



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 28, 2025

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were Kassidee Fior, Principal Planner, Matt Lafferty, Principal Planner, Laura Culleton, Planner, Jacy McNulty, Planner, Justin Currie, Planner, Community Development; Traci Shambo, Engineering; Leah Schneider and Ashton Brodahl, Health and Environment; Ryane Oswandel, Community Development Administrator; Frank Haug, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING CONSENT ITEMS:

1. NOVAK PLANNED LAND DIVISION AND REZONE, FILE NO. 23-LAND4349:

This is a request for a Planned Land Division to divide an existing 27-acre parcel into four total residential lots and a rezoning from RR2 Rural Residential to PD-Planned Development, vacation of existing right-of-way article 6.5.8.D.1, and an appeal to Article 4.3.5.A.2a, on-site wastewater treatment systems.

The existing 27-acre parcel currently has two houses and several outbuildings. The subject parcel, as well as the surrounding properties, are currently zoned RR2- Rural Residential. Surrounding properties are developed with single-family residential uses consistent with the existing zoning districts. The surrounding area is characterized by a mix of lot sizes ranging from an approximate 1-2-acre lots to the east and large rural lots ranging in size from 4-acres to 35+ acre lots. There is also a dense golf course community across County Road 14 to the south that is located within the Town of Berthoud incorporated area. Uses in this area include single-family residential, undeveloped, and agricultural.

The applicant proposes to divide the existing parcel to create four (4) total residential lots. Two of the lots would be for the two existing residential homes currently located on the property. The proposed residential lots would vary in size, with the largest being an approximate 9-acres and the smallest being an approximate 3-acres. The proposed residential lots would meet the required minimum lot size for the RR2- Rural Residential zone district for lots with on-lot septic of 2.3-acres.

The existing parcels are located within the Loveland Growth Management Area. This project is required to comply with the requirements within the Intergovernmental Agreement between Larimer County and the City of Loveland. Because the property is located in the Loveland Growth Management Area, the property must be divided through the Planned Land Division process. A rezoning of the property to PD – Planned Development is required concurrent with the Planned Land Division.

DEVELOPMENT SERVICES RECOMMENDATION:

- A) The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Novak Planned Land Division and the rezoning from RR2 Rural Residential to PD - Planned Development, File #23-LAND4349, subject to the following conditions:
 - 1. The final plat shall be consistent with the approved preliminary plan and with the information contained in the Novak Planned Land Division and Rezone, File #23LAND4349, 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 Novak Planned Land Division and Rezone.
 - 2. The rezoning shall be effective upon the recordation of the final plat of Novak Planned Land Division and Rezone.
 - 3. The permitted uses, lot building and structure requirements, setbacks and structure height limitations for Novak Planned Development are outlined and will be included with the Development Agreement at the final plat stage.
 - B) The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the vacation of an existing right-of-way as detailed in this staff report
 - C) The Development Services Team recommend that the Planning Commission recommend to the Board of County Commissioners approval of the appeal to Article 4.3.5.A.2.a, On-Site Wastewater Treatment System, subject to the following condition:
 - 1. If approved, should the newly created lots subdivide in the future and the necessary sanitation infrastructure is in place, any new lots created will be required to connect to that public sanitation system.
2. **LARIMER COUNTY CODE AMENDMENTS – ESTES VALLEY EMPHASIS, FILE No. 25-CODE0283:** This is a request to amend the Larimer County Land Use Code as follows:
- 1. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by incorporating references within Article 13.0 to ensure other Articles of the Land Use Code are being administered and to address misspellings and missing text.

2. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by incorporating language to §13.4.2. and §13.4.3. regarding when the standards contained within those subsections apply and when standards of Article 5.0 apply.
3. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by amending 13.6.1.D to acknowledge that approving preexisting lodging facilities by the provisions in 13.6.1.D. should only occur when no other procedure/process is available.
4. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by deleting §13.6.2.B.4.d, amending 13.6.2.B.4.e., and deleting 13.6.2.B.4.f. to redefine the allowances for accessory buildings and structures on residential properties.
5. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by amending §13.7.6. – Exterior Lighting to strike the standards therein and provide reference to the Countywide lighting standards in Article 4.0 – Development Standards, §4.10. – Exterior Lighting.
6. Amend Article 8.0 -Signs to add references linking the Estes Valley zone districts into the sign regulations.
7. Amend Article 3.0 – Use Regulations, §3.3.5.B.2.ee. Transfer of Short-term Rental License to add a new item iii. to include language allowing transfer of short-term rental licenses when such uses are in the EV-A Estes Valley Accommodations/Highway Corridor or EV-A1 Estes Valley Accommodations/Low Intensity zoning districts.
8. Amend Article 13.0 – Supplemental Regulations for the Estes Valley by amending §13.6.2.B.2.a – Accessory Dwelling Units by 1) re-titling the subsection to Accessory Living Area and 2) eliminating the existing standards and provisions within the subsection and replacing them with a reference to §3.4.5.A. Accessory Living Area standards of the Land Use Code. Furthermore, to Amend Table 13-6: Accessory Uses and Structures Permitted in the Residential Zoning Districts to change the Additional Requirements reference for Accessory Living Area, and to amend §3.4.5.A.4. Site Standards by adding additional standards.

DEVELOPMENT SERVICE TEAM RECOMMENDATIONS

Staff recommend that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code amendments contained within File #25CODE0283, subject to the following condition: 1. The effective date of the proposed code amendments will be June 23, 2025.

3. **Dickey & Peddicord Short-Term Rental, File No. 23-ZONE3491:** The applicant requests Administrative Special Review approval for a four (4) bedroom, eight (8) guest, Short-term Rental (STR) in an existing single-unit residence.

The subject property is located at 199 Elk Rd, Lyons, CO. This property is a metes-and-bounds parcel located adjacent to the Pinewood Springs Subdivision. This property is not located within the Pinewood Springs Subdivision or Pinewood Springs Water Association. The property currently contains an existing single-unit residence and is zoned O – Open. The applicant requests Administrative Special Review approval for a small Short-term Rental (STR) located in the existing 4-bedroom single-unit residence with a maximum occupancy of eight (8) total guests, with two (2) guests per bedroom/sleeping area. This application was submitted on May 25, 2023, and is therefore being reviewed under the regulations in effect at that time.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Dickey and Peddicord Short-term Rental, File #23-ZONE3491, subject to the conditions below.

1. This approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permit are not issued.
2. This Administrative Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved Administrative Special Review.
3. The Site shall be developed consistent with the approved plan and with the information contained in the Dickey and Peddicord Short-Term Rental Administrative Special Review, File No. 23-ZONE3491, and the supplemental regulations listed above, except as modified by the conditions of approval or agreement of the County and owner. The owner shall be subject to all other verbal or written representations and commitments of record for the Dickey and Peddicord Short-Term Rental Administrative Special Review.
4. The property owner is responsible for obtaining all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.
5. Prior to operation as a short-term rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division and successfully pass the Life Safety Inspection.
6. The short-term rental is approved with 4 bedrooms, for a maximum occupancy of 8 guests.
7. Re-certification shall be required upon notice by the County, which is approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department, shall be cause for consideration of revocation of this approval.
8. No parking shall be permitted in the right-of-way and all parking for the use must be on-site.
9. Staff recommend the applicant read and address all referral agency comments. Comments may be enforced by the respective referral agencies, including those not included as conditions of approval in this report.
10. The use must comply with the Larimer County Noise Ordinance which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines between 7pm and 7am.
11. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 23-ZONE3491, on all advertising websites.
12. Prior to operation as a Short-Term Rental, the applicant shall post the property manager contact information outside the front door.
13. Upon approval, the property owner shall mail the designated Property Manager's contact information to surrounding property owners within a 500-foot radius of the STR. The owner shall also mail contact information to surrounding property owners whenever the designated Property Manager changes.
14. Prior to operation as a short-term rental, the applicant must pass a wildfire inspection with the Larimer County Sheriff's Office.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for Monday, July 28, 2025, subject to the conditions in the staff report and further move to authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS:

1. **MARSHALL EASEMENT VACATION, FILE NO.25-LAND4485:** Jacy McNulty, Planner, presented this application to the Board. Ms. McNulty stated that this is a request for an easement vacation of the 10-foot-wide utility and drainage easement along the north property line, except for the westernmost 30 feet, to allow an existing detached garage to remain.

The applicants, Sharon and Lanny Marshall, owners of the property located at 4319 Hawg Hollow Lane, are requesting a partial vacation of the 10-foot-wide utility and drainage easement located along the north property line of their parcel. Specifically, the request is to vacate all but the westernmost 30 feet of this easement in order to allow an existing detached garage and a 4.7' x 8.0' woodshed to remain in place.

The subject property is approximately 0.45 acres (19,649 square feet) in size and is zoned Urban Residential (UR-2). It is lot 3 of the amended plat of lots 2, 3, and 4 of the replat of lots 5 and 12 of the Floyd Hicks Subdivision

Ms. McNulty explained that the subject property is part of original lots 5 and 12 of the Floyd Hicks Subdivision, which was recorded in 1946. In the 1990s, these two lots were further subdivided into four lots through subdivision File No. 94-SU0534, creating what is now the subject parcel. While the subdivision file does not specifically identify the purpose of the utility and drainage easements shown along the rear and side property lines, they appear to have been dedicated through that process. Notably, all written references to easements within the 94-SU0534 file pertain only to the 40-foot-wide access easement located at the front of the property, and no drainage plan appears to have been prepared or included within the subdivision. The subject property was later included in an amended plat, which retained the same easement configuration.

Ms. McNulty stated that the structure in question is labeled as the "Wood Garage" on the submitted site plan and referred to as "Garage #1" in the applicant's project description. This garage is approximately 24' x 30', situated in the northwest portion of the lot. Originally built in the 1950s, it was moved onto the property in 1998 and placed on a monolithic concrete foundation approved under Building Permit #98-L4061. However, according to the Larimer County Code Compliance Report, this permit expired without all the required three inspections being completed. Therefore, an easement vacation and a setback variance, followed by the required building permit inspections, are required to bring this building into compliance.

Garage #1 is used for parking and motorcycle maintenance and is not connected to plumbing. Electricity was installed by the owners for lighting purposes. The applicants are seeking this easement vacation in order to avoid relocating or demolishing the garage, which has remained in place for over 27 years.

The "Steel Garage," also referred to as Garage #2, is located 10.2 feet from the northern property line. Therefore, Garage #2 does not encroach into the 10-foot-wide easement and is not relevant to this easement vacation request. However, Garage #2 will be addressed in the applicants' Setback Variance application.

The applicants' setback variance request is scheduled to be heard by the Larimer County Board of Adjustment at their regularly scheduled hearing on Tuesday, September 23, 2025, at 6:00 p.m.

REVIEW CRITERIA

- A. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.
- B. The recommendations of referral agencies have been considered
- C. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the Board of County Commissioners approve the vacation.
- D. Right-of-way vacations must also meet the requirements of C.R.S. 43-2-303

DEVELOPMENT SERVICE TEAM RECOMMENDATIONS

The Development Services Team recommends denial of the request to vacate the 10-foot-wide utility and drainage easement along the north property line, except for the westernmost 30 feet located on lot 3 of the amended plat of lots 2, 3, and 4 of the replat of the lots 5 and 12 of the Floyd Hicks Subdivision, File No. 25-LAND4485.

The Board asked the Engineering Department if they could speak to their concerns on this application.

Traci Shambo, Engineering, explained that when the area was replatted in the 1990's, it appears that the plat dedicated the 10-foot drainage and utility easement at that time. Evidence has not been submitted stating that the drainage easement is not currently needed for stormwater purposes. Ms. Shambo explained that since there are drainage easements east and west of this alignment, the Engineering staff is not recommending that the full easement be vacated. Ms. Shambo stated that partially vacating the amount necessary ensures that a majority of the drainage and utility easement can be preserved to serve the properties in the area in the future.

Chair Stephens invited the applicant to present their application to the Board.

Sharon Marshall, applicant, stated that there is an empty field behind the property and presented photos depicting this. She has lived here for 27 years and would like to have this vacated so that the applicant can put up a fence in the future. They have never had any drainage issues and do not feel there is a need for an easement as it is just an empty space that does not require any drainage.

The Board had some questions about where the 10-foot easement is on the property. Staff showed photos and a survey showing where the easement is on the applicant's property.

The Chair opened the hearing for public comment.

No members of the public came forward.

Chair Stephens closed public comment.

The Board stated that they would be in support of a partial vacation of the easement so that the applicants do not have to relocate the garage and be in compliance with the County. The applicant would like the full vacation of the easement approved.

The Board stated that easements are valuable for drainage purposes and therefore the Board agrees with the recommendation of the Engineering Department for a partial vacation so the applicant can keep the structure and stay in compliance while the easement is being preserved for a potential storm water conveyance.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Marshall Easement Vacation, File No.25-LAND44885 as revised to comply with referral agency recommendations, subject to the following condition:

1. The required as-built permitting and inspections for the two garages, as identified within the code compliance research, must be completed after the approval of this request.

Motion carried 3-0

2. **SPLITTGERBER APPEAL, FILE NO 25-GNRL0566:** Laura Culleton, Planner presented this appeal to the Board. This is an appeal to 3.3.5.B.2.a, to allow multiple short-term rentals on a property in the EV-A1 zone district; and appeal the 3.3.5.B.2.aa of the Larimer County Land Use Code, which contains Short-Term Rental Local Roadway and Access Standards, found in the Larimer County Rural Area Roadway Standards. A separate administrative approval through the site plan process is required for this property to be used as a short-term rental.

Ms. Culleton stated that the subject property is located at 1121 Griffith Court in Estes Park, Colorado and is zoned EV-A1, Estes Valley Accommodations. This property is 0.90 acres in size and currently contains one single-unit residence. The applicant is requesting approval of two separate appeal requests so that they may operate the existing residence as a short-term rental (STRs) and construct up to two additional residences on the property to also operate as short-term rentals. Separate administrative approval through the Site Plan process is required for this property to be used as an STR.

Ms. Culleton explained to the Board that the first request is an appeal to §3.3.5.B.2.a, which limits the number of short-term rentals on a property to one. The applicant is requesting to deviate from this standard and have up to three short-term rentals on one property, with a total occupancy on the property limited to ten (10) short-term rental guests.

Ms. Culleton went on to explain that the second request is an appeal to §3.3.5.B.2.aa, which requires all local roadways, public or private, used to access a short-term rental to comply with the standards of the Larimer County Rural Area Roadways. §3.3.5.B.2.aa specifically states: "Local roadways, whether public or private, used to access the short-term rental, shall comply with the Standards of Larimer County Rural Area Roadways. Local Roadways are either defined by the Local Roadway segments shown on the applicable Transportation Master Plan or as designated by the County Engineer. Larimer County Rural Area Roadway Standards (LCRARS), does not apply." The intent

behind this language is to ensure that short-term renters, emergency services, and other visitors have safe and adequate access to short-term rentals.

Ms. Culleton stated that the applicant must provide a Certification of Adequate Access demonstrating that the site's "Primary Access Route" is in substantial conformance with the LCRARS standards. The Short-Term Rental's Primary Access Route refers to the local roadways extending from the site's property boundary to either a Numbered County Roadway, State Highway, or a Collector/Arterial Roadway shown on another jurisdiction's Master Street Plan.

REVIEW CRITERIA

When considering whether to approve an appeal to deviate from standards or requirements of the Code, other than minimum lot size requirements, 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:

- a. Approval of the appeal will not subvert the purpose of the standard or requirement.
- b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- c. Approval of the appeal is the minimum action necessary.
- d. Approval of the appeal will not result in increased costs to the general public.
- e. Approval of the appeal is consistent with the intent and purpose of the Code.

Appeal to §3.3.5.B.2.aa of the Larimer County Land Use Code, which contains Short-Term Rental Local Roadway and Access Standards, found in Appendix G of the Larimer County Rural Area Roadway Standards.

- a. Approval of the appeal will not subvert the purpose of the standard or requirement.
- b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.
- c. Approval of the appeal is the minimum action necessary.
- d. Approval of the appeal will not result in increased costs to the general public.
- e. Approval of the appeal is consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team recommends approval of the Splittgerber Appeal to Article 3.3.5.B.2.a, file number 25-GNRL0566, subject to the following conditions:

1. The total number of overnight guests across all short-term rental units on the property shall not exceed ten (10) total.
2. The total number of units shall not exceed what is allowed in the EV-A1 zone district.
3. Each short-term rental structure shall receive separate approval and license number through the Site Plan review process.

Ms. Cullerton explained that the Estes Valley Accommodation zone district allows multiple residences to be constructed on a property by right.

Ms. Culleton announced that the applicant has provided professional engineering analysis by Van Horn Engineering. It was determined that the access route along Griffith Court, from Mary's Lake Road, does not meet the minimum roadway width requirement for conformance to the short-term rental adequate access requirements outlined in the Larimer County Land Use Code.

The standard requires a 20-foot-wide all-weather surface road, or intermittent turnouts at 600-foot intervals should be provided. The analysis showed that the road generally varies between 15-20 feet, with a narrowed 13-foot width where there are existing mature trees.

The Development Services Team is not making a specific recommendation regarding the Appeal to Article 3.3.5.B.2.aa.

There was discussion with the Engineering Department on road access and the standard deviations. Tracy Shambo, Engineering, stated that minor deviations to the road standard for short-term rentals may be approved administratively by the Development Review Engineer. Since the request exceeds the administrative approval threshold of 10%, the decision is left to the Board of County Commissioners.

Chair Stephens invited the applicant to present their application.

Deane Roon, DeRoon Consulting LLC, representing the applicants, Rick and Meredith Splittgerber addressed the Board.

Ms. Roon stated that the property owners wish to have approval to use the residential property for a short-term rental. The owner's future goal is to construct two additional residences and use all three properties for short-term rental purposes. The request is to appeal to deviate from the roadway width standard and to allow for two additional dwelling units under the same ownership.

Chair Stephens opened the hearing for public comment.

Kate Ellard, via zoom spoke in support of the appeal. Ms. Ellard stated that Estes Park was founded on short-term rentals and tourism. Ms. Ellard stated that all of Griffith Court is A1 zoning accommodations and allows for multiple buildings. Ms. Ellard also stated that property rights cannot be removed.

Chair Stephens closed public comment.

The Board clarified that the zoning supports the right to have more than one multiple detached dwelling, but the code is based on the use of those as short-term rentals.

The Board has concerns about the impact on roads with the number of tourists and developments that continue to increase in Estes Park. The Board is in agreement on the first appeal, allowing multiple short-term rentals on this property, but two County Commissioners have reservations on the second appeal. The Board stated that the road standards and regulations are there for a reason and the Board must consider future impacts on these roads. Commissioner Kefalas stated in deliberation that both appeals have met the review criteria and based on testimony and on photographs that there is adequate road access in Commissioner Kefalas' opinion.

MOTION

Commissioner Shadduck -McNally moved to approve the Splittgerber Appeal to Article 3.3.5.B.2.a, file number 25-GNRL0566, subject to the following conditions:

1. The total number of overnight guests across all short-term rental units on the property shall not exceed ten (10) total.
2. The total number of units shall not exceed what is allowed in the EV-A1 zone district.
3. Each short-term rental structure shall receive separate approval and license number through the Site Plan review process.

Motion carried 3-0

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners deny the Splittgerber Appeal, to Article 3.3.5.B.2.aa., FILE NO 25-GNRL0566.

Motion carried 2-1, Commissioner Kefalas dissenting

3. **LARIMER ON THE MOVE TRANSPORTATION MASTER PLAN UPDATE:** "Larimer on the Move" represents a comprehensive initiative by Larimer County, combining the update of the County's Transportation Master Plan (TMP) with the development of a Safety Action Plan (SAP). This dual approach, presented as a single, cohesive project to the public, aims to significantly enhance transportation and safety within the unincorporated areas of the County.

Eric Tracy, Engineer and Project Manager for Larimer on the Move; and Stephanie Ball, Consultant Transportation Planner with Felsburg, Holt and Ullevig Engineering; stated that this is a comprehensive planning document. The Transportation Master Plan identifies key priorities for enhancing transportation safety, connectivity, and efficiency. It evaluates long-term funding needs and lays out a prioritized list of projects to inform the County's Capital Improvement Program (CIP). With a planning horizon extending to 2050, this update integrates input from residents, stakeholders, and regional partners to create a sustainable, resilient, and inclusive transportation network that serves all users—drivers, bicyclists, pedestrians, and transit riders alike. The County anticipates revisiting and updating the Transportation Plan periodically between now and 2050 to reflect evolving needs, priorities, and opportunities.

Developed concurrently with this planning process, the Safety Action Plan identifies targeted strategies and project types to reduce traffic-related fatalities and serious injuries, ensuring that safety is embedded throughout the County's long-term transportation vision. While the County's Comprehensive Safety Action Plan is a standalone document that was approved and adopted in April, its analysis is summarized in this Transportation Plan, and its recommended projects and strategies are fully integrated into the overall investment framework.

Ms. Ball explained that this plan builds on past efforts while incorporating the latest data, emerging trends, and extensive community and stakeholder input. Throughout this planning process, Larimer County has engaged residents, regional partners, and transportation professionals to create a forward-looking strategy that guides transportation investments and policies through 2050. The planning

process follows a phased approach, beginning with a comprehensive assessment of current and future conditions to understand the current state of Larimer County's transportation system and what future transportation demands are anticipated. This analysis examines roadway infrastructure, multimodal networks, safety concerns, and projected growth patterns. Throughout the process, Larimer County's Road and Bridge and Engineering Departments have played a critical role in guiding technical assessments and prioritizing infrastructure needs.

Ms. Ball stated that engagement has been central to the plan's development, with two rounds of outreach gathering input from residents, businesses, and stakeholders across the County. The first phase of engagement, conducted in summer 2024, focused on understanding community concerns, priorities, and mobility challenges. The second phase, completed in early 2025, helped refine priorities and identify key transportation investments that align with public needs. The planning process has also involved close coordination with local municipalities, state and regional agencies, and key stakeholders to ensure alignment with broader transportation and land use planning efforts.

Engagement activities reached residents across the County through interactive online tools, pop-up events, a statistically valid survey, and direct outreach to community-based organizations. The engagement process was structured to reach people where they are—at community events, grocery stores, markets, and local gathering spots—and was offered in multiple languages, including Spanish, to promote accessibility and equity.

Stakeholder input was gathered from regional partners, municipal staff, advisory boards, and County departments to ensure that the plan reflects a coordinated and implementable path forward. These discussions shaped plan goals, identified cross-jurisdictional priorities, and highlighted opportunities for collaboration on shared infrastructure and mobility challenges.

Mr. Tracy announced that the vision and goals guiding the Transportation Plan are built on the foundation established in Larimer County's 2024–2028 Strategic Plan, Climate Smart Future Ready Initiative, 2017 Transportation Plan, and other key County planning efforts. This plan also reflects extensive public and stakeholder input to ensure that the Plan aligns with community priorities and regional transportation needs.

Ms. Ball said that the development of the Transportation Plan began in April 2024 and is expected to be completed by July 2025. This plan builds on past efforts while incorporating the latest data, emerging trends, and extensive community and stakeholder input.

Mr. Tracey went on to state that the vision is to secure long-term funding that supports a safe and strong transportation network. Efforts include maintaining infrastructure, promoting a range of transportation choices, ensuring fairness, improving quality of life, and connecting the region effectively.

Ms. Ball explained the phases of public involvement as well as the Roadway Plan, Bicycle and Pedestrian Plan, Transit Plan, Transportation Investment Needs, and Implementation Philosophy. Ms. Ball provided the transportation investment needs stating that the plan identifies approximately \$840 million through 2050. The availability funds meet only 20% of projected transportation needs (\$7 million). The County has set a strategic objective to identify a dedicated transportation funding source to meet long-term goals.

Ms. Ball said that Larimer County will use a goal-driven, flexible framework to inform project selection rather than a rigid prioritization formula. This approach will support transparency, adaptability and alignment with long-term transportation goals.

Mr. Tracy took a moment to thank everyone involved in this project both internal and external.

The Board thanked everyone for their hard work on this important project and are in full support of Larimer on the Move. This has been a tremendous team effort, and the Board appreciates identifying transportation needs for rural communities with aging populations and areas with limited or no transit access. The Board stated that they appreciate the outreach engagement with the public.

MOTION

Commissioner Shadduck McNally moved that the Board of County Commissioners approve the Larimer on the Move-Transportation Master Plan and recommend adoption of the plan by the Larimer County Planning Commission.

Motion carried 3-0

With there being no further business, the Board adjourned at 5:10 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m. with Jenny Axmacher, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also present were Samantha Lasher and Justin Currie, Planners, Community Development; Traci Shambo, Engineering; Leah Schneider, Health and Environment; Ryane Oswandel, Community Development Administrator; Frank Haug, County Attorney's Office; and Deirdre O'Neill, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING DISCUSSION ITEMS

1. Schubert Appeal, File No. 25-GNRL0570: Jenny Axmacher, Planning Manager announced that this appeal was submitted prior to the updated Land Use Code Amendments. Samantha Lasher presented this appeal to the Board. This is an appeal to Article 4.3.7.B of the Larimer County Land Use Code to allow for a well inside of the Northern Colorado Water Association service area for lot 1 (2.5 acres) of the Roubideaux Conservation Development. The lot is currently vacant.

This request is an appeal to Sections 4.3.7.B.2, 4.3.7.B.3, and 4.3.7.B.4. of the Land Use Code to allow for a well as the primary source of domestic water inside of the Northern Colorado Water Association (NCWA) service area for lot 1 of the Robideaux Conservation Development.

Ms. Lasher stated that the subject property is located at 9698 Hat Trick Lane in Wellington, Colorado. It is located approximately 1.1 miles east of the intersection of Interstate 25 and East County Road 66.

Ms. Lasher explained that the purpose of Article 4 of the Land Use Code is to implement the Comprehensive Plan goal of ensuring that adequate public and/or private utilities, facilities, and services are provided and maintained concurrent with development. Article 4.3.7.B states that for a development to be served by a well(s), it must meet the following requirements:

1. The development cannot physically be served by a public community water system whose distribution system is within one mile of the development.
2. The development is outside any existing or planned water district and/or water service area.
3. An augmentation plan has been approved, and the Colorado Division of Water Resources confirms that well permits will be issued.
4. Evidence is submitted showing that adequate water quality and quantity can be made available for development. Evidence may include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable. In turn, the State Engineer shall review the water supply information and issue an opinion regarding injury to other vested water rights and the adequacy of the water supply.
5. A well that supplies water as part of a collection, treatment, and distribution system for development and meets the criteria of a public water system shall comply with the State of Colorado Design Criteria for Potable Water Systems policy, regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division.

Ms. Lasher stated that the intent behind Article 4 language is to make sure that when properties develop, they have adequate public facilities. In this case water service, to function successfully. Further, if urban level services such as water provided by a water district are available to a property, then those should be used to support urban level development rather than connecting to less reliable utility sources such as a well. Wells, while permitted through the State Division of Water Resources, are not permitted with any guarantees of how much water can be pumped or if the water is of a quality that would be acceptable for human consumption, hence criterion 4 above. Many of the water districts in Larimer County were created to provide water to areas where drilling wells were found to be unproductive.

Ms. Lasher explained that Northern Colorado Water Association (NCWA) is not a State-approved special district like East Larimer County Water District or South Fort Collins Loveland Water District, which collect taxes in addition to fees. NCWA has a water service area, not a district boundary, and views themselves as a member-owned association where members pay the base fee and then the water rates, but nothing else on top of that.

Ms. Lasher explained that the subject lot is currently vacant. The applicants purchased the property in 2018 and did not purchase a water tap at that time. The applicants learned about the NCWA tap moratorium when they put the lot up for sale in 2021. In a letter provided to the applicants, dated March 4, 2024, NCWA confirmed that they are still in a tap moratorium and no new taps will be sold. Therefore, the applicants cannot obtain public water service for their lot.

Ms. Lasher went on to state that the applicants are requesting approval of this appeal to Sections 4.3.7.B.2, 4.3.7.B.3, and 4.3.7.B.4 so that they may utilize a well inside of the Northern Colorado Water Association boundaries as the domestic water source for a future single-unit residence. The applicants are not proposing to build a single-unit residence themselves but are planning to sell the lot.

REVIEW CRITERIA

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the Board of County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. 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:

- A. Approval of the appeal will not subvert the purpose of the standard or requirement. *Staff find this criterion has not been met*
- B. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood. *Staff find this criterion has not been met.*
- C. Approval of the appeal is the minimum action necessary. *Staff find this criterion has been met.*
- D. Approval of the appeal will not result in increased costs to the public. *Staff find this criterion has been met.*
- E. Approval of the appeal is consistent with the intent and purpose of the Code. *Staff find this criterion has not been met.*

According to the State Division of Water Resources, if the Robideaux Conservation Development meets the statutory definition of a "cluster development," they would allow for the issuance of up to two well permits to withdraw a total of one acre-foot of water (0.5 acre-foot per well) for each 35 acres in the development.

Ms. Lasher did state that staff does understand that the applicant is in a difficult position with the moratorium by NCWA but ultimately it would not be the responsible choice for the County to grant this appeal as it could lead to unsustainable development patterns and long-term consequences. Approving this appeal could potentially set a precedent for other property owners in a similar situation.

DEVELOPMENT SERVICES TEAM RECOMMENDATION

The Development Services Team finds that the Schubert Appeal does not meet three out of the five criteria in Article 6.7.2.B.5, and therefore, the Appeal is not supported by the Development Services Team.

The Development Services Team recommends denial of the Schubert Appeal, File No. 25GNRL0570.

The Board asked Ms. Lasher to explain the definition of "cluster development". Frank Haug, Assistant County Attorney, explained that with a cluster development, you can have a 35-acre parcel and within that 35-acre property it can be divided into smaller lots, but the remainder must be preserved for open land. In Larimer County, cluster and conservation development criteria have been established to promote the preservation of natural and agricultural areas while allowing higher density residential development in designated areas. The State defines a "cluster development," as "...any division of land that creates parcels containing less than thirty-five acres each, for single-family residential purposes only, where one or more tracts are being divided pursuant to a rural land use process and where at least two-thirds of the total area of the tract or tracts is reserved for the preservation of open space. No rural land use process as authorized by this section shall approve a cluster development that would exceed one residential unit for each seventeen and one-half acre increment." This subdivision is not classified as a cluster development and is under 35-acres.

The applicant, Craig Schubert addressed the Board via zoom. Mr. Schubert is requesting the County Board of Commissioners issue an exemption to amend the Roubideaux Conservation Development (RCD) to allow the applicant to obtain a well permit from the State of Colorado. The applicant states that he believes that all criteria have been met and went through each criterion with the Board.

Mr. Shubert said that in 2018 when the property was purchased, he was promised a water tap that was available to purchase from NCWA. In 2021 when Mr. Shubert listed his property for sale, the applicant found out NCWA had put a moratorium on sales of new water taps. NCWA informed Mr. Shubert that NCWA would not oppose it if the applicant wanted to apply for a well. The State denied the permit because RCD had only been approved for water to be provided by NCWA. The State told Mr. Shubert that if the applicant obtains an exemption from Larimer County amending RCD to allow for wells, the applicant would be able to get a well permit. The applicant contacted the Planning Department of Larimer County about obtaining an exemption so he could get the well permit. Mr. Schubert was told there was no procedure in place to do such a thing, so there was nothing the County could do. Mr. Schubert was advised that his options were to do nothing, sue NCWA in civil court, or present a water augmentation plan to the state water court.

Mr. Schubert stated that he is not looking to develop his property, he just wants to obtain a well permit so he can sell property with water. Mr. Schubert stated that to meet this requirement, it would place a heavy financial and time burden on him. To drill a test well to obtain water to test will cost approximately \$5,000 to \$10,000 and take a couple of months to complete, collect, and send the samples out for testing. This will potentially push the application out by months. Mr. Schubert is requesting approval of this appeal or if not please offer some solutions to resolve this issue.

Chair Stephens opened the hearing to public comment.

No members of the public spoke.

The Board had some clarifying questions on cluster developments. Frank Haug, Assistant County Attorney stated that according to the statute it essentially states that if you develop and have a piece of land 35-acres or more in size, you can develop it with one well for less than one acre full of water for all of the residents that live on those 35-acres. In this situation, however, the development was created as rural land use, not a cluster development.

The Board announced that they would not be able to support this appeal. The Board recognized that Mr. Schubert is in an unfortunate position. But, based on the review criteria, three of the five criteria have not been met, and the Board agrees with the staff recommendation for denial. The Board let the applicant know that granting him a well could potentially preclude others from securing a well in the future and that feels problematic.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners deny the Schubert Appeal, File No. 25-GNRL0570.

Motion carried 3-0

2. **Hansen Conservation Development, File No. 21-LAND4184:** Justin Currie, Planner, presented this application to the Board. Mr. Currie stated that this is a request for a preliminary approval for a Conservation Development on 35-acres to create one (1) residential lot, and one (1) residual lot with a 2-acre building envelope, along with appeals to Articles 5.3.1.A Public Right-of-Way Required and Article 4.3.5.A.2.a, On Site Wastewater Treatment System, located in the RR2 zoning district.

The applicant proposes to subdivide a 35-acre (+/-) parcel zoned RR2 – Rural Residential into two lots, one new 19-acre residential lot and one 12-acre residual lot with a 4-acre building envelope for an existing residence. Since the property is over 30-acres and located outside a Growth Management Area, the required land division process, per Table 5-2 in Article 5.8 of the Land Use Code, is Conservation Development, which requires that a certain percentage of the land be set aside as a residual lot, while still allowing for the division of smaller lots in clusters.

Mr. Currie explained to the Board that this is a 50/50 developable to residual land ratio, a minimum of 17.5-acres must be used for residual land, which the applicant is providing 19-acres, and is required to be conserved in perpetuity or used as agricultural land. The remaining acreage, a maximum of 17.5-acres, can be developed and the applicant is proposing 15-acres. Building envelopes located within residual land count towards the developable area, as is the case with this application.

Mr. Currie stated that the property has an existing single-family residence with a barn with the remaining portions being undeveloped land that is served by the Fort Collins-Loveland Water District and an on-lot septic system. The proposed lot will be served by the Fort Collins-Loveland Water District and will utilize on-lot septic for the sewer requirements.

REVIEW CRITERIA

In reviewing a proposed preliminary plat application for a Subdivision, the review and decision-making bodies shall consider the general approval criteria in Article 6.3.8.D of the Land Use Code, General Review Criteria, and if the proposed Subdivision meets the Preliminary Plat criteria in Article 6.5.5.D.1 of the Land Use Code. The criteria are addressed below.

- A. Comply with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets.
- B. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources.
- C. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable
- D. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such a system shall comply with state and local laws and regulations
- E. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing.
- F. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Hansen Conservation Development, File #21LAND4184, and the Appeal to Article 5.3.1.A and 4.3.5.A.2.a of the Land Use Code subject to the conditions as outlined above. subject to the following conditions

1. The final plat shall be consistent with the approved preliminary plat and with the information contained in the Hansen Conservation Development, File #21-LAND4184, 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 Neubauer Conservation Development.
2. The property owners address the concerns/requirements of the Referral Agency Comments included in this staff report and mentioned above.
3. If the new 12-acre Lot 1 subdivides further in the future, the new lots will be required to connect to a public sewer system.

The Engineering Department supports the appeal to allow the existing portions of Living Springs Lane and Hidden Springs Lane located on the subject property to remain a private road. The Land Use Code only requires the section of road within a proposed subdivision to be public and cannot require the entire length of private road outside the proposed subdivision to change to a public road. Staff wish to avoid having a roadway become a combination of public/private ownership that would create confusion on ownership and maintenance responsibilities.

Chair Stephens invited the applicant to approach the Board.

Thomas Hanson, the applicant, stated that the intent is to subdivide this one time. The Homeowners Association has since changed the covenants and now has disallowed further subdividing. Mr. Hanson explained that he has met all the Larimer County requirements for conservation development. The total area for the Conservation Development is 34.987 acres with one proposed residential lot and one residual lot. The proposed lot will be 11.815 acres, and the residual lot will be 23.172 acres. There will eventually be a new single-family dwelling on the proposed lot. There are no common areas proposed, and landscaping will be per future individual site plans. There are two private access gravel roadways within the proposed development. The existing house has access off Living Springs Lane and the proposed lot will gain access off Hidden Springs Road. The gravel road west of the Living Springs Lane and Hidden Springs Road intersection is a private driveway for the two lots north and west of the property.

The Board stated to Mr. Thomas that they appreciate the applicant working with staff and neighbors widening the roads for emergency vehicles. The Board did mention comments made by Colorado Parks and Wildlife (CPW). The CPW stated that this project occurs within mule deer severe winter range (December 1-April 30) and is proposing the construction should occur outside this season to lower impacts to mule deer. Commissioner Shadduck-McNally stated that she would like this added as a condition of approval.

Chair Stephens opened the hearing for public comment.

No members of the public were present.

The Board announced that they are in favor of this proposal with the addition of condition number 4 -Construction will not occur during the mule deer winter season (December 1-April 30).

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Hansen Conservation Development, File No. 21-LAND4184 and the appeal to article 5.3.1.A and 4.3.5 .A.2.a of the Land Use Code subject to the conditions in the staff report and the additional condition number 4 complying with CPW referral comments.

Motion carried 3-0

The Board adjourned at 7:35 p.m.

TUESDAY, JULY 29, 2025

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Cindy Buckardt, President of the Larimer County 4-H Foundation addressed the Board. Ms. Buckardt made comments on previous emails received from Assistant County Manager Laurie Kadrich pertaining to violations of the Larimer County Ranch's commercial food policy. Ms. Buckardt also spoke about CSU's MOA to possibly have Ms. Buckardt removed from her role in the 4-H Foundation. Ms. Buckardt also requests a copy of the policy that was mentioned in an email sent from Ms. Kadrich about the 4-H Foundation no longer being able to conduct activities at the Larimer County Ranch. Carrie Adams, 4-H leader, spoke to the Board about the meaning of the four H's in 4-H and what each one represents-Head-clear thinking, decision making, reason and problem solving. Heart-cooperation, communication, loyalty and positivity. Hands-community involvement, character development and practical skills. Health-Health lifestyles, and better living. Ms. Adams is asking what has been accomplished by removing the Larimer County 4-H Foundation from the Ranch facilities.

Chair Stephens closed public comment.

The Board did have some comments on the public comment portion of the hearing.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 21, 2025:

MOTION:

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of July 21, 2025.

Motion carried 3-0.

1. **REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 4, 2025:** Ms. Martin reviewed the upcoming schedule with the Board. The Board had several updates for Ms. Martin.

1. **CONSENT AGENDA:**

AGREEMENTS

1. **REVOCABLE RIGHT OF WAY ENCROACHMENT AGREEMENT**
2. **DRAINAGE AGREEMENT BETWEEN LARIMER COUNTY AND PROSPECTING OUT WEST LLC**
3. **BUREAU OF RECLAMATION 2023 TITLE 28 GRANT AMENDMENT #1**
4. **BUREAU OF RECLAMATION 2023 TITLE 28 GRANT AMENDMENT #2**

LIQUOR LICENSE

1. **LIQUOR LICENSE RENEWAL - FT. COLLINS LODGING, LLC DBA CLARION HOTEL - HOTEL & RESTAURANT-FORT COLLINS, COLORADO**

MISCELLANEOUS

1. **EASEMENT WITH TERMS AND CONDITONS -FOSSIL CREEK RESERVOIR NATURAL AREA**

MISCELLANEOUS

1. **EASEMENT WITH TERMS AND CONDITIONS-FOSSIL CREEK RESERVOIR NATURAL AREA**

POLICIES

1. **CONDITIONS OF EMPLOYMENT**

RESOLUTIONS

1. **FINDINGS AND RESOLUTION APPROVING THE EMISSARIES OF DIVINE LIGHT AMENDED SPECIAL REVIEW AND APPEAL**

2. **POUDRE VALLEY FIRE PROTECTION DISTRICT 2024 INTERNATIONAL FIRE CODE**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, July 29, 2025.

Motion carried 3-0.

5. **COMMISSIONERS' GUESTS:** The first guest is Maggie Livingston, the 2025 Larimer County Fair and Rodeo Queen. Ms. Livingston announced that she is currently a sophomore at Colorado State University studying Agricultural Education with a concentration in teacher development. Ms. Livingston spoke of some of the activities that she has been involved in over the past year, as the 2025 Larimer County Fair and Rodeo Queen. Ms. Livingston announced the upcoming Queen's Barbeque to celebrate her sponsors over the last year. The proceeds will go directly to a scholarship for her future in agriculture studies. Ms. Livingston thanked the Board for their ongoing support.

The Board thanked Maggie for her year of service and asked her about the Rodeo Parade and her studies at CSU and future plans. The Board appreciates her passion for agriculture, that she embodies the spirit of the Larimer County Rodeo, and her demonstration of leadership.

The Board took a brief recess.

The Board returned to session.

The second guest is Irene Josey, Larimer County Treasurer and Public Trustee. Treasurer Josey announced that she is here to speak about the Property tax pre-payment options new program.

Treasurer Josey went over the current property tax payment options. Property taxpayers have had two options to pay their property taxes-one payment by April 30 of each year or two payments February 28/June 15 of each year. Many property owners mention the struggles of budgeting one or two large payments each year. Treasurer Josey did mention the options for those who qualify for the Senior Homestead Exemption, Disabled Veteran Exemption and the Property Tax Deferral Program.

Treasurer Josey stated that she is pleased to announce that the Larimer County Treasurer's office is offering a way for residential and business property owners to pre-pay their property taxes in smaller amounts over a longer period of time. Property owners can make payments through EscrowTaxes.com via e-check, ACH, debit or credit card or a variety of digital wallets. This is a full-service, secure, cloud-based portal.

The new monthly payment option will turn one annual tax bill into smaller, automated, stress-free monthly payments. This is a benefit to taxpayers who want to simplify their household budgeting by making payments in equal monthly amounts. It is easy to enroll and use. Treasurer Josey also spoke about the benefits to the Larimer County Treasurer's office. It provided zero cost to the County, minimal accounting and provided options for taxpayers. EscrowTaxes calculates the monthly payment by dividing the total amount due by the number of months remaining until the payment deadline

dates. A taxpayer's monthly amount may vary depending on the enrollment date. If the tax bill is later adjusted, Escrow Taxes will automatically recalculate your remaining payments to reflect the adjusted total due.

The Board thanked the County Treasurer for this informative presentation and let the public know that they can find out more information on the Larimer County Treasurer website.

6. **DISCUSSION ITEMS:** None Requested
7. **COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed the events from the previous week.
8. **COMMISSIONER ACTIVITY REPORTS:** The Board briefly detailed their attendance at events during the previous week.
9. **LEGAL MATTERS:** None requested.

With there being no further business, the Board adjourned at 10:05 am

Kristin Stephens

KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Deirdre O'Neill

Deirdre O'Neill, Deputy Clerk



