to have off-duty coverage on-site, but given other events happening that weekend, it is unlikely the Sheriff will be able to provide that support.

Sec. 7.7.10 - Applicant must provide evidence that the applicable fire protection district has been notified about the special event. Applicant shall comply with all requirements of the fire protection district. Page 19 of the application notes that the applicant is aware that they will need a separate Special Event permit from Loveland Fire District which has been notified of this event through the Larimer County Special Event permitting process. Loveland Fire has indicated that it awaits further corrections and clarifications after a memo request on January 6, 2023.

Sec. 7.7.11 - Applicant assurance that sounds from the special event do not carry unreasonably beyond the boundaries of the location of the special event. Sound created by the special event, which exceeds any limitations set by the Larimer County Noise Ordinance, shall be presumed to be unreasonable. It is not clear how the applicant will mitigate excessive noise levels that reach beyond the property boundaries, although page 19 of the application notes that AEG will use the procedures from the 2019 event. The Health Department has requested additional information about the Sound Control Plan.

Sec. 7.7.12 - Applicant must provide for appropriate dust mitigation. The property is vegetated and therefore should help mitigate for dust. The applicant has provided for water truck on site to spray for any excessive dust that may occur.

Sec. 7.7.13 - If electrical systems are not self-supporting, electrical systems installation and maintenance must comply with minimum county and state electrical standards. Power for the site will be sourced with generators sourced from Sunbelt Rentals. According to the application, the generators will be placed and grounded in compliance with state and local codes.

Sec. 7.7.14 - Management of food service shall conform to the requirements of the county department of health and environment. The applicant acknowledges that the vendors and food service will conform to the Department of Health and Environment's requirements and as noted in the referral letter. The application notes that AEG has sufficient resources.

Sec. 7.7.16 - Structures and facilities shall be designed and located on the site and the site shall be maintained to ensure:

A. Trees, underbrush, large rocks, and other natural features are left intact and undisturbed.

B. Natural vegetative cover is retained, protected, and maintained so as to facilitate drainage, prevent erosion and preserve scenic attributes. The application notes that earth-moving work is not proposed and vegetated cover will be retained.

Sec. 7.7.17 - For events that involve exotic animals - N/A

Sec. 7.7.18 - A description of the surface material of the parking area and a method-plan for handling traffic in conformance with the Manual on Uniform Traffic Control Devices and the Colorado Supplement. Page 21 of the application notes that the surface is grass, and that traffic will be managed through signage and web messaging.

Sec. 7.7.19- Insurance in an amount determined to be adequate and reasonable considering the risks and hazards relating to the special event. Applicant may also be required to purchase search and rescue (SAR) cards for some or all persons participating in the special event. The applicant acknowledges the insurance requirement.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Based on the information addressed in the application, the Development Services Team does not recommend that the Board of County Commissioners approve the AEG Festival Special Event application. This is because of the timing of this weekend in August that coincides with other major events and a serious security and safety concern, and because the application does not sufficiently address all the criteria in Article 7 of the Land Use Code.

If the Board of County Commissioners moves for approval, the Development Services team recommends the following conditions:

The application/applicant:

1. Shall update an application to meet all Criteria in Section 7.5 and performance standards set forth in Section 7.7 of the Land Use Code, including compliance with Sections 7.8 (compliance with other regulations) and 7.9 (clean up).
2. Will address and comply with all referral agency comments as proposed in Attachment C and provide additional information and clarification where requested.
3. Shall propose a Wildfire Evacuation Plan for the maximum attendance that is satisfactory to the Sheriff's Office.
4. Guarantee that no part of the event be held on the Sunrise Ranch property west of CR 29; activities must be limited to the property east of CR 29.
5. Will submit a plan for neighborhood outreach and a 24-hour phone number by which persons may contact the Applicant.
6. Will establish a "sold out" limit of 9,000 patrons at any single time during the festival, as in 2019.

Commissioner Kefalas asked for specific dates and reviews of the application and questioned why new information had not been presented before this hearing. Staff advised that the application was presented in December and there had been several steps of review in the process. Commissioner Kefalas also requested more information from the referral agencies who are waiting for responses from the applicants. Commissioner Stephens requested the total number of possible attendees and questioned if there would be enough parking. Staff advised that parking would be sufficient for the event. She also asked who might monitor the restricted parking on County Road 29. Staff reiterated that there would be no parking on this road. Chair Shadduck-McNally asked about the timing of some of the comments presented today. Commissioner Kefalas then questioned sanitation matters and staff stated that the applicants have presented a plan that is still under review to ensure compliance. Staff said that the food vendors' applications will also be reviewed to determine water needs to be included in the sanitation plan.

Chair Shadduck-McNally questioned the minimum amount of water (1 gallon) per patron. Staff said that this can be re-evaluated and adjusted as the application progresses.

The applicant's representative, Claire Havelda, spoke to the Board. She stated that Community Development has based its decisions on a parcel that is not related to the event in question. She said that there were violations of the law in the consideration and prejudging a matter that is currently on appeal. She said that her clients have met the requirements for this request but have been denied an appellate review of the other parcel.

Frank Haug, County Attorney's Office, advised that the adjacent property building violations could not be considered unless there was a safety concern. Commissioner Kefalas asked about the code violations of the other property. Staff stated that this event is on the other side of the road and would not be considered.

AEG representative, Ned Garth, Manager of Special Projects spoke to the Board. He said that AEG is a worldwide events company and he, himself, has overseen multiple large-scale events over time. He then proceeded to present the application and the formula that would be used to ensure the safety of all patrons at each stage. He discussed access to water, camping, and emergency access when and if needed. He said that security will be prevalent, and parking would be plenty.

Mr. Garth emphasized that contact information will be available regarding complaints and requests from the local communities. The event will have proper security including metal detectors and backpack search personnel on-site and at every entrance.

Zack Palen, Director of Production, spoke to the Board. He would be overseeing the sound, lighting and laser mitigation at the event. He said he would be working closely with Mr. Garth regarding incoming complaints and/or concerns from the local communities so that immediate action could be taken.

Mr. Garth continued to speak about emergency plans to include hand washing stations, hydration and restroom facilities to include showers. There would be compliant food trucks and fire permit requirements as well as ample dumpster facilities. He stated that the site that has been selected is perfect for this type of event.

Commissioner Kefalas questioned the site as it is not a prepared large venue site. Mr. Garth stated that he has experience with the outdoor environment and that it would have its own challenges and obstacles. Commissioner Kefalas was concerned of the total number of people on the site including patrons, volunteers, and food truck owners at the location. He was also concerned about a potential wildfire emergency and how to evacuate this amount of people. Mr. Garth said he was in close contact with Loveland Fire during this process as well as plans to maintain contact during the event. Commissioner Kefalas was also concerned that the closure of one road to control traffic and that it would have a negative effect. He also asked about the previous events and if they were marketed as family events. Mr. Garth stated that this event will be "a multi-genre event." He also asked about ADA compliance.

Chair Shadduck-McNally questioned the locations of the previous events such as the recent Jazzfest event in Aspen. Mr. Garth said that there would be grass mitigation at this site just as it was done in Aspen. Chair Shadduck-McNally asked about smokers and mitigation. Mr. Garth said that there would be a designated location for smoking. She asked for a backup fire response as the date selected would conflict with other events that are already planned. Mr. Palen introduced Ryan Knutson who explained the prediction software technology that is used to direct sound directly to the audience and the reduction of sound outside of the actual event. This technology is highly adaptable if variables change during the event such as moisture and humidity. Chair Shadduck-McNally mentioned that she was concerned about the impact on the natural area including wildlife and nearby agricultural properties. Mr. Ryan Knutson stated that the peak levels (4 days) should not be too impactful. They offered a noise impact study if applicable.

Mr. Garth said that County Road 29 would be closed but it would be open to cyclists and local motorists. Chair Shadduck-McNally noted that cyclist have been killed in this area unrelated to this event and was concerned for safety.

Chair Shadduck-McNally opened the hearing to public comment.

The following spoke to the Board: Bruce Campbell, Ryan Knutson, Keahi Ewa, Phil Gottula, Jane Anetrini, Meghan Adas, Charlie Stiffler, Clayton Nunes, Shannel Fisher, Paul Bassis, Tiero Lee and Michael Rodriguez.

Their comments included support for the event to promote local businesses, community diversity, professionalism of the AEG company, what medical services would be on-site, access to the roads at the event site, lack of sound mitigation and negative impacts to the local Hidden Valley community and business operations in the area, fire potential with proper mitigation and next-door neighbors' homes shaking, volume from the event that was reportedly immediately addressed in 2018, corrected capacity at the last event was 13,000 and that it was considered a family event in the past.

Chair Shadduck-McNally closed public comments.

Commissioner Kefalas asked questions of the Larimer County Sheriff's Office. He asked if the evacuation plans were submitted and if the issues were being addressed. Lt. Harkin said that he has not seen a revised evaluation plan from the applicant. He asked about the hazards of smoking, cooking, etc. associated with camping. Lt. Harkin stated that CSU football games, bike races and other events have already been scheduled which could take several police personnel away from the resources needed at this event. Chair Shadduck-McNally questioned Lt. Harkin about emergency evacuations as well maintenance of the intersection in question. Commissioner Stephens questioned Loveland Fire Authority, Fire Marshall Carrie Dann about the resubmittal of the application. Fire Marshall Dann said that documents did get submitted recently but have not been reviewed completely. Chair Shadduck-McNally asked about the staffing of this event, and she said that depending on the time of year it would be difficult to manage. Commissioner Kefalas mentioned that there were multiple conditions for approval and questions asked but that the applicant has not addressed them.

Chair Shadduck-McNally asked about the level of rescue in the area proposed and the Fire Marshall Dann mentioned it would be considered moderate. She asked about signage and smoking management proposals as well. Steve Forma, Thompson Valley Fire answered Chair Shadduck-McNally's questions about the other events already planned for that same weekend. He also stated that Stadium Medical answered several questions about on-site medical services, and they have said they can manage the event in question. He said that roads in this region for this weekend may be impacted and prevent transportation if an emergency is presented. Lastly, Chair Shadduck-McNally asked Ms. Ellis to clarify the approval of the 2018 event and that the Findings and Resolution indicated 9,000 patrons were approved.

Mr. Garth provided rebuttal to the public comments as well as the agency questions. He said that responses were all provided respectively. A paper handout from the applicant was distributed to the Commissioners and the county attorney. He said that an open dialogue must be maintained throughout the process. He emphasized that fencing would be constructed to ensure containment but then addressed emergency evacuation on County Road 29 if applicable.

Commissioner Stephens asked Mr. Garth about the ticketing plans, and he stated that it would be a 3-day pass and that all the patrons would have the ability to camp on the site. She asked about crowd control and how many personnel would be scheduled for this task. Mr. Garth said that it would depend on the total number of patrons. Commissioner Stephens asked about underage drinking prevention plans.

The commissioner's deliberation began. Chair Shadduck-McNally was concerned that the agencies have not had a chance to respond to the answers to questions from the applicant. She was in favor of tabling this request until all of the plans are solidified. Commissioners Stephens stated it was a good idea as there was significantly newer material to review. Commissioner Kefalas said that there are serious concerns about the safety plans. Assistant County Attorney Haug suggested that the applicant make a response to the concerns and/or a motion must be made to continue the item.

Mr. Garth stated that a continuance is a possibility and that the responses that have been recently submitted were very complicated and may need additional time to review.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners continue this discussion item, AEG Special Event, Music Festival, #22-SPEVENT0050 to 6:30 p.m., February 27, 2023

Motion fails 1-2

Chair Shadduck-McNally and Commissioner Kefalas dissented.

Commissioner deliberations continued. Commissioner Kefalas stated that decisions must be made on the review criteria. He said that all five of the review criteria were not adequately addressed or met and he recommended the denial of this application. Commissioner Stephens concurred with her colleague as she had concerns about the fire, safety and evacuation issues that were present. Chair Shadduck-McNally said that she did not have the proper information and that the review criteria had

not been met. She said that she did not have confidence in that there would be limited affects on the community and environment. She also had concerns about the strain on the fire departments and law enforcement.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners deny AEG Special Event, Music Festival, #22-SPEVENT0050.

Motion passes 3-0

With there being no further business, the Board adjourned at 9:15 p.m.

TUESDAY, FEBRUARY 7, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Kristin Stephens was excused. Also present were Sarah Martin and Thomas Clayton, Commissioner's Office, and Kelly Bryant, Deputy Clerk.

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

1. PUBLIC COMMENT: No one from the public addressed the Board. Chair Shadduck-McNally closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JANUARY 30, 2023:

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of January 30, 2023.

Motion passes 2 - 0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF FEBRUARY 13, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. 2023 GRANT AGREEMENT BETWEEN LARIMER COUNTY, COLORADO ON BEHALF OF LARIMER REGIONAL OPIOID ABATEMENT COUNCIL, REGION 2

(COLLECTIVELY “GRANTOR”) AND COLORADO HEALTH NETWORK, INC., GRANTEE

2. 2023 GRANT AGREEMENT BETWEEN LARIMER COUNTY, COLORADO ON BEHALF OF LARIMER REGIONAL OPIOID ABATEMENT COUNCIL, REGION 2 (COLLECTIVELY “GRANTOR”) AND NORTH COLORADO HEALTH ALLIANCE, GRANTEE

3. RENEWAL AGREEMENT -2023 LCCC WATER & ENERGY PROGRAM – EFFICIENCY AUDITS AND TRAINING

4. FOURTH AMENDMENT TO AGREEMENT FOR EMPLOYMENT AND TRAINING SERVICES WITH CITY OF FORT COLLINS

DEEDS:

1. DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM FRANCES LARA (OWNER) TO LARIMER COUNTY

MISCELLANEOUS:

1. LARIMER COUNTY HUMAN SERVICES PAYMENTS FOR DECEMBER 2022

2. COLORADO PARKS AND WILDLIFE IMPACT ASSISTANCE GRANT APPLICATION

POLICIES:

1. FAMILY AND MEDICAL LEAVE POLICY, HUMAN RESOURCES POLICY AND PROCEDURE 331.6.24J

RESOLUTIONS:

1. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for February 7, 2023.

MOTION CARRIED 2 – 0

5. COMMISSIONERS’ GUESTS: Miss Loveland Valentine Ellie Heiser was the special guest. She gave a summary of the history of the City of Loveland. Ms. Norma Jean Goodheart, chaperone, spoke of her history serving in this capacity for many years. She was encouraging to the newly appointed Miss Loveland Valentine. The Commissioners asked a few questions regarding the process, and her future as well as congratulated her for her academic and athletic accomplishments. The

County Manager said she was an articulate representative of the City of Loveland and congratulated her.

6. DISCUSSION ITEMS:

1. PROCLAMATION COMMEMORATING BLACK HISTORY MONTH FEBRUARY 2023

Larimer County Board of County Commissioners acknowledges the significance of Black History Month as an important opportunity to commemorate the tremendous contributions and legacy of all Black Americans that have shaped the history of Larimer County and our nation. Chair Shadduck-McNally stated that the Equity and Diversity Board provided insight for the proclamation.

Commissioner Kefalas read the proclamation.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Proclamation Commemorating Black History Month, February 2023.

MOTION PASSED 2 – 0

Commissioner Kefalas was thankful that the community can celebrate Black History Month. He said that there is history that Larimer County can learn from. He was proud of the inclusivity the community provided. He also mentioned the Human Rights film festival at CSU will have a documentary on Rosa Parks. Chair Shadduck-McNally was grateful to celebrate Black History Month as this was the first time a proclamation of this nature was presented and adopted in Larimer County.

2. 2022 STARBURST AWARD TO THE NATURAL RESOURCES DEPARTMENT PRESENTED BY THE COLORADO LOTTERY

Ms. Jennifer Almstead, Natural Resources and the Colorado Lottery's Public Outreach Manager Mr. Daniel Bewley, presented the 2022 Starburst Award to Larimer County's Department of Natural Resources for the Sky View Campground Project. Mr. Bewley said that these awards are given out annually and are funded by lottery dollars. He reviewed the criteria to be considered for this award and found that the Sky View Campground Project met all the requirements. He said that the Colorado Lottery has reached a 40-year anniversary. The proceeds from the Colorado Lottery go primarily to the outdoors.

Commissioner Kefalas was thankful for the partnership with the Natural Resources and the Colorado Lottery. He mentioned that the Sky View Campground had amenities for all patrons including handicapped facilities. He gave a shout-out to Carter Lake and that personnel for being good stewards of the natural resources. Chair Shadduck-McNally said that they are leaving a legacy with Sky View Campground and that it is a special area to view the stars. She was happy that it has amenities for people with mobility issues and can offer a larger area for families to come together. She said it was a beautiful area and was thankful for the award. She congratulated the other parks that were in the category. Lastly, she thanked the Natural Resources team for taking care of the community and she was proud of the work they do.

3. HONORING GAIL ENGEL, THE WINNER OF THE 2023 NATIONAL CASEY FAMILY PROGRAMS EXCELLENCE FOR CHILDREN AWARD

Gail Engel recently received the 2023 National Casey Family Programs Excellence for Children Award for her "Distinguished community service, outstanding leadership, and exceptional volunteer service." Mr. Thad Paul, Division Manager, Department of Human Services, spoke to the Board. He spoke of all of the activities Ms. Engel participates in throughout the community.

Ms. Engel thanked the Commissioners for their continued support. She said that Becky Seville brought the idea to help grandparents in these situations to Ms. Engel as she had several grandchildren in foster care and lost them to the fostering parents. She mentioned the struggles that grandparents must endure as there is limited financial support. She has worked as an advocate for these grandparents locally but now serves on several national boards including the Grand Family Coalition. The goal of the Grand Family Coalition is to bring support to the families in Larimer County. She complimented Larimer County for their recognition of her, but she wanted to recognize those that serve on the front lines. She further explained that Grand Family Coalition was founded by her and Becky Seville. It provides financial, emotional and peer support for those that are raising grandchildren.

Commissioner Kefalas thanked her for her work and asked for clarification regarding her noted statistics of 3,600 grandparents and other relatives raising their grandchildren in Larimer County. The website is info@grandfamilycoalition.org. He expressed his personal thanks for her work in the community. Chair Shadduck-McNally remembers her from Thompson School District and thanked Ms. Engel for being such a strong advocate in the past and for all the work she continues to provide. She was thankful for the work she provides on a national level as well.

4. EMPLOYMENT FIRST PROGRAM

Ms. Heather O'Hayre, Director of Human Services, spoke to the Board. The Colorado Employment First program provides case management services to customers of Colorado's Supplemental Nutrition Assistance Program (SNAP) who need assistance reducing barriers to employment. For example, some may need funds for supportive services like housing assistance, utility assistance, work supplies, and other similar financial help. The public health emergency infused financial support by way of increased food assistance, housing support, child tax credits, etc. in a variety of program areas. As these supports unwind, the Employment First program has already seen an increase to the need for supportive services for participants. HB23-1124 has been proposed that would continue funding for supportive employment services for Colorado Employment First participants by annually budgeting \$1,500,000 each fiscal year. Human Services staff is seeking formal support for this bill from the Board of County Commissioners.

Commissioner Kefalas stated his support for this bill and asked Ms. O'Hare how counties can access these funds. Ms. O'Hare said that the process is difficult, and she is recommending working groups to improve this process. Chair Shadduck-McNally stated her support for this bill as well. Ms. Voker was also supportive of the bill and thankful for the Commissioner's support of this bill.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners support for HB23-1124.

MOTION CARRIED 2 – 0

8. **COUNTY MANAGER UPDATE:** County Manager Volker provided a brief overview of her activities this past week and her schedule for next week.

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

10. **LEGAL MATTERS:**

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding the Loveland Urban Renewal Authority's request for consent to include agricultural land in a proposed urban renewal plan.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners move into Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding the Loveland Urban Renewal Authority's request for consent to include agricultural land in a proposed urban renewal plan.

Motion passes 2 – 0

With there being no further business, the Board adjourned at 10:45 a.m.

WEDNESDAY, FEBRUARY 8, 2023

EXECUTIVE SESSION

The Board of County Commissioners met at 1:00 p.m. with Lorenda Volker, County Manager. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were William Ressue and David Ayraud, County Attorney's Office, Laurie Kadrich, Commissioner's Office and Kelly Bryant, Deputy Clerk.

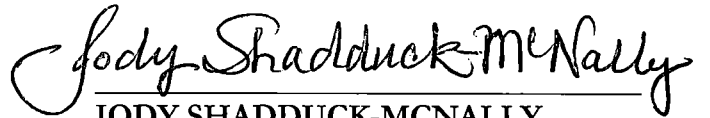
LEGAL MATTERS:

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advance about a threatened lawsuit under C.R.S. 13-20-1201.

MOTION

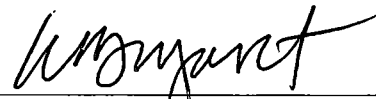
Commissioner Kefalas moved that the Board of County Commissioners move into Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advance about a threatened lawsuit under C.R.S. 13-20-1201

Motion passes 3 – 0


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Kelly Bryant, Deputy Clerk

