

- [Apps Home](#)

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Monday, October 19, 2015

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Matt Lafferty, Principal Planner. Chair Gaiter presided and Commissioners Johnson and Donnelly were present. Also present were: Jeannine Haag, County Attorney; Brenda Gimeson, Rob Helmick, and Rebecca Smith, Planning Department; Craig Dorn and Gael Shellhaas, Deputy Clerks.

Chair Gaiter opened the hearing with the Pledge of Allegiance and noted that the following items were on the consent agenda and would not be discussed unless requested to do so by the Board, staff, or members of the audience:

1. WOODLAND ESTATES AND AMENDED FRANDSON EXEMPTION AMENDED PLAT AND EASEMENT VACATION, FILE #15-S3341: This is a request to amend lots 5 and 6 of the Woodland Estates Subdivision and Tract B of the amended Frandson Exemption to adjust the boundary lines between the lots, vacate and rededicate a ten foot utility easement, and expand the building envelope for lot 5 in the Woodland Estates Subdivision.

The property is located west of Loveland, north of the intersection of County Roads 20 and 23E, with the addresses of 333 N County Road 23E and 267 N County Road 23 E, Loveland, Colorado. The re-configuration will increase the size of Tract B in the amended Frandson Exemption to 11.53 acres instead of 10.63 acres, and decrease the size of lot 6 of the Woodland Estates Subdivision from 4.37 acres to 3.47. The acreage of lot 5 will remain at 3.58 acres. This request will also vacate a ten foot utility easement located on Tract B of the amended Frandson Exemption and relocate it to a more appropriate location within the newly defined boundary lines. Lot 5 in the Woodland Estates Subdivision will expand its building envelope by approximately .095 acres.

The Woodland Estates Subdivision was recorded September 1999 with 6 lots. Some of these lots included building envelopes that were designed to follow a potential flood hazard line, and to aid in wildlife/orchard protection. In reviewing the file for the Woodland Estates Subdivision, it was noted that most of the orchards

were located at the south and west ends of the property with a request for the building envelopes to be located as far north as possible. The requested expansion of the building envelope is located at the north end one-hundred feet from the ditch, away from the orchards and is proposed to be enlarged by less than one acre in size. No comments were received from Larimer County Parks about the expansion. The Frandson Exemption was created in May, 1976 as the Rowen-Frandson Exemption with four lots. It has been amended twice; once in 1992 to modify a boundary line using the ditch as a boundary and again in 2007 to vacate a right-of-way. At that time the amendments were platted with the name as the Amended Frandson Exemption.

The proposed Woodland Estates, amended Frandson Exemption amended plat, and easement vacation will not adversely affect any neighboring properties or any county agency. The amended plat will not result in any additional lots and no other services will be affected. The staff finds that the request meets the requirements of the Larimer County Land Use Code.

The Development Services Team recommends approval of the Woodland Estates amended plat for lots 5 and 6 and the amended Frandson Exemption amended plat for Tract B, File # 15-S3341, to amend the boundaries of the lots and vacation of the ten foot utility easement, subject to the following condition(s) and authorization for the chair 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 April 19, 2016, or this approval shall be null and void.
2. Prior to the recordation of the final plat, the applicant shall make the technical corrections required by the planning staff.
3. The vacation of the utility easement and the reconfiguration of the lots lines shall be finalized at such time when the plat and Findings and Resolution of the County Commissioners are recorded.

2. AMENDED PLAT OF LOTS 51-57, 59-66, AND TRACT H OF CRYSTAL LAKES, 2ND FILING, AND EASEMENT VACATION, FILE #15-S3340: This is a request for approval of an amended plat to recognize the reconfigured Tract H in the 2nd Filing of Crystal Lakes to accommodate the expanded Lower Lone Pine Reservoir and vacation of the utility, fire road, and fishing easements.

The applicant, Crystal Lakes Water and Sewer Association, has previously had approved the reconstruction of the reservoir known as Lower Lone Pine. This was done to meet the requirements of the augmentation plan for the water rights for Crystal Lakes development. All the necessary State, Federal, and County permits and reviews have been completed and approved. The dam is now complete and the lake is filled. The Larimer County Planning Commission reviewed and approved the location and extent review for the reservoir in 2012. This plat finalizes the ownership and reconfiguration of lots affected by the new high water line and inundation area of the reservoir. Platted in 1970 the 2nd filing is zoned O-Open. The lots created are all non-conforming with respect to the current lot size of ten acres. When created, all the lots were over one acre in size. The lots resulting from this amended plat will range in size from .54 acres to 4.21 acres. Because of this a lot size variance was applied for the most critically affected lot (lot 60) that was originally 2.5 acres and is now .54 acres. A dwelling exists on this lot and the Association wished to preserve the value by seeking a lot size appeal to allow a much smaller lot to be created.

The access to lot 60 is unique as a result of this plat. Due to the existence of the residence on the lot and the impact of the new high water line the access will now be an easement which crosses the equivalent of a causeway to the home. The team worked with the applicant and realized that while other alternative might be possible it would require the cooperation of third parties who might not agree. This plan keeps the decisions to lands under the Association's control.

In reducing lot sizes and increasing the size of the reservoir, the impact to sanitation was closely scrutinized. The proposed plan reflects the response to this concern and all lots will be able to continue to or install new system which meets the code and standards of the Health Department.

This proposal meets the requirements of the code. Although it reduces lot sizes it is consistent with the approved location and extent approval and is necessary to complete the action of Crystal Lakes Water Association in satisfying the requirements of the augmentation plan. No individual or agency has raised an issue which has not been resolved.

The Development Services Team recommends approval of the amended plat of lots 51-57, 59-66 & Tract H, Crystal Lakes 2nd Filing, and easement vacation File #15-S3340, subject to the following condition(s) and authorization for the chair 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 April 15, 2016, or this approval shall be null and void.
2. Prior to the recordation of the final plat, the applicant shall make the technical corrections required by the Larimer County Engineering Department.

3. LOT SIZE APPEAL FOR THE AMENDED PLAT OF LOTS 51-57, 59-66, AND TRACT H, CRYSTAL LAKES 2ND FILING, AND EASEMENT VACATION, FILE #15-G0295: This is a request for approval of a lot size for amended plat to recognize the reconfiguration of Tract H in the 2nd filing of Crystal Lakes to accommodate the expanded Lower Lone Pine Reservoir and vacate the utility, fire road, and fishing easements.

The applicant is processing an application for an amended plat to facilitate the final steps in the construction of the enlarged Lower Lone Pine Reservoir. That application is being heard at the same time as this appeal. The 2nd filing of Crystal Lakes was platted in 1970 when there was no minimum lot size. The lots in the area affected range in size from slightly over five acres to approximately one acre. They are all considered non-conforming lots. The amended plat will reduce the size of all the lots mostly by a small amount but one lot (lot 60) is reduced from almost 5 acres to .54 acres. This lot is improved and has an approved vault sanitation system on it. It will be accessed by an easement across the upper end of the new reservoir. The Association bought the lot in advance of the reservoir design knowing that it would be significantly affected by the reconstruction. Because of the investment they have proposed the lot size appeal to preserve as much value in the lot as they can. The remaining lots affected are not negatively affected by the reduction in lot area and can be used as originally intended and can meet the balance of the requirements of the code.

The Development Services Team finds, with respect the lot size appeals the following:

1. The lot sizes being proposed are consistent with the pattern of existing lots in the neighborhood.
2. All of the proposed lots have sufficient area to support the intended use of the lot.
3. There are physical features of the site or other special circumstances that support the proposed lot size.
4. Granting the lot size appeal is consistent with the intent and purpose of this code.

The Development Services Team recommends approval of the lot size appeal for the amended plat of lots 51-57, 59-66, & Tract H, Crystal Lakes 2nd Filing, and easement vacation file # 15-G0295, subject to the following condition:

1. The amended plat is approved, completed and recorded as presented to the county in file #15-S3340.

4. CRYSTAL LAKES 8TH FILING, #107 AND #109 LOT CONSOLIDATION AND EASEMENT VACATION, FILE #15-S3339: This is a request for a lot consolidation of lots 107 and 109, in the Crystal Lakes 8th Filing, and to vacate the utility easements along the common lot lines.

The applicant/owner proposes this lot consolidation to permanently consolidate the lots for facilitating the future construction of a cabin. The resulting 1.9-acre lot will be close to the required lot size in the E1-Estate zoning district. This action combines two lots. The plat has reflected that there are utility easements on the common lot lines of up to thirty feet in width. This creates a larger useable-area.

The proposed lot consolidation and easement vacation meet the requirements of the code and do not negatively affect any adjoining property.

The Development Services Team recommends approval of the Crystal Lakes 8th Filing, lots 107 & 109 Lot Consolidation, and easement vacation of the common lot line utility easements, file #15-S3339, subject to the following condition(s):

1. All conditions of approval shall be met and the final resolution recorded by April 19, 2016, or this approval shall be null and void.
2. The resultant lot is subject to any and all covenants, deed restrictions, or other conditions that apply to the original lots.
3. The vacation of the utility easement and the reconfiguration of the lots lines shall be finalized at such time when the Findings and Resolution of the County Commissioners is recorded.

5. STEGNER EXEMPTION AMENDED PLAT, FILE #15-S3338: The subject request is to modify the lot lines between the three tracts that make up the Stegner Exemption. The result of the request will be to enlarge Tracts A and B of the Exemption by reducing the area of Tract C.

Tracts A and B of the Exemption are currently occupied by single family residences and Tract C contains AG support buildings and is farmed. The outbuildings will be added to the Tracts A and B and the resulting land, Tract C, will continue to be farmed until development of that Tract is proposed.

The properties are all accessible from County Road 54G. There are no changes to access, drainage, or the like with this request. The proposed amended plat has been reviewed for compliance with the applicable codes and meets the requirements for approval as presented.

The Development Services Team recommends approval of the Stegner Exemption amended plat, File # 15-S3338, subject to the following condition(s) and authorization for the chair 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 April 19, 2016, or this approval shall be null and void.

2. Prior to the recordation of the final plat, the applicant shall make the technical corrections required by Brian M. Helminiak, Land Surveyor of the Larimer County Engineering Department.

MOTION:

Commissioner Johnson moved that the Board of County Commissioners approve the consent agenda as proposed above.

Motion carried 3-0.

The hearing recessed at 3:05 p.m.

LAND USE HEARING

The Board of County Commissioners reconvened at 6:30 p.m. with Matt Lafferty, Principal Planner. Chair Gaiter presided and Commissioners Johnson and Donnelly were present. Also present: Terry Gilbert, Karin Madson, Planning Department; Tracy Shambo, Engineering Department; Jeannine Haag, County Attorney's Office; Denise Ruybal and Craig Dorn, Deputy Clerks.

Chair Gaiter opened the hearing with the Pledge of Allegiance and noted that this is a Special Review for Colorado Aronia Project. This Special Review for the Colorado Aronia Project at Bingham Hill Farm will include:

1. Value-added agricultural processing associated with farming aronia berries.
2. Agritourism Enterprise associated with farming aronia berries.
3. A bed and breakfast accommodating up to 6 guests.
4. An appeal to section 10.10.A.3 of the Larimer County Land Use Code to allow an off-premise sign.

Ms. Madson reviewed that the Colorado Aronia Project is a request for Special Review to allow value-added agriculture processing (VAAP) and agritourism. Cultivation and packaging of the berries is a use by right in the FA-Farming zoning district. The aronia cultivation will take place in the areas currently being used for the existing tree farm and nursery. The project will work at determining best practices for production and also developing and testing value added products. In addition, the applicant is requesting approval of a bed & breakfast for up to six guests to be located in the existing single family residence.

Value-Added Agriculture Processing: The VAAP includes production of products from aronia berries including dried fruit, juices, wine, jams and jellies, flavored chocolates, and powdered aronia for use in health supplements, nutrition bars, cosmetics and for coloring. The VAAP will take place in a new proposed 4000 square foot building that will also be used for packaging of the product. Some processing may also be done in the existing kitchen located in the existing multi-purpose building.

Proposed operations for the VAAP are described as:

- § Operated by the owner of the property.

- § Seasonal operation.
- § Will operate five days a week (Monday – Friday) from 7 a.m. to 9 p.m.
- § One additional employee in addition to the four that will be employed by the farming and packing operation.
- § The uses together are anticipated to create an additional twenty-two trips per day during peak season (June-August).
- § Processing will be located 225 feet from the nearest property line.
- § Processing and sales facility, all outdoor storage, and on-site parking will be screened from dwellings within 500 feet.
- § Virtually all activities associated with the VAAP will take place indoors.
- § Less than 50% of the product to be processed will be grown onsite.

Agritourism : Also part of the Special Review request is agritourism associated with the farm use. The project description states that the agritourism activities will include educational classes for producing and using aronia, family outings for “u-pick” opportunities, community workdays, sponsorship of charitable events and other community outreach, wine tastings, aronia themed gatherings, school field trips, farm tours and other similar activities related to aronia.

Proposed operations are described as:

- § Operated by the owner of the property.
- § Year round with seasonal focus during the months of June through August.
- § Six days a week from 7 a.m. to 9 p.m. during the tourist season and 8:00 a.m. through 4:00 p.m. during the off-season.
- § 1-2 employees during the tourist season.
- § All activities will take place more than 100 feet from a property line.
- § Traffic generation is anticipated to be approximately eighteen vehicle trips per day on weekends and five vehicle trips per day during the week. The uses together are anticipated to create an additional twenty-two trips per day during peak season (June-August).

Bed & Breakfast: Typically this type of Bed & Breakfast requires Minor Special Review (no hearing before the Planning Commission). The request has been incorporated into the Special Review request so that only one application is needed.

Proposed operations are described as:

- § Seasonal use with peak during tourist season (June-August), seven days a week during tourist season (June-August), and Friday through Sunday during the off-season.

- § No additional employees needed.
- § Will utilize existing parking areas for the residence.
- § Traffic will be consistent with that of a single family residence.

Appeal: The request will also include an appeal to Section 10.10.A.3. (sign code) for an off-premise sign or a request for a Transit Oriented Directional Sign (TODS) to notify vendors and guests of the project location. The applicant has submitted a request for an off-premise sign to identify the premises at Bingham Hill Road. They have identified safety concerns associated with lack of property identification (currently the mailbox is the only identification for the property). The applicant has identified 4 options for signage. Two of the options identified (Rural Property Identification Sign & Agricultural Product Signs), are not applicable since the signs would need to be located on the property, not Bingham Hill Road, as the property does not have frontage on Bingham Hill.

The other options are an Off-Premise Sign or a Tourist Oriented Direction Sign (TODS). The Engineering Department has indicated that the uses identified may meet the criteria for allowance of a TODS sign. If the uses are approved the applicant will need to apply for a TODS sign and the final determination will be made at that time.

The only outstanding concerns or issues are those that may continue to be voiced by neighboring property owners. Since no comments were received for the Special Review Public Hearing application, any ongoing concerns may need to be addressed at the public hearings.

The Development Services Team recommends approval of the Colorado Aronia Project Special Review, File #15-Z1970 subject to the following condition(s):

1. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Colorado Aronia Project Special Review, File #15-Z1970, except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Colorado Aronia Project Special Review.
3. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
4. This application is approved without the requirement for a Development Agreement.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses

incurred by County including, but not limited to, reasonable attorney's fees.

6. County may conduct periodic inspections to the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.
8. The applicant shall pay the Transportation Capital Expansion Fees (TCEF) to the Larimer County Engineering Department before the use commences, or within 120 days of the recordation of the Findings and Resolution approving the Special Review, whichever occurs first.
9. Expansion of the proposed Value Added Agricultural Processing, Agritourism or Bed & Breakfast uses will require additional Special Review approval.
10. The applicant shall comply with the requirements of the Poudre Fire Authority as outlined in the memo from Jim Lynxwiler, dated July 10, 2015. Construction of the tasting room and processing building will need further review and approval.
11. The applicant shall comply with the requirements of the Health Department as outlined in the memo from Doug Ryan, dated April 23, 2015.

Much discussion ensued between the Commissioners and staff regarding the amount of product to be grown on site, impact of additional traffic in the area, and the amount of additional events that can take place on the property. Use by right allows the applicant to process the product without having to produce any of the aronia berries on his property. The use by right changes though, once the product is modified from its original state. Commissioner Johnson inquired if the applicant would be allowed to process and package product from off premises to which Ms. Madson explained that yes, he would. Ms. Madson further explained in detail the municipal code as it relates to a packing facility.

Ms. Shambo reviewed a table showing the potential number of additional cars and trips generated if this application were approved. The maximum number of additional trips would be twenty-two during peak season. Also discussed were the number of allowable events related to the aronia berries which is unlimited in the present proposal. This means that the possibility exists for additional weddings to be held on the property should they be relevant to the product. Commissioner Johnson questioned the board whether the numbers presented had any events factored in. Ms. Shambo explained that no events had been factored in. Commissioner Johnson raised some concern over the number of additional traffic these events could generate.

Chair Gaiter questioned the panel on how much product the applicant could actually process through use by right. Ms. Madson explained that whatever the applicant grows and ships in they can package under that stipulation but they cannot process it by right. Chair Gaiter then inquired as to how much traffic could be created by this use by right. Mr. Lafferty clarified that there is no limit on how many vehicle trips the residence can create in regards to just packaging product.

Chair Gaiter asked the applicant, Randy Pope, to address the Board of Commissioners. Mr. Pope started off by stating that he had filed an ethics complaint against Commissioner Donnelly and Commissioner Johnson and asked if that action would prevent the two Commissioners from reviewing his application without bias. Commissioner Donnelly stated that he is fine with hearing the application and can be impartial in his review. Commissioner Johnson stated that with his sixteen years experience within the Planning Commission and serving as a Commissioner he is capable of reviewing the application impartially. Chair Gaiter stated that he is capable of remaining impartial in his review of the application as well. Commissioner Donnelly further added that at one point in the past he had refuted himself from a meeting due to a loose financial tie he had with the applicant which no longer exists.

Mr. Pope continued and provided a summary on the aronia berries. The berries are grown on shrubs that reach about six feet in height. It will take approximately three years for the bushes to produce any berries which will then be picked mechanically. If approved, this will be the sixth aronia berry farm in the nation. The growth of the project will be limited by the septic requirements and if the project does grow beyond said requirements it will have to move to another location. During his presentation Mr. Pope mentioned that he intended to grow grapes on the property in his effort to be as productive as possible. Mr. Pope gave examples of surrounding properties in the area with similar operations and stressed that his will not be an industrial plant and will utilize approximately four to six employees.

Mr. Pope mentioned that the bed and breakfast will have a minimal impact on traffic in the area, adding an additional one to three cars maximum in the months of June through September. He asked the Board to set aside any opinions neighbors in the area may have of the project since, due to previous interaction, there is too much negative bias in the area for it to ever be truly harmonious. None of the noise complaints filed have been validated and the project will not produce any odor, light pollution, and that they have taken measures to ensure dust suppression.

In closing Mr. Pope added that most of the aronia activity would take place indoors. The additional traffic generated by the operation would turn off before it reaches the neighbors' driveways, he doesn't envision any additional weddings taking place, the project would have to move if it grew any larger since the septic requirements would not be met, and he doesn't foresee any substantial impact on the neighborhood from the project.

Some discussion ensued between the Board, staff, and applicant. Ms. Shambo was asked about the different charts that were seen and how the numbers differ. Ms. Shambo stated that the chart provided by the applicant does contain different numbers than the chart she provided. The maximum amount of traffic generated would be eleven vehicles thus causing twenty-two trips per day during peak season. Mr. Pope provided a graph illustrating the current traffic flow, which is approximately 1300 vehicles passing a day down Bingham Hill Road, as it relates to the projected increase due to the project, which is minimal.

There was also concern over the increase in the amount of weddings that could potentially take place. Mr. Pope asked what an aronia berry wedding would look like and stated that he has no intention of having aronia themed weddings. Agriculture is his main focus and that they intend to have nine weddings a year. Commissioner Johnson questioned how many vehicle trips would be produced by the weddings. Mr. Lafferty explained that each wedding would have roughly one 122 people, averaging 2.7 people per car, with the weddings occurring nine times annually. Commissioner Donnelly asked what exactly constitutes an agritourism event and when they would occur. Mr. Pope stated some examples and noted that most would take place on the weekend.

Chair Gaiter stated that grapes were not mentioned in this application for special review and asked staff if that was an issue. Mr. Lafferty clarified that grapes were not mentioned in the application but that the use by

right could include grapes and their packaging.

Chair Gaiter opened the hearing to public comment. Neal Spencer, Elizabeth Ashbach, Mary Humstone, Reid Pope, and Debbie Dirks spoke in support of the project, noting that the project ties in nicely with the area and that the concerns of additional traffic, noise, or impact on the neighborhood were unfounded.

Shelby Majors, Joan Welch, John Schmid, and Rae Sullivan all spoke in opposition of the project stating that major processing would take place from the beginning due to the long duration of time it would take for the initial growing of the berries, showed concern over the unlimited number of events that could take place in conjunction with the product, the project is not compatible or harmonious with the neighborhood, too many uses on the one property, and the large amount of outdoor noise that the project could produce.

Liz Whitney was in support of some aspects of the projects but had concerns with the larger outside events and the noise level.

Chair Gaiter closed the hearing to public comment and asked Mr. Pope to again address the Board of Commissioners. Mr. Pope stated that multiple uses on the property will not interfere with one another, produced a map detailing 1.3 square miles of the surrounding area showing at least twenty-five other business in operation, explained that none of the noise complaints were ever validated, the traffic increase would be minute in comparison with the already existent flow, and that he wants a chance to succeed without a lot of conditions limiting his proposal.

Chair Gaiter asked Ms. Haag to include wording that clarifies the allowance of grapes in the operation. Chair Gaiter also inquired to Mr. Lafferty on whether of not this is an FA farming and not residential zone to which Mr. Lafferty replied it is indeed an FA farming zone.

Commissioner Donnelly addressed the sign appeal and recommended the Tourist Oriented Destination Sign (TODS).

Commissioner Johnson spoke in support of the application stating that there would be no major impact on the neighborhood but expressed concern with the additional large events and weddings that could take place. He would vote to approve the application only if the motion contained a condition to not allow any additional weddings.

Commissioner Donnelly agreed with Commissioner Johnson and stated this proposal is comparable to the current operation on the property. Commissioner Donnelly further stated he would be hard pressed to think of an agritourism event that would have a negative impact on the neighborhood and that he supported the staff in the sign denial.

Chair Gaiter stated that he is an advocate of economic and agricultural growth in Larimer County and is in support of the application but agrees with Commissioner Johnson's recommendation to not allow additional weddings. Chair Gaiter also stated he would like to include wording in the motion to include grapes in the proposal.

MOTION

Commissioner Johnson moved that the Board of County Commissioners approve the Colorado Aronia Project Special Review, File #15-Z1970, with the conditions as outlined above, with the addition of wording to include products similar to aronia berries such as grapes. In addition, the amount of weddings can not increase from twenty-two as previously approved.

Motion carried 3-0.

MOTION

Commissioner Johnson moved that the Board of County Commissioners deny the appeal to Section 10.10.A.3 of the Larimer County Land Use Code.

Motion carried 3-0.

With there being no further business, the hearing adjourned at 10:05 p.m.

TUESDAY, OCTOBER 20, 2015

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Gaiter presided and Commissioners Johnson and Donnelly were present. Also present were: Donna Hart, Deni LaRue, and Kristina Nielson, Commissioners' Office; David Ayraud and Bill Ressue, County Attorney; Gary Buffington, and Meegan Flenniken, Department of Natural Resources; Jeff Baessler, Colorado Water Conservation Board; Alexandria Castino, Charlie Johnson, and Mark Peterson, Engineering Department; Jacob Castillo and Joanie Friedman, Workforce Center; Captain Manago, and Sheriff Smith, Sheriff's Department; Craig Dorn, Deputy Clerk.

Chair Gaiter opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Chair Gaiter opened the meeting up to public comment giving citizens the opportunity to address the Commissioners regarding events and issues pertaining to Larimer County. Eric Sutherland addressed the Board.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF OCTOBER 12, 2015:

MOTION

Commissioner Donnelly moved that the Board of County Commissioners approve the minutes for the week of October 12, 2015, as presented.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 26, 2015: Ms. Hart reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

MOTION

Commissioner Johnson moved that the Board of County Commissioners approve the consent agenda as outlined below:

10202015A001

AGREEMENT BY AND BETWEEN LARIMER COUNTY AND THE

**DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO AMENDMENT NO. 1 TO
THE ORIGINAL AGREEMENT ROUTING NUMBER 2015CMIP69**

**10202015A002 SUBCONTRACT BY AND BETWEEN LARIMER COUNTY, THE REGENTS
OF THE UNIVERSITY OF COLORADO ON BEHALF OF THE UNIVERSITY OF COLORADO
DENVER, AND THE COLORADO DEPARTMENT OF HUMAN SERVICES FOR THE FCHILD
WELFARE TRAINING ACADEMY**

**10202015A003 AMENDMENT NO. 1 TO COMMUNICATIONS AGREEMENT DATED
DECEMBER 21, 2009 BY AND BETWEEN LARIMER COUNTY AND THE PLATTE RIVER
POWER AUTHORITY (PRPA)**

**10202015D001 POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC. RIGHT-OF-
WAY EASEMENT**

**10202015R001 RESOLUTION ESTABLISHING COMPENSATION FOR DISTRICT
ATTORNEY INVESTIGATOR**

**10202015R002 FINDINGS AND RESOLUTION APPROVING THE AMENDED PLAT OF
RAINBOW LAKES ESTATES LOT 62**

**10202015R003 FINDINGS AND RESOLUTION APPROVING THE CONTINENTAL NORTH
LOT 28A EASEMENT VACATION**

**10202015R004 ORDER AND ASSESSMENT FOR INCLUSION OF UNPAID AND
DELINQUENT STORMWATER FEES AND CHARGES OWED TO BOXELDER STORMWATER
AUTHORITY ON LARIMER COUNTY TAX BILLS**

**10202015R005 FINDINGS AND RESOLUTION APPROVING THE FRANK EXEMPTION
PARCELS 1 AND 2 AMENDED PLAT**

**10202015R006 FINDINGS AND RESOLUTION APPROVING THE BRIDGES MINOR LAND
DIVISION**

10202015R007 FINDINGS AND RESOLUTION APPROVING THE MARTIN APPEAL

**10202015R008 FINDINGS AND RESOLUTION APPROVING THE MCGREW MINOR LAND
DIVISION**

**10202015R009 FINDINGS AND RESOLUTION APPROVING THE MAZZA MINOR LAND
DIVISION AND LOT SIZE APPEAL**

**10202015R010 FINDINGS AND RESOLUTION APPROVING THE ERION PUBLIC SITE
PLAN AND APPEAL**

**10202015R011 LOT CONSOLIDATION RESOLUTION APPROVING THE
CONSOLIDATION OF LOTS AND EASEMENT VACATION FOR GLACIER VIEW MEADOWS
4TH FILING LOTS 82 AND 83**

10202015R012 LOT CONSOLIDATION RESOLUTION APPROVING THE

**CONSOLIDATION OF LOTS AND EASEMENT VACATION FOR GLACIER VIEW MEADOWS
8TH FILING PUD LOTS 61 AND 62**

**10202015R013 FINDINGS AND RESOLUTION APPROVING THE AMENDED PLAT LOT 49A,
BLOCK 21 EAST OWASSA AND A PORTION OF LAND IN SW 1/4 OF 27-10-73**

**10202015R014 FINDINGS AND RESOLUTION APPROVING THE MANNING MINOR
LAND DIVISION**

**10202015R015 FINDINGS AND RESOLUTION APPROVING THE AMENDED PLAT OF
LOTS 22 AND 23 AND LOT SIZE APPEAL IN THE RED FEATHER HIGHLANDS SUBDIVISION**

10202015R016 FINDINGS AND RESOLUTION APPROVING THE MANNING APPEAL

MISCELLANEOUS: Stipulation as to tax year 2015 value - lot 2, Sheehan MRD S-1-92; Warranty Memorandum for Crossroads Northwest Commercial Park PUD Amended Plat 12-S3127; Stipulation as to tax year 2015 value - lots 3, 4, and 5, Harvard 1st, FTC.

LIQUOR LICENSES: The following licenses were approved and/or issued: Fort Collins Elk Lodge – 6% – Fort Collins.

Motion carried 3-0.

5. COMMENTS FOR COMMISSIONERS' GUESTS: No guests were present for comment.

6. UPDATE ON IN-STREAM FLOW DESIGNATIONS AT RED MOUNTAIN OPEN SPACE: Mr. Buffington, Mr. Baesler, and Ms. Flenniken updated the Board on the in-stream flow program and status of appropriations on Sand and Boxelder creeks. The Larimer County Department of Natural Resources is partnering with The Colorado Water Conservation Board to file for in-stream flow designations on both Boxelder Creek and Sand Creek as they flow through Red Mountain Open Space in northern Larimer County. Following monitoring and quantification of flows on both creeks and evaluation of the vegetation and wildlife on-site, it is planned to file for in-stream flow rights in early 2016. Appropriating in-stream flow rights on both these creeks will further protect the conservation values of Red Mountain Open Space (aquatic insects, fish, and other wildlife as well as the important plant communities) that depend on these flows.

7. ECONOMIC DEVELOPMENT UPDATE: Mr. Castillo and Ms. Friedman updated the Board in regards to the economic development plans in place for Larimer County. Mr. Castillo went over the Consultants visit last week with the Board and reviewed the asset assessment which had one hundred-fifty people participate in seventeen different focus groups over two and half days. Seventy people attended the meetings and twelve follow-up interviews were scheduled with private stakeholders. Mr. Castillo also went over the enterprise zones which will have the entirety of Estes Valley included as of Jan 1, 2016. Mr. Castillo explained that they have scheduled three separate meetings where businesses have been invited to the Estes Valley Library Computer Lab to see how the enterprise zone program works. Mr. Castillo also chronicled his State Economic Development Commission meeting last Thursday.

8. WORKSESSION: Ms. Hoffmann updated the Board on various projects and activities.

9. COMMISSIONER ACTIVITY REPORTS: The Board reviewed their activities during the previous week.

10. LEGAL MATTERS: Mr. Ayraud and Mr. Ressue requested that the Board go into executive session to discuss the Pandhandling Ordinance and Rinker Lawsuit.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners go into executive session for conferences with an attorney for the purpose of receiving legal advise as outlined in 24-6-402(4)(b) CRS.

Motion carried 3-0.

The meeting adjourned 10:26 a.m.

WEDNESDAY, OCTOBER 21, 2015

EXECUTIVE SESSION

The Board of County Commissioners met at 1:30 p.m. with Linda Hoffman, County Manager. Chair Gaiter presided and Commissioners Johnson and Donnelly were present. Also present: Bill Ressue, County Attorney; Gary Buffington and Kerri Rollins, Department of Natural Resources; Charlie Johnson, Human Services; Mark Peterson and Alexendra Castino, Engineering Department; and Craig Dorn, Deputy Clerk.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners go into executive session for discussion on the purchase acquisition, lease, transfer, or sale of any real or personal property pursuant to 24-6-402(4)(a).

Motion carried 3-0.

The executive session ended at 3:10 p.m., with no action taken.

**LEW GAITER III
BOARD OF COMMISSIONERS**

**ANGELA MYERS
CLERK AND RECORDER**

ATTEST:

Denise M. Ruybal, Deputy Clerk

Craig Dorn, Deputy Clerk

Larimer County, Colorado

200 W. Oak Street
Fort Collins, CO 80521