



## MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, AUGUST 25, 2025

### **SPECIAL MEETING: CERTIFICATION OF THE ABSTRACT OF ASSESSMENT REPORT FOR ASSESSOR'S OFFICE**

The Board of County Commissioners met at 10:00 a.m. with County Assessor Bob Overbeck. Chair Stephens presided. Commissioner Kefalas was present. Commissioner Shadduck-McNally joined the meeting via phone. Also present were Lorenda Volker, County Manager; Lisa Thieme, Assessor's Office; and Lindsey Jones, Deputy Clerk.

Assessor Overbeck addressed the Board to present the 2025 Abstract of Assessment Report. Assessor Overbeck explained some differences in the process this year due to a change at the State Legislature that requires counties in Colorado with a population over 300,000 to follow an alternate protest process. In the past, all adjustments to property valuations made by the County Board of Equalization were already in place at the time of the signing of the Abstract of Assessment Report, and this year they are not.

Assessor Overbeck further explained that in 2025 there is a split assessment rate. School districts have an assessment rate of 7.05%, while local government entities have a 6.25% assessment rate. This could change in October after the Division of Property Taxation has an opportunity to review the overall growth of assessed values throughout Colorado. If growth is higher than 5%, the rate for local government could be reduced to 6.15%. Ultimately, the numbers in the report presented today are likely to change at the time of re-certification in December.

The Board asked what it means to certify the Abstract. Assessor Overbeck responded that this document is used by taxing authorities to set their budgets and mill levies. All of the taxing authorities have received letters explaining that the numbers in the report are subject to change.

The Board asked if there was an unusual number of significant changes in property values, or if the Assessor's Office is expecting many property values to be adjusted during County Board of Equalization hearings. The Board was concerned about the potential impact on the County budget for the coming year if values are heavily adjusted. Assessor Overbeck answered that property values increased by about 8% in the past year, and that some of that growth could be attributed to data collection carried out by the Assessor's Office regarding new construction in the County.

The Board asked if the Assessor's Office was surprised by any of the data in the report. Assessor Overbeck was surprised at the increase in commercial property values. The market in Larimer County is very different than the Denver Metropolitan area market, which is struggling with commercial

property values. Also, only 7% of the population, or around 12,000 accounts, appealed their valuation in 2025, which is historically low.

County Manager Volker thanked the Assessor's Office for their partnership. The County Manager's Office is planning a meeting between now and the final certification in December so there are no big surprises at the end of the year.

## **MOTION**

Commissioner Kefalas moved that the Board of County Commissioners approve the certification of the Abstract of Assessment certified values.

**Motion carried 3-0.**

With there being no further business, the Board recessed at 10:15 a.m.

## **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 Michael Whitley, Samantha Mott, Jared Seay, Christina Scrutchins, and Ryane Oswandel, Community Development; David Pringle and Connor Sheldon, Engineering; Lea Schneider and Ashton Brodahl, Health and Environment; Christine Day, Geospatial Services Team Lead from Information Technology; Frank Haug and Christine Luckasen, County Attorney's Office; and Lindsey Jones, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Ms. Axmacher mentioned that one of the discussion items for the August 25, 2025, 6:30 p.m. Land Use Hearing was mistakenly advertised to take place at this meeting and at the 6:30 p.m. meeting. Ms. Axmacher recommended that this discussion item be tabled until the September 8, 2025, 3:00 p.m. Land Use Hearing.

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners table the Crystal Lakes Partial Right of Way Vacation, File No. 25-LAND4499, to the September 8, 2025, 3:00 p.m. Land Use Hearing.

**Motion carried 3-0.**

The Board did not wish to remove any items from the Consent Agenda. No members of the public wished to remove any items from the Consent Agenda.

## **PUBLIC HEARING CONSENT ITEMS:**



**1. DOWD SUBDIVISION AND APPEAL, FILE NO. 25-LAND4484:** The owners propose to divide an existing parcel of land to create one additional residential lot. The existing parcel is 4.07 acres, and they propose creating two lots, approximately 2 acres each. The existing lot is Lot 3A, Block 2, of the Lot Consolidation of Lots 3 and 8, Block 2, of the Backbone Meadows Subdivision. The lots were combined through the Larimer County Planning Division in 2019. The request is to return the lots to their original configuration prior to the Lot Consolidation, as shown on the Backbone Meadows Subdivision plat that was recorded in 2004.

The existing parcel is located approximately ¼ mile east of the intersection of Glade Road and Gitalong Road and 900 feet south of the intersection of Pronto Way and Gitalong Road on the north side of the road. This parcel is currently being used for residential purposes, and the proposed new lot is also for residential use. The existing residence would be on Lot 3 with frontage on Pronto Way, and the newly proposed lot, Lot 8, would contain a barn, and it would take access from Gitalong Road. No new roads are proposed. The existing home is served by City of Loveland Water and an on-lot septic system. The newly proposed lot would also be served by both City of Loveland Water and on-lot septic systems.

The subject parcel, as well as the surrounding lots, are zoned RR-2 Rural Residential. The minimum lot size in the current RR-2 - Rural Residential zoning district is 2.3 acres (100,00 square feet) if a well or septic system is utilized and 0.5 acres if both public water and public sewer are utilized. Given the proposed services (public water and septic), a minimum lot size of 2.3 acres is required, and the newly proposed lots would not meet that minimum lot size, therefore, the applicants have included an appeal to the lot size. The proposed lots are approximately 88,606 and 88,976 square feet in size. These are the same size as the original lots platted with the Backbone Meadows Subdivision before they were combined through the Lot Consolidation process.

Surrounding properties are developed with single-unit residential uses consistent with the existing zoning district. The lot is within the Backbone Meadows Subdivision, which is made up of lots ranging in size from 1.73 acres to 2.24 acres. None of the lots in the subdivision meet the minimum lot size for lots in the RR-2 zoning district for lots served by septic. Larimer County mapping indicates this is an area of low geologic hazards, and it is an area categorized as the lowest wildfire hazard area. Larimer County mapping indicates that it is located in an area identified as a mule deer winter concentration area. There are no wetlands or floodplains associated with the parcel.

The application was sent out to both referral agencies and property owners within 500 feet of the property. No comments were received from any community members. Comments were received from the following referral agencies: Larimer County Engineering, Larimer County Flood, Larimer County Surveyor, Larimer County Department of Health and Environment, Larimer County Environmental Planner, Larimer County Code Compliance, Larimer County Assessor, Larimer County Sheriff's Office, Colorado Geologic Survey, Division of Water Resources, Loveland Fire Rescue Authority (LFRA), Western Area Power Association, and Loveland Water District.

**PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM  
RECOMMENDATIONS:**

A. The Larimer County Planning Commission and the Development Services Team recommend that the Board of County Commissioners approve the Dowd Subdivision, File #25-LAND4484, subject to the following conditions:

1. The final plat shall be consistent with the approved preliminary plat and with the information contained in the Dowd Subdivision, File No. 25-LAND4484, 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 Dowd Subdivision.
2. The following fees shall be collected at building permit issuance for new single-unit dwellings: Thompson R-2J school district fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of the building permit application shall apply.
3. The applicant must comply with the requirements of Loveland Fire Rescue Authority as indicated in their comment letter dated May 1, 2025.
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 groundwater level, unless it is a response after construction, must be proposed on a development-wide basis.
5. Passive radon mitigation measures shall be included in the 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 the 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.
6. Transportation Capital Expansion Fees will be due at building permit issuance.
7. A septic permit will be required as part of the building permit process to develop Lot 8, Block 2. Site and soil evaluations will be required to determine the placement and design of the future septic system.
8. 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.
9. The applicant must obtain building permits and pay all applicable fees including Transportation Capital Expansion Fees (TCEF) required by the Larimer County Engineering Department which will be due at the time of building permit issuance.
10. No part of any building may extend into or above any easement. All easements must be shown and labeled on all plan sheets.



11. A Development Construction Permit is required prior to commencing any improvements to the site.

B. The Larimer County Planning Commission and the Development Services Team recommend that the Board of County Commissioners approve the Appeal to Article 2.3.3 of the Land Use Code (Minimum Lot Size).

**2. PANO AI (3463 N COUNTY ROAD 27E) APPEAL, FILE NO. 25-GNRL0571:** The subject property is a 57.7-acre parcel located immediately north of the intersection of Rist Canyon Road and County Road 27e. The address is 3463 N County Road 27E, Bellvue, and the property is zoned O – Open. The property contains a wireless communication facility with two cellular tower structures and is otherwise undeveloped. The proposed wildfire camera will be constructed on an existing 40-foot tall cellular pole at approximately 21 feet above ground level. Another cellular tower, currently 40 feet in height, exists at the facility and will be expanded to 59 feet in height. The proposed expanded 59-foot tower is not the subject of this application.

This appeal is required to permit the placement of cameras on the existing 40-foot tall tower for the detection of fires and dissemination of information to emergency responders. More specifically, Section 9.3.7 (Cameras) of the Land Use Code states: “Placement of cameras or other surveillance on Wireless Communication Facilities (WCFs) shall be used exclusively for the safety and security of the WCFs. No data secured through the use of camera, video, and biometric sensors (including facial recognition software) installed on WCFs shall be collected and shared without the expressed prior consent of citizens. Data collected from WCF security surveillance equipment will not be shared with law enforcement except within well-defined exigent circumstances. The applicant must identify in its application whether cameras or other surveillance equipment are to be utilized.”

According to the applicant’s project description, “Pano AI provides a platform for fire professionals to help detect threats, confirm fires, and disseminate information to the responders. Assisted by AI, Pano provides the information in real-time to the team and responders which makes it possible to quickly identify and contain wildfires allowing protection of lives, property, wildlife, and our natural resources.” Pano AI, Inc. is appealing Section 9.3.7 to allow them to install fire detection cameras on a 40-foot wireless communication facility. The cameras would be used exclusively for fire detection, not for the security of the facility itself.

Notice of this application was mailed to 15 property owners within 500 feet of the parcel. No comments from surrounding property owners were received.

#### **DEVELOPMENT SERVICES TEAM RECOMMENDATION:**

The Development Services Team recommends that the Board of County Commissioners approve the Pano AI (3463 N County Road 27e) Appeal, File No. 25-GNRL0571, subject to the following conditions:

1. To maintain privacy, access to the data collected by the cameras shall be restricted to the property owner, public utilities, fire districts, and public safety officials.
2. The use of the cameras is limited to Pano AI, Inc. and any successors if Pano AI, Inc. is acquired by another company. An unrelated entity must obtain a separate appeal approval to utilize cameras installed by Pano AI, Inc. or to install new cameras.
3. The number of cameras shall be limited to the minimum necessary to achieve 360-degree coverage, not to exceed four cameras.

**3. HOLLINGSWORTH EASEMENT VACATION, FILE 25-LAND4480:** The subject property is located on Lot 7 of the Springfield 1st PUD Subdivision, otherwise known as 2332 Dalton Drive in Fort Collins. The property is zoned Multifamily Residential (MR) and is located within the Fort Collins Growth Management Area (GMA). The property currently contains one single-unit dwelling, built in 1986, according to County Assessor's Office records.

The property owner plans to apply for permits for the construction of a combined pergola and deck structure subject to the outcome of this Easement Vacation request and the related Setback Variance, File No 24-ZONE3628. The applicant is seeking to vacate 5 feet of the existing 20-foot easement. The easement is a public easement and was platted at the time of the creation of the Springfield 1st PUD Subdivision. The setback variance request is being heard separately by the Larimer County Board of Adjustment.

City of Fort Collins-Loveland Water and Fort Collins Sanitation service this property, in addition to other utilities. All utility providers have signed the utility check sheet. A completed utility check sheet is an application requirement for Easement Vacations which notifies utility companies of the proposed request prior to submission of an application.

#### **DEVELOPMENT SERVICES TEAM RECOMMENDATION:**

The Development Services Team approval of the request to vacate a 5-foot portion of the 20-foot-wide utility easement located on Lot 7 of the Springfield 1<sup>st</sup> PUD Subdivision, File No. 25-LAND4480.

#### **M O T I O N**

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions in the staff reports and further moved to authorize the Chair to sign the Findings and Resolutions.

**Motion carried 3-0.**

#### **PUBLIC HEARING DISCUSSION ITEMS:**

**1. KENNEDY ENCLOSED STORAGE SPECIAL REVIEW & APPEALS, FILE NO. 24-ZONE3655:** Michael Whitley, Senior Planner, explained that the subject property is a 3.74-acre parcel at 4140 E County Road 30, Fort Collins, which is located north of E County Road 30 in Fort



Collins, approximately one-third mile west of the intersection of E County Road 30 and the I-25 frontage road. The property is zoned AP – Airport. Enclosed Storage facilities are allowed in the Airport zoning district with Special Review approval. This Special Review request includes appeals to Sections 4.9.3.C.2 & 3 (building facades), 4.9.3.E (roof form), and 4.9.3.F (architectural design) of the Land Use Code.

The property is not in a Growth Management Area and is within the boundary of “A Plan for the Region Between Fort Collins and Loveland.” Land south of E County Road 30 is within the Loveland Growth Management Area and within Loveland city limits. There is a single-family detached dwelling west of the property and a natural area owned by the City of Fort Collins to the north and west of the property. Land south of County Road 30 is within Loveland city limits. The parcel directly south of the subject property is a 20.61-acre vacant property zoned for commercial uses. Immediately south of that parcel is an Amazon.com distribution center on a 74.68-acre lot. There are several other non-residential uses in the area including Larimer County’s fleet services campus.

The property contains a building that formerly housed a veterinary clinic, a single-family detached dwelling that was constructed in 2021, and a 2,223 square-foot barn. Special Review approval was granted for the veterinary clinic in 1979. The property owner owns a party equipment rental business, and the material proposed to be stored consists of rental equipment and tools to maintain that equipment. The former clinic and dwelling are proposed to be used as offices in support of the business, and the existing barn is proposed to be used for enclosed storage.

Four new storage buildings are proposed to be constructed in two phases. Phase I would include Buildings A and B along with associated site improvements, while Phase II includes Buildings C and D and their associated improvements. The proposed new building sizes are 5,760 square feet (Building A), 6,000 square feet (Building B), 4,896 square feet (Building C), and 3,600 square feet (Building D) for a total of 20,256 square feet. According to the applicant’s project description, normal business hours would be Monday through Friday, 9 am to 5 pm and 10 to 15 employees would be on-site daily. Trucks and trailers used for the business will be kept on the property.

#### **REVIEW CRITERIA:**

Mr. Whitley explained that when reviewing a proposed Special Review application, the review bodies shall consider the general approval criteria in §6.3.8.D, General Review Criteria and also whether:

- A. The proposed use has minimal impacts on existing and future development of the area.
- B. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.
- C. The recommendations of referral agencies have been considered and adequately addressed.

- D. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.
- E. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

**Section 6.3.8.D General Review Criteria:**

- 1. Generally
  - a) Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the General Review Criteria stated below.
  - b) The application may also be subject to additional review criteria specific to the type of application, as set forth in §6.4 through §6.7.
  - c) If there is a conflict between the general review criteria in this section and the specific review criteria in §6.4 through §6.7, the specific review criteria in §6.4 through §6.7 control.
- 2. Compliance with this Code: The proposed use and development shall comply with all applicable standards in this Code, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3. Compliance with Other Applicable Regulations: The proposed use and development shall comply with all other County regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.
- 4. Compliance with Prior Approvals: The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.
- 5. Compliance with Zoning District Standards: The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, Use-Specific Standards.
- 6. Compliance with Development Standards: The proposed development shall comply with the applicable standards in Article 4.0, Development Standards.
- 7. Compliance with Other Code Provisions: The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.



## **APPEALS:**

The Site and Building Standards found in Article 4.9 of the Land Use Code are applicable in Urban Districts, including the AP – Airport zoning district. Mr. Whitley explained that most applications that are reviewed by the Board of County Commissioners are not subject to these standards. This item was added to the agenda as a discussion item because the applicant has requested appeals to several standards from Article 4.9. Mr. Whitley described the purpose of the architectural standards in Article 4.9, which include protecting visual interest, character, and quality of nonresidential mixed-use areas, and ensuring compatibility between residential neighborhoods and adjacent commercial and mixed-use areas.

Mr. Whitley detailed the plans that the applicant has proposed with the architectural standards in mind. Mr. Whitley also reviewed the details of each section of Article 4.9 that is being appealed and how they pertain to the applicant's plans, including Sections 4.9.3.C.2 & 3 (building facades), 4.9.3.E (roof form), and 4.9.3.F (architectural design). 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 may grant the appeal subject to safeguards and conditions with their findings concerning the following factors:

- 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 Kennedy Enclosed Storage Special Review and Appeals, File No. 24-ZONE2655, subject to the following conditions:

1. This Special Review approval shall automatically expire without a public hearing if the use does not commence 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 Kennedy Enclosed Storage Special Review, File No. 24-ZONE3655 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 Kennedy Enclosed Storage Special Review.
3. The applicant shall resolve outstanding technical issues regarding drainage and construction and utility drawing details prior to signing of the Site Plan and Construction Drawings.
4. The property is located within the service area of the South Fort Collins Sanitation District (SFCSD). If the property is within 400 feet of a sewer line or planned sewer,

then existing septic systems may not be repaired/upgraded nor new septic systems installed. Wastewater needs would have to be evaluated by both the Department of Health and Environment and the SFCSD to determine appropriate wastewater service at that time.

5. 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.
6. This application is approved without the requirement for a Development Agreement.
7. 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 the County, the 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 the 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 the County including, but not limited to, reasonable attorney's fees.
8. The 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.
9. 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.

The Board asked about the potential for residential use around this area since it seems to be predominantly commercial and industrial. The Board also asked why the architectural standards were so specific. Mr. Whitley responded that because this is in the AP – Airport zoning district, each parcel is allowed to build one single family residential home. Dozens of commercial nonresidential uses are also allowed, but almost all of those uses require Special Review approval. This is an unusual zoning district in Larimer County because most other zoning districts are either strictly residential or strictly commercial, while this district is more of a hybrid mixture of residential and commercial. Mr. Whitley also clarified that these standards are applicable by default and apply to non-residential uses only.

#### **APPLICANT PRESENTATION:**

Jacob Renninger, Shamrock Buildings LLC, addressed the Board to state that Mr. Whitley had covered all of the relevant information.

The Board asked the applicant to respond to some of the referral agency comments. The City of Fort Collins had mentioned a natural area in the vicinity and had requested additional landscaping to act as a buffer for the viewshed from that natural area. Don Kennedy, the property owner, responded that



trees have already been planted that will grow taller over time to protect the viewshed. More landscaping will be done as well, along with seed mix being laid down around a detention pond. Mr. Kennedy stated that he takes great pride in his property and is trying his hardest to make it look as beautiful as possible.

The Board asked about outdoor lighting and if it would be downcast to protect wildlife in accordance with Larimer County lighting standards. Mr. Whitley responded that the lighting in the plan is compliant.

**PUBLIC COMMENT:** There was no public comment in person or online.

Chair Stephens closed public comment.

### **DELIBERATION:**

The Board commented that the applicant is making a good-faith effort to run his business in a way that is respectful to the surrounding natural area. The Board agreed that the review criteria set out by Staff have been met and stated that they would be in favor of this application. The Board appreciated the owner and applicant being present to answer questions. The Board also appreciated that this property would improve the overall appearance and natural beauty of the surrounding area, while also helping to protect biodiversity of the surrounding habitats.

### **M O T I O N**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Kennedy Enclosed Storage Special Review, File No. 24-ZONE3655, subject to the conditions as outlined above.

**Motion carried 3-0.**

### **M O T I O N**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the appeals to Sections 4.9.33C.2 & 3 (building facades), 4.9.3.E (roof form), and 4.9.3.F (architectural design) of the Land Use Code.

**Motion carried 3-0.**

### **2. VALHALLA RESORT LLC CONDOMINIUM MAP, FILE NO. 25-LAND4472:**

Michael Whitley explained that the subject property is a 9.24-acre parcel located at 2185 Eagle Cliff Road, Estes Park, approximately 1,300 feet west of the intersection of Eagle Cliff Road and Highway 66. The parcel lies both north and south of Eagle Cliff Road and is within the Estes Valley Planning Area. It is zoned EV A-1 – Estes Valley Accommodations/Low Intensity. Mr. Whitley provided more details about the roads and addressing in the neighborhood.

The property is currently operated as the Valhalla Resort, which consists of 22 rental cabins and a recreation building. The applicant is requesting approval of a Condominium Map that would allow each cabin to be sold individually. The existing recreation building is also included on the map and is intended to be converted to a single-unit detached dwelling. Under the proposal, the Valhalla Resort would continue to operate as a nonconforming resort lodge/cottages business. As individual cabins are sold, they would no longer be part of the resort operation and would instead be reclassified as single-unit dwellings. If a new property owner wishes to rent their cabin on a short-term basis, they would be required to obtain approval for a short-term rental through the Site Plan Review process, with each application subject to current short-term rental standards, which include a limit of one short-term rental per property. Mr. Whitley described how owners could proceed if more than one short-term rental was applied for.

The Condominium Map assigns unit numbers to each dwelling and identifies the limited common element areas surrounding each unit. The dwellings would be individually owned, while both limited common element areas and general common elements would be collectively owned and maintained by a homeowner's association.

Other than allowing for the conversion of the recreation building to a single-unit dwelling, approval of the Condominium Map would not result in any additional development or physical changes to the property. Eagle Cliff Road is a private road and there is no formal road maintenance agreement among the property owners that rely on the road for access. One neighboring property owner expressed concerns regarding the potential impact of the Condominium Map on the road. Although one additional unit could be added to the property as a result of approval of the Condominium Map, the addition of that unit would not trigger road improvements and would not trigger the requirement for a road maintenance agreement.

## **REVIEW CRITERIA**

Mr. Whitley explained that the Larimer County Land Use Code (Section 6.5.9.D) allows for the approval of a Condominium Map if the following criteria are met:

1. The proposed uses in the condominium units are consistent with existing zoning of the site.
2. The site complies with §4.7, Landscaping, §4.6, Off-Street Parking and Loading, and Article 8.0, Signs.
3. The condominium map complies with the monumentation and plat preparation standards required by state statute.
4. The applicant has submitted property owner's association documents or their equivalent that address the unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities, and any other common areas and facilities on the site. The documents must also provide for perpetual maintenance of common facilities by property owners. If property owners fail to adequately maintain the common facilities, the Board of County Commissioners may



take over maintenance and charge the cost to the property owners until property owners demonstrate they can adequately maintain the property.

#### **DEVELOPMENT SERVICES TEAM RECOMMENDATION:**

The Development Services Team recommends approval of the Valhalla Resort LLC Condominium Map, File 25-LAND4472, subject to the following conditions. Mr. Whitley noted that the original Staff report contained one additional condition of approval, but that condition regarding future development of the property was already addressed by the applicant, so the condition was removed.

1. Prior to the recordation of the condominium map the applicant shall make the technical corrections required by Celine Bromley, Land Surveyor of the Larimer County Engineering Department.
2. The establishment of the condominium units and definition of limited common element areas shall be finalized at such time when the condominium map and findings and resolution of the Board of County Commissioners are recorded.
3. Larimer County may follow standard Code Compliance procedures to correct Land Use Code or other violations, but Larimer County is under no obligation to assume any maintenance or other management responsibilities.
4. *The following note shall be added to the Condominium Map: If any residence is to be used as a short-term rental, it must comply with all applicable land use code provisions, and all applicable permits must be obtained.*
5. *Any change in use will require compliance with all applicable road improvement standards and addressing standards.*

The Board asked about the condition of approval that was removed. Mr. Whitley explained that there are currently 22 units on the property. In the EV-A1 zoning district, one unit is allowed per 10,000 square feet. Additional residential density would be allowed on this property as single family dwellings. After approval of the condominium map, the applicant originally wanted to add 11 additional dwellings to the property. However, a condominium map can only be created on an existing building. The applicant would need to develop the additional units first and then request a condominium map. Otherwise, they would need to remove the additional units from the proposed condominium map.

The Board asked a series of questions about the application, including why the applicant was no longer seeking short-term rental approval for the existing units, clarification on issues with the road name and road standard issues, and questions about the as-built permit process. Mr. Whitley responded that initially the applicant was seeking both a condominium map and short-term rental approval for all of the units. However, since those are two separate processes, it would not be possible to do both at the same time. Mr. Whitley also addressed the Board's concerns with road naming and road maintenance, explaining that many of the current issues will be handled as individual units are sold, and if or when new owners apply for short-term rentals. The Code Compliance department is working with the current owners to resolve outstanding issues with the property since the previous owners modified some units without proper permitting.

The Board asked when the updated condominium declaration would take effect, and whether or not a road association would also be formed. Mr. Whitley answered that the condominium map, the condominium declaration, and the findings and resolution from this hearing, would all be recorded together. There will not be a specific road maintenance agreement, so there will continue to be a patchwork of individual responsibility for the roads. Each property owner will be obligated to maintain the portion of the road on their property, but not to improve it to current standards.

#### **APPLICANT PRESENTATION:**

Matt Athey from Jorgensen, Brownell & Pepin, P.C. gave a presentation on behalf of the owner. Mr. Athey explained how this project came to be and the steps that have been taken in working with County Staff to move forward. The owner's plan is to continue work with Staff to make sure the property is compliant. Valhalla Resort is currently responsible for road maintenance, and as units are sold, this will become the responsibility of the future homeowner's association (HOA). The owners will take control of the HOA within 60 days after 75% of the units have been sold.

Mr. Athey also noted that there are many short-term rentals in Estes Park, but the goal and vision of this project is not to create a community full of short-term rental units. The goal is to create more long-term housing for Estes Park residents.

Danette Barret, owner of Valhalla Resort, LLC, thanked the Board for reviewing this application. Ms. Barret purchased the property about five years ago and learned over time that the previous owners did not obtain the proper permitting for many of the units. Ms. Barret emphasized that her goal is to provide more housing stock for the Estes Valley area. These units would make amazing homes for families to live in Estes Park, and the units would be advertised as family dwellings, not as short-term rentals.

The Board asked if the owner has plans to partner with entities in Estes Park that could help achieve the goal of selling these units as family dwellings and workforce housing. Ms. Barret responded that she has reached out to the Estes Park Housing Authority but has not yet heard back. Ms. Barret currently has one unit up for sale, and in the advertisement, it is noted that this is a single-family dwelling and does not come with a short-term rental permit.

**PUBLIC COMMENT:** There was no public comment in person or online.

Chair Stephens closed public comment.

The Board commented that there could be many complications in the future with this property, including road maintenance and short-term rental applications. Frank Haug noted that the application before the Board today is a request for a condominium map. Approving the condominium map allows the units to be sold individually. Issues may arise in the future, but that cannot really be a consideration for approval of the condominium map. Concerns would need to fit within the review criteria for the condominium map only. The only additional option the Board could consider would be ensuring that adequate public notice is provided to potential buyers.



The Board asked further questions regarding current road conditions. Mr. Whitley responded that approval of a condominium map does not require road improvements according to the Land Use Code. Signs, parking, and land maintenance are considered, but not road maintenance. Access to a short-term rental does require certain road standards, so any future short-term rental applications would trigger improved road maintenance.

The Board asked if the code compliance issues would have to be addressed before approval of the condominium map. This is separate from the condominium map approval and is ongoing.

## **DELIBERATION:**

The Board commented that they would like to include an additional condition of approval regarding public notice of the short-term rental process. The Board also considered a condition of approval regarding disclosure to buyers about the condition of the roads. The Board appreciated the owner's commitment to providing housing stock for families and workers in the Estes Valley. The Board also offered to assist the owner with contacting the Estes Park Housing Authority to discuss partnership with them.

The Board commented that the condominium map approval is what is being considered today. If a future buyer were to apply for short-term rental, that would be a separate process that would have to be considered at a later date. The Board agreed that the review criteria for a condominium map have been met and that they would be in favor of approving the application.

Mr. Haug presented two additional conditions of approval to address the Board's concerns. The Board added the conditions of approval as indicated in italics above.

## **MOTION**

Commissioner Kefalas moved that the Board of County Commissioners approve the Valhalla Resort Condominium Map, File 25-LAND4472, subject to the five conditions of approval as outlined above.

**Motion carried 3-0.**

**3. THELLMAN TRUST ADDRESSING RESOLUTION APPEAL:** Christine Day, Larimer County Geospatial Services Team Lead and Larimer County Addressing Coordinator, presented this discussion item. Ms. Day explained that the Board will be considering an appeal by the Thellman Trust regarding the Addressing Coordinator's decision concerning the addition of a missing segment of Stormy Peaks Drive in the Stratton Park Estates 1<sup>st</sup> Filing Subdivision. The appeal is being filed under Section 7 of the Larimer County Road Naming and Addressing Resolution appeal process. The appellant maintains that the missing segment of Stormy Peaks Drive is essentially a driveway or non-existent road and contends that mapping the missing segment could confuse emergency responders. The Thellman Trust requests that the recently added segment be removed from the Larimer County Road Centerline data.

Ms. Day provided background information about this discussion item. Larimer County Addressing received a request for a vacant land location address for Lot 7 in Stratton Park Estates 1<sup>st</sup> Filing. As part of the vacant land process, property owners must submit a sketch showing driveway access and where it intersects with the nearest named road. The access sketch showed connection to a segment of Stormy Peaks Drive that was not present in Larimer County or Larimer Emergency Telephone Authority (LETA) road centerline data. Ms. Day explained that research of the 1969 recorded plat for this subdivision confirmed the segment was legally platted but missing from County and Larimer Emergency Telephone Authority (LETA) data. No subsequent recorded documents were found vacating the road segment. The appellant was invited to provide any evidence to the contrary but did not.

The Geospatial Services Authority is charged with maintaining parcel and road centerline data based on recorded plats, not “as built” conditions. They also correct errors when discovered and ensure consistency and alignment with LETA public safety data. Recorded plats are the controlling legal documents and staff has no legal authority to deviate. Geospatial Services verified the recorded plat for this subdivision, added the missing road segment to Larimer County Road data, coordinated with LETA to update E911 road centerline data, and informed all affected property owners of the changes.

Ms. Day detailed the Addressing Coordinator’s response to the initial appeal. The decision to add a previously unmapped road segment depicted on a recorded subdivision plat is not a discretionary naming decision, but a technical data update grounded in recorded documentation. Ms. Day emphasized the responsibility of Geospatial Services to represent recorded documents accurately. The inclusion of the road segment in County Road data is not an assertion of its physical condition, but rather its legal documentation status. Consistency between recorded plats, Geographic Information Systems (GIS) datasets, and the LETA-E911 road centerline is vital for emergency dispatch accuracy.

Ms. Day also noted that any disagreement about whether the road functions as a private driveway or shared private road, or its current state of passability, is a civil matter among property owners and the road association. Larimer County is not authorized to determine or enforce private easement usage or maintenance responsibilities. The County’s role is limited to representing legal records accurately within County systems.

#### **ADDRESSING COORDINATOR’S RECOMMENDATION:**

The Addressing Coordinator recommends that the Board of County Commissioners uphold the decision to correct the road centerline data by including the missing Stormy Peaks Drive segment. This action ensures consistency with recorded plats, accuracy of County and LETA data, and public safety.

Frank Haug provided some background since this is not a typical type of appeal that would come before the Board of County Commissioners. According to the Larimer County Road Naming and Addressing Resolution, there is only one review criteria for these types of appeals: the Addressing Coordinator’s decision shall be upheld by the Board of County Commissioners unless it is shown by



a preponderance of evidence that the decision is inconsistent with or does not promote the intent and purpose of the Resolution. The recorded plat for this subdivision shows that these are all private roads. The regulation of those roads is not a decision that will be made today, and not a decision that the County has authority to rule on since they are private roads. All that is being considered is the addressing that happened and the segment of road that was added to the GIS map.

#### **APPELLANT PRESENTATION:**

Jeff Cullers gave a presentation on behalf of the Thellman Trust. Mr. Cullers showed several maps of the area, showing how the roads appear on the recorded plat, as well as how the road appears both before and after the change was made to the GIS map. Mr. Cullers explained that the portion of road that was added is actually the Thellman family's private driveway.

Mr. Cullers outlined several sections of the Addressing Resolution and explained why the Addressing Coordinator's decision does not align with the purpose of the Resolution. Mr. Cullers explained that the addition of the missing road segment will only create confusion for property owners, delivery drivers, and emergency responders.

Mr. Cullers also provided the Resolution's definitions for roads and driveways. Mr. Cullers showed an image of the Thellmans' driveway, which has a locked gate that is remotely controlled. No access to other lots is allowed on the driveway. It is not a road used for accessing multiple lots, but a private driveway that is only used for access to the Thellmans' property. The Thellmans maintain that they should not be made to provide access to Lot 7 on their private driveway. Additionally, there is a larger road on the other side of Lot 7 that would provide access to that lot with no need to access the lot on the Thellmans' private driveway.

Mr. Cullers showed images of the newly mapped road, which is not a road at all. It does not provide meaningful access from the Thellmans' driveway to Lot 7. It is more like an ATV trail if anything. The new map shows that the road is a shortcut to Lot 7, but it is not and would only cause confusion.

**PUBLIC COMMENT:** Julie Lynam addressed the Board in favor of the appeal. Ms. Lynam stated that renaming and mapping a segment of Stormy Peaks Drive that goes to the Thellman property from Lot 7 creates a great deal of confusion because the roads are not connected as pictured on the plat.

The following members of the public addressed the Board in opposition to the appeal: Jeff Wolf, Bridgette Gruenstein, and Grant Wolf. Several reasons were given for upholding the Addressing Coordinator's decision. This is not a renaming of the road, but a restoration of the name that was provided on the original plat. All property owners in Stratton Park are allowed to access all of the roads. The road through the Thellman property is not a private driveway. It includes an easement that should be open to all owners. The owners of surrounding lots have used this easement for decades, and the Thellmans have only recently installed the locking gate that has prevented other property owners from accessing their lots. County road data should reflect how the road was originally platted, and any civil disputes should proceed through the courts.

## **APPELLANT REBUTTAL:**

Mr. Cullers responded to public comments, stating that the Wolfs requested an address for their vacant property in an attempt to improve their legal rights to utilize the Thellmans' private driveway to access their lot. Mr. Cullers stated that the Wolfs can access their property from the east side, and that there is no reason for them to use the Thellmans' private driveway. The Stratton Park plat does not contain any easement dedications and does not give access to all the owners to use all the roads. Mr. Cullers concluded that the dispute over road access should have been handled through the courts to begin with.

The Board asked for clarification about what the decision is that will be made today. Mr. Haug reminded the Board that this is purely a decision for the addressing and the mapping of the roads. The County cannot enforce what happens on private roads, and the decision will not change who has access or who can put up gates. This will only determine if the Addressing Coordinator's decision will be upheld.

The Board asked staff to respond to the appellant's comments regarding the definition of a road versus a driveway. The Board also mentioned the comments about potential confusion that could arise from the renaming of the road. Ms. Day responded that this segment of road has been flagged as impassable with LETA, which will prevent emergency responders from attempting to use a segment of road that is not passable without a four-wheel-drive vehicle. This is a standard process that LETA uses throughout the County. The Board asked if first responders have been consulted regarding this matter. Larimer County Dispatch and Larimer County Emergency Services have both stated that this data update would be extremely helpful to reduce confusion in the area.

The Board asked if there would be any concerns with delivery of mail and packages. Ms. Day responded that unfortunately there is no way to reach out to delivery services to prevent them from attempting to use that section of road.

## **DELIBERATION:**

The Board commented on the complex nature of this case. The Board noted that most of the evidence presented by the appellant actually enforces the Addressing Coordinator's decision. The Board did not see any reason to overturn the original decision. The Board felt that the County has done the due diligence in making this decision and that it was made according to the standards in the Addressing Resolution.

## **MOTION**

Commissioner Shadduck-McNally moved the Board of County Commissioners to deny the Thellman Trust Addressing Resolution Appeal.

**Motion carried 3-0.**



With there being no further business, the Board recessed at 5:45 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 Laura Culleton, Kassidee Fior, and Ryane Oswandel, Community Development; Connor Sheldon, Engineering; Lea Schneider and Ashton Brodahl, Health and Environment; Christine Luckasen, Assistant County Attorney; and Lindsey Jones, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Ms. Axmacher requested that the Board table item two on the agenda, the Crystal Lakes Partial Right of Way Vacation, File No. 25-LAND4499, until the September 8, 2025, 3:00 p.m. Land Use Hearing.

## **MOTION**

Commissioner Kefalas moved that the Board of County Commissioners table the Crystal Lakes Partial Right of Way Vacation, File No. 25-LAND4499, until the September 8, 2025, 3:00 p.m. Land Use Hearing.

**Motion carried 3-0.**

## **PUBLIC HEARING DISCUSSION ITEMS:**

**1. KAVAN SHORT-TERM RENTAL & APPEAL, FILE NO. 25-ZONE3753:** Laura Culleton presented this discussion item. The subject property is located at 641 Goblins Castle Road in Estes Park and is zoned Forestry (FO). This property is 5.30 acres in size and currently contains one single-unit residence and a detached garage. The applicant is requesting Administrative Special Review approval so that they may operate a two bedroom, plus one additional sleeping area, six-guest short-term rental (STR) in the existing residence on the property.

This application includes an appeal to §3.3.5.B.2.aa, which requires that all local roadways, public or private, used to access a short-term rental comply with the Appendix G Standards of the Larimer County Rural Area Roadway Standards. The sections of Appendix G that directly relate to the safety and adequacy of access roadways are Road Width (G.7.1), Road Grade (G.7.2), Horizontal Curves (G.7.3), and Dead End and Turnarounds (G.7.6).

The applicant is requesting an appeal to the roadway width and longitudinal grade requirements outlined in the Appendix G standards. The analysis provided by the applicant shows that several extended segments of the roadway fail to meet the minimum required width of 20 feet, with certain portions measuring as narrow as 14 feet. The longitudinal grade of the roadway exceeds the maximum allowable slope of 10% for mountainous terrain, with the steepest section reaching a gradient of 18.9%. This request falls under the Major Variance category and therefore must come in the form of an appeal to the Board of County Commissioners.

Notice of this application was sent to 22 property owners and residents within 500 feet of the property on April 15, 2025. Three comments were received in opposition.

## **REVIEW CRITERIA**

Ms. Culleton explained that in reviewing a proposed administrative special review application, the Board of County Commissioners shall consider the general approval criteria in Section 6.3.8.D: General Review Criteria, and also Section 6.4.3.D:

1. The proposed use has minimal impacts on existing and future development of the area.
2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.
3. The recommendations of referral agencies have been considered and adequately addressed.
4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

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:**

Ms. Culleton noted that the proposed Administrative Special Review for a six-guest short-term rental meets one of the five criteria in Article 6.4.3.D. The proposed appeal to Article 3.3.5.B.2.aa, which contains Short-Term Rental Local Roadway and Access Standards found in Appendix G of the Larimer County Rural Area Roadway Standards, meets two out of the five criteria in Article 6.7.2.B.5.

The Development Services Team recommends denial of the Kavan Short-Term Rental and Appeal, File No. 25-ZONE3753.



## **APPLICANT PRESENTATION:**

Lonnie Sheldon of Van Horn Engineering gave a presentation on behalf of the property owner. Mr. Sheldon showed his evaluation of the current road standards, including the areas where the road does not meet the standard. Mr. Sheldon provided his arguments for why this appeal should be approved. The road has adequately served the subject parcels for 55 years. Construction trucks and emergency responders have had no trouble accessing this area. There is an active road association, dues collected, and a snow plowing servicer that lives in the neighborhood. Mr. Sheldon also proposed three measures to address concerns about winter road access: adding two pullouts in chosen locations to improve visibility, adding three sand barrels where the road grade exceeds 12%, and limiting rental availability to exclude December through February when snowfall is typically heaviest.

Mr. Sheldon showed a map of similar roads in the region that greatly exceed a 12% grade. There are many mountain subdivisions in Estes Park that were built in the 1970s and 1980s that cannot meet the 12% grade requirement. Many roads in the area also do not meet the 18-foot road width requirement. Carriage Hills, a similar subdivision in Estes Park, has 33 short-term rentals and the road widths and grades are far outside the standard.

Kevin Kavan, property owner, joined the meeting online. Mr. Kavan purchased the property recently knowing that there are other existing short-term rentals in the neighborhood. Mr. Kavan reiterated the proposed conditions of approval that were mentioned by Mr. Sheldon and also agreed to pay for any work that would need to be done to improve the road. The road improvements will benefit all visitors to the neighborhood, including year-round residents and visitors to other STRs. Mr. Kavan also offered to contribute additional money toward the ongoing maintenance of the road. Mr. Kavan plans to use the same dumpster as other STRs in the area for trash disposal.

The Board did not have any questions for the applicant.

**PUBLIC COMMENT:** The following members of the public addressed the Board in opposition to the application: Will Smythe and Kim Kochner. Charles Hubbeling and Bob Loeffelman also added comments from online. Some of the reasons given to deny this appeal were the difficult winter road conditions, increased road maintenance needs caused by higher levels of traffic to the neighborhood, low visibility on switchbacks, and reduced privacy for long-term residents. Some commenters also noted that since this neighborhood is over 9,000 feet, heavy snow and winter conditions are very common outside of the months of December, January, and February. Some were also concerned about STR visitors attempting to gain access to Rocky Mountain National Park (RMNP) through private property without paying entrance fees. Finally, some commenters mentioned that the three existing STRs in the neighborhood already comprise 30% of the properties in the neighborhood, and adding another one would be too much STR density.

Chair Stephens closed public comment.

## **APPLICANT REBUTTAL:**

Mr. Sheldon reiterated the owner's willingness to block rentals during the winter months, meaning he would give up 25% of business for the year in consideration of the neighbors. Mr. Sheldon measured the road himself and disagreed that the grade is as steep as one commenter mentioned. Regarding visitors invading the privacy of long-term residents, that is the fault of those STR owners who are not providing guests with enough information about the area. Density of STRs in a neighborhood is not one of the review criteria and should not be considered.

The Board asked about referral agency comments. Two areas that were denoted as deficient were the road grade and the road width. The Board asked if the work that has been done is enough to address the concerns. Connor Sheldon, Engineering Department, responded that the standards were put in place for a reason. This road does not meet the standard. Pull-offs are the next best thing, but the County was not really looking for next best options when they created the standards. The concern is not how long the road has been in place, but rather how safe the road is for two-way traffic.

The Board asked about a home ignition zone inspection that was supposed to be completed. Ms. Culleton responded that when someone applies for a STR, the Sheriff's Office is notified, and the property is signed up for a wildfire inspection. Someone from the Sheriff's Office completed an inspection of this property and returned with a list of concerns. If the STR were to be approved today, a condition of approval would need to be added requiring the property to pass a wildfire inspection before a license is issued.

The Board mentioned that Rocky Mountain National Park expressed concerns about the proximity of the park boundary, and that the operations manual should include information for visitors. The Board wondered if this could also be included as a condition of approval.

## **DELIBERATION:**

The Board stated that there are many conditions that go along with STRs for a reason. The main concern is the safety of neighbors and visitors to the area. Some of the old neighborhoods mentioned by the applicant are the very reason that standards were created, because owners in those neighborhoods were not able to enjoy the privacy of their own homes due to STR density. The Board also expressed concerns about access to Rocky Mountain National Park and that guests could enter the Park through private property without paying entrance fees.

The Board stated that they would uphold Staff's recommendation for denying the STR and the appeal. The application does not meet the review criteria, and it has more than minimal impacts on the area. The condition of the road is not adequate, and the other property owners could become responsible for assisting stranded visitors. Approving this application would subvert the purpose of the standards.

## **MOTION**

Commissioner Kefalas moved that the Board of County Commissioners deny the Kevan Short-Term Rental, File No. 25-ZONE3573.



**Motion carried 3-0.**

## **M O T I O N**

Commissioner Kefalas moved that the Board of County Commissioners deny the Kevan Appeal, File No. 25-ZONE3573.

**Motion carried 3-0.**

**3. SMITH APPEAL, FILE NO. 25-GNRL0565:** Kassidee Fior presented this discussion item. The subject property is located at 790 Eiger Road in Livermore, approximately 0.67 miles from County Road 74E and directly west of Glacier View Meadows 9<sup>th</sup> Filing. This is a 40 acre parcel containing a primary dwelling, a farmstead accessory dwelling unit, and various agricultural outbuildings. The surrounding land uses are primarily agricultural and residential, and the existing zoning on the property is Rural Residential (RR-2). The applicant is seeking to divide the existing parcel into one 35-acre parcel and one 5-acre parcel.

Ms. Fior explained that the farmstead dwelling unit on this property was approved in 2021 through File No. 21-ZONE2990 and a Farmstead Agreement was entered into with Larimer County. The Division of Water Resources permitted the existing exempt well to serve both the primary dwelling unit and the farmstead accessory dwelling unit. According to the Farmstead Agreement, it was indicated that if the agricultural operation were to end, the property owners would pursue one of the following options: the rural land use process, creation of a subdivision, a conservation development, identification of a separate 35-acre or larger tract for each accessory dwelling, or presentation of a proposal to be approved by the Director.

The applicant has indicated that it was not made clear at the time of the farmstead approval that if the land was divided in the future to separate the dwelling units, a new water source would be required for one of the lots. This presents a challenge in that there are no water providers in the area and new wells are only permitted by the Division of Water Resources on lots of the proposed size if the land division occurs via an exemption process rather than a subdivision. A subdivision application could also potentially require a costly augmentation plan. Staff are generally supportive of seeking a solution, as the applicants would likely be required to place each dwelling on a separate parcel upon cessation of the agricultural use, based on the agreement quoted above, and the majority of the options provided would require a subdivision process (not an exemption), thus creating the same challenges.

The applicant is requesting an appeal in order to obtain an exemption from County subdivision regulations and to proceed by way of a Minor Land Division (MLD). The applicant's justification for this request is that the State Division of Water Resources will allow parcels created through an exemption (but not a subdivision) to qualify for their own well or to share the existing well. The applicant has suggested the use of the MLD process to ensure adequate consideration of the land division and to ensure that a plat is recorded reflecting the land division. An appeal is required as the proposal does not meet the standards and requirements for an MLD as set out in the Land Use Code.

Community notice was provided to property owners and residents within 500 feet of the subject property. No neighbor comments were received. The following referral agencies were also contacted: Larimer County Building, Larimer County Department of Health and Environment, Larimer County Environmental Planning, Larimer County Engineering, Division of Water Resources, and the US Forest Service. The applicant has responded to several referral agency comments and has agreed to address concerns if the request is approved.

## **REVIEW CRITERIA**

Ms. Fior explained that 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:

- 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.

Staff have found criteria B, C, and D to be met. Staff do not have a conclusive determination regarding criteria A or E.

## **DEVELOPMENT SERVICES TEAM RECOMMENDATION:**

The Development Services Team is not making a specific recommendation on the Smith Appeal File No. 25-GNRL0565 and has presented all the information by which the Board of County Commissioners may base their deliberation and decision. Ms. Fior noted that the applicant has agreed to add conditions of approval. If these conditions were adopted, Staff would generally be in favor of this appeal.

- 1. The approval shall be considered to have lapsed if the applicant does not submit a Minor Land Division request within one year of this approval.
- 2. The applicant will continue to use the existing well to service both residences, unless or until such time as the Division of Water Resources requires a separate well.
- 3. The applicant must provide a well sharing agreement prior to the approval of the Minor Land Division.
- 4. The Minor Land Division shall include all easements necessary to ensure access and maintenance to the well is available to both properties.

The Board asked why the applicant is requesting to divide the 40-acre parcel into one 5-acre parcel and one 35-acre parcel. Ms. Fior deferred to the applicant to provide their reasoning.



## **APPLICANT PRESENTATION:**

Whitney Coulter gave a presentation. Ms. Coulter explained that in her experience working with the Division of Water Resources, if a parcel is divided and called a subdivision, there are very strict regulations that must be followed in regard to the use of wells and the issuance of well permits. If this property is subdivided, a totally separate source of water would need to be set up for the second parcel. At the time of the Farmstead Agreement, the owners did not understand that the use of the well for both dwellings was not a permanent solution.

Ms. Coulter explained communication that she had with the Division of Water Resources in which it was confirmed that as long as the two parcels are treated as a subdivision, the owners would be allowed to continue using their water resource as is. Allowing this to move forward as a MLD would mean that no changes would need to be made to the properties.

Tamara Martin addressed the Board to explain that she owns the accessory dwelling on the property, and her parents own the primary dwelling on the property. Ms. Martin noted that the agricultural use on the property is still currently active and will continue to be active. The concern is that if Ms. Martin's parents were forced to sell their home for financial or medical reasons, Ms. Martin would not have any right to stay in her home on the property. Pursuing this MLD would allow her to have a real stake in the property in a worst case scenario.

The Board asked if the owners considered any alternative solutions, and if the ultimate goal is to try to sell the larger parcel. Marlene Smith, the property owner, answered that she and her husband need their daughter's assistance at this stage in their lives. Ms. Martin and her husband built their dream home on the property as the accessory dwelling unit. The intention is to leave their estate with no hinderance to their children. If the property had to go up for sale for financial reasons, this would ensure that Ms. Martin and her husband could keep their dream home and five acres.

The Board asked if the shared well could become a conflict for future owners of the properties. Christine Luckasen responded that the proposed conditions of approval include provisions for well sharing agreements and easements that would address those concerns. The Board asked if the land could be further subdivided in the future and how the well agreement would be affected. Ms. Axmacher answered that a shared well agreement has been presented as a possible solution considering the difficulty that similar landowners have faced in attempting to obtain well permits for smaller parcels.

The Board asked about well inspections. Lea Schneider answered that the Division of Water Resources does not inspect private residential wells. Ms. Schneider also explained what would be required within the well sharing agreement to make it legally binding and to allocate resources properly. Ms. Fior explained some of the language that would be required in the well sharing agreement by the Division of Water Resources.

**PUBLIC COMMENT:** There was no public comment in person or online.

Chair Stephens closed public comment.

## **DELIBERATION:**

The Board appreciated this family's willingness to work together to protect each other and to continue working the land. The Board commented on the unique nature of this application. The Board thanked Staff for their diligence in working with these property owners to find a solution. The Board expressed their support for this application as the best solution for these property owners. With the conditions of approval, any future landowners would also be protected from conflicts over the well usage.

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Smith Appeal File No. 25-GNRL0565, to exempt the property from subdivision regulations subject to the conditions of approval above.

**Motion carried 3-0.**

With there being no further business, the Board adjourned at 8:10 p.m.

**TUESDAY, AUGUST 26, 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, Commissioners' Office, and Lindsey Jones, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

**1. PUBLIC COMMENT:** Enid Cohen addressed the Board regarding vehicles that have been parked and abandoned for years on West Magnolia Street in Fort Collins. Ms. Cohen has repeatedly contacted the Sheriff's Office, the Commissioners' Office, and the Code Compliance Department regarding these vehicles. There is currently no County Ordinance that allows removal of the vehicles. Ms. Cohen requested that the Board provide enforcement entities with the tools they need to remove abandoned vehicles. Ms. Cohen asked what the process will be going forward from today and who would be responsible for removal of abandoned shopping carts in the vicinity.

Chair Stephens closed public comment.

The Board noted that they did receive Ms. Cohen's letter regarding same issue. The Board understood Ms. Cohen's frustration and assured her that Staff are continuing to look into this matter. The Board also noted that there is a County Parking Ordinance in the works, and partnership is ongoing with the Sheriff's Office in creating this ordinance.



**2. APPROVAL OF THE MINUTES FOR THE WEEK OF AUGUST 18, 2025:**

**MOTION:**

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of August 18, 2025.

**Motion carried 3-0.**

**3. REVIEW OF THE SCHEDULE FOR THE WEEK OF SEPTEMBER 1, 2025:** Ms. Martin reviewed the upcoming schedule with the Board. The Board made several additions to the upcoming schedule.

**4. CONSENT AGENDA:**

**AGREEMENTS**

- 1. US FOREST SERVICE AGREEMENT MODIFICATION FOR WEED CONTROL IN THE CAMERON PEAK BURN SCAR**
- 2. DEVELOPMENT AGREEMENT FOR STITH PLANNED LAND DIVISION, FILE NO. 22-LAND4259**

**LETTERS OF SUPPORT**

- 1. DEPARTMENT OF LOCAL AFFAIRS (DOLA) ACCESSORY DWELLING UNIT GRANT LETTER OF SUPPORT**

**LIQUOR LICENSES**

- 1. LIQUOR LICENSE RENEWAL – ETALEM INC DBA BRANDING IRON LIQUOR – RETAIL LIQUOR STORE – LAPORTE, COLORADO**
- 2. SPECIAL EVENT LIQUOR PERMIT 6% – MOUNTAIN BIKE FESTIVAL – OVERLAND MOUNTAIN BIKE ASSOCIATION – BELLVUE, COLORADO**
- 3. SPECIAL EVENT LIQUOR PERMIT 6% – MOUNTAIN BIKE FESTIVAL – OVERLAND MOUNTAIN BIKE ASSOCIATION – BELLVUE, COLORADO**
- 4. SPECIAL EVENT LIQUOR PERMIT 6% – LAST CALL TRIATHALON – ATHLETES IN TANDEM INC – LOVELAND, COLORADO**
- 5. SPECIAL EVENT LIQUOR PERMIT 6% – NARROWLEAF LAKE RUN – ATHLETES IN TANDEM INC – LOVELAND, COLORADO**

## **MISCELLANEOUS**

1. **REQUEST FOR APPROVAL TO ENTER UPON LANDS**
2. **LARIMER COUNTY INTERAGENCY OVERSIGHT GROUP COLLABORATIVE MANAGEMENT BYLAWS**

## **POLICIES**

1. **DISASTER AND EMERGENCY DEPLOYMENT AND COMPENSATION POLICY**
2. **HUMAN RESOURCES POLICY: BENEFITS**
3. **FAMILY AND MEDICAL LEAVE POLICY**

## **RESOLUTIONS**

1. **LARIMER COUNTY RESOLUTION – REGULATIONS RELATING TO DISPOSITION OF ABANDONED PERSONAL PROPERTY**
2. **FINDINGS AND RESOLUTION APPROVING THE HANSEN CONSERVATION DEVELOPMENT PRELIMINARY PLAT AND APPEAL**
3. **BERTHOUD FIRE PROTECTION DISTRICT 2024 INTERNATIONAL FIRE CODE**
4. **FRONT RANGE FIRE RESCUE PROTECTION DISTRICT 2024 INTERNATIONAL FIRE CODE**
5. **LOVELAND FIRE RESCUE AUTHORITY 2024 INTERNATIONAL FIRE CODE**
6. **WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT 2024 INTERNATIONAL FIRE CODE**

## **MOTION**

Commissioner Shadduck-McNally moved that Board of County Commissioners approve the Consent Agenda for August 26, 2025.

**Motion carried 3-0.**

**5. COMMISSIONERS' GUESTS:** The Board did not have any guests.

**6. DISCUSSION ITEMS:**



**1. LARIMER COUNTY JUVENILE GUN SAFETY COALITION: “BE AWKWARD” PUBLIC SERVICE ANNOUNCEMENT:** Emily Humphrey, Community Justice Alternatives Service Area Director, presented this discussion item. Ms. Humphrey is also a member of the Larimer County Juvenile Gun Safety Coalition. The Coalition is a neutral entity that is primarily focused on protecting youth from gun violence through education, intervention, community engagement, and promotion of safe and secure gun storage. The Coalition’s three pillars are as follows: safe gun storage and responsible gun ownership, protecting youth by empowering them to speak up, and providing support and opportunities for youth who have been impacted by gun violence incidents.

The Larimer County Juvenile Gun Safety Coalition combined efforts with the Larimer County Department of Health & Environment and reviewed the results of the Colorado Healthy Kids survey. This survey found that one in four youths said they could have access to a loaded gun without an adult’s permission. This issue is not unique to Larimer County. Knowing this, funding has been allocated to produce two Public Service Announcements (PSAs) focusing on prevention and targeting different audiences from parents to youth. The “Be Awkward. Ask” video is the first PSA released with the focus on younger children and their parents. This campaign will be broadcast locally, but the Coalition encourages other Counties to use the PSA as well. Ms. Humphrey thanked several agencies and partners for making this possible.

Tom Gonzales, Public Health Director for the Department of Health and Environment, explained that the Health Department strives to lead with data-driven strategies to protect and improve public health. When Dr. Jared Olsen approached Mr. Gonzales one year ago regarding this matter, he knew he had to act. One in four youths having access to guns is a significant risk. The PSA encourages parents, caregivers, and community members to have those sometimes awkward conversations about gun safety. Mr. Gonzales thanked Dr. Olsen for helping to obtain funding for this PSA. Mr. Gonzales also noted that the Colorado Department of Public Health and Environment would like to use this PSA statewide. Mr. Gonzales played the “Be Awkward. Ask” PSA.

Superintendent Brian Kingsley from Poudre School District (PSD) emphasized the District’s commitment to listen to students, to be data-informed providers, and to be responsive in educating students and the community. PSD is incredibly proud to be part of this effort. These can be difficult conversations to have, but normalizing the awkwardness is what is needed to keep children safe. Ms. Humphrey shared that all partners would have this video available to share today.

The Board asked how students will be able to view the PSA. Ms. Humphrey responded that all of the partnering entities will be provided with the PSA and will hopefully share it on social media and in newsletters. Superintendent Kingsley mentioned student-led morning announcements. The Board asked if there will be a Spanish version of the video. Ms. Humphrey responded that there will either be a version with subtitles or a translated version.

The Board thanked everyone for their collaboration on this PSA. Talking about gun safety as a public health issue is a good way to frame it. It does not need to be a divisive issue, and turning the focus to safety can help to reach parents on both sides of the issue.

The Board took a brief recess.

The Board returned to session.

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 Board adjourned at 10:05 a.m.

  
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KRISTIN STEPHENS, CHAIR  
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS  
CLERK & RECORDER

ATTEST:

  
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Lindsey Jones, Deputy Clerk

