

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS**MONDAY, JUNE 22, 2026****LAND USE HEARING**

The Board of County Commissioners met virtually at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were Laura Collier, Samantha Lasher, and Ryane Oswandel, Community Development; Michael Williams, County Building Official; David Pringle, Bruen Johnson, and Traci Shambo, Engineering; Frank Haug, Assistant Deputy County Attorney, and Deirdre O'Neill, Deputy Clerk.

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

PUBLIC HEARING CONSENT ITEMS:**1. DORY FAMILY TRUST SUBDIVISION AND APPEAL, FILE NO.24-LAND4421:**

This is a request for a preliminary plat subdivision of an existing 8.1-acre lot into one 3.24-acre residential lot and one 4.28-acre residential lot, with 0.58 acres dedicated as right-of-way. The subject property is not located within a Growth Management Area but is located within the Fort Collins-Loveland Corridor Plan Area. This application also is an appeal to article 4.3.5.A.2.a to allow for the new lots to utilize on-site septic systems in lieu of connecting to South Fort Collins Sanitation District.

The subject property is located at 8020 S. County Road 11 in Loveland, approximately ¼ mile south of the intersection of South County Road 11 and Carpenter Road.

The applicant proposes to divide an 8.10-acre parcel that is zoned RR-2 – Rural Residential into one 3.24-acre residential lot and one 4.28-acre residential lot, with 0.58 acres dedicated as additional right-of-way. The RR-2 – Rural Residential zoning district requires a minimum lot size of 2.3 acres, if on-lot septic systems are utilized.

The subject property is in Subarea 18 – South of County Road 32 to County Road 30, as designated in the Fort Collins Loveland Corridor Plan. The objectives for this area are to maintain County Road 32 as a free-flowing arterial with open character and to avoid impacts resulting from airport proximity. Agricultural operations and some limited commercial uses along Interstate-25 are preferred in this Subarea, however, rural residential development that is not impacted by the airport is a supported alternative land use. Northern Colorado Regional Airport (NCRA) in Loveland is located approximately 13 miles north of the subject property.

Per the County's GIS mapping system, this property is within Northern Colorado Regional Airport's Influence Area (NCRA) but is located outside of the identified "Airport Critical Zone" and outside of the areas most impacted by noise from the airport. This application was also referred to the NCRA and no comments were received.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Dory Family Trust Subdivision & Appeal, File No. 24-LAND4421, subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plat and with the information contained in the Dory Family Trust Subdivision & Appeal, File No. 24-LAND4421, 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 Dory Family Trust Subdivision.
2. The following fees shall be collected at building permit issuance for new single unit dwellings: Poudre School District fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Community Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
3. Any new residential structures added to the proposed lots will require the installation of a residential fire sprinkler system, unless Loveland Fire Rescue Authority approves an alternative means of fire protection.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
5. A geotechnical report by Kumar and Associates indicates seasonal high groundwater on Lot 2. Per County-adopted IBC 2021 Section 1803.5.4, if the lowest floor proposed is within five feet of groundwater, a geotechnical foundation design addressing high groundwater must be submitted with the proposed Lot 2 building permit.
6. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Division. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

7. A septic permit will be required for future development on Lot 1.
8. Transportation Capital Expansion Fees will be due at building permit issuance, as applicable.
9. A Development Construction Permit is required prior to commencing improvements.
10. The applicant must consult applicable agencies such as the U.S. Fish and Wildlife Service or Colorado Parks and Wildlife to ensure that the development at the site will abide by any applicable seasonal restrictions for threatened and endangered species.
11. The developer is responsible for constructing all required shared access improvements serving the subject lots.
12. A Development Agreement will not be required for this project.

2. **FULMER APPEAL, FILE NO.26-GNRL0590:** This is a request for an appeal to Article 3.4.5.A.3, which limits the size of Accessory Living Areas (ALA's). The purpose of this request is to permit an existing 864 square-foot attached unit ALA where only 750 square feet would otherwise be allowed.

The property features a single-unit residence originally constructed in 1977. The main level features 864 square feet of finished space and the basement level features 864 square feet of finished space. A recent code compliance investigation revealed that the basement was finished into a separate living unit without the required planning approval or building permits. The owners are currently seeking "as-built" permits to convert the basement into a legal Accessory Living Area.

The applicant is requesting an appeal to Article 3.4.5.A.3 to permit an existing 864 square-foot basement level Accessory Living Area that exceeds size limitations. Under Land Use Code Table 3-15 (for lots up to 15,000 square feet), an ALA is limited to 75% of the main home's square footage or 900 square feet, whichever is less. Because the main level of the home is 864 square feet, the 75% rule restricts the ALA to 648 square feet. However, note three of the table provides a baseline allowance, stating that an ALA is never required to be smaller than 750 square feet when exceeding the 75% limitation. Therefore, 750 square feet is the maximum allowable ALA size for this property, and the applicant is seeking approval for their entire basement level of 864 square feet. If this appeal is approved, the owner will be permitted to maintain the 864-square-foot primary residence with an 864-square-foot attached basement level ALA.

On June 2, 2026, eighty-eight (88) postcards were mailed to property owners within 500 feet of the subject property to notify them of this request at the time the case was scheduled for a land use hearing. As of June 5, 2026, no comments have been received.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends that the Board of County Commissioners approve the Fulmer Appeal, File No. 26-GNRL0590.

MOTION

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

Motion carried 2-0.

PUBLIC HEARING DISCUSSION ITEMS:

1. LIVERMORE FIRE STATION FEE APPEAL, FILE NO. 26-GNRL0592: This is a request to waive the Planning and Building Permit fees. Mike Williams, County Building Official, presented this appeal to the Board.

Mr. Williams stated that the Livermore Fire Protection District has requested that the Building Department permit fees for the proposed Station #4 be refunded. The building permit fees totaled \$28,724.85. The Livermore Fire Protection District Board President has included a letter to the Board of County Commissioners that provides details about the need for the refund along with details about their budget as a non-profit volunteer special district.

Mr. Williams let the Board know that these fees were assessed on Building Permit 25-COM0037 for the construction of Station No 4 located at 6832 Red Mountain Road in Livermore, Colorado.

Mr. Williams stated for the record that staff fully recognize that non-profits provide incredibly valuable services to the community. However, staff must recommend declining this specific request to waive building permits and planning fees. Approving waivers on an ad-hoc, case-by-case basis creates significant legal and operational vulnerabilities. Mr. Williams requested that if the Board wishes to support these initiatives, staff is recommending that the Board establish a formal, unified policy framework rather than granting a one-off exception.

Mr. Williams had some legal and fairness concerns that he went over with the Board. First, building permit fees are not taxes. Legally, they must bear a substantial nexus, or direct connection to the regulatory service provided. Mr. Williams noted that there is no clear legal provision allowing the Building Division to charge lower or zero fees to some customers, which inherently forces relatively higher fees onto others. Secondly, making these decisions on a case-by-case basis opens the County to possible charges of unequal treatment. Finally, it is beyond staff's authority and expertise to determine which non-profit services are "worthy" of fee reductions.

Mr. Williams also spoke of the possible financial impacts fee waivers may have with other applications. Mr. Williams explained that the County Building Division is one hundred percent self-funded through permit and license fees. The Building Division receives no general fund tax dollars.

Mr. Williams stated that if the fees are waived without a mechanism to backfill that lost revenue, a broad application of waivers will substantially impact the division's daily operations, staffing and inspection timelines.

REVIEW CRITERIA

The Board of County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

1. The development as proposed helps achieve a density or intensity reduction of existing uses consistent with adopted plans
2. Staff have made an error in processing the project application
3. Exceptional, documented financial hardship exists
4. The development application is from a jurisdiction or department with a current Intergovernmental Agreement or Memo of understanding which addresses application fees (none currently exists)

The Development Services Team recognizes the need for the proposed expansion of Station #1 and the limited operating budget of the fire district as a non-profit. However, the fees that are collected on land use applications and building permit fees directly offset the time that staff in the Community Development Department spend to review, process and perform required inspections for land use applications and building permits. Based on this, the Community Development Department has not supported fee appeals.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends denial of the Livermore Fire Protection District Station Fee Appeal File No. 26-GNRL0592.

The Board had questions for staff and asked if they could explain or expand on "pass-through" fees. Mr. Williams stated that when a building permit is issued, the Building Division collects various fees that do not belong to the Building Division. They are legally mandated to be transmitted to other entities via Intergovernmental Agreements. These include Transportation and Fire Capital Expansion Fees (TCEF) as well as specific voter-approved use taxes-such as Behavioral Health, County Jail, County Fair, and Open Space. The Building Division cannot unilaterally waive these fees.

The Board asked staff if there were any instances in the past that fees were either waived or reduced. Rebecca Everette, Community Development Director, stated that on two different occasions fees were reduced/waived. In 2019 the Livermore Fire Protection District requested to waive the

planning and building permit fees for Fire Station No 1 which in total was approximately \$4,300 and the Board of County Commissioners did approve that fee appeal. In 2018, the Board of County Commissioners also approved a fee appeal for the Poudre Canyon Fire District for site plan process fees of \$2500.

APPLICANT PRESENTATION:

Bruce Huey, Board President of the Livermore Fire Protection District, addressed the Board. Mr. Huey stated that the Livermore Fire Protection District (LFPD) is requesting the Board approve a refund of building permit fees paid on November 10, 2025, in the amount of \$28,724.85.

Mr. Huey said that the LFPD has received letters of support from Laramie County Fire District No 10, CSU Strata, Larimer County Office of Emergency Management, and the Larimer County Sheriff. Mr. Huey said that the fire district consists of 39 volunteers from the area that support the activities of roughly 309 square miles along with supporting the adjoining fire districts as needed. Station 4 will cost the taxpayers within 309 square miles \$1.5 million. Additional expenditures will be needed for Station 4 to be equipped and fully ready to respond to area emergencies.

Mr. Huey explained that the LFPD and its 39 volunteers/first responders provide tremendous and professional value/benefit to Larimer County citizens and visitors. The LFPD is constantly working to make sure that first responders are trained and have the necessary tools to safely complete their mission.

The Board wished to clarify that the letters of support are in support of the construction of the fire station, not the waiver of fees. The Board also had questions on the calculations of daily trips as this fire station would not be manned on a daily basis.

Traci Shambo, Engineering, stated that the Transportation Capital Expansion Fee (TCEF) ensures that new developments contribute their fair share toward the road improvements required to handle the traffic they generate. This revenue is critical to maintaining the capacity of the County's road network as growth continues. For the Livermore Fire Protection District facility, staff calculated the fee based on the building's square footage using the Industrial category. This category was determined to be the most comparable category within the county fee schedule.

Ms. Shambo stated that Article 15 of the Land Use Code states that the obligation to pay these fees applies to any person or governmental body initiating traffic-generated development. No exemptions are stated for emergency service uses. While fire stations provide vital community protection, they still generate regular daily traffic from shift changes, training exercises, maintenance crews, deliveries, and community meetings. Waiving the fee for traffic-generating projects creates a funding gap.

Chair Shadduck-McNally opened the hearing for public comment. No members of the public spoke.

Chair Shadduck-McNally closed public comment.

The Board asked staff if applicants are aware of the fees at the time of the application? Ms. Everette stated that during the process, the applicant is given estimates of the cost of the building permit fees and any associated fees with the application and that this is offered as a service through the County Planning Department and it is offered to all applicants.

The Board, during deliberation, discussed a fee reduction with an understanding that those funds would need to be backfilled for the Engineering Department. The Board feels that the criteria stating financial hardship exist have been met. However, the Board feels that the fees were estimated in the application process and therefore would not support the waiving of \$28,724.85.

M O T I O N

Commissioner Kefalas moved the Board of County Commissioners to approve a fee reduction of \$12,000 from the transportation fee.

Motion carried 2-0.

With there being no further business, the meeting was adjourned at 4:20 p.m.

TUESDAY, JUNE 23, 2026

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Shadduck-McNally presided. Commissioner Kefalas joined via phone. Commissioner Stephens was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Deirdre O'Neill, Deputy Clerk.

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

- 1. PUBLIC COMMENT:** No members of the public were present.

Chair Shadduck-McNally closed public comment.

- 2. APPROVAL OF THE MINUTES FOR THE WEEK OF JUNE 8, 2026:**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of June 8, 2026.

Motion carried 2-0.

- 4. REVIEW OF THE SCHEDULE FOR THE WEEK OF JUNE 29, 2026:** Ms. Martin reviewed the upcoming schedule with the Board.

5. CONSENT AGENDA:

ABATEMENTS

- 1. PETITION FOR ABATEMENT OR REFUND OF TAXES: REFUND EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000-R0040851-OLIVE STREET HGC LLC-TAX YEAR 2025**

AGREEMENTS

- 1. CONSTRUCTION SERVICES AGREEMENT, BIC NO.B26-03, PROJECT NO. ENM000126 2026 RESURFACING PROGRAM**
- 2. LOCAL AREA EMPLOYMENT AND TRAINING GRANT**
- 3. PROFESSIONAL SERVICES AGREEMENT (P26-06, HOME IGNITION ZONE (HIZ) WILDFIRE MITIGATION SERVICES-Summit Forest Inc**
- 4. PROFESSIONAL SERVICES AGREEMENT (P26-06, HOME IGNITION ZONE (HIZ) WILDFIRE MITIGATION SERVICES-Red Feather Excavating Inc**
- 5. LETTER OF UNDERSTANDING-CR70 Widening Project**
- 6. SIGNAL BEHAVIORAL HEALTH NETWORK-SUBSTANCE USE DISORDER SERVICE AGREEMENT**
- 7. AMENDMENT TWO TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MEALS ON WHEELS OF LOVELAND AND BERTHOUD INC**

APPOINTMENTS

- 1. RECOMMENDED APPOINTMENTS TO THE COMMUNITY CORRECTIONS ADVISORY BOARD-Jill Fox, Sidney Simonson, Paulina Campis, Caleb Frazier, Steve Pietrafeso, and Patti West**
- 2. RECOMMENDED APPOINTMENT TO THE NEDRAH ACRES PUBLIC IMPROVEMENT DISTRICT-Gregory George and Jeffrey Luker**

LETTERS OF SUPPORT

- 1. UPSTATE COLORADO ECONOMIC DEVELOPMENT ASSOCIATION PLANNING GRANT**

LIQUOR LICENSES

1. **LIQUOR LICENSE RENEWAL- T&B PROPERTIES DBA WESTLAKE LIQUORS – RED FEATHER, COLORADO**
2. **LIQUOR LICENSE RENEWAL- GLEN HAVEN GENERAL STORE LLC DBA GLEN HAVEN GENERAL STORE- GLEN HAVEN, COLORADO**
3. **LIQUOR LICENSE CHANGE OF MANAGER- Z GOLF & BEVERAGE SERVICES LLC DBA WEDGEWOOD WEDDINGS & BANQUET CENTER- LAPORTE, COLORADO**

MISCELLANEOUS

1. **WORKERS' COMPENSATION TECHNICIAN POSITION-RISK MANAGEMENT**

RESOLUTIONS

1. **RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR STANLEY HEIGHTS PUBLIC IMPROVEMENT DISTRICT NO. 81**
2. **RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR COLLAND CENTER PUBLIC IMPROVEMENT DISTRICT NO. 82**
3. **RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR PUBLIC IMPROVEMENT DISTRICT TERRY POINT ESTATES NO. 85**
4. **RESOLUTION APPOINTING ARBITRATORS TO HEAR APPEALS OF THE LARIMER COUNTY BOARD OF EQUALIZATION DECISIONS**
5. **RESOLUTION PROVIDING THE APPOINTMENT INDEPENDENT REFEREES TO CONDUCT HEARINGS ON BEHALF OF THE LARIMER COUNTY BOARD OF EQUALIZATION**
6. **RESOLUTION AUTHORIZING LARIMER COUNTY LIQUOR LICENSE STAFF TO ACT ON TEMPORARY PERMITS**

MOTION

Commissioner Kefalas moved that Board of County Commissioners approve the Consent Agenda for June 23, 2026.

Motion carried 2-0.

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

DISCUSSION ITEM: None Requested.

7. **COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed the events of the previous week.

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

9. **LEGAL MATTERS:** None requested.

With there being no further business, the meeting was adjourned at 9:20 a.m.


JODY SHADDUCK-MCNALLY, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk

