

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JANUARY 22, 2020

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, January 22, 2020, at the hour of 9:00 a.m.

ROLL CALL: The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Mike Freeman, Chair
Commissioner Steve Moreno, Chair Pro-Tem
Commissioner Sean P. Conway – EXCUSED
Commissioner Scott K. James
Commissioner Barbara Kirkmeyer

Also present:

County Attorney, Bruce Barker
Clerk to the Board, Esther Gesick
Controller, Barbara Connolly

MINUTES: Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of January 20, 2020, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Moreno moved to approve the Certification of Hearings conducted on January 20, 2020, as follows: 1) PCSC19-0020 – County RV Storage, LLC. Commissioner James seconded the motion, which carried unanimously.

AMENDMENTS TO AGENDA: There were no amendments to the agenda.

CONSENT AGENDA: Commissioner Kirkmeyer moved to approve the Consent Agenda, as printed. Commissioner James seconded the motion, and it carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, stated he was saddened by Commissioner Conway's resignation with only ten (10) months left of his term of office, expressed his gratitude for Commissioner Conway's service to Weld County, and provided best wishes to his wife's health. Mr. Teets requested citizens of Weld County vote for Commissioner Conway's replacement. Lastly, he stated State regulations regarding marijuana take away free enterprise and business policies to ensure public safety. Chair Freeman explained, pursuant to the Weld County Home Rule Charter, the County Council will appoint an individual to complete the remainder of Commissioner Conway's term. He stated the Council plans to make their selection at their regular meeting on February 17, 2020, and they will take their oath of office as a County Commissioner on February 19, 2020.

Steven Kanten, Weld County Republican Party, read a letter from the Executive Board, for the record, expressing their appreciation to Commissioner Conway for his years of public service and stating confidence in the County Council selection process (Exhibit A).

Commissioner Kirkmeyer requested a point of privilege as the Rules Committee of the Weld County Fantasy Football league and presented the Biggest Loser trophy to Toby Taylor, league owner of the Thunder Snakes team. She discussed the good nature and camaraderie of the Fantasy Football league, and she congratulated League Champion, Esther Gesick, league owner of the Premier Clerk team, for her win.

WARRANTS:

1) GENERAL WARRANTS – JANUARY 21, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER APPOINTMENT OF BRIANNA WHITE AS DEPUTY CLERK TO THE BOARD: Esther Gesick, Clerk to the Board, introduced Ms. White along with a brief summary of her education background and work history. In response to Commissioner Kirkmeyer, Ms. White shared an embarrassing story. Commissioner Moreno welcomed Ms. White as a member of Team Weld and moved to approve said appointment. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER APPOINTMENT OF JANET WARWICK AS DEPUTY CLERK TO THE BOARD: Ms. Gesick introduced Ms. Warwick, who provided a brief summary of her education background and work history. In response to Commissioner Kirkmeyer, Ms. Warwick shared an embarrassing work story. Commissioner Kirkmeyer welcomed Ms. Warwick as a member of Team Weld and moved to approve said appointment. Seconded by Commissioner Moreno, the motion carried unanimously.

PLANNING:

1) CONSIDER FOUR-LOT RECORDED EXEMPTION, RECX19-0146 – RYAN HOSTETLER TTEE CARE OF NDTCO, C/O RYAN HOSTETLER: Angela Snyder, Department of Planning Services, displayed a PowerPoint presentation, described the location of the site and provided a brief summary of the proposal and case history. She explained the criteria and parameters for a Four-lot Recorded Exemption (RE) and noted the lots are eligible for well water and septic systems. Ms. Snyder stated the applicant is requesting two (2) new accesses; however, staff has included a Condition of Approval requiring one shared access. She further stated the proposed RE is allowed in the A (Agricultural) Zone District and is consistent with the Comprehensive Plan, Section 22-2-20.F.1 (A.Policy 6.1) supporting the development of agricultural lands which are exempt from subdivision regulations. She noted the site is not within three (3) miles of a municipality or Intergovernmental Agreement area, and it is compatible with other RE's in the area; however, staff found the request to be inconsistent with sound land use practices, as well as the statement of purpose for the Agricultural Zone District. Lastly, she noted the lot size and timing requirements, indicated the request does not remove agricultural land from production, and referenced the other land use processes, such as a Planned Unit Development or Subdivision, which would be better suited to accomplish the intended residential use. She displayed photographs of the site and surrounding views.

Tom Haren, AGPROfessionals, stated he appreciates the value of preserving agricultural land and also understands the impacts created by the RE process; however, he stated the land proposed for residential use is not agriculturally productive. He noted the original intent of RE's was to peel off the unproductive corners from a center pivot irrigation parcel, but that design does not work for the subject site due to the topography and existing ditch configuration. Alternatively, the applicant opted for a linear, clustered

design with a shared access, yet staff is recommending denial. Mr. Haren acknowledged the current shift in policy to ensure good planning and potential limitations on RE applications; however, he stated the proposal is consistent and compliant with the existing Code policy and should be reviewed within those parameters. He asserted it meets the intent of the Code, based on location and unlikely development in the surrounding area.

Commissioner Moreno concurred the County is contemplating changes and striving to protect the agricultural intent and interests, but he also agreed that it does meet the requirements currently in the Code. Commissioner Kirkmeyer agreed the location is not appropriate and the linear design evades the subdivision regulations which are intended to ensure sound land use practices. She stated the proposal, in conjunction with the adjacent RE19-0145 parcels, will create the potential for eight (8) homesites, which is not consistent with the intent of the RE process or Agricultural Zone District. Commissioner James commented the existing RE process is very frustrating when factoring property rights; he stated the landowner has agricultural rights and they are requesting additional development rights. Chair Freeman observed that although it looks like a subdivision, it currently doesn't qualify for a subdivision due to the lack of public water and sewer. Commissioner Kirkmeyer maintained that regardless of pending Code changes, the proposal is still inconsistent with the intent of the current code, which promotes well-planned and orderly development, and she reiterated the applicant owns both RE properties and is evading the subdivision process while still creating a design with a total of eight (8) lots.

Commissioner Kirkmeyer made a motion to deny RECX19-0146 for the reasons as previously stated, which was seconded by Commissioner James. Upon a roll call vote, the motion failed on a 2-2 vote, with Commissioners Moreno and Freeman opposed. Commissioner Moreno requested further discussion, stating the application meets the existing Code criteria. In response to Chair Freeman, Bruce Barker, County Attorney, explained an action requires three affirmative votes in order to pass, thus a tie vote results in failure of the application. Commissioner Kirkmeyer restated that the lack of water and sewer is a challenge and serves as further evidence that the property is not ripe for development. Commissioner Moreno made a motion to approve RECX19-0146, which was seconded by Chair Freeman. Upon a roll call vote, the motion failed, with Commissioners Kirkmeyer and James opposed, and the application is deemed denied.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. No Ordinances were approved.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board.

There being no further business, this meeting was adjourned at 9:48 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

EXCUSED

Sean P. Conway

Scott K. James

Barbara Kirkmeyer