



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, SEPTEMBER 22, 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 Justin Currie, Michael Whitley, Samantha Mott, Scott Benton, and Ryane Oswandel, Community Development; David Pringle and Connor Sheldon, Engineering; Lea Schneider and Ashton Brodahl, Health and Environment; Eric Fried, County Building Official; Christine Luckasen, Assistant County Attorney; and Lindsey Jones, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Ms. Axmacher noted that discussion item number three, 2024 Building Code Updates, File No. 25-CODE0286, should be moved to the Consent Agenda.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners move the 2024 Building Code Updates, File No. 25-CODE0286, currently on the agenda as a discussion item, to the Consent Agenda for September 22, 2025.

Motion carried 3-0.

TABLED ITEMS TO OCTOBER 27, 2025:

- 1. ZIGRAY SHORT-TERM RENTAL - 1963 PHANTOM RANCH RD, FILE NO. 23-ZONE3510**

PUBLIC HEARING CONSENT ITEMS:

- 1. BAREITHER AND CASTELLANOS REZONING, FILE NO. 25-ZONE3744:** The applicant would like to rezone a 0.36-acre parcel from UR-1 – Urban Residential to PD – Planned Development to allow the existing duplex to be an approved use in the zoning district. Per Section 6.6.1.E.2.b. of the Land Use Code, properties within a Growth Management Area (GMA) may only be rezoned to a PD zoning district and are not eligible for rezoning to another base zoning district. The property is located within the City of Fort Collins GMA, and surrounding properties are all zoned UR-1 – Urban Residential.

This property started the rezoning process due to a code compliance violation. According to Code Compliance staff, the home was originally built as a nonconforming duplex containing four bedrooms and two baths. A building permit was issued in 2007 to change the duplex to a single-family residence, removing one kitchen and converting the living room to a bedroom and bath. This conversion brought the number of bedrooms to five and bathrooms to three. This status was officially changed in April of 2011, designating the home as a single-family unit.

The property was recently sold and was advertised as a “beautifully remodeled duplex with separately fenced yards.” Changing from a single-family residence to a duplex is considered a change of use and requires approvals from both the Building Division and the Planning Division. The property would need to be rezoned prior to obtaining a building permit. The applicant is proposing to rezone to PD – Planned Development. The uses to be allowed on the property will be the same as the current UR-1 – Urban Residential zoning but will add duplexes as an allowed use. This request to rezone was sent out to both referral agencies and community members. No comments were received from community members. A neighborhood meeting was not required for this proposed rezoning due to the lack of neighborhood comments.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and the Development Services Team recommend that the Board of County Commissioners approve the Bareither & Castellanos Rezone, File No. 25-ZONE3744.

2. HORIZON HILLS APPEAL, FILE NO. 25-GNRL0574: The Horizon Hills Mobile Home Park is a 48.59-acre parcel located at the southeast corner of State Highway 287 and State Highway 60 (42nd Street SW) in Loveland, CO. The property is contiguous to Loveland city limits to the north. The Town of Berthoud is located to the south-southwest. The property is zoned MHP - Manufactured Housing Park. The property is currently being developed with a Manufactured Home Park.

The applicant is requesting an appeal to the manufactured home park perimeter setback. The request is to decrease the setback from 20 feet to 10 feet. The appeal would apply to 43 of the total proposed mobile homes, each placed on individual lots within the mobile home park. The MHP - Manufactured Housing Park zoning district requires a 7-foot side and rear setback, however, the Manufactured Housing Park section of the Land Use Code requires a 20-foot setback from the exterior of the property line, Table 3-8, Article 3.3.3.F.3. This setback is greater than the zoning district setback, and impacts the lots along the southern boundary of the development.

In 2021, the property owners received a blanket variance from the Board of Adjustment to allow multiple proposed manufactured homes to be set back 40 feet from the State Highway 60 right-of-way line rather than the required 50 feet.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Board of County Commissioners approve the Horizon Hills Appeal, File No. 25-GNRL0574, subject to the following conditions:

1. The Larimer County Building Department must be provided with a written certification by a Colorado licensed land surveyor that the proposed manufactured homes are located no closer than 10 feet from the perimeter of the Horizon Hills Mobile Home Park.
3. **2024 BUILDING CODE UPDATES, FILE NO. 25-CODE0286:** Every three years, the US-based International Code Council (ICC) publishes new editions of the International Model Building Codes (“I-Codes”). Through nationwide discussion, proposals, public hearings and electronic voting, the I-Codes are developed by code professionals, building scientists, and construction industry stakeholders, then adopted around the country by states, cities, and counties with amendments reflecting their local situations. The I-Codes form the framework upon which Larimer County develops its local building codes each cycle. In addition, Larimer County adopts the most recent National Electrical Code published by the National Fire Protection Association on a different three-year cycle.

Establishing the most recent codes promotes County residents’ health, safety, and welfare by establishing consistency of codes and local amendments with neighboring jurisdictions, helping protect against natural disasters, ensuring continued eligibility for Federal Emergency Management Agency (FEMA) and other federal, state, and private-sector grants, and aligning building codes with Land Use Codes, County Climate Smart goals, and other plans.

In addition to the I-Codes, the Colorado Legislature in recent years has passed a series of bills mandating local adoption of certain codes (or a more stringent Code), including the Colorado Electric Ready and Solar Ready Code, and the Colorado Wildfire Resilience Code.

The codes being considered are the following: 2024 International Building Code (IBC), 2024 International Energy Conservation Code (IECC), 2024 International Existing Building Code (IEBC), 2024 International Fuel Gas Code (IFGC), 2024 International Mechanical Code (IMC), 2024 International Plumbing Code (IPC), 2024 International Property Maintenance Code (IPMC), 2024 International Residence Code (IRC), 2024 International Swimming Pool and Spa Code (ISPSC), Colorado Electric and Solar Ready Code, and the Colorado Wildfire Resiliency Code.

Larimer County’s most recent codes (the 2021 I-Codes) took effect on March 1, 2022, and will be repealed upon adoption of the 2024 codes. The County’s building codes are reviewed by a community and staff Code Review Committee, the County Board of Appeals, the County Planning Commission, and the Board of County Commissioners. State law gives boards of county commissioners the authority to adopt and periodically update building codes, as well as to establish a “board of review” to “formulate suggested amendments to the building code” for commissioner consideration. The County Board of Appeals fills Larimer County’s “board of review” role. Although the Planning

Commission lacks a clear statutory role in reviewing building codes, it has long been a best practice of the Board of County Commissioners to include this additional layer of review.

STAFF RECOMMENDATION:

The County Building Official recommends that the Board of County Commissioners adopt the 2024 Building Codes and proposed amendments.

MOTION

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

Motion carried 3-0.

The Board commented that the Building Codes Update was moved to the Consent Agenda because it has been discussed in various public work sessions, and the Board is not aware of any opposition to what is being proposed in the updates.

PUBLIC HEARING DISCUSSION ITEMS:

1. BOXELDER TOWNHOMES PLANNED LAND DIVISION AND REZONING TO PLANNED DEVELOPMENT, FILE NO. 23-LAND4348: Michael Whitley, Senior Planner, explained that the applicant owns two parcels totaling 11.36 acres located north of East Mulberry Street (Highway 14) between Loma Linda Drive and Camino del Mundo. The larger parcel is 11.288 acres, and the smaller parcel is 0.07 acres. Both parcels are vacant. The property is in the Fort Collins Growth Management Area (GMA) and is immediately adjacent to Fort Collins city limits. Because the property is eligible for annexation, Larimer County could only accept a land division or rezoning application if Fort Collins staff determined that annexation would not be required. Fort Collins staff did determine that annexation would not be required, and the Board of County Commissioners accepted that determination on May 22, 2023 (Brown Annexation Appeal, 23GNRL0538).

Mr. Whitley explained that to be eligible for development, a parcel must be a legal lot, meaning that it was created in a legal way. Because the parcels have changed since May 5, 1972, without those changes being approved through a County approval process, neither parcel is a legal lot and therefore they are not eligible for development. The proposed Planned Land Division would combine the parcels into one legal 11.358-acre parcel that would be eligible for development. The lots are currently zoned MR – Multi-Unit Residential, UR-2 – Urban Residential, and UR-3 – Urban Residential. Section 6.5.5.D.2.d. of the Land Use Code requires that the property be rezoned to PD – Planned Development concurrently with approval of the Planned Land Division.

The applicant would like to develop the property with 18 multifamily dwelling units within three buildings. If the Planned Land Division and rezoning to Planned Development are approved, specific development proposals would be subject to Site Plan Review to ensure compliance with all applicable development standards. The multifamily development would occupy approximately two acres on the south end of the property. The remainder of the property would remain undeveloped, largely because of a waterway and wetlands on the property.

The applicant held a neighborhood meeting on March 13, 2024. While some neighbors asked questions, none expressed opposition to the project during the meeting. One of the methods of notice for this application was mailed notice to property owners within 500 feet of the property boundaries. Two emails were received. One person asked a question regarding ownership of the residential units and one expressed opposition to development in general.

Mr. Whitley noted that one person has since reached out with additional concerns regarding traffic, access, flood risks, proposed density, and proposed building height. The PD zoning district includes a 40-foot height restriction, which is consistent with almost all zoning districts in unincorporated Larimer County. While it is not common for buildings to reach that limit, it is allowed by right in most zoning districts.

REVIEW CRITERIA:

Mr. Whitley gave an overview of the review criteria for this application, which include Section 6.5.5.D: Preliminary Plat Review Criteria, Section 6.6.1.D: Rezoning Review Criteria, Article 6.6.1.E: Rezoning to Planned Development (PD) Approval Criteria for Preliminary and Final PD Plans, and Article 6.3.8.D: General Review Criteria.

Mr. Whitley highlighted some items in the application that deviate from standards. There is a required 100-foot setback from the centerline of waterways as well as a 100-foot buffer from the edge of wetlands that are one acre or larger. The proposed deviation would reduce these buffers to allow a water quality pond and portions of a duplex within the buffer. The applicant submitted a Credible and Competent Evidence Report for Wetland Buffer Reduction outlining several mitigation measures including removal of noxious and invasive weed and tree species, the establishment of three coyote willow stands on the southern riparian area, and installation of a privacy fence between the development's northern edge and the southern perimeter of Boxelder Creek to reduce light and noise impacts on adjacent natural habitats.

The second deviation is for a setback from East Mulberry Street. Strict compliance would require an 80-foot setback from the property line or 130 feet from the right-of-way centerline. The intent of the proposed setbacks, which are less than the requirement, would be to allow development that is consistent with other developments to the east and west.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATIONS: The Larimer County Planning Commission and the Development Services Team recommend that the Board of County Commissioners approve the Boxelder

Townhomes Planned Land Division and Rezoning to Planned Development, File No. 23-LAND4348 subject to the conditions found in the Planning Commission staff report with the following revision: Condition 7 shall be amended to include, "Wetland buffer and waterway setbacks shall be consistent with those described in the Credible and Competent Evidence Report for Wetland Buffer Reduction."

1. The applicant shall be subject to all other verbal or written representations and commitments of record for the Boxelder Townhomes Planned Land Division and Planned Land Development.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Community Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
3. The applicant shall install an on-site fire hydrant that is compliant with the Fire Protection standards found in Section 4.3.6 of the Land Use Code and all dwelling units shall be equipped with fire sprinkler systems designed and installed according to the standards of the National Fire Protection Association (NFPA) and the requirements of the Poudre Fire Authority.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
5. Passive radon mitigation measures shall be included in construction of residential structures on this lot. 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 Department. 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. Approval of the rezoning from MR – Multi-Unit Residential, UR-2 – Urban Residential, and UR-3 – Urban Residential to PD – Planned Development is subject to the following condition:
 - a. The rezoning shall be effective upon the recordation of the final plat of the Boxelder Townhomes Planned Land Division.
7. The permitted uses, lot, building and structure requirements, setbacks and structure height limitations for the Boxelder Townhomes Planned Land Division shall be as follows:
 - Uses permitted by right: detached single-unit dwelling, group home, group home for aged, group home for persons with behavioral or mental health disorders.
 - Uses permitted with Site Plan Review approval: single-unit attached dwelling, duplex dwelling, triplex or fourplex dwelling, multi-unit dwelling.

- Setbacks:
 - Front: 15 feet
 - Side: 5 feet
 - Rear: 8 feet
 - From the property line adjacent to Highway 14 right-of-way: 24 feet
- Minimum lot size: 10 acres
- Maximum building height: 40 feet
- A total of 18 dwelling units shall be permitted with no more than 8 dwellings per unit building.
- *Wetland buffer and waterway setbacks shall be consistent with those described in the Credible and Competent Evidence Report for Wetland Buffer Reduction.*

The Board asked about comments that were submitted by the City of Fort Collins in response to the application. Mr. Whitley responded that many of the City's concerns will be addressed, but possibly not all of their recommendations. The applicant will be held to Land Use Code development standards, and it is strongly suggested for applicants to comply with standards that are above and beyond the Land Use Code Standards. The Board could add conditions of approval to comply with City of Fort Collins' comments.

The Board also asked about the 40-foot building height limit since it could negatively impact the viewshed looking west. Mr. Whitley responded that the viewshed would be impacted by any development. However, the County does not guarantee viewsheds. Ms. Axmacher added several comments regarding the City of Fort Collins' standards.

The Board asked about the setback from East Mulberry Street, expressing concern about the potential noise level, and whether there was any potential future expansion of East Mulberry Street in that location. Mr. Whitley responded that he had contacted the Colorado Department of Transportation (CDOT) regarding future expansion of East Mulberry Street, and they responded that they had no concerns with the proposed setback. Mr. Whitley also showed several diagrams showing that the townhomes in the new development would be in line with existing duplexes and single-family homes on either side of this property.

The Board asked about potential drainage issues and flood hazards. Mr. Whitley responded that this development would be outside of the mapped flood hazard area. Connor Sheldon added an explanation of the type of drainage method that is included in the site plan. Not all of the CDOT drainage concerns have been addressed, but the plan will be ongoing during the Site Plan Review process if this application is approved.

APPLICANT PRESENTATION:

Troy Jones from TMA Planning & Architecture gave a presentation on behalf of the owner. Mr. Jones explained that this is a request to consolidate two lots to create one legal lot, and to create a customized zone district. The next step will be the Site Plan Review. Mr. Jones thanked Planning staff for allowing them to share their preliminary site plan for staff and referral agency feedback.

The Board asked a series of questions of the applicant, including their thoughts on adding a condition of approval requiring compliance with City of Fort Collins' comments, whether the units were planned as affordable housing, planned fencing and landscaping around the development, the applicant's willingness to partner with Colorado Parks and Wildlife (CPW) since this is a high priority habitat, and if the units were planned to hit the 40-foot height limit. Mr. Jones responded to the Board's questions, noting that their plan is to comply with as many of the referral agencies' comments as possible while still being able to list the units at a more affordable price point. Any additional requirements will add to the cost and make the affordability more difficult. Scott Benton also added that the applicant had submitted a strong proposal in the credible evidence report, and that the improvements to the property outweigh the negative impacts.

PUBLIC COMMENT: Steve Magill spoke in opposition to the application, sharing that he has lived at the property directly east of this property for 43 years. Mr. Magill noted that the wildlife in the area is significantly diminished after recent clear-cutting occurred on the subject property. Mr. Magill also stated that he had been assured by the State of Colorado and Larimer County over the years that development on the adjacent lot was not likely because of drainage issues that would prevent development. Mr. Magill was very concerned about privacy if townhomes are built 20 feet away from his home.

Chair Stephens closed public comment.

APPLICANT REBUTTAL:

Kevin Brown, property owner, thanked Mr. Magill for his comments. Mr. Brown has received great feedback and is hoping to continue having a dialog with neighbors regarding the development. Mr. Brown shared that his goal is to list these units for less than \$400,000, and if he is not able to do that, he would rather not proceed with the development. All of the additional requirements continue to raise the costs, which will result in the units needing to be sold at a higher price point.

The Board asked staff if the applicant should partner with CPW to determine what wildlife is in the area, and to learn how to encourage the wildlife to return to the area after being disrupted by construction. Mr. Benton agreed that there is always value added when applicants partner with CPW.

The Board asked about the previously mentioned water detention pond and floodplain development requirements. Mr. Sheldon explained how the pond would work to control drainage and to test and treat storm water quality. The Board asked if this was the best method considering that the property is near a wetland. Mr. Benton did feel that this is a solid plan overall.

DELIBERATION:

The Board agreed that the three sets of review criteria had been met. The Board was in favor of this application for the consolidation of the two lots and the rezoning, since any further development would go through additional Site Plan Review. The Board asked the applicant again if they would work

with CPW, and as long as they committed to that, the Board did not feel it needed to be added as a condition of approval. The Board appreciated the applicant's commitment to building housing that is more affordable. Additionally, the applicant's commitment to protect and improve the natural quality of the wetland shows that they will leave the property in better condition than they found it.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Boxelder Townhomes Planned Land Division and Rezoning to Planned Development, File No. 23-LAND4348, subject to the conditions found in the Planning Commission staff report with the following revision: Condition 7 shall be amended to include, "Wetland buffer and waterway setbacks shall be consistent with those described in the Credible and Competent Evidence Report for Wetland Buffer Reduction."

Motion carried 3-0.

2. ZIGRAY 684 PHANTOM RANCH ROAD SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW AND APPEAL, FILE NO. 23-ZONE3509:

Commissioner Kefalas noted for the record that though he does know the applicant personally, he has not had in-depth communication with them regarding this application, so he did feel that he could make an unbiased decision about the appeal.

Mr. Whitley explained that the subject property at 684 Phantom Ranch Road, Red Feather Lakes is located on the west side of Phantom Ranch Road approximately 3,200 feet (0.6 miles) southwest of the intersection of Phantom Ranch Road and County Road 74E/Red Feather Lakes Road. The property currently contains two existing homes, both constructed in 1967, is zoned O-Open, and is within the boundary of the Red Feather Lakes Plan Area. The homes on the property are currently served by one well and separate on-lot septic systems.

Administrative Special Review approval (23-ZONE3508) was granted by the Community Development Director for a Short-Term Rental for one home on the property on November 7, 2024. That short-term rental approval is for a maximum of 10 guests within a four-bedroom home plus one additional sleeping area. The address of that home is 849 Phantom Ranch Road in Red Feather Lakes. This Administrative Special Review application is for a three-bedroom home that proposes to utilize an additional sleeping area for a total of eight guests. The subject home is approximately 630 feet away from the existing short-term rental. This request includes an appeal to Section 3.3.5.B.2.a, which specifies that only one short-term rental shall be allowed on one parcel.

When this land use application was initially received, County staff mailed a courtesy community notification about the proposed project to property owners within 500 feet of the subject property. When the hearing with the Board of County Commissioners was scheduled, a courtesy notification was mailed to property owners within 1,000 feet of the property. The property is bordered on three sides by Roosevelt National Forest land owned by the U.S. Forest Service. The fourth side of the

property borders land owned by the Zigray family. Because of the size of the adjacent parcels, only the Zigrays and the U.S. Forest Service received notifications regarding this application.

The U.S. Forest Service was also sent a referral because Phantom Ranch Road is a private road which crosses Forest Service property to access County Road 74E/Red Feather Lakes Road. Comments from Forest Service staff note that Phantom Ranch Road is open to motorized use by the general public and that the Zigrays do not have authority to plow, maintain, or otherwise improve the road.

REVIEW CRITERIA:

Mr. Whitley explained that the Larimer County Land Use Code (Section 6.4.3.D.) allows for the approval of an Administrative Special Review if the following review criteria have been met, in addition to the General Approval criteria, found in Section 6.3.8.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.

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. 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.

Mr. Whitley highlighted some areas of concern with the application meeting the review criteria, including concerns over the property owners' inability to maintain or improve the road that leads to the property. Mr. Whitley did note that the standard that allows only one short-term rental on a property does not take into consideration the size of the parcel. However, approval of the appeal

would subvert the intent and purpose of the Code since the language regarding one short-term rental per property is clear.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS: The Development Services Team recommends denial of the Zigray 684 Phantom Ranch Road Short-Term Rental Administrative Special Review and Appeal, File No. 23-ZONE3509.

The Board asked for additional information regarding the U.S. Forest Service's concerns about the maintenance of the road leading to the property. Mr. Whitley contacted the U.S. Forest Service directly regarding this application, and they did reiterate that Phantom Ranch Road is open to the general public, and it can be accessed by motor vehicles, but the Zigrays do not have the authority to plow, maintain, or otherwise improve the road. The concern is that the Zigrays would not have the ability to control conditions on the road, which could be a safety concern for guests.

The Board asked about the intent behind allowing only one short-term rental per property. Mr. Whitley responded that there is a different land use, called a resort lodge, or resort cottages, that does allow more than one short-term rental per property. However, resort cottages are not allowed in the O-Open Zoning District. County staff did previously discuss with the owner the potential for rezoning this property to Forestry, and then going through a Special Review process to allow more than one short-term rental. The property owners decided not to pursue that path.

APPLICANT PRESENTATION:

Mark Zigray Senior, Mark Zigray Junior, and Casey Zigray gave a presentation. This is a four-generation family living and operating a ranch full time on the property in mountainous terrain, which is not the most lucrative business. The Zigray family is requesting an exemption to allow multiple short-term rentals on one parcel because it is a large 80-acre parcel, which is greater in size than many subdivisions. The additional revenue from a second short-term rental is the best financial option so the family can continue to operate as a family farm and ranch.

The Zigrays explained many potential benefits of allowing a second short-term rental on the property, including increased tourism to Red Feather Lakes and jobs for cleaners and maintenance workers at the property. Long-term rentals are not a good option because commuters would need to drive over two hours round trip to jobs in Fort Collins, and the economy in Red Feather Lakes is almost non-existent in the winter.

The Zigrays emphasized that they are very communicative with their guests, and they do not allow guests to visit if the snow is very heavy or the road is impassable. The existing approved short-term rental uses the same road for access, and they have not had any issues with guests getting stuck or stranded.

Additionally, the Zigrays mentioned another recent appeal that was submitted where the Board did approve two short-term rentals on one property. The Zigrays believe that their property is an exceptional case, and appeals are intended for exceptional cases.

The Board asked a series of questions of the applicants, including questions about their relationship with the U.S. Forest Service, road access in the winter, whether the existing short-term rental operates year-round, and why the Zigrays did not pursue turning this into a resort lodge property. The Zigrays responded that they use the road daily all through the winter and have never had issues. They also communicate to renters when snowfall is very heavy to determine whether or not they will be able to access the property. The Zigrays pursued the appeal path because changing the zoning on the property to allow resort lodges is a much more expensive and time-consuming process than submitting an appeal to allow two short-term rentals.

PUBLIC COMMENT: Since the only commenter in the audience was a member of the Zigray family, Ms. Axmacher noted that public comment is not intended to extend the applicant's presentation. It is meant for the public to raise comments and concerns. Christine Luckasen further explained the criteria for public comment and left it up to the commenter's discretion to determine if his comments meet the criteria.

Ryan Zigray made several comments in regard to the review criteria as they pertain to this application. Hannah Stone commented from online that she and the Zigrays are close neighbors. Ms. Stone commented that the Zigrays are the most responsible, caring and respectful family, and that they truly care for their land. Ms. Stone believes that the Zigrays vet their renters thoroughly and are very generous to share their beautiful land with the public.

Chair Stephens closed public comment.

The Board asked staff about the similar appeal that the applicant mentioned. Ms. Axmacher responded that the Splittberger Appeal, File No. 25-GNRL0566, was presented at a July 28, 2025, Land Use Hearing. The application contained two appeal requests, one of which was to have two short-term rentals on the same parcel. That appeal was approved by the Board of County Commissioners. The property is an Estes Valley Accommodations Zoning District, so the standards are not the same. Ms. Axmacher added that just because that appeal was approved, it does not set a precedent for the Board to approve any subsequent appeals.

The Board asked about the short-term rental standards in Red Feather Lakes as opposed to the standards for Estes Park. Mr. Whitley responded that the required distance between short-term rentals in Estes Park is 500 feet, while in Red Feather Lakes it is 125 feet. Either way, the standard for one short-term rental per property still applies.

DELIBERATION:

Some members of the Board did not feel that this application had met all of the review criteria and commented that they cannot support the application. Although this is a unique situation, the Board's major concerns were with road access, wildfire safety, and impacts on the environment and wildlife. There is a route for the family to have this approved by pursuing the resort cottage land use, and approving this second short-term rental would be subverting the purpose of the Land Use Code.

Conversely, one member of the Board commented that this is a very unique application and a unique parcel, and that they could support the application with that in mind. The Board felt that the one short-term rental per parcel restriction does not take the size of the parcel into account, and that the applicant had given adequate testimony addressing the road safety concerns.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners deny the Zigra 684 Phantom Ranch Road Short-Term Rental Administrative Special Review and Appeal, File No. 23-ZONE3509.

Motion carried 2-1, Commissioner Kefalas dissenting.

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

TUESDAY, SEPTEMBER 23, 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:** There was no public comment in person or online.

Chair Stephens closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF SEPTEMBER 15, 2025:**

M O T I O N:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of September 15, 2025.

Motion carried 3-0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF SEPTEMBER 29, 2025:** Ms. Martin reviewed the upcoming schedule with the Board. The Board made several additions to the upcoming schedule.

4. **CONSENT AGENDA:**

AGREEMENTS

1. **PROFESSIONAL SERVICES AGREEMENT (SHERIFF'S OFFICE COMMAND VEHICLE)**
2. **INTERGOVERNMENTAL AGREEMENT REGARDING COOPERATION ON MANAGING URBAN DEVELOPMENT**

LETTERS OF SUPPORT

1. **UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RELOCATION LETTER OF SUPPORT**

LIQUOR LICENSES

1. **LIQUOR LICENSE RENEWAL – LA ESPERANZA LLC DBA HACIENDA REAL – HOTEL & RESTAURANT – FORT COLLINS, COLORADO**
2. **SPECIAL EVENT LIQUOR PERMIT 6% – LEDERHOSEN FUN RUN – CARING HEARTS OF RED FEATHER LAKES FOUNDATION – RED FEATHER LAKES, COLORADO**

MISCELLANEOUS

1. **APPOINTING THE 2026 CCI LEGISLATIVE PRIORITY VOTING MEMBER**
2. **WARRANTY MEMORANDUM FOR GREGORY COVE PLANNED LAND DIVISION 21-LAND4126**

RESOLUTIONS

1. **COLORADO PARKS AND WILDLIFE GRANT RESOLUTION FOR LARIMER COUNTY'S 2026 CHIMNEY HOLLOW TRAIL CONSTRUCTION PROJECT**

MOTION

Commissioner Shadduck-McNally moved that Board of County Commissioners approve the Consent Agenda for September 23, 2025.

Motion carried 3-0.

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

6. DISCUSSION ITEMS:

1. PROCLAMATION HONORING LARIMER COUNTY CO-RESPONDERS AND BEHAVIORAL HEALTH CRISIS CLINICIANS: Sergeant Robert Cook, Larimer County Sheriff's Office, presented this discussion item requesting a proclamation declaring September 14 – September 20, 2025, as Larimer County Co-Responders and Crisis Clinicians week, and to call upon residents to recognize, honor, and give thanks to these professionals and their daily service. Sgt. Cook thanked the Board for providing this opportunity to recognize the vitally important work that the Co-Responder Unit does on a daily basis, saving lives, working with community partners, and making a positive impact on the community.

Commissioner Kefalas read the proclamation.

The Board thanked Sgt. Cook for bringing this proclamation forward, and for his leadership and participation in various co-responder groups across the State of Colorado. The work of the co-responders and crisis clinicians prevents people in crisis situations from ending up in the criminal justice system. The community has asked for a different kind of response to crisis situations, and the Sheriff's Office has responded. This is a great model for reacting in an appropriate way to situations that are more nuanced than a typical criminal response.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the proclamation declaring September 14 – September 20, 2025, as Larimer County Co-Responders and Crisis Clinicians Week.

Motion carried 3-0.

The Board took a brief recess.

The Board reconvened.

2. JOINT PROCLAMATION DESIGNATING SEPTEMBER 2025 AS SUICIDE PREVENTION MONTH IN LARIMER COUNTY: Tom Gonzales, Health & Environment, presented this discussion item. September is National Suicide Prevention Month, a time to raise awareness about the signs of suicide and how open communication and connection to local resources can save lives. Recognizing the warning signs, finding the words to check in with someone, and knowing where to turn for help are powerful steps we can all take. In Larimer County, community partners are working together toward the goal of zero suicides.

Mr. Gonzales noted that preventing suicide must be a community effort, as no one agency or no one group can do this work alone. Suicide is preventable. Mental health challenges, substance misuse, and access to means often play a role. A key protective factor against suicide is strong social support and community connection. Mr. Gonzales introduced his fellow presenters: Dr. Jared Olson, Senior Population Epidemiologist; Silen Wellington, Yarrow Collective Director; Amy Martonis, Behavioral

Health Director; and Kim Moeller, Alliance for Suicide Prevention Executive Director, who was not able to attend.

Dr. Olson noted that the number of suicide deaths was lower in 2023, but in 2024 the number was higher. Dr. Olson reviewed some of the statistics of suicide deaths in Larimer County, acknowledging that as the population continues to grow, new challenges will need to be addressed.

Mr. Wellington shared that working in suicide prevention has challenged his own beliefs about what makes life worth living. Yarrow Collective runs “alternatives to suicide” groups where participants can explore their challenges together. Suicide prevention is a whole community effort, and it takes the whole community to identify connection points and support loved ones. Mr. Wellington shared a quote from one of the participants of Yarrow Collective’s suicide groups, explaining the impact that therapy has had on their life.

Mr. Gonzales read a comment from Kim Moeller, who was not able to attend. Ms. Moeller’s comment noted that even one lost life to suicide is too many. The Alliance for Suicide Prevention of Larimer County is dedicated to providing free services to the community, reaching more than 13,000 community members each year. This work is only possible because of the commitments of so many community partners.

Commissioner Shadduck-McNally read the proclamation.

The Board commented that each suicide death represents profound consequences that deeply effect families, friends, workplaces, and communities. The Board thanked the Yarrow Collective for working to help those who feel marginalized, and congratulated them for receiving a “Fight the Stigma” award. The Board shared that the Alliance for Suicide Prevention is hosting a “Lifesavers Gala” on September 30, 2025. The Board acknowledged several challenges people may face, such as affordable housing and childcare accessibility. It is also important to recognize the challenges faced by rural communities and the agricultural sector.

County Manager Volker shared her gratitude for voters supporting the behavioral health sales tax. Although the number is not yet zero, Larimer County is working to reduce stigma. Conversation saves lives, and hopefully this proclamation will spark conversations. Manager Volker also noted that those struggling with thoughts of suicide can call 988 to receive support.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the proclamation declaring September 2025 as Suicide Prevention Month in Larimer County.

Motion carried 3-0.

The Board took a brief recess.

The Board reconvened.

3. 2025 ELECTION UPDATE: Tina Harris, Clerk & Recorder, shared that the Elections Department is gearing up for the November 4, 2025, coordinated election. Individuals who live in the City of Fort Collins will see ranked voting on the ballot for the first time for three of the four contests, including the Mayoral race, City Council District One, and City Council District Three. Because ranked voting is new, election materials will include detailed instructions. A sample ballot and some frequently asked questions are also available online at vote.larimer.gov. Any additional questions can be directed to the Larimer County Elections Department.

On October 10, 2025, ballots will be mailed, and ballot boxes will be opened. On October 20, 2025, the first voting centers will be opened. Four of them will also be open on Saturday, November 1, 2025, from 9:00 a.m. to 1:00 p.m. All ballots must be returned by 7:00 p.m. on November 4, 2025, for votes to be counted.

Clerk Harris also shared that two ballot boxes have been moved. One of the moved boxes was in Timnath at the Public Works building, and it has been moved to the Timnath Town Center because that location sees higher traffic. The other box that has been moved is at 200 West Oak Street in Fort Collins. It was a walk-up site previously, and it has been moved across the parking lot so that it is accessible as a drive-up site. The box can also be accessed on the back side for walkers or bikers. This is the most visited ballot box, and its prior placement close to the building was creating safety and accessibility issues.

There is a new ElectionStats data dashboard that went live on September 22, 2025, at electionstats.larimer.gov. The platform includes over 1,500 historical elections data points on contests, ballot measures, and voter statistics, going back to the year 2000. Data is displayed in interactive maps and easy-to-read charts. Previously, the only way to access this data was through manually reading Portable Document Format (PDF) files. This new platform reflects the department's commitment to transparency and integrity in the election process.

The Board asked when voters should return their ballots by mail to ensure that they are received on time. Clerk Harris encouraged voters to return ballots by mail no later than October 27, 2025, to ensure ballots are received on time and not delayed in the mail. The Board also asked if the sticker design contest from 2024 will continue. Clerk Harris responded that the design contest will begin again in 2026, and the winning sticker will be used for two election cycles.

The Board asked if the Elections Department is expecting any difficulty for voters with the new ranked voting. Clerk Harris responded that they are planning for the worst and hoping for the best and encouraged the public to learn about ranked voting early. Boulder County was the first to conduct ranked voting in 2023, and they did not see any significant challenges.

4. APPROVAL OF THE BOARD OF EQUALIZATION REFEREE RECOMMENDATIONS: Clerk Harris gave an update on the 2025 County Board of Equalization (CBOE) process. This year Larimer County launched the CBOE Appeals Portal, which is an online

system that allows petitioners to schedule hearings themselves. This was a multi-department collaboration between the Clerk & Recorder, the Assessor, Information Technology (IT), the County Manager, and the Board of County Commissioners. Clerk Harris gave special thanks to the IT Department, who met with the Clerk's Office twice per week for several months to ensure the rollout was successful.

The online portal is convenient for petitioners, accessible for property owners who do not live locally, efficient for staff, and it reduces foot traffic and paper reliance. Hearings and files are now handled electronically, which also improves transparency and accountability since all files have date and time stamps. Initial feedback about the portal has been overwhelmingly positive. Clerk Harris expressed her pride in working for Larimer County because this initiative shows what can be achieved when County departments work together. This online portal demonstrates the County's commitment to meeting citizens where they are, improving their experience with government, and ensuring transparency in the CBOE process.

County Manager Volker recognized Clerk Harris for identifying this issue and bringing the idea forward. Because Clerk Harris had a clear problem statement, IT was able to assist in coming up with a solution. This is a customer-first approach that solves pain points for customers and staff. The Board thanked Clerk Harris for her commitment to innovation. This is a great example of customer service, and it also aligns with budget reduction needs.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners convene as the Board of Equalization.

Motion carried 3 – 0.

Elizabeth Carter, Recording Manager, reviewed the referees' recommendations to the Board of County Commissioners convened as the Board of Equalization for the hearings held from September 15, 2025, through September 17, 2025. Ms. Carter shared that during this time frame, there were hearings for 215 accounts including real property, mobile homes, business personal property, oil and gas, severed mineral rights, and possessory interest accounts. There were 192 hearings conducted. Of those, 160 accounts were adjusted. Of the 160 accounts, 53 were stipulated, meaning that the petitioner and the Assessor's Office came to a mutual agreement. A total of 55 accounts were denied.

The Board asked how the value changes compared to previous years. Ms. Carter responded that 2024 was a non-valuation year, and 2023 was a bit of an anomaly because the number of appeals was so high compared to most years. In 2025, there has been a greater number of appeals for commercial properties. Usually residential properties drive the appeals, but this year the number of commercial appeals is similar to 2023 with a much smaller number of total appeals. Those commercial properties are valued much higher than individual homes, which could explain a higher number of adjustments.

The Board wanted to acknowledge the work that the Recording Department does in scheduling hearings and ensuring that it is a fair process. The Board also thanked the Clerk's Office for always striving to improve.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners, convened as the Board of Equalization, approve the recommendations submitted by the Board of Equalization referees for the hearings held September 15, 2025, through September 17, 2025.

Motion carried 3 – 0.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners, convened as the Board of Equalization, adjourn the meeting as the Board of Equalization and reconvene as the Board of County Commissioners.

Motion carried 3 – 0.

5. RESOLUTION IN SUPPORT OF THE STEWARDSHIP, CONSERVATION, AND CONTINUED PUBLIC OWNERSHIP OF PUBLIC LANDS IN LARIMER COUNTY: Commissioner Shaddock-McNally read the resolution, which states that the Board of County Commissioners strongly supports keeping public lands under federal and state stewardship, emphasizing their importance to Larimer County's economy, environment, and quality of life. The Board endorses the Bureau of Land Management's Public Lands Rule, which prioritizes conservation alongside other uses. The Board opposes any disposal or transfer of public lands without transparency and public input, urges Congress to protect public land ownership and funding, and calls for well-resourced land management agencies. It also advocates for inclusive collaboration with Tribal Nations, local governments, and the public.

The Board commented that protecting public lands is a critical and important value. The Board emphasized the importance of remaining vigilant in this mission. Not every country preserves public lands with national parks, monuments, and forests. The Board understands the value of protecting public lands and the danger of losing them. The Board wanted to send a message to federal representatives and leadership that it is important to Larimer County residents to fight for public lands and to resist temptation to sell them off or develop them.

County Manager Volker agreed that this is a long-standing value in Larimer County. Having this statement on the record shows the public how important this issue is to the Board as well.

MOTION

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the resolution in support of the stewardship, conservation, and continued public ownership of public lands in Larimer County.

Motion carried 3-0.

6. APPROVAL OF THE ACCEPTANCE OF THE LEGEND TRAIL RANCH CONSERVATION EASEMENT DONATION, AS RECOMMENDED BY THE OPEN LANDS ADVISORY BOARD AT ITS AUGUST 28, 2025, MEETING: Meegan Flenniken, Natural Resources, explained that this project includes Larimer County's acceptance of a donated conservation easement on the 675-acre Legend Trail Ranch located in the Laramie Foothills Priority Conservation Area (Open Lands Master Plan). Ms. Flenniken explained that this project will add protected land to a landscape that is comprised of existing conserved private lands and various public lands.

Justin Core, Senior Land Agent, emphasized that this is a conservation easement donation, meaning that the landowners are leveraging the donation of the conservation easement to earn state income tax credits. Mr. Core explained that a conservation easement is a voluntary agreement between willing landowners and the County that is intended to protect the conservation values of the land in perpetuity. Mr. Core noted that this conservation easement will confer a variety of public benefits by protecting natural wildlife habitats, scenic views of the foothills, and agricultural land in northern Larimer County.

Initial Review of the project occurred in July and August of 2025, by the Open Lands Advisory Board and the Board of County Commissioners, and on August 28, 2025, the Open Lands Advisory Board gave a final review and recommended the resolution to the Board of County Commissioners for final review and approval. The resolution approves the acceptance of the conservation easement and authorizes Justin Core as Land Agent to sign closing documents on behalf of the Board.

The Board asked about the importance of clustering conservation easements as shown in the Laramie Foothills Priority Conservation Area. Ms. Flenniken responded that conserving lands in contiguous blocks allows wildlife to function naturally. Complexes of like land uses increase the likelihood of agricultural use continuing into the future. The viewshed and habitat will also be protected forever.

The Board asked what the process is for securing state conservation easement tax credits and how they benefit landowners. Mr. Core answered that the tax credit is a significant benefit for landowners that donate conservation easements and explained the details of the process. The Board asked if this program could be at risk. Ms. Flenniken responded that the tax credit expires in 2031, meaning that donated conservation easements may not be a viable option as funding runs out. The County may need to fund more easements through County sales tax versus through state tax credits going forward.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Resolution Approving the Acquisition of the Legend Trail Ranch Conservation Easement Statement of Authority and Deed of Conservation Easement.

Motion carried 3-0.

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 11:15 a.m.

Kristin Stephens

KRISTIN STEPHENS, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Lindsey Jones

Lindsey Jones, Deputy Clerk



