



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, DECEMBER 27, 2021

SPECIAL MEETING-EXECUTIVE SESSION UPDATE REGARDING EMPLOYER-BASED CHILD CARE

The Board of County Commissioners met at 10:00 with Linda Hoffman, County Manager. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present were: Bridget Paris, Director of Human Resources; Jennifer Whitner, Benefits Manager, Ken Cooper, Director of Facilities; Jennifer Johnson, Facilities Department; Laura Walker, Director of Human Services; David Ayraud, Deputy County Attorney and Elizabeth Carter, Deputy Clerk.

The Board met pursuant to C.R.S 24-6-402(4)(a) and C.R.S 24-6-402(4)(e) for discussion regarding the purchase, acquisition, or lease of real property, and to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners enter into executive session pursuant to C.R.S 24-6-402(4)(a) and C.R.S 24-6-402(4)(e) for discussion regarding the purchase, acquisition, or lease of real property, and to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

Motion carried 3 to 0.

The Board recessed at 10:05 a.m.

LAND USE HEARING

The Board of County Commissioners reconvened at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also, present were: Lesli Ellis, Community Development Director; Matt Lafferty and

Alyssa Martin, Community Development; and Elizabeth Carter, Deputy Clerk. Frank Haug, Assistant County Attorney joined the hearing by teleconference;

CONSENT AGENDA:

1. LONGS PEAK FARM CD 2ND AMENDED PLAT, FILE NO. 21-LAND4183: This amended plat is regarding the entirety of the Longs Peak Farm Conservation Development. The purpose of this amended plat is to amend the Development Agreement and Management Plan to remove horses from Table 1: Animal Unit Equivalent and allow the Larimer County Land Use Code regulations for horses to apply (1 horse per ½ acre). As the Management Plan stands now, horses are classified as one animal unit, and four animal units are allowed on any given parcel. To amend a Development Agreement, 75% of property owners' signatures must be obtained. This criterion has been met, with 27 signatures provided. Traditional amended plats may be approved by the Director, however, amending a Development Agreement requires a hearing and approval by the Board of County Commissioners.

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.7.D) 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. The amended plat will not create any additional lots.
- B. The resultant lots will meet the 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. Lot sizes or ratios will not change with this amended plat.
- C. The amended plat will not create a nonconforming setback for any existing building; No lot lines are changing in this amended plat and therefore will not create any nonconforming setbacks.
- 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; and 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 and therefore complies with this criterion. No easements or rights-of-way are proposed to be vacated with this request.
- 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 Longs Peak Farm Conservation Development.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of Longs Peak Farm CD 2nd Amended Plat, File #21-LAND4183 with the following conditions:

- A. The lots are subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the Longs Peak Farm Conservation Development.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioner approve the Consent Agenda for December 27, 2021, subject to the conditions in the staff report and authorizes the Chair to sign the Findings and Resolutions at a later date.

Motion carried 3 to 0.

DISCUSSION ITEMS:

1. AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE: Matt Lafferty, Principal Planner. Mr. Lafferty noted that on December 7, 2020, the Board of County Commissioners approved Phase I of the redraft of the Larimer County Land Use Code (Code). Recognizing that there would likely be typos, minor errors, and omissions, the following condition was added to the approval:

Mr. Lafferty reported that the Board of County Commissioners authorized the Community Development Director to administratively approve non-substantive modifications to Phase 1 of the Land Use Code that arise during the preparation of Phase 2. Non-substantive changes include changes such as but not limited to:

- a. Format changes,
- b. Text amendments correcting omissions or errors,
- c. Text amendments that improve clarity, and
- d. Updated cross references.

Since the adoption of the Code, staff has identified a variety of technical and organizational issues created during the Code redrafting process. These issues were presented at the November 6, 2021, Joint Work Session of the Planning Commission and Board of County Commissioners and separated into amendments to be addressed administratively versus those needing to follow the typical code amendment process.

Mr. Lafferty relayed to the Board that based upon the direction provided from the Planning Commission and Board of County Commissioners at the November 6, 2021, Joint Work Session the

following amendments are being considered by this request to be more substantive and therefore appropriate for the Planning Commission's recommendation and Board of County Commissioners approval, rather than as items that can be administratively approved.

Mr. Lafferty walked the Board through the changes that are being presented today.

- Section 2.3.3. (Page 24) – o Table 2-3 - Clarifies required setbacks for RR-1 (converted from RE under previous code) and O-Open. o If you have a lot that was created prior to November 29, 1973, then the setbacks that apply are 25-feet front (road), 5-feet side and 10-feet rear. o Non-conforming lots (less than 10-acres) that were legally created and have a legally constructed building prior to January 22, 2007, that was approved with a setback less than 25-feet on the side or rear will be honored but can be no less than 5-feet from all property lines. o The required setbacks of 25-feet from all property lines will apply to all other lots.
- Section 3.2.3.B. (Pages 55 & 56) – o Clarifies how and where multiple principal uses are allowed. o Allows for both an agricultural and single-family residential use on the same property to both be considered principal uses to allow accessory uses with each use. o Allows multiple principal uses in certain non-residential zone districts, which is generally consistent with the previous code and just didn't carry over or get assigned to new non-residential zone districts.
- Section 3.2.6. Table 3-1 (Page 60) o Assigns the Rural zone districts where the use of Resort Lodge Cottages would be allowed. o This was allowed by Special Review in the O-Open zone district in the previous code but is no longer allowed in the O-Open zone district under the current code. o The NR, FO, A and RR-1 zone districts are intended to replace the O-Open zone district, hence that is why the use is no longer allowed in the O-Open zone district. o This use will be allowed in the NR, FO, A and RR-1 zone districts with approval of a Special Review application.
- Section 3.2.6. Table 3-1 (Page 62) and Section 3.2.7. Table 3-2 (Page 69) and Article 20 (Pages 662 & 663) – Changes the sub-heading of "Adult Uses" to "Other Uses". o Adds General Commercial, Light Industrial and General Industrial uses to the Tables of Allowed Uses. o These uses did not carry over from the previous code and provides a catch all for non-residential uses not explicitly identified in the Tables of Allowed Uses. o Adds the zone districts that they may occur and appropriate approval process. Adds definitions from the previous code.
- Section 3.2.8., Table 3-3 (Page 71) and Section 3.4.4.K., Table 3-14 (Pages 109) – o Includes Value-Added Ag Processing as a use allowed in the CF zone district with appropriate approval processes. Adds FO, O and IR to the permit required table. o Eliminates ACE from the permit required table.

- Section 3.2.8., Table 3-3 (Page 71) and Section 3.4.5.B. (Pages 111) and Article 20 (Page 668) – Changes the use title of “Caretaker Dwelling Unit” to “Business Accessory Dwelling Unit”. Adds the appropriate approval process to applicable zone districts. o Modifies the use description.

- Section 3.2.8., Table 3-3 (Page 71) and Table 3-4 (Page 73) – Clarifies what zone districts in which a “private” landing strip/helipad and “commercial” landing strip/helipad are permitted and what approval process applies.

- Section 3.4.3. (Page 105) – Removes the floor area requirements (item #2) for accessory structures and adds clarifying language as to how much area accessory structures may cover on a lot (new item #2).

- Section 3.4.7.B. (Page 116) – Adds language that specifies that the operator of the home occupation must occupy the dwelling on the property as their primary residence.

- Section 3.4.7.C. (Page 118) – Adds language that specifies that the operator of the rural occupation must occupy the dwelling on the property as their primary residence. Defines that an owner/lessee may operate a rural occupation on a property regardless of who lives in the primary residence.

- Section 4.13. (Pages 201 & 202) - o Adds new Section 4.13. carrying forward the Irrigation Standards from the previous code (Section 8.8). • Article 5 (Pages 208-266) – o Changes heading title from Subdivision to Land Division. o Moves easement and utility standards from Section 5.9. to Section 5.4. for improved organization. o Moves Residual Land and/or Common Area Use Plans from Section 5.6. to Section 5.5. for improved organization. o Adds Section 5.6. Subdivision as it didn’t carry forward from previous code. o Adds Section 5.7. Planned Land Division as it didn’t carry forward from previous code. o Moves Section 5.8.6.D. to Section 5.8.3.A. for improved organization. o Removes the Review Criteria from Section 5.8.6. and moves it to Article 6. o Moves Section 5.5.4. to 5.9.5. for improved organization. o Adds 5.9.4.C.4. from Article 6, because the Rural Land Use process was eliminated from said article. o Moves Section 5.7. Dedication of Land and Fee-in-Lieu Standards to a new Article 15. The Dedication of Land and Fee-in-Lieu Standards are not Subdivision Standards and apply to other land use processes as well. • Article 6 (Pages 267-355) - o Updates Table 6-1 to reflect changes deleting the Rural Land Use process. o Adds clarity throughout Article 6 that the Rural Land Use Board makes recommendations on Preliminary Plats for Rural Land Use Plans not the Planning Commission. o Updates Table 6-2 and Section 6.3.7.B.2. regarding Mineral Interest Notification for Administrative Subdivisions. o Adds language to Section 6.4.1.B. so that material changes to parking lot surfaces may require Site Plan Review. o Deletes Section 6.5.10. as the process for Rural Land Use Plans is now a standard preliminary plat process. o Section 6.7.1.C.1. removes the word “only” from concurrent review required because reviews can happen independently. o

Section 6.7.1.D.3. deletes notification requirement as it is covered in Table 6-2. o Adds Review Criteria for Appeals not carried over from the previous code.

- Article 15 (Pages 608-644) – o Creates Article 15 because it was removed from Article 5. o The Dedication of Land and Fee-in-Lieu Standards are not Subdivision Standards and apply to other land use processes as well.

Commissioner Kefalas opened the hearing to public comment. No one from the public made comment and Chair Kefalas closed public comment.

There was a brief discussion between the Board and staff regarding setbacks and how those will be applied to properties legally established prior to 2007. The Board also thanked staff for their efforts to clean up any outstanding issues that have come to light over recent months.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the proposed amendments to the Larimer County Land Use Code, file #21-CODE0265, as recommended by staff and subject to the following condition(s): the effective date of the proposed code amendment will be January 1, 2022.

Motion carried 3 to 0.

With there being no further business, the Board adjourned at 3:35 p.m.

TUESDAY, DECEMBER 28, 2021

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Lisa Hecker and Nick Lance addressed the Board about the mask mandate. Sonya Warberg-Mast, Deborah Wilson, and Gerald Wilson spoke regarding the Warberg Farm Conservation Development. Erin Ramler addressed the Board via teleconference regarding an appeal before the Board of Health. Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF DECEMBER 20, 2021:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of December 20, 2021.

Motion carried 3-0

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

4. CONSENT AGENDA:

ABATEMENTS:

PETITION FOR ABATEMENT OR REFUND OF TAXES: Windsor Hotel Partners LLC and Larimer County- R1664562; Noha Abraham and Larimer County- R1090038; Mark Zigray and Larimer County- R1142976 and R026104; Cindy Buckardt and Larimer County- R0489280 and R0489301; Daniel L. Sapienza and Larimer County- R0092118; Janet L Miller and Larimer County- R0670928; 9144 Glade Rd. LLC, and Larimer County- R0427055.

AGREEMENTS:

- 1. COMMUNITY CORRECTIONS DAY REPORTING CENTER AMENDMENT**
- 2. PROFESSIONAL SERVICES AGREEMENT (JUDICIAL NEEDS STUDY)**
- 3. AGREEMENT BETWEEN LARIMER COUNTY, COLORADO AND THE CRYSTAL LAKES ROAD AND RECREATION ASSOCIATION**
- 4. DEPARTMENT OF HUMAN SERVICES PAYMENTS FOR OCTOBER 2021**
- 5. EASTER SEALS COLORADO AMENDMENT**

APPOINTMENTS:

- 1. RECOMMENDED REAPPOINTMENT TO THE RODEO BOARD-Rick Harris.**
- 2. RECOMMENDED APPOINTMENT TO THE RODEO BOARD-Rayne Rule**

MISCELLANEOUS:

- 1. DISPOSITION OF CERTIFICATES HELD BY COUNTIES 39-11-142**
- 2. DEPARTMENT OF HUMAN SERVICES PAYMENT FOR OCTOBER 2021**

RESOLUTIONS:

1. A RESOLUTION CANCELING 2019 TAXES DETERMINED TO BE UNCOLLECTIBLE

2. A RESOLUTION REGARDING DEPOSIT OF 2022 FUNDS BY COUNTY TREASURER

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for December 28, 2021.

Motion carried 2-0

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

Motion carried 3-0

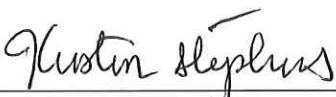
6. **COUNTY MANAGER UPDATE:** Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

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

NOTES: Manager Hoffman noted that the Miscellaneous Item #2 Payments for the Department of Human Services for October 2021 are \$12,345,345.83. There is a misprint on the Consent Agenda.

8. **LEGAL MATTERS:** None requested.

With there being no further business, the Board adjourned at 9:50 a.m.


~~JOHN KEFALAS~~ Kristin Stephens
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Carter, Deputy Clerk

