



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 28, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Samantha Mott, Senior Planner. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also, present were: Tawn Hillenbrand, Senior Planner; Connor Sheldon, Engineering; Lesli Ellis, Community Development Director; Shalana Lysaght, Business Operations Supervisor; Teresa Mollendor, Community Resources; Don Threewitt, Community Development; Lea Schneider, Health Department; Steven Rothwell, Engineering; Samantha Lasher, Planning Department; Frank Haug, County Attorney's Office and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the hearing with the Pledge of Allegiance.

Public Hearing Consent Items:

1. WILD VALLEY NORTH RLUP SECOND AND THIRD AMENDMENTS TO THE DEVELOPMENT AGREEMENT, FILE NO. 22-GNRL0532 The owners are TK3 Holdings, LLC on behalf of Wild Valley North HOA who reside at 8111 Bramley Street Houston, TX 77055 and the applicant is Travis Crites. They are requesting the approval of the second amendment to the Development Agreement to dissolve the Homeowners Association and transfer all responsibilities and obligations to a replacement Homeowners Association and the approval of the third amendment to the development agreement to clarify horse boarding uses on Residual Lot "A" and ownership transferability of Outlot "A." The property is located at Lots One through Nine, Residual Lots "A" and "B," and Outlot "A" of Wild Valley North Rural Land Use Plan (RLUP), generally located north of Highway 34 and adjacent to Hidden Valley Drive and Wildland Drive. The Development Services Team recommends approval of File Number 22-GNRL0532, approving the second and third amendments to the development agreement and Residual Land Use Restrictions for Wild Valley North Rural Land Use Plan.

2. TAYLOR PLANNED LAND DIVISION/PLANNED DEVELOPMENT AND APPEALS, FILE NO.21-LAND4135 The owners are Jack Taylor, 5420 Highway 14 Fort Collins, CO 80524 & Kelly Taylor, 7005 Clearwater Drive Loveland, CO 80538 and the applicant is Jack Taylor. They are requesting A) A Planned Land Division to divide an existing 35.5-acre parcel into two (2) total residential lots, and B) A rezoning from RR-2 Rural Residential to PD – Planned Development, and C) Appeals to the Land Use Code: Article 4.3.5. (On-lot septic in a Growth Management Area), Article 4.5.4.B.1 (connectivity), Article 5.3.A (Public Right-of-Way), Article 5.3.1.C.2 (Urban Street Standard), Article 4.7 (Landscaping), and Article 5.2.1.7 (Lot Width to Depth Ratio). The property is located approximately 1/4 of a mile east of the intersection of S. County Road 5 and Highway 14 on the north side of the road; 5420 E. Highway 14, Fort Collins. The Development Services Team recommends that the Board of County Commissioners approve the Taylor Planned Land Division, File #21-LAND4135, subject to the conditions outlined in the staff report. The Development Services Team also recommends that the Board of County Commissioners approve the rezoning from RR-2 Rural Residential to PD - Planned Development, File #21-LAND4135, subject to the conditions outlined in the staff report. Finally, the Development Services Team recommends that the Board of County Commissioners approve the Appeals to the following Articles in the Land Use Code: Article 4.3.5. (On-lot Septic in a Growth Management Area), Article 4.5.4.B.1 (Connectivity), Article 5.3.A (Public Right-of-Way), Article 5.3.1.C.2 (Urban Street Standard), Article 4.7 (Landscaping), and Article 5.2.1.7 (Lot Width to Depth Ratio).

3. HOURGLASS PLANNED LAND DIVISION AMENDED PRELIMINARY PLAT, FILE NO. 20-LAND4004 The owners are Justin Griess, 357 Hawthorn Dr. Loveland, CO 80538 and the applicant is Hourglass Property LLC c/o Nathan Tanis, 337 Audrey Dr. Loveland, CO 80538. They are requesting to amend the Hourglass Planned Division Preliminary Plat, for which the final Plat has not yet been approved or recorded, to consolidate proposed Lot 5 and Outlot A. The development Services Team recommends approval of Hourglass Planned Land Division Amended Preliminary Plat, File #20-LAND4004, subject to the conditions of approval outlined in the staff report.

4. BOXELDER HEIGHTS RLUP LOT 12 AMENDED BUILDING ENVELOPE, FILE NO. 21-LAND4208 The owners are Joel and Melissa Lurkins, 6018 Inspiration Drive Fort Collins, CO 80524 and the applicant is Joel and Melissa Lurkins, 6018 Inspiration Drive Fort Collins, CO 80524. They are requesting to amend the Plat to modify the platted building envelope; specifically, to expand the building envelope to the east, while also pulling in the south boundary line of the envelope, thereby elongating the building envelope on an east-west axis in order to accommodate a future outbuilding. The Development Services Team recommends approval of Boxelder Heights RLUP, Lot 12 Building Envelope Amended Plat, File #21-LAND4208, subject to the conditions noted in the staff report.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the items on the consent agenda subject to the conditions and staff reports and further move to authorize the chair to sign the findings and resolutions.

Motion passes 3-0

With no further business to come before the Board, Chair Stephens adjourned the meeting at 3:08 p.m.

TUESDAY, MARCH 29, 2022

ADMINISTRATIVE MATTERS MEETING

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

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board: Phoebe McWilliams, Amy Miller, and Mary Jones regarding Mesa County Elections, Larimer County Elections, and Dominion voting systems software and audits. Mary Van Queve spoke remotely regarding the ballot issue and requested a return to paper ballots and hand counts.

Chair Stephens closed public comment.

Commissioner Shadduck-McNally thanked the audience for their public comment. Commissioner Kefalas noted that the material submitted by the public this morning would be reviewed. He also recommended those with concerns regarding Elections should be directed to the Larimer County Clerk & Recorder, Angela Myers. Chair Stephens stated that the Larimer Clerk & Recorder has not advised the Board of any concerns at this time. Commissioner Kefalas announced that on April 6, 2022, beginning at 5:30 – 7:30 p.m. a “Building Community through Conversation” session that will be held at the Larimer County Hearing room. The goal of this discussion is to review root causes for division within the community to include COVID-19 and other issues. The public is invited to attend however they will need to register prior to the event.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 21, 2022:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of March 21, 2022, with the two changes on Page 6: 1) change the title of the “Public Hearing” on March 23, 2022, to “Public Meeting,” 2) the minutes should reflect that the Board did pass the motion 3 – 0 by denoting “Motion carried 3-0.”

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 28, 2022:** Mr. Harvill reviewed the upcoming schedule with the Board. The Commissioners did have some updates for Mr. Harvill.

4. **CONSENT AGENDA:**

ABATEMENTS:

1. **LOWES HIW INC., R1631775, TAX YEAR 2021**
2. **LOWES HIW INC., R1643790, TAX YEAR 2021**
3. **A LIFE WORTH LIVING (LONG CREEK TRUST), R1221752, TAX YEAR 2021**
4. **WHIP MIX CROP, P8282148, TAX YEAR 2021**

AGREEMENTS:

1. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND COLORADO LEGAL SERVICES**
2. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MEALS ON WHEELS OF LOVELAND AND BERTHOUD, INC.**
3. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LIVEFULLY, LLC**
4. **CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND COMMUNITY COUNSELOR, INC.**
5. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND CHOICE CITY HOME CARE LLC**
6. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND HEALTH SERVICES DISTRICT OF NORTHERN LARIMER COUNTY DBA HEALTH DISTRICT OF NORTHERN LARIMER COUNTY (HEALTH DISTRICT)**
7. **AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND WALTER/MCCANN, INC. DBA RIGHT AT HOME**
8. **PROFESSIONAL SERVICES AGREEMENT (P22-02, MUNICIPAL ADVISOR SERVICES)**

9. GRANT SUBRECIPIENT AGREEMENT AMERICAN RESCUE PLAN IMMEDIATE NEEDS GRANT SUB AWARD
10. NON-EXCLUSIVE REVOCABLE LICENSE AGREEMENT AND INTERGOVERNMENTAL AGREEMENT FOR THE RANCH PUBLIC INFRASTRUCTURE WATER LINE IMPROVEMENTS
11. PARKWIDE PROGRAMMATIC AGREEMENT AMONG THE NATIONAL PARK SERVICE AT ROCKY MOUNTAIN NATIONAL PARK, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR ROUTINE OPERATIONS, MANAGEMENT AND ADMINISTRATIVE UNDERTAKINGS OCCURRING WITHIN ROCKY MOUNTAIN NATIONAL PARK

APPOINTMENTS:

1. RESCINDMENT OF THE APPOINTMENT TO THE RED FEATHER LAKES GENERAL IMPROVEMENT DISTRICT #13A AS WELL AS RECINDING THE APPOINTMENT OF JOHN GROSS

DEEDS:

1. DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM FCWN, LLC (OWNER) TO LARIMER COUNTY

LETTERS OF SUPPORT:

AMERICAN PLANNING ASSOCIATION, COLORADO AWARD SUBMITTAL FOR LARIMER COUNTY LAND USE CODE

LIQUOR LICENSES:

Lazy B Chuckwagon & Show, LLC, Lodging & Entertainment License, in Estes Park

POLICIES:

1. GOVERNING POLICIES OF THE LARIMER COUNTY BOARD OF COMMISSIONERS

RESOLUTIONS

1. FINDINGS AND RESOLUTION APPROVING THE PETERS SHORT - TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW

2. RESOLUTION ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY I

Commissioner Kefalas thanked the Community Development team for the development of HB-1041. Commissioner Shadduck-McNally thanked the team as well for their community outreach and commended the staff for their work. Chair Stephens also thanked the Community Development team as well and stated she expected this to be a living document.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, March 28, 2022.

Motion carried 3-0

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

DISCUSSION ITEMS:

6. THE COLORADO SPIRIT TEAM's efforts were halted at the onset of COVID-19 to help provide behavioral health and mental health support to the community in Larimer County. The Pandemic was an event that put a lot of strain on the community, creating lots of uncertainty, separation from friends and family, impacts to jobs and schools, and more. The Colorado Spirit Team worked for 2 long years to provide free and anonymous support to our community. The program is concluded as of March 21, 2022, and we want to take the time to recognize this group for the community-centered work they conducted in a time of an unprecedented crisis.

Shayle Sabo, Office of Emergency Management, spoke to the Board. She recognized the Colorado Spirit Team for their emotional support and behavior counseling to the community during the past natural disasters and pandemic. Ms. Sabo said that there was a collaborative effort from Colorado Department of Public Health and Environment, Federal Emergency Management Agency (FEMA) and Substance Abuse and Mental Health Services Administration (SAMSA). She proudly mentioned that there were over 452 hours of service provided. Now that the project has been completed, Ms. Sabo felt was extremely important to recognize the entire team and the incredible work that they provided.

Laura Walker, Human and Economic Health Director, spoke to the Board as well. She commended the team for their flexibility and for their outreach. Derrik and Dianne attended to represent the Colorado Spirit Team at today's hearing.

The Board viewed a video presentation regarding the team, their work and those additional entities that supported their efforts.

Commissioner Kefalas thanked our colleagues for their extraordinary work over the last 2 years. He noted individual and community wide trauma that has affected Larimer County i.e., Floods, Fires, Pandemic, etc. Commissioner Shadduck-McNally quoted Martin Luther King, Jr. by asking, "what are you doing for others?" and gave special recognition of how the efforts of the Colorado Spirit

Team uphold and reflect. She said the best time to volunteer and support one another is when we have the most need. She said that she's glad to have meet the team and thankful for their efforts. Chair Stephens thanked the team for their efforts over the past two years.

The Board took a brief recess for a photo.

7. THE FIRST READING OF THE REVISED ORDINANCE concerning the restriction of open fires, Contained Open Fires, Fireworks, Public Displays of Fireworks and Use of Combustible Devices. The intent is to clarify and update language in the county fire ordinance for the public and partner agencies to understand the fire restrictions in Larimer County better.

Justin Whitesell, Emergency Operations Director, Larimer County Sheriff's Office, spoke to the Board and offered an audio presentation of a reading of the full, revised Ordinance. David Ayraud, County Attorney mentioned that the following changes will be included:

a. Section 9 – Enforcement: Any person who knowingly, recklessly or carelessly violates the fire restriction ban issued under this ordinance commits a violation and is classified out under C.R.S 30-15-401 sequence upon a fining thereof shall be punished by a fine of not more than \$1,000 for each separate offense or the maximum fine will allow per statute whichever is less.

b. Section 9 C - (There should be an additional sentence added at the end) Any other fees required by statute shall be assessed.

c. Section 10 – Procedures: All prosecutions for all offenses occurring under this ordinance shall be by the District Attorney according to the Colorado County Rules of Criminal Procedures or the Civil Infraction process as is applicable.

Mr. Whitesell further explained the need for the legal direction to ensure the resolution is clear and concise for the public's understanding. Chair Stephens said, "clear is kind." Commissioner Kefalas noted that several parties were involved in the revision of the Ordinance. He also asked for confirmation that Section 6 – Notices will now require Spanish translations.

Mr. Whitesell then clarified the different types of devices and why they were outlined in the definitions within the Ordinances. It was important to note that whenever new restrictions or bans are implemented, the public will be properly informed. Commissioner Kefalas thanked Mr. Whitesell for his service to the community. Commissioner Shadduck-McNally and Chair Stephens both stated they appreciated his work as well.

MOTION

Commissioner Shadduck-McNally moved that the Larimer Board of County Commissioners approve the proposed Ordinance concerning the restriction of Open fires, Contained Open Fires, Fireworks, Public Displays of Fireworks and Use of Combustible Devices and order it to be published and proposed that the Ordinance read today will have the noted changes as read into the record by the County Attorney as part of that record.

Motion carried 3-0

8. **COUNTY MANAGER UPDATE:** Ms. Hoffmann 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.

With there being no further business, the Board recessed at 10:51 a.m.

WEDNESDAY, MARCH 30, 2022

ABATEMENT HEARING

The Board of County Commissioners met at 11:04 a.m., with Noah Gustavson, Appraiser. Chair Stephens presided. Commissioner Kefalas and Commissioner Shadduck-McNally were present. Also present was Kelly Bryant, Deputy Clerk.

1. **PETITION FOR ABATEMENT OF TAXES FOR 2019 AND 2020 TAX YEARS (SCHEDULE R0774871):** Mr. Gustavson addressed the Board and presented a packet of information detailing the method in which the Assessor's Office arrived at their current valuation for \$569,500. The subject property is located at parcel number 94302-09-001.

Mr. Gustavson stated that the property is located at 4900 Gary Dr., Berthoud, Colorado 80513. He detailed the comparable sales with similar style homes and noted that comparable homes were located within the same subdivision. He reviewed the adjustments based on an outbuilding, walkout basement, gross living and basement areas and extra garage areas compared to similar homes in the area. Mr. Gustavson stated that he is offering \$469,000 which is lower than the original recommendation from the Assessor's Office.

Mary Lynn Thomas, petitioner, provided the Commissioners with a report as part of her presentation. She stated that she disagrees with the valuation of her property. She stated that the Glen property and an off-market property (Rose) should not be used as comparables for her property on Gary Dr.

She then proceeded to review her report beginning with a summary page which did outline all the interactions with the Assessor's Office as well as specific properties that justified a valuation of \$325,000. She noted that several homes used in the Assessor's comparisons included newly remodeled properties and based on her physical and financial constraints, she could not improve the property in question. She stated that all of the flooring at the property would need to be fully replaced and no improvements have occurred to date. She concluded by stating that she used her own methodology to calculate the value of her property and that it was based on Real Estate Industry information and additional information that was available to her.

The Commissioners asked Mr. Gustavson to further explain the term of "average quality." Commissioner Kefalas also asked for further clarification regarding the taxable years 2019 –2020. Mr.

Gustavson stated that the reviewed years are retroactive, and Commissioner Kefalas said he understood. Mr. Gustavson had requested photos to determine internal quality but has not yet received those. He further noted that an "average" rating would be typical, however, it should be noted that a "fair" quality would not adjust the total value of the property significantly. He said that he worked to adjust the value based on the original age of the home to ensure fairness. Commissioner Shadduck-McNally noted that the original valuation for 2021 (not related to this hearing) was \$586,500 and then confirmed with Mr. Gustavson that the adjusted value was reduced to \$469,000 based on a reevaluation of age and condition of the property.

There was some discussion between the Board and staff on comparing homes which included some finer points on outbuildings vs. garages. The Commissioners questioned why the Gary property was not included. Mr. Gustavson stated that it was an off-market purchase and would not be considered a viable comparable. Modular homes are 20% undervalued and are not used within the noted comparables either. Another property that could not be used was in a flood plain with multiple code violations that must be considered.

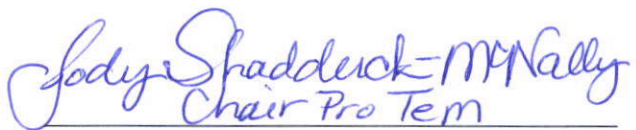
The Commissioners deliberated and felt that they were inclined to reduce the value of the property as noted in the below motion.

MOTION

Commissioner Kefalas moved to set the value of the property at 4900 Gary Dr., Berthoud, Colorado 80513, parcel number 94302-09-001 at \$454,900 for Tax Years of 2019 and 2020.

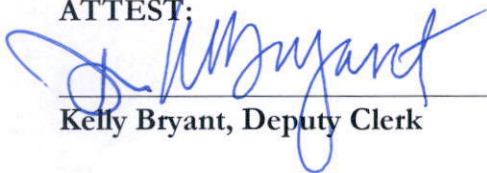
Motion carried 3-0

The Board adjourned at 11:51 a.m.


Chair Pro Tem
KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Kelly Bryant, Deputy Clerk

