



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, NOVEMBER 17, 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 Laura Collier, Samantha Lasher, Kassidee Fior, Jacy McNulty, and Ryane Oswandel, Community Development; Connor Sheldon and Aaron Wurster, Engineering; Ashton Brodahl and Lea Schneider, Health and Environment; Christine Luckasen, Assistant County Attorney; and Dianne Cheney, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Commissioner Shadduck-McNally requested that the City of Fort Collins Appeal, File No. 25-GNRL0578, be removed from the Consent Agenda. Commissioner Kefalas seconded the request. Community member Zack Scott also requested that this item be removed from the Consent Agenda.

PUBLIC HEARING CONSENT ITEMS:

1. FURNEY EASTMENT VACATION, FILE NO. 25-LAND4491: Request to vacate the 10-foot-wide utility and drainage/irrigation easement along the east property line to allow an existing playhouse to remain in its current location.

The applicants, owners of the property located at 1204 36th Street SW, Loveland, Colorado (Parcel No. 9535305011), are requesting the vacation of a 10-foot-wide utility and drainage/irrigation easement located along the east property line of their parcel. The purpose of the request is to allow an existing children's playhouse to remain in its current location.

The subject property is approximately 0.52 acres (22,457 square feet) in size and is zoned Rural Residential (RR-2). It represents the east half of lot 11 of the Bo-Mar Subdivision, which was recorded on December 19, 1967. The easement proposed for vacation was originally dedicated on the Bo-Mar Subdivision plat for utility and irrigation purposes; however, the improvement survey plat provided by the applicant identifies the same easement as being for utility and drainage purposes. It is unclear why the description of the easement's intended purpose differs between the original subdivision plat and the more recent survey.

According to the applicant's survey, the playhouse encroaches approximately 6.4 feet into the existing 10-foot-wide easement. If this vacation request is approved, the structure may remain in place without the need for a building permit, as it is 125.66 square feet in size. Pursuant to County regulations, accessory structures 200 square feet or smaller are exempt from building permit requirements.

At the request of the Larimer County Engineering Department, the applicant retained a professional engineer, T.J. Heupel, P.E., with Asher Architects and Engineers, to perform a drainage assessment of the property. The assessment, titled "Drainage Assessment – 1204 36th Street SW, Loveland, Colorado, 80537," was conducted on September 9, 2025, and evaluated existing drainage patterns and potential impacts of the proposed easement vacation.

The engineer's findings indicate that the Bo-Mar Subdivision, platted in 1967, generally has very gradual topography (<2% slope), with drainage directed to roadside ditches that flow northeast toward the Lake Ditch. The Home Supply Ditch, which passes underground through the southern portion of the subject property, conveys off-site drainage eastward through the subdivision. The assessment notes that the two small accessory structures on the property, including the playhouse, do not obstruct surface drainage or alter established flow paths. Runoff from the structures is contained within the property by concrete curbing and directed to grass or landscaped areas.

Based on field observations and analysis, the engineer concluded that vacating the existing easement and maintaining the playhouse in its current location will not negatively impact site drainage or the overall drainage pattern within this block of the Bo-Mar Subdivision. In addition to encroaching into the easement, the playhouse also extends into the required 5-foot side setback applicable in the RR-2 zoning district. To address this encroachment, the applicants have submitted a setback variance request, which is being processed concurrently with this easement vacation request. The variance request is scheduled for consideration by the Larimer County Board of Adjustment at a special hearing on Tuesday, December 9, 2025, at 6:00 p.m.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the request to vacate the 10-foot-wide utility and drainage/irrigation easement located along the east property line of the east half of lot 11, Bo-Mar Subdivision (File No. 25-LAND4491).

MOTION

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. BEAR TRIBE LLC AMENDED SPECIAL REVIEW, FILE NO. 25-ZONE3789: Laura Collier, Planner II, gave the presentation. Ms. Collier described the location of the subject property at 5532 E Highway 36 in Estes Park, Colorado.

The applicant is requesting approval of an Amended Special Review application for a State Licensed Group Home (currently known as Fire Mountain Residential Treatment Center) to remove the previously approved age restrictions and increase capacity from 24 to 45 individuals. The subject property is a 38.90-acre parcel located roughly five miles southeast of the Town of Estes Park. The property is zoned O-Open, is located outside of a Growth Management Area (GMA) and is not part of any existing subdivision or exemption plat.

There are two previous land use approvals associated with this property:

1. **File No. Z-13-82:** Approval of a Special Review to allow for a religious retreat in the O-Open Zone District. This approval included plans to expand and remodel an existing motel resort lodge and provide a facility for year-round activities.

2. **File No. 13-Z1914:** Approval of a Special Review for a State Licensed Group Home in the O-Open Zone District. This approval allows no more than 24 youth residents on-site. No more than 12 horses are allowed, and their use is limited to equine therapy for participants in the residential program.

The State Licensed Group Home is intended to serve clients recovering from substance use disorders, depression, anxiety, and similar issues. In addition to core programming, the 2013 approval allowed the State Licensed Group Home to host:

- Family Education Workshops: held 1-4 times annually
- Staff Trainings and Workshops: conducted quarterly
- Fundraising Banquet: conducted twice annually

This application requests amendments to the 13-Z1914 approval for a State Licensed Group Home in the O-Open Zone District. The state license is administered by the Colorado Department of Human Services, according to the applicant. The applicant is not requesting any revisions to the 1982 approval, and the property is not currently being used as a religious retreat. The purpose of this requested amendment is to remove the previously instated age restrictions and increase residential capacity from 24 to 45 for the group home. This Amended Special Review also allows staff to recommend updated conditions of approval that will ensure compliance with current regulations and the requested residential capacity increase.

The applicant is not seeking to amend the approval for frequency of workshops and banquets. However, a new condition of approval will be added to ensure that hosting workshops and banquets does not cause the total number of visitors on site to exceed the approved capacity for the wastewater treatment system.

There are various conditions of approval in the original 2013 file that are outdated and need to be modified or are no longer relevant; therefore, staff has proposed modifications of these conditions of approval. All conditions of approval that will apply to this Amended Special Review are noted in the Development Services Team Recommendations. This approval will supersede all previous approvals, including the previously referenced 1982 and 2013 approvals, which have been added as conditions of approval.

There are no appeals associated with this application. Notice of the Public Hearing Phase of this application was sent to ten (10) property owners within 500 feet of the property on June 25, 2025. Six community members provided comments in opposition to the proposal. Concerns include but are not limited to:

- Negative impact on property values
- Potential for impact on surrounding community
- Clientele running away to neighboring properties

REVIEW CRITERIA

Ms. Collier gave an overview of the Review Criteria. In reviewing a proposed Special Review, and including an Amended Special Review, the review and decision-making bodies shall consider the general approval criteria in Article 6.3.8.D of the Land Use Code, General Review Criteria, and if the proposed Special Review meets the Special Review criteria in Article 6.4.2.D. of the Land Use Code.

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 Articles 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 Articles 6.4 through 6.7, the specific review criteria in Articles 6.4 through 6.7 control.

The review criteria found in Article 6.2.4.D. (Special Review) are applicable to this request.

2. Compliance with this Code

3. Compliance with Other Applicable Regulations

4. Compliance with Prior Approvals

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

Staff believed that the proposed Amended Special Review meets criteria in Articles 6.3.8.D, 6.4.2.D, and the development standards in Article 4.0. All comments from referral agencies have been addressed or added as conditions of approval.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Bear Tribe LLC Amended Special Review, File No. 25-ZONE3789, subject to the conditions of approval listed below.

1. The following conditions supersede and replace all previous approvals.
2. The site shall be developed consistent with the approved plan and with the information contained in the Bear Tribe LLC Amended Special Review, File No. 25-ZONE3789, 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 Bear Tribe LLC Amended Special Review.
3. This Amended Special Review approval shall automatically expire without public hearing if the use is not commenced within three years of the date of approval.
4. Failure to comply with any conditions of the Amended Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of County Commissioners.
5. This application is approved without the requirement for a development agreement.
6. The facility shall operate under the following conditions:
 - a. No more than 45 residents will be allowed.
 - b. No more than 12 horses will be allowed, and their use will be limited to equine therapy for participants in the residential program.
7. The applicant shall provide Larimer County Health Department with a formal de-rating determination document from Colorado Department of Public Health and the Environment.
8. The final wastewater treatment system design shall be approved by the Larimer County Health Department, establishing a maximum client (45 or less) and staff (14 or less) occupancy prior to the owner applying for a building permit.
9. Any buildings converted to offices shall have all showers and bathtubs removed. Only hand sinks and toilets shall remain to ensure office wastewater design flows will not be exceeded.
10. Totalizing water flow meters must be installed on the water supply lines for each structure to better evaluate water usage when it is time to repair or replace the on-site wastewater treatment systems.

11. Any new accessory non-residential structure must be located outside of floodplain, wetlands, and be located 100 feet from the centerline of the two waterways that run through the property that are identified on a USGS 7.5-minute quadrangle map.
12. The applicants shall provide verification to the County that they have obtained a legal source of water for the horses prior to having them on site.
13. The findings and resolution shall be a servitude running with the property. Those owners of the property or any portion of the property that 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 this Special Review approval.
14. All residences on the property shall remain accessory to the State Licensed Group Home use and may not be rented out separately.
15. The applicant must obtain a new valid permit for the well with permit no. 30320-F.
16. Prior to operation, the applicant must provide Larimer County Planning and Health Department with an emergency preparedness plan.
17. Programming and clientele for the State Licensed Group Home shall be limited to those described in the applicant's project description.
18. Accessory workshop programs, staff training, or banquets shall not result in on-site attendance exceeding the capacity of the wastewater treatment system. If attendance is expected to exceed this capacity, the property owner must obtain a special event permit. Special event permits will be reviewed in accordance with the land use code regulations in effect at the time of application.
19. The applicant must obtain a permit for the southern access point with the Colorado Department of Transportation.

APPLICANT PRESENTATION: Bob Choate and facility owner Chris Porta addressed the Board.

Mr. Choate shared this is 40-acre piece of property that was first developed in 1982. The property is directly across from the Jellystone campground and is not densely residential. Prior to its current use, it had been used as a motel/lodge, religious retreat, and a group home. Ms. Porta has been operating this property since 2013. Mr. Choate shared with the change of the market the applicant is requesting a change in the restriction for only serving youth, due to financial impacts of insurance costs to run a youth-only facility. In addition, she would like to change her business plan from her prior appeal to accommodate more people on the property. Ms. Porta feels that the property, as currently designed, can accommodate up to 45 residents at a time.

The Board asked how they are going to accommodate all ages in a group home having both minors and adults in the same facility, and how the horses will be used in the equine therapy program. Will the applicant expand the group home from voluntary to involuntary programs. The Board also inquired if the planned changes would affect the current property, such as additional outdoor

lighting. The Board asked about the condition of approval for a formal de-rating determination document from the Colorado Department of Public Health and Environment (CDPHE) and wanted more specifics on what this document is. The Board requested the applicant comment in regard to some of the comments received from surrounding neighbors. Lastly the Board asked the applicant to explain exactly what the facility is considered to be and what the payment method is for participants.

Ms. Porta shared that there would not be a mix of youth and adults at the facility at the same time. Ms. Porta has not applied for the state licensure yet for adults as she is waiting to see if she has approval prior to applying. She is aware of the license regulations for both youth and adult facilities. Ms. Porta shared that they do not have horses on the property currently and are not planning to get them for the foreseeable future. She is retaining the right to have them on the property, and they will be used for stationary therapy around the facility. Residents will not be riding horses. Ms. Porta stated that the group home would only be used for voluntary programs and no changes to the property lighting are planned. Regarding the de-rating determination document, Ms. Porta shared that there was some confusion about the septic system and whether it was governed by the State or County. This is a formal document from the State that the septic system can be regulated by the County because it will be used for 2,000 gallons a day or less. The septic system has been used in a consistent manner since 2013, but since then they have added a more formal process where the State looks at the septic system and then approves the County to regulate the system.

Ms. Porta discussed that in addition to the camping park across from them, there are neighbors above them on the mountain and one neighbor to the northwest that abuts the property with two large fields between the dormitory and the neighbors' home. There have been some minor incidents with people going to the neighbor's home who seemed to be confused as to where the facility was located. All residents receive a packet of rules that include boundaries of the property and are supervised during their stay. Mr. Choate relayed an incident that occurred over the last 12 years, where two youth crossed the highway and caused some damage. This was a single incident only that occurred during the applicant's ownership of the property. Ms. Porta shared that payment for services at the facility is primarily private insurance. The facility is designated as a residential treatment program.

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

Chair Stephens closed public comment.

QUESTIONS FOR APPLICANT AND STAFF: The Board asked staff if they could expand on any concerns regarding the wells and septic on the property. In particular, the Board requested information regarding the map and setbacks from the river. With an increase in capacity, have staff adequately addressed parking and road traffic. The Board asked staff to expound on what a de-rating determination document is from CDPHE. The Board wanted more detail on the recommendation for new structures and environmental review.

Ms. Schneider shared that the wells are licensed through the Division of Water Resources and also the State Health Department's Water Quality Control Division, because they serve a population of over 25 people. With the wastewater system it is more difficult as the property has two septic systems. In 2014-15 a new septic system was installed to support the kitchen. The remainder of the facilities on the property were connected to an older septic system that was approved around 1982. At that time the capacity was over 10,000 gallons per day and now staff, the applicant and the State Health Department are going through the de-rating process to reduce it to less than 2,000 gallons per day, thus reducing the impact of the system. Had the applicant not agreed to the de-rating, the State Health Department would have required them to apply for a state-level wastewater discharge permit due to proximity to the river. The applicant is currently in this process with CDPHE and in addition to CDPHE other agencies will have to check off on the application. The applicant had the option to go through a process to get a wastewater discharge permit, or they could demonstrate that they are not exceeding 2,000 gallons per day through water records. Proof of discharge at the lower rate allowed the facility to be regulated underneath local, County, jurisdiction. Due to this change, staff are asking for some conditions of approval regarding occupancy limits, building usage, and connectivity of the septic to either the old or newer system to reduce flow rates.

Ms. Collier shared that if any new structures were to be built, they would need to follow the current setback requirements. The applicant is aware of this. Ms. Porta conveyed that the river is not as close to the building as depicted on the map, and that during the 2013 flood, no buildings were damaged. Ms. Collier stated that there is adequate parking on site, however she believes that most residents will be dropped off at the facility. Mr. Sheldon shared that the applicant is working with the Colorado Department of Transportation (CDOT) to ensure that their access points are compliant with CDOT requirements.

DELIBERATION: The Board shared that they are familiar with this property and appreciate the history of the location and the applicant working with Mr. Choate and staff to move forward. The Board understands that the model presented in the last special review no longer works for the long-term solvency of the business. The Board believes that the application has met the General and Special Review criteria and feels that the conditions of approval address concerns regarding the change of limitations and provided conditions should future growth occur on the property. The Board appreciates comments from the neighbors, and the applicant's willingness to work with neighbors regarding any safety or trespassing issues that may arise.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Bear Tribe LLC Amended Special Review, File No. 25-ZONE3789, subject to the conditions of approval.

Motion carried 3-0.

2. CITY OF FORT COLLINS APPEAL, FILE NO. 25-GNRL0578: Kassidee Fior, Principal Planner presented this item. The applicant is requesting an appeal to Article 3.5.3.G.2 of the Land

Use Code for the extended use (beyond 18 months, to December 31, 2026) of a temporary construction storage area. The temporary construction storage area is related to the City of Fort Collins' Oak Street Stormwater Project.

The subject property is a 37.32-acre parcel located south of West Vine Drive (access from W Vine Drive) and east of North Taft Hill Road in Fort Collins. The property is currently vacant, containing a pedestrian trail and is also known as the Puente Verde Natural Area. The property was purchased by the City of Fort Collins (City) to be used for a future stormwater detention and flood control system, as well as a natural area, and is jointly managed by the City's Stormwater Utility and Natural Areas Departments. The site also includes a portion of the Larimer County Canal Number 2, and a large portion of the site is considered to be within the City of Fort Collins Floodplain. The current zoning for the site is Rural Residential (RR-2)

The City's request has indicated that a 2.5-acre portion of the site has been used by the City Stormwater Utility for material/dirt storage since 2012. Currently, the construction firm who is contracted through the City to complete the Oak Street Stormwater Project, is using the same 2.5-acre portion of the parcel for temporary construction storage.

Article 3.5.3.G.2 – Storage for Construction Projects, Temporary, limits use of temporary construction storage areas to a maximum of one year. The Community Development Director may approve an extension of six months upon written request that details the reasons for the requested extension. The City has been granted the Director-approved six-month extension which would permit use of the site until December 31, 2025. An appeal is required for any extension of that time, and the City has indicated that the completion of the Oak Street Stormwater Project is anticipated to continue beyond the end of 2025. At the time the Director approved extension was granted, it was noted that while construction activity is ongoing, additional proactive mitigation of impacts to neighbors regarding noise, dust, fumes, and erosion control which could include additional trackpads, street sweeping, reduced truck idling, dust control and other measures was requested by the Director.

As a result, the City is requesting an appeal to permit use of the site as a temporary construction storage area for an additional 12 months to support the completion of the Oak Street Stormwater Project.

Community notice was provided to property owners within 500 feet of the subject property, in addition to posting to the public. Three neighborhood comments were received. Two requested additional information and one provided comments in opposition. Concerns were related to air and noise pollution.

Eight referral agencies were also sent this referral. Comments were received from three of the referral agencies.

REVIEW CRITERIA:

- 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 that the Board of County Commissioners approve the City of Fort Collins Appeal, File No. 25-GNRL0578, subject to the following conditions:

1. The temporary construction storage use on this property shall be discontinued and all construction-related materials, equipment, erosion control devices, and stockpiles removed on or before December 31, 2026.
2. All use-related standards as found in Article 3.5.3.G of the Larimer County Land Use Code, unless altered by this approval, shall be required to be met.
3. At the time of restoration of the temporary construction pad, the City of Fort Collins shall provide documentation indicating consultation with the City of Fort Collins' Natural Areas Department (NAD) that indicate the efforts will not be deleterious to City of Fort Collins Utilities and NAD's efforts. The total restoration of the site will occur subsequently to December 31, 2026.
4. Only one access to West Vine Drive shall be permitted. The second access point from West Vine Drive shall be removed per Section 9.2.3.B.2 of the Larimer County Urban Area Street Standards.
5. All other required permits, including a Floodplain Development Permit, shall be obtained and any related or required fees shall be paid.
6. Best practices for noise mitigation measures, such as additional berms, no-idling signage, limited activity in certain areas of the site, and required white-noise back-up alarms, shall be implemented in consultation with the Larimer County Department of Health and Environment and Larimer County Engineering.

The Board asked for clarification on item B of the Review Criteria, specifically how neighbor comments will affect its changes or the determination of its impact on public health in the neighborhood.

Ms. Fior shared that she will allow the applicant to speak to the prior use of the property up until the point they came to the County for the appeal. It is staff's opinion with the proposed additional mitigation measures that were required for the Director's extension, along with the conditions of approval and renewed commitment that standards are met on this site, the applicant would be able to satisfy review criteria B.

Ms. Schneider stated that air quality regulations are required by this site that should address emissions. County staff will go out and review this site to make sure it is complying with all health regulations.

APPLICANT PRESENTATION: Heather McDowell, Utilities Project Manager with the City of Fort Collins Stormwater Division, addressed the Board. Also present were Deputy City Attorney Stefanie Boster, City of Fort Collins, and Doug Groves, Stormwater Maintenance Manager.

Ms. McDowell shared that the Oak Street Stormwater Improvements Project is a large project that is being conducted in downtown Fort Collins to provide significant contribution to resolving urban flooding issues for neighborhoods and businesses in the downtown area. The City has been working on reducing floodplain in downtown Fort Collins since 2000. Most of the floodplain has been addressed on the east side of College Avenue and the City's goal over the next 20 – 25 years is to remove a floodplain on the west side of College Avenue.

As part of a project of this scope and scale, the City needs a designated site away from the project itself for material storage and dirt piling, particularly for projects in downtown Fort Collins where space is limited. The storage site on Vine and Taft is within close proximity to the work site. The parcel is owned by the City of Fort Collins and is approximately 37 acres in size. It was originally purchased for a future capital project for flood control detention basin. That project is not on a priority list currently for the City. Stormwater operations began storing dirt on the property in 2012 shortly after the property was purchased. The use of the site was intermittent and now has become more daily with the contractor's use of storage for the Oak Street project. The City is currently only utilizing approximately 2.5 acres of this property for storage and dirt piling. The remainder of the property is naturalized and maintained by the City's Natural Resources Department.

The Board asked how the City has addressed potential safety issues with children using the trail to get to school. The Board also had questions regarding site restoration, the natural area, and potential options for storage. The Board inquired if there were other options for this type of storage on City land that would be less impactful. After this project is complete, the Board asked for confirmation that the site would be restored and would further projects need to find a different site for storage and dirt piling.

Ms. McDowell shared that the safety issues that have been pointed out to the City since they began using the site have primarily revolved around dirt track onto Vine Drive. The City has stepped up their efforts to keep tracking to a minimum by adding some additional erosion control tracking pads and sweeping weekly to ensure that Vine Drive is clean. Regarding the use of the trail, it is well separated from the storage area. There is no physical barrier between the road itself and the trail, however, there is a large distance of naturalized vegetation between the trail and the site. The project construction began in July of 2024. The City was not aware they were in code violation until July 2025 and at that time they requested an extension from the Director so that they would have time to prepare for an appeal as they knew the project would go beyond December 2025. Prior to this use it was generally used for small capital work and some dirt piling storage. Ms. McDowell confirmed that

upon completion of the Oak Street project, the site would be returned to a natural state and future stormwater projects for downtown Fort Collins would utilize alternate locations for similar needs.

Mr. Groves shared that his team utilized the area in the past and the site functioned as a waste diversion from the landfill. Dirt from construction projects has been sifted on site, allowing for the successful reuse and diversion of 5 – 10,000 average tons of dirt from the landfill annually. Mr. Groves' maintenance team is no longer using the site for this purpose and will be supporting the restoration of the natural area once the Oak Street project is complete. Restoration would include the removal of perimeter fencing, grading the site back down to original elevations, and working with the natural areas staff to develop the right seed mixtures to reseed the area. The dirt recycling program began in 2012 with the natural area designation occurring after that time.

PUBLIC COMMENT: There was no public comment in person or online. The Board mentioned that there were a number of emailed public comments with concerns about pollution (visual, noise and air), diesel odors and the feeling that there is an industrial storage site behind some neighbors' property.

Chair Stephens closed public comment.

QUESTIONS FOR APPLICANT AND STAFF: The Board inquired about the diesel smell and noise and will staff be monitoring this. Will residents continue to be affected in the same way while the project is being completed. The Board asked staff if they could expound on Conditions 4 and 5 as they relate to the access road and floodplain development.

The Board asked if the applicant thought about berms, white noise for backup beepers, and anti-idling signage to address some of the complaints from the neighbors. The Board asked the applicant if they are open to working with staff to work on these issues without additional conditions of approval.

Ms. McDowell shared that robust activity of construction is going to continue until August 2026. At that time, the contractor who is working on the Oak Street project will begin removing all of the extra material, including storage containers and dirt, before vacating the site. Subsequently, the City will take over the restoration of the property, including the access to the property from Vine Drive and restoring the property to a natural area, including evaluation of the soil. Regarding complaints from neighbors, the City will look into doing some additional berming on the west side of the location along with minimizing utilizing the west side for dumping and white noise back-up beepers. Unfortunately, the tandem dump trucks coming and going and the loud noise from the tailgates as they dump is difficult to avoid. There are no idling signs on the job site, the City is willing to add more no idling signs. The City is excited to have more air quality monitoring by County staff to determine where they are at in regard to emissions. Ms. McDowell shared that if there are additional items that are not a part of the conditions for approval that the County would like to see, adding them to the conditions of approval will aid the City in making them more enforceable with the contractor.

Ms. Fior stated that there is not a specific condition of approval related to noise as the applicant will need to follow the noise ordinance. It is Ms. Fior's belief that most of the complaints regarding sound have occurred prior to staff working with the City to address this issue. Ms. Schneider shared that staff will monitor the site to aid in enforcement. Construction noise levels are at a slightly higher decibel level allowance under the County's Noise Ordinance. The City can also volunteer to do some noise mitigation, such as building up the berms between the neighbors and the operations site and the use of white noise back-up beepers on the trucks.

Mr. Wurster addressed questions regarding Conditions 4 and 5. The road access will be removed to comply with urban area street standards and staff are willing to accept that as a condition once the construction is complete. Regarding the floodplain, this is a City of Fort Collins municipal floodplain that has been adopted by Larimer County. There is a larger West Vine floodplain master plan that will be addressed in the future, but as of today, Larimer County still regulates this floodplain. There is only a small portion of the property along one of the access roads that falls into a floodplain.

DELIBERATION: The Board appreciated adding another Condition of Approval to address some neighbor complaints and thanked the City of Fort Collins for working with staff on additional mitigation. The County knows that they share similar values with the City of Fort Collins in regard to the environment. The Board appreciates comments from the public in bringing their issues to the attention of the Commissioners and County staff.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the City of Fort Collins Appeal, File No. 25-GNRL0578 subject to the conditions as recommended in the staff report and the additional condition added at the November 17, 2025, Land Use Hearing.

Motion carried 3-0.

With there being no further business, the Board recessed at 4:50 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 Shaddock-McNally and Commissioner Kefalas were present. Also present were Jim Johnson, Jared Seay, Scott Benton, Matthew Lafferty, Michael Whitley, Kristina Scrutchins, and Ryane Oswandel, Community Development; Traci Shambo, Engineering; Lea Schneider, Health and Environment; Christine Luckasen, Assistant County Attorney; and Dianne Cheney, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING DISCUSSION ITEMS:

1. ARAGON HOLDINGS ON-LOT SEPTIC APPEAL, FILE NO. 25-GNRL0577:

Ms. Axmacher shared that this discussion item was being tabled to a date yet to be determined at the applicant's request.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners continue the Aragon Holdings On-Lot Septic Appeal, File No. 25-GNRL0577 to a future hearing date.

Motion carried 3-0.

2. WELLINGTON GMA OVERLAY ZONE DISTRICT, FILE NO. 25-ZONE3802: Matt Lafferty, Principal Planner, presented this discussion item. This is a Legislative Rezoning to amend the Larimer County Zoning Map by adopting an Overlay Zone District Boundary for the agreed upon planning area surrounding the Town of Wellington (Town), in connection with the pending Intergovernmental Agreement between the Town of Wellington and Larimer County. Mr. Lafferty shared that Town of Wellington Planning Director Cody Bird is available if there are any questions.

In February of 2025, the Wellington Board of Trustees and Larimer County Board of County Commissioners met and agreed that an Intergovernmental Agreement (IGA) regarding cooperation on managing urban development would be formulated this year. The IGA would establish how the Town and the County would cooperatively plan and manage land use objectives and development activities for a defined area surrounding the Town of Wellington.

Since the meeting of the Town and County leadership, staff have prepared a draft IGA, which includes the following components:

- Establishment of a mutually agreeable Growth Management Area (GMA), which is the unincorporated area surrounding Wellington that is suitable for urban development. In the GMA the County has agreed to utilize the Wellington Comprehensive Plan as guidance for land use activities in the unincorporated areas of the GMA.
- Establishment of a Cooperative Planning Area, which is an unincorporated area south of the GMA boundary and between the communities of Wellington, Fort Collins and Timnath. The Cooperative Planning Area was identified by the County Comprehensive Plan as an area of interest for consideration of a variety of growth management strategies that include land conservation and community separation.
- Definition of an annexation policy within the GMA. The annexation policy defines when annexation petitions must occur, and further outlines what steps are taken if the Board of Trustees were to reject an annexation application and development review occurs in the County.
- Formulation of common development standards. This includes agreement on which road standards from the Larimer County Urban Area Street Standards (LUCASS) will be utilized and on what roadways within the GMA.
- Inclusion of a future option to use portions of the GMA area as a receiving area for transferring development rights if the County adopts such a program.

To implement the draft IGA, the County needs to adopt a GMA Overlay Zone District requiring compliance with Article 2.7.2. – Growth Management Area (GMA) of the Larimer County Land Use Code. By establishing the GMA through rezoning to create an Overlay Zone District, the County will have provided the property owners affected by such action with the appropriate public process to express their opinion, for or against the proposal.

If the GMA Overlay Zone District is approved, the land use regulations within Article 2.7.2. of the Larimer County Land Use Code will become effective for the affected area and the Wellington/Larimer County IGA will be executed by both agencies.

Furthermore, the County will have the authority to implement the land use objectives of the Wellington Comprehensive Plan, as well as any agreed upon development standards.

If denied, the GMA Overlay Zone District will not be established, and land use matters will be administered in alignment with requirements of the Larimer County Land Use Code and Comprehensive Plan for areas outside of a GMA.

The Town of Wellington and Larimer County staff held an open house meeting for residents in the unincorporated area outside of the Town of Wellington that would fall within the GMA Overlay Zone District.

REVIEW CRITERIA

Article 6.6.1.D. of the Land Use Code states that amending the zoning map is a matter committed to the legislative direction of the Board of County Commissioners. Furthermore, it is noted that the Planning Commission and the Board of County Commissioners shall consider the following review criteria from §6.6.1.D, when evaluating amendments to the Larimer County Zoning Map.

1. Compatible with Surrounding Uses
2. Community Need or Public Benefit
3. Change of Circumstance
4. Adequate Infrastructure
5. Natural Environment
6. Additional Review Criteria in Growth Management Area (GMA) Districts

§2.7.2.C - Review Criteria for Establishment or Enlargement of GMA Boundaries.

1. The GMA district shall be established or its boundaries modified only through an amendment to the Larimer County Zoning Districts Map following procedure set forth in §6.6.1, Amending the Official Zoning Map (Rezoning).
2. The Board of County Commissioners may establish or enlarge a GMA district if the following review criteria are met:

- a. The area within the GMA district boundary is expected, by the parties, to be annexed within the time frame anticipated by the municipality's comprehensive plan;
 - b. The municipality's comprehensive plan provides the County and property owners with clear guidance regarding the types and intensities of land uses intended for each parcel within the GMA district boundary;
 - c. The area within the GMA district can and will be served with urban level services, including, but not limited to, public sewer, public water, urban streets, and urban fire protection; and
 - d. The review criteria for boundary or zone designation set forth in in §6.6.1, Amending the Official Zoning Map (Rezoning) have been met.
3. The Board of County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the Board of County Commissioners find that one or more of the review criteria listed in this subsection above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and the Development Services Team recommend to the Board of County Commissioners approval of the proposed Legislative Zoning Amendments to the Larimer County Zoning Map and the Larimer County Zoning Districts Map, Front Range Area (Planning File No. 25ZONE3802), to adopt the GMA Overlay Zone District for the Wellington area as proposed by the Community Development Department. Furthermore, they recommend the Board of County Commissioners certify the Larimer County Zoning Map and the Larimer County Zoning Districts Map, Front Range Area, as proposed.

The Board asked how the public is feeling about this development.

Mr. Lafferty shared that many residents felt more comfortable after the Town meeting though some residents are still against the proposal. Mr. Bird shared that at the Board of Trustee's meeting the Board recognized the importance of this step for the continued growth of the community, while also recognizing the property rights of the surrounding County residents. The Town has worked on a comprehensive plan that aligns the growth expectations with the capacity to serve. There were no public comments at the most recent Board meeting in the Town of Wellington, and the Board passed a resolution authorizing the execution of the IGA for the Town of Wellington.

PUBLIC COMMENT: June Medford, a resident of Cottonwood Shores in rural Larimer County, spoke against this item. Ms. Medford felt that she lives in an already existing community that has existed for over 25 years, and their community was not properly notified about this matter until the summer of 2025. Ms. Medford is concerned about putting half of the community she lives in in the GMA and the other half outside of the GMA, putting commercial development next to conservation easements, and community concerns about the growth of the Town of Wellington being different from other surrounding communities like The Town of Timnath or Windsor. Ms. Medford believes that the Town is trying to usurp rural land for the benefit of growth.

PUBLIC COMMENT REBUTTAL: Regarding the Town open house meeting, Mr. Lafferty shared that over 200 postcards were mailed to residents that fell within the boundary of the zoning overlay area twice, in addition to other methods of notification per County Code and State law. Primary concerns were forceable annexation with the Town of Wellington, and disagreement with what the land use objectives of the Town are and how they might impact properties in the future. In regard to the neighborhood mentioned in the public comment, Mr. Lafferty could not speak to whether this particular neighborhood would be forcibly annexed into the Town of Wellington. According to State law, the only time that annexation occurs is if the residents of the community embrace the annexation or, forcibly, if all areas surrounding a community are annexed as part of the Town. The Town has indicated that they have no desire to do this type of annexation currently.

QUESTIONS FOR APPLICANT AND STAFF: The Board asked Mr. Lafferty to expand on this community, Cottonwood Shores, being split on the boundary lines of the GMA, and can you about possible commercial development in the area close to Cottonwood Shores. Was there community engagement as part of developing the Town of Wellington's Comprehensive Plan. Is it true that a parcel can't be annexed into the Town of Wellington unless the property owner is willing. Mr. Lafferty was asked to speak to agricultural land, how the Town can continue to protect agricultural land and still allow for the growth of the community. Additionally, staff were asked to address how quickly growth will happen and how this growth will impact viewsheds.

Mr. Lafferty clarified that the area of concern involves two developments: Vista Cottonwood Shores on the east side of the reservoir and Vista Cottonwood Shores II on the west side of the reservoir. They consider themselves as one community but were developed separately. The Town of Wellington chose to draw the GMA boundary on the east side of the reservoir, only encompassing Vista Cottonwood Shores, because they did not see a need to go beyond the boundary of the reservoir. The County agreed to that boundary. Both of the Vista Cottonwood Shores developments are conservation developments, meaning that the residual land within the development is protected in covenant perpetually so these conservation areas cannot be developed in the future.

Mr. Bird shared that the Town of Wellington does not have a desire to change or annex the Cottonwood Shores development. Mr. Bird shared that the comprehensive plan, adopted in 2021, included areas that may be impacted in the future by municipal services. It is the current policy of the Town, to only consider annexation upon the property owner's request. There would need to be a majority vote from that subdivision requesting it to be annexed for this to take place. Mr. Bird shared that area along Highway 1 and County Road 58 is an identified area of higher-level intensity development because of the intersection of major roadways. The area around this intersection has been identified by the Town as potential commercial development or an area developed with more home density.

Mr. Bird shared that the development of the Comprehensive Plan took place prior to and during COVID, so there was a combination of in-person and virtual public engagement. Over 2,000 unique individuals provided comments on both the map and plan itself during this process. Mr. Bird answered the Board's questions about statutory regulations on annexation. Regarding preservation

of agricultural values, Mr. Bird stated that protection of agriculture heritage and culture were considered as part of the Town's Comprehensive Plan in addition to preservation of open space.

Mr. Lafferty stated that the IGA, supported by the GMA overlay, are shorter terms and are evaluated at a 10-year period with 5-year evaluations from that point on. Comprehensive Plans are long term outlooks looking out 20 to 25 years of growth.

Mr. Bird shared that although the Town's provisions may not be as robust as other municipalities regarding viewsheds and open spaces, the values are still apparent in the Comprehensive Plan. The Town's working relationship with the County definitely comes into play in determining the appropriate path for property development.

DELIBERATION: The Board shared that there has been a history of conversations between County staff and the Town of Wellington throughout this process. The Board appreciates residents and the community coming out to share their feedback and concerns. The Board feels that the review criterion has been met. The Board shared with Mr. Bird that they believe there is still some disconnect between the Town and residents both within and just outside the GMA Overlay Zone in regard to communication and asked that he take some of the concerns brought up tonight back to the Town. The Board shared that these types of plans provided predictability for development. While there is fear around annexation, it is not done without thought.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the legislative zoning amendments to the Larimer County Zoning Districts Map and the Larimer County Zoning Districts Front Range Area Map, File #25-ZONE3802, to adopt the Wellington Growth Management Area Overlay Zone District as proposed by the Community Development Department, subject to the following condition:

- a. The rezoning shall not be finalized until the Intergovernmental Agreement between Larimer County, and the Town of Wellington is signed by both entities and recorded.
- and further moves that the Board of County Commissioners Certify the Larimer County Zoning Map and the Larimer County Zoning Districts Map, Front Range Area as proposed.

Motion carried 3-0.

3. USS WELCH SOLAR FACILITY 1041, FILE NO. 25-ZONE3793: Scott Benton, Environmental Land Use Planner, presented this discussion item. This is a 1041 permit application for a nameplate 2.0 megawatt-alternating current photovoltaic solar energy generation facility. Mr. Benton reviewed the 1041 regulations. 1041 permit applications follow a mandated timeline. The technical review is not part of the application timeline.

Mr. Benton shared that United States Solar (US-Solar) requests approval of a 1041 Permit to conduct an Activity of State Interest.

The specific request is to construct a nameplate 2.0 megawatt-alternating current photovoltaic solar energy generation facility (the Project) on approximately 28.4 acres of a 29.29-acre parcel of land. The site will consist of photovoltaic panels, under- and above-ground electrical wiring, two access roads, stormwater controls, security fencing, and interconnection to Xcel Energy's power lines. The site is to be revegetated with native grasses after construction and used as a community solar garden.

The property is located less than 200 feet west from adjacent South Highway 287 and due south of Midway Acres Subdivision, Second Filing, just east of the Town of Berthoud (Berthoud) town limits. The Project is located within the Berthoud Growth Management Area (GMA). Primary access for construction, operation, and maintenance is through Hawg Wild Road located to the east of the property with secondary access for the tie-in to Xcel Energy infrastructure taken from S Iowa Ave.

The property is zoned Rural Residential, RR-2 and is currently being used for dryland agriculture. The area surrounding the site is rural residential, consisting of mostly smaller lots except for a 9.05-acre parcel located directly north of the Project with an active equestrian operation. The denser Midway Acres Subdivision, Second Filing neighborhood is composed of less than 0.35-acre lots and is within Berthoud's town limits

US Solar submitted the first iteration of this solar facility, 23-ZONE3547, in September 2023 but was withdrawn due to financial concerns in October 2023. US Solar then attended a pre-application meeting to resubmit for a 1041 process in May 2025; that application was deemed complete in August 2025.

The Project's site was selected after analyzing several factors, including the available solar resources, relative conditions of the site, permitting feasibility, and proximity to necessary infrastructure. US Solar then approached the landowners for voluntary participation. The Simulation of Appearance, included with the application, provides a visual representation of the Project.

Per Section 10.8.2.G.2 of the Land Use Code, a 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposed project, including all mitigation measures proposed by the applicant, complies with all the applicable criteria set forth in Article 10. If the proposal does not comply with all the applicable criteria, the permit shall be denied, unless the Board of County Commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

If the Board of County Commissioners determine at the public hearing that sufficient information has not been provided to allow them to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received.

The Board of County Commissioners shall adopt a written decision on a 1041 permit application within 90 days after the completion of the permit hearing. The 1041 Permit will be in the form of a

Findings and Resolution signed by the Board of County Commissioners. The effective date shall be the date on which the Findings and Resolution is signed.

If this 1041 Permit is approved for the project, the next step would be for the applicants to go through the Technical Review process. Technical Review is an administrative process intended to ensure compliance with the development and design standards of the Land Use Code and to encourage quality development reflective of the adopted goals and objectives of the County. The technical review procedure ensures that the County has an opportunity to ensure compliance with all conditions of approval and mitigate potential impacts of development prior to issuance of a building permit.

The application was sent to 20 referral agencies. Comments were received by 14 agencies which included: mitigation of the impacts of the project on roads of Midway Acres Subdivision, Second Filing during construction, aesthetics, noise pollution, revegetation of the site, and site drainage. The concerns and/or can be addressed with conditions of approval during Technical Review.

Notice of this application was sent to property owners within 1,000 feet of the proposed project and posted on the County's PublicInput.com website. Two comments were received on this application. The first comment sought to voice concern with the application. The second received comment was regarding an existing oil and gas well located on the subject parcel. Both comments are addressed by the conditions of approval on this application. Additional concerns expressed via the County's public engagement website and emails from 29 submissions include the effect of the facility on nearby homes, glint and glare from the facility, land use of the parcel, property value, and perceived impacts to the equestrian facility north of the applicant's parcel.

On August 2nd, 2023, the applicant reached out to property owners within 500 feet of the subject property to notify them of an August 14th, 2023, virtual neighborhood meeting. The virtual meeting on August 14th did not occur due to technical difficulties with video-conferencing software. All property owners within 500 feet were then sent another letter on August 15th, 2023, outlining that a make-up meeting would occur on August 28th, 2023. This second meeting did occur as scheduled and had one participant who appeared to express support for the project.

REVIEW CRITERIA

A 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposed project, including all mitigation measures proposed by the applicant, complies with applicable criteria set forth within Articles 4.0, 10.9 and 10.10.1 of the Larimer County Land Use Code. If the proposal does not comply with all applicable criteria, the permit shall be denied, unless the County Commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

Article 10.9 requires that all 1041 permits meet the Development Standards outlined in Article 4.0. Staff find that the Project as proposed, in combination with addressing all municipal, state, and

federal comments and permitting requirements, proposed conditions of approval, and further technical review meets the Article 4.0 criteria.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Board of County Commissioners approve the USS Welch Solar 1041 Permit, File No. 25-ZONE3793, subject to the following conditions:

General Conditions

1. The final plans shall be consistent with the approved preliminary plan and with the information contained in the USS Welch Solar 1041 Permit, File 25-ZONE3793, 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 USS Welch Solar 1041 Permit.
2. The applicant will be required to go through the post-approval Technical Review to address any outstanding items raised in the referral agency's comments, including the applicable fire department and irrigation ditch company. All temporary easements and main staging areas will be reviewed as well.
3. A signed Annexation Agreement with the Town of Berthoud is required prior to issuance of a Development Construction Permit.
4. The applicant will work with the Town of Berthoud to satisfactorily address the need for landscaping and/or screening to create an aesthetically welcoming entrance to Berthoud as requested in referral comments.
5. The applicant shall submit a construction schedule, including planned workdays and hours, to be reviewed and approved by Larimer County Engineering and Health Departments. A construction schedule shall be submitted that includes planned workdays, hours, designated haul routes, and expected construction equipment and materials delivery dates to be reviewed and approved by Larimer County Engineering and Health Departments.
6. The applicant shall invite Larimer County staff to attend regularly scheduled coordination meetings during construction - at a frequency to-be-determined - to understand planned construction activities and stay abreast of issues arising from construction impacts to County infrastructure or the public.
7. The applicant shall allow access to Larimer County staff and consultants for inspections and construction observation throughout the project and for the term of the construction and revegetation.
8. Colorado Parks and Wildlife will be consulted during the Technical Review process to satisfy temporal buffering, spatial buffering, and monitoring requirements regarding any applicable wildlife resources, including raptor and migratory bird resources with buffers extending into the project area.
9. Clearance surveys for nesting birds will be required two weeks prior to tree removal or ground clearing activities conducted from February to August in order to satisfy Migratory Bird Treaty Act requirements. Colorado Parks and Wildlife will be consulted during the Technical Review process to satisfy temporal buffering, spatial buffering, and monitoring requirements regarding applicable wildlife resources, including raptor and migratory bird resources if active nests are found.

10. The applicant shall reimburse Larimer County for reasonable costs associated with County-provided construction observation/ inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer or Community Development Director for purposes of quality assurance/ control. The applicant shall also reimburse Larimer County for time and expenses incurred with project coordination, design review, permit review and processing and related project activities during the duration of project construction and closeout for the work conducted in unincorporated Larimer County, including for purposes of evaluating the adequacy of the pavement sections of the haul routes within the Midway Acres neighborhood, pre-project and post-project.
11. The applicant shall create an Inadvertent Discovery Plan as part of Technical Review that addresses the appropriate course of action should prehistoric, historic, or cultural resources be discovered during construction. The Plan must be approved by a qualified archaeologist and provided to contractors during construction.

Health

12. The applicant shall create a fugitive dust and emissions control plan as part of Technical Review that addresses all requirements of both County and State Health Departments. The final draft of the Plan must be reviewed and approved by the County prior to issuing final County approval. The Plan must specifically address the following:
 - a. Identifying dust emission sources and control methods to be implemented during construction.
 - b. Clarifying no off-site transport of visible emissions from disturbed areas, dirt access roads, stockpiles, and haul routes during construction.
 - c. Requiring a water truck on-site during land disturbing activities to regularly apply water to active construction areas, dirt access roads, stockpiles, and other areas of disturbed soil to prevent visible emissions from active construction areas.
 - d. No earthwork or dust-generating activities shall be conducted during days of high wind (≥ 30 mph).
13. The applicant shall create a Noise Mitigation Plan as part of Technical Review that will address all requirements of the Larimer County Noise Ordinance and the County Health Department. The Plan must address the following:
 - a. Hours of construction activity shall be constructed between 7am to 7pm Monday through Friday. If construction or post-construction maintenance operations are to occur on Saturday or Sunday, activities shall be conducted from 8am to 7pm. Exceptions for time-sensitive tasks shall be evaluated and approved by County Health, Planning, and Engineering Departments.
 - b. During construction, the owner or contractor shall notify the surrounding residences a minimum of 72 hours prior to conducting pile driving activities.
14. Audible observation and sound monitoring and measuring shall be conducted by a third party within 30 days of commencing operations to verify that the noise controls are effective in mitigating noise from the operations or if additional mitigation is necessary to comply with the County Noise Ordinance for uses adjacent to residents. A report of the findings shall be provided to Planning and Health Departments for evaluation. Additional sound evaluations may be required if equipment or operations are modified in the future.

15. Prior to land disturbance, the subject property and access points shall be surveyed to determine if a water well, (CO Division of Water Resource domestic well #38921- drilled August 9, 1969) is located within the Project boundaries.
16. Prior to land disturbance, the subject property and access points shall be surveyed to determine if an oil and gas well (CO Energy and Carbon Management Commission well designated HUBER #1) and any accessory components that were left in-place are located within the Project boundaries.
17. Install signage at both the main entrance and secondary access to identify company name, address, phone number, and other contact information (email and website if available) for the public to report concerns to be addressed by the company prior to reporting to Larimer County. The signage must be updated as needed when transitioning from construction to operation.

Engineering

18. A pre-construction inventory (including photographs, video, and pavement condition reports) in coordination with the County is required, documenting the surface condition of haul routes within the Midway Acres Neighborhood. If the County Engineer determines that the roadway surface has deteriorated during or after construction due to construction traffic, the applicant must restore the roadways to a condition equal to or better than pre-construction conditions, as determined by Larimer County. All repairs shall be at the applicant's sole expense. This may include pavement surface repairs or more substantial full-depth reconstruction.
19. A final Drainage and Water Quality Report and Plan is required that meets the criteria of the County Stormwater Design Standards. The site is within the County MS4 Boundary. The documents must address all applicable MS4 requirements outlined in the Stormwater Standards and Land Use Code.
20. The applicant shall obtain confirmation from the Colorado Department of Transportation (CDOT) that CDOT has reviewed and accepted the project's proposed increased stormwater flows into the CDOT right-of-way.
21. Final design plans and specifications for alignments within the County's right-of-way must be prepared for review and approval by the Larimer County Engineering Department.
22. Material test reports must be submitted to and approved by Larimer County for any work to occur within the County right-of-way.
23. Larimer County regulates access to County roads to maintain safe traffic flow, road drainage facilities, and efficient use of the County's roads. Larimer County ROW Work Permit, and compliance with all applicable standards, is required for the work within the S. Iowa ROW necessary to construct the XCEL Energy's access & maintenance road to the new power poles. Final construction plans will need to be provided detailing the work to be completed. Additionally, Traffic Control Plans, developed by a certified traffic control company, must be submitted for all work performed within road right-of-way or that will directly affect the traveling public.
24. Larimer County regulates access to County roads to maintain safe traffic flow, road drainage facilities, and efficient use of the County's roads. Access Permits will be required for any new access from Larimer County Right-of-Way regardless of whether they are to be used for temporary construction purposes or are to be permanent. Staff may also require an Access Permit for existing access points proposed for temporary construction or permanent access.

25. Any additional subsurface investigations that may be required by other local and state governments, federal agencies, or impacted utilities, including irrigation and water storage or delivery companies, shall be made available to Larimer County for review.
26. During construction, the applicant shall stabilize, resurface, and repave, if applicable, all areas disturbed or damaged during construction and operation within the Larimer County Road Rights-of-way (ROW). This condition also applies to any project appurtenances, such as utility connections, located within the County ROW.
27. The applicant shall be responsible for arranging and paying all costs of:
 - a. utility relocations and irrigation company requirements necessary to accommodate the solar facility and appurtenances.
 - b. the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate solar facility and appurtenances.
 - c. damage or relocation of private property services as necessary to accommodate the solar facility and appurtenances if a reasonable alternative is not possible.
28. The applicant shall submit to Larimer County a Traffic Control and Management Plan for review and approval by the County Engineer prior to construction addressing traffic control devices/personnel (warning signs, flaggers, traffic control supervisors, etc.), any specific delay times, adjacent neighboring property owner notifications, and use and placement of message boards. The Traffic Control and Management Plan will include requirements to provide safe and acceptable access for emergency responders, mail and package delivery, garbage pickup, and school bus stops. The Traffic Control and Management Plan will also identify all proposed access points.
29. Whenever it is necessary to cross, close, or obstruct roads, driveways, and walks, whether public or private, the applicant will provide and maintain suitable and safe detours or other temporary expedients for accommodation of public and private travel, emergency vehicles, delivery services, garbage pickup, school bus stops, etc.
30. A geotechnical subsurface investigation shall be submitted to provide annual high groundwater depths to ensure the final grading of the stormwater infrastructure will not expose groundwater. Any additional geotechnical subsurface investigations that may be required by other agencies, utility companies, or water irrigation & storage companies shall be submitted to the County.
31. The applicant shall be required to designate planned haul routes. The existing surface condition of all planned haul routes will need to be evaluated prior to construction. If it is determined by the County Engineer that there has been an acceleration in deterioration of the roadway surface during or after construction as a result of construction traffic, equipment, or hauling, the applicant will be required to restore the roadways to their prior condition or better. This may include the need for regrading and/or resurfacing.
32. Heavy equipment and material delivery traffic will be subject to roadway weight limit restrictions. Oversized/overweight vehicles must obtain oversize/overweight permits from the applicable entities. No overweight vehicles are permitted to use the roadways within the Midway Acres Neighborhood.
33. The applicant shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the locations of the facilities and all appurtenant structures, as well as any needed material testing & stormwater certifications certified by a Colorado registered professional engineer.

Construction Permitting

34. The applicant shall obtain a stormwater discharge and construction dewatering permit from the Colorado Department of Public Health and Environment for construction at drainage crossings and land disturbances of one acre or more. The permit will include preparing a Stormwater Management Plan and Best Management Practices to prevent stormwater runoff and sediment in disturbed areas from reaching nearby waterways or leaving the site. Multiple state permits may be required for the different project areas.
35. The applicant shall be required to obtain any additional State, Federal, County, or Local permits necessary for construction. When applicable, the applicant or its contractors will be required to obtain other Larimer County-issued permits as well. These could include, but are not limited to, Building Permits, ROW permits, and/or Utility Permits.
36. The applicant must obtain a Larimer County Development Construction Permit prior to commencing the planned construction activities.
37. The applicant must obtain a Larimer County Development Construction Permit prior to commencing the planned construction activities.
38. Building permits must be obtained or substantial progress must commence within three years after permit approval unless otherwise approved by the County Commissioners, or the approval shall lapse. The three-year period shall commence upon the completion of all required additional permitting by other agencies or when a final decision is rendered for any appeals or litigation.

Post Construction Requirements (Closeout, Operation, and Maintenance)

39. The site shall be fully reclaimed and revegetated following construction to County and landowner specifications to minimize impacts to soil health and structure, erosion, agricultural, and visual impacts. The reclamation and revegetation plan shall be provided at the Technical Review phase to address concerns regarding soil handling, stockpiling practices, soil amendments (if needed), decompaction and seedbed preparation, final grading for irrigated agricultural fields, weed management pre-, during-, and post-construction, monitoring and establishment of success criteria, and establishment of screening/buffering from nearby properties. The plan must specifically address the different affected areas – upland, wetland/riparian/mesic, and agricultural.
40. Following the three-year period, the terms of the original approval shall continue to apply, and the applicant must continue to abide by the terms of all approvals, permits, and conditions that were part of the original approval. An applicant may request of the County Commissioners a one-time extension of up to three years for the 1041 permit. An extension request shall be made in writing prior to the expiration date of the original permit. The County Commissioners may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with the LUC and the original permit.
41. Approval of a permit shall lapse after the applicable term unless:
 - a. Development permits are obtained for commencement of construction, if such permits are required; and remain in effect, or
 - b. Activities described in the permit have substantially commenced.

The Board questioned the extent to which staff examined the potential impacts on the nearby equestrian facility. The Board asked for better understanding on how noise from the solar area might impact farm animals and if most of the noise occurs primarily during the construction period.

Mr. Benton shared that there is a buffer area between the solar area and the equestrian facility. Mr. Benton commented that there are other noise factors near the equestrian facility including Highway 287. Ms. Axmacher stated that this is not the first 1041 solar farm that the County has permitted. This is the first time that concerns have been presented related to farm animals or any type of adjacent agricultural operations. Condition 14 will allow for additional mitigation should noise levels be an issue. Mr. Benton commented that the most noise will be during the construction period, however there will still be some noise during the operation of solar equipment.

APPLICANT PRESENTATION: Haely Balentine, Senior Project Developer for US Solar addressed the Board. US Solar operates 11 community solar gardens in Colorado ranging from 2 – 5 megawatts alternating current (AC) and has been working in Colorado since 2018. Some benefits of solar projects include providing clean electricity to surrounding homes, allowing local consumers to utilize clean energy being generated in their community; pollinator habitat, seeding the project area with pollinator friendly grasses to promote pollinator species diversity; and tax revenue for the County, estimating an additional \$400,000 of additional property tax revenue throughout its operation. No taxpayer dollars will be used for the development or operation of the project.

The parcel is over 29 acres; however, the solar portion will only utilize 12.3 acres of the parcel area. The site was chosen due to its proximity to Xcel Energy distribution lines and the Berthoud substation. Irrigation to the site became difficult after the expansion of Highway 287 due to the risk of increasing flows into the right-of-way, and the Colorado Department of Transportation (CDOT) and the property owner came to an agreement that this land would no longer be irrigated. The project will not impact ditch operations for the Handy Ditch which borders the west side of the property.

After the application was submitted, US Solar sent letters to the surrounding landowners to notify them of the project. Following the receipt of a letter from Flying R Ranch stating their concerns about the project, Ms. Balentine stated that she met virtually with the owners to provide additional information on the project. Ms. Balentine discussed some of the primary concerns that were raised by public comments including property values, visual screening, noise, traffic, glint and glare and electromagnetic fields. Ms. Balentine shared that several of their sites have animals on them, mainly sheep, however there are other solar garden sites that have other farm animals grazing beneath the solar panels.

The Board asked if there is a mitigation plan at the end of the lease. The Board inquired about how the vegetation (native grasses, flowers, and orbs) would be watered, especially as it is getting established. Additionally, the Board asked if the company has done any type of noise analysis to determine what the noise production is of an established solar farm comparative to traffic noise.

Ms. Balentine shared that US Solar will enter into a decommissioning agreement with the County at the end of the lifecycle. This agreement would be part of the agreement with the County prior to the project being constructed. Regarding vegetation, during the establishment period, water will be trucked in for the first several years to water the vegetation. Weed control and mitigation would also be done. The landscaping that is being proposed will be conducive to groundwater and natural rainfall.

Ms. Schnieder shared information regarding noise level analysis that was done at the site from Highway 287. Readings occurred during a low traffic period where the background ambient noise was 50 to 58 decibels (dB). When traffic was going through around 3:00 pm in the afternoon, the reading was 60 to 67 dB, with some readings going up to 74 dB depending on the type of vehicle that was going by. Noise that would come off of inverters and transformers, measured at 400 feet away, measured around 37 dB on the transformers, and 32 dB 150 feet away on the inverters. The transformers and inverters will be placed further south on the parcel allowing for 400 feet from the major noise sources.

PUBLIC COMMENT: Jep Seman, a land use attorney engaged by the Flying R Ranch, spoke against the application. Mr. Seman commented that this is an industrial-scale facility and poorly located relative to the horse property. Principle concerns are the impact to other landowner's property, impacts to water, riparian areas/wetlands, and general transparency in regard to dialogue with landowners in regard to mitigation and steps that could be taken to work with other landowners.

Justin Riley, manager and head trainer with the Flying R Ranch, also spoke against this project. Mr. Riley shared that many of the horses on the property are athletes. Mr. Riley shared that he did some research on noise by purchasing a sound recorder to see what the levels are at the facility. While some of the readings were up to 70 dB, at night they would get down to 30 dB, and Mr. Riley is concerned that the consistent level of noise will not allow his horses to adequately rest at night, affecting their performance and ultimately his business.

Kathie Riley, owner of Flying R Ranch and an attorney in Loveland, shared a letter prepared by Mr. Seman that she would like to submit for the record. She is speaking against this project. Ms. Riley stated that the County has never put a solar facility next to an equestrian facility. Ms. Riley directly asked the applicant if they could provide her with any contacts confirming that solar facilities work well next to an equestrian facility. The applicant provided two letters, one in which the solar facility was built by the equestrian facility where negative effects were self-inflicted, and a second letter where an equestrian facility was located next to a solar facility, however the name of the facility was blackened out so Ms. Riley could not contact them. Based on Ms. Riley's research, the best data that she can find comes from the United Kingdom that does not allow solar facilities to be placed near an equestrian facility.

APPLICANT REBUTTAL: Ms. Balentine addressed the public comment. Ms. Balentine shared that this is not an industrial utility scale solar facility. This particular project will only comprise 12.3 acres of the 29-acre property. Smaller scale projects are significantly less impactful than larger grid

scale projects and are considered distributed generation. Ms. Balentine addressed the issues regarding the detention basin. The inverters and transformers are located 400 feet from the property boundary of Flying R Ranch as well as the residential properties on the west side of the project. At 400 feet the noise levels should be well below 30 dB, which is below the noise ordinance and what Mr. Riley commented the levels were at night on his property. US Solar does not provide contacts for other landowners located next to projects. Should there be issues with noise levels, which the applicant does not believe will occur due to setbacks, the company will be willing to work on additional mitigation efforts to bring the project within compliance with the ordinance. In conclusion, Ms. Balentine wanted to touch on the project with regard to low-income subscriptions. Under the state program a minimum of 50% of the project is required to be subscribed to low-income subscribers. This program is offered at a discount rate of 20% of what the bill credit is and can allow for thousands of dollars of savings for low-income residents.

QUESTIONS FOR APPLICANT AND STAFF: The Board asked about the setback buffer from the property line and if there was any consideration, especially during the construction phase, on creating an extra buffer on the north end of the property. The Board requested the applicant expand on the alternative landscaping plan and expected decision date, is the County involved during this stage, and would the landowners to the north be consulted. Does the applicant or staff know how much train traffic occurs on the railroad tracts. What type of lighting will be occurring during construction and operation of the project. The Board also asked for clarity on Condition 14 and Review Criteria C.

The Board also asked staff how the County will address how the County's Noise Ordinance may not address the impact of noise on the horses at Flying R Ranch. The Board inquired if staff could contact Equine Experts at Colorado State University's Equine program during the Technical Review process to assess how noise impacts horses. The Board asked staff if a permit condition addressing horse noise sensitivity, beyond the County's Noise Ordinance Code, can be added and can this be made as a suggestion or would it need to be a condition of approval.

Ms. Balentine stated that the alternate landscaping plan allows the applicant to coordinate with the County and neighbors to tailor mitigation measures. Mr. Benton shared that the alternative landscaping plan is an administrative process that would happen during the Technical Review phase of the project. The Planning Director would be the decision maker on the landscaping plan and would be involved in those conversations. Ms. Balentine addressed the questions about the railroad tracks and lighting. Ms. Balentine iterated that reasoning for the site location was the land's proximity to the Xcel distribution lines and the Berthoud substation. Additionally, the topography is flat, there is no on-site wetland, and it is outside of any floodplains. Once the project is removed it is easier to return the land to an agricultural state or open land than if it was used for other urban developments.

Regarding Condition 14, Mr. Benton stated that post construction noise monitoring occurs with a 30-day period, once operational. If the levels are higher than the County's current Noise Ordinance, then further mitigation can occur. Ms. Schneider shared that the County's Noise Ordinance Code is based on human perception and does not address the impact on animals such as livestock or

household pets that may hear and be affected by lower decibels than humans. If the Commissioners are looking for more compatibility with the Noise Ordinance for animals, staff would be open to suggestions, however, they only have the County Noise Ordinance to base decisions on. Staff can monitor both daytime and evening readings. Mr. Benton shared that the Technical Review process will be the best time to explore options. Ms. Axmacher shared that this property is zoned RR2 within the County. It is within the Town of Berthoud's comprehensive plan, and within that plan it is designated as a suburban business character district which allows for higher levels of noise than a residential development. If this property were to be annexed within the Town of Berthoud, it could be developed into a higher noise creating land use.

Ms. Luckasen's guidance to the Board regarding seeking assistance from equine specialists would be to draft a condition that assistance in understanding equine sensitivities can be sought, however the outcome of seeking information cannot impose stricter requirements than the current County Noise Ordinance. A condition can be drafted that during technical review, experts are consulted regarding sound mitigation to aid in best practice to address some of the noise issues.

Ms. Axmacher asked the Board as to who would cover the cost, if any, for the expert's consultation. The Board shared that the County would not want to propose an additional expense to the applicant or take on the expense as the County but would like the applicant to explore this as an option during the Technical Review process. Mr. Benton shared that there is language in Article 10 of the permit process that if staff do not have the expertise on hand, that staff will aid in finding that expertise at the expense of the applicant. Ms. Luckasen noted that imposing a cost not linked to an established regulation may make it hard to connect the requirement with the County's review criteria.

Jake Bobrow, VP of Public Development with US Solar, addressed the Board regarding input on Condition 14. Mr. Bobrow shared that being good neighbors is core to the company's mission. US Solar is open to doing what they can to mitigate the noise. Mr. Bobrow believes that the current placement of the inverters and transformers where they are in the plan will minimize decibel noise as much as possible, making it less than the current background noise from the highway. As a result, those sounds only occur during the day when energy is generated and the trackers are moving, which does not happen at night, thereby addressing concerns about whether the horses can rest peacefully at night. US Solar is open to continuing to have a conversation with Flying R Ranch and the Planning staff to determine if additional testing or mitigation needs to be done and are open to speaking with equine experts with the understanding that the company is not creating noise that is above the County's Noise Ordinance.

DELIBERATION: The Board thanked staff, the applicant, referral agencies, and the public for their input. The Board felt that this was a thorough and comprehensive packet and many issues are addressed in the review criteria. This area was chosen due to its proximity to key infrastructure and ability to comply with current land use. The Board agreed that the conditions of approval cannot require noise levels lower than those specified in the code.

The Board would like to see an addition to Condition 14 to more clearly encourage the applicant, County staff, and the adjacent landowner to work together to explore additional ways to mitigate noise regarding the equestrian center. The Board also shared that this is a great project and

important for the County to work on achieving 100% renewable energy. The location for this project is a great use of land that no longer has many appropriate use options. The County wants small distribution projects like this across the community to help achieve the County's renewable energy goals.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the USS Welch Solar 1041 Permit, File No. 25-ZONE3793, subject to the conditions of approval recommended by staff and the amended condition of approval #14.

Motion carried 3-0.

With there being no further business, the Board adjourned at 9:14 p.m.

TUESDAY, NOVEMBER 18, 2025

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Assistant County Manager Laurie Kadrich. Chair Stephens presided. Commissioner Kefalas was present. Commissioner Shaddock-McNally was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Dianne Cheney, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Phoebe McWilliams addressed the Board. Ms. McWilliams shared that she is a native of Fort Collins and a volunteer for United for Freedom. United for Freedom has over 3,000 volunteers in 24 states that have invested time in weekly online federal election law discussions and training sessions. Ms. William commented that Colorado is one of nine states where federal mandamus lawsuits have been filed. Ms. McWilliams stated her concerns regarding the data United for Freedom collected and shared from the most recent election. Ms. McWilliams shared that United for Freedom will be providing the County with a resolution highlighting key statistics and calling for an end to inaccuracies and uncertainties that compromise elections in Colorado.

The Board thanked Ms. McWilliams for coming and sharing her information. While the data shared was significant, it differs from the Board's understanding of how elections have been conducted in Colorado.

Chair Stephens closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF NOVEMBER 3 AND NOVEMBER 10, 2025:

MOTION:

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the weeks of November 3 and November 10, 2025.

Motion carried 2-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF NOVEMBER 24, 2025: Ms. Martin reviewed the upcoming schedule with the Board. The Board made some additions to the upcoming schedule.

4. CONSENT AGENDA:

AGREEMENTS

1. **AGREEMENT FOR JAIL SERVICES**
2. **AMENDED AND RESTATED LONGVIEW PROFESSIONAL SERVICE AND OPERATIONAL AGREEMENT**
3. **INTERGOVERNMENTAL AGREEMENT FOR ASSESSMENT AND COLLECTION OF FIRE IMPACT FEES**
4. **SOFTWARE AS A SERVICE AGREEMENT**
5. **DEVELOPMENT AGREEMENT FOR THE JACOBS CONSERVATION DEVELOPMENT, FILE NO. 21-LAND4170**
6. **RESTATED INTERGOVERNMENTAL AGREEMENT FOR ESTES PARK LOCAL MARKETING DISTRICT**

APPOINTMENTS

1. **RECOMMENDED REAPPOINTMENT TO THE BEHAVIORAL HEALTH CONSUMER ADVISORY COMMITTEE** – Glenda Kastle and Michael Ellis
2. **RECOMMENDED APPOINTMENT TO THE BEHAVIORAL HEALTH CONSUMER ADVISORY COMMITTEE** – Ashleigh Jones
3. **RECOMMENDED REAPPOINTMENT TO BEHAVIORAL HEALTH POLICY COUNCIL** – Jarah Grashorn
4. **RECOMMENDED MIDTERM APPOINTMENTS TO THE BOARD OF ADJUSTMENT** – Shana Garcia and Tom Wood

5. **RECOMMENDED REAPPOINTMENT TO THE FAIR BOARD –** Christy Bushong, Brittany Saffell and RJ Saffell
6. **RECOMMENDED MIDTERM APPOINTMENT TO THE CARRIAGE HILLS GENERAL IMPROVEMENT DISTRICT –** Zachary Zeschin
7. **RECOMMENDED REAPPOINTMENT TO THE EAGLE RANCH ESTATES PUBLIC IMPROVEMENT DISTRICT –** Kurt Long
8. **RECOMMENDED MIDTERM APPOINTMENTS TO THE LITTLE VALLEY GENERAL IMPROVEMENT DISTRICT–** Scott Stewart
9. **RECOMMENDED REAPPOINTMENT TO THE PRAIRIE TRAILS PUBLIC IMPROVEMENT DISTRICT –** Jamie Weihrauch
10. **RECOMMENDED APPOINTMENT TO THE BEHAVIORAL HEALTH TECHNICAL ADVISORY COMMITTEE –** Shannon Hughes

LETTERS OF SUPPORT

1. **COLORADO ENERGY OFFICE: ENERGY CODE ADOPTION AND ENFORCEMENT GRANT APPLICATION**

LIQUOR LICENSES

1. **LIQUOR LICENSE REPORT OF CHANGES – THE ROCK INN LTD DBA THE ROCK INN – BREW PUB – ESTES PARK, COLORADO**
2. **LIQUOR LICENSE RENEWAL – YOUNG’S LIQUOR INC DBA YOUNG’S LIQUOR – RETAIL LIQUOR STORE – FORT COLLINS, COLORADO**

MISCELLANEOUS

1. **THE PETRUSKA FAMILY TRUST STIPULATION AS TO TAX YEAR 2025 VALUE**
2. **ZACHARY AND ALLYSON BATTE STIPULATION AS TO TAX YEAR 2025 VALUE**
2. **WARRANTY MEMORANDUM FOR LINDA VISTA SUBDIVISION, FILE NO. 18-LAND3743**

RESOLUTIONS

1. **RESOLUTION DECLARING LARIMER COUNTY PUBLIC IMPROVEMENT DISTRICT THUNDER MOUNTAIN NO. 76 ORGANIZED**

2. RESOLUTION DECLARING LARIMER COUNTY PUBLIC IMPROVEMENT DISTRICT NEDRAH ACRES NO. 77 ORGANIZED

M O T I O N

Commissioner Kefalas moved that Board of County Commissioners approve the Consent Agenda for November 18, 2025.

Motion carried 2-0.

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

6. DISCUSSION ITEMS: None

7. COUNTY MANAGER UPDATE: Assistant County Manager Kadrich briefly detailed the events of the previous week.

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

The Board wished the public Happy Thanksgiving and reminded residents that holidays can be a difficult time for many in the community. The Board reminded the community that they can reach out for help at any time to Colorado 988. The Board asked Amy Martonis to briefly speak about the services provided by the Behavioral Health Department.

Ms. Martonis shared that the Longview Acute Behavioral Health Facility offers an urgent care for behavioral health needs and is available 24/7, 365 days a year. The facility is located at Taft Hill and Trilby on the southwest side of Fort Collins. In addition, Poudre Valley Hospital has expanded their behavioral health care beds at the hospital, which is also available 24/7, 365 days a year.

9. LEGAL MATTERS: None requested.

With there being no further business, the meeting was adjourned at 9:25 a.m.

THURSDAY, NOVEMBER 20, 2025

**SPECIAL MEETING
CERTIFICATION OF THE ABSTRACT OF ASSESSMENT REPORT FOR THE
ALTERNATIVE PROTEST PERIOD**

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

Assessor Overbeck addressed the Board to present the final abstract which is due by November 21, 2025. Assessor Overbeck shared that one of the unique items of this year's abstract is that the County had the alternative protest period that ended in October. The numbers presented will reflect the County Board of Equalization (CBOE) adjustments. Additionally, the County was required to use the split assessment rate, assessing for the schools and all local government. The residential assessment rate was set in October at 6.25% and the school assessment rate was set earlier in 2025 at 7.05%. Splitting the assessment out between school and residential, the total local government assessment is \$9.7 billion and the total for school is \$10.4 billion.

The Board asked Assessor Overbeck to speak to any anomalies that his office saw in the process this year or any suggested improvements. The Board also inquired if there were more commercial protests this year than anticipated. Additionally, the Board inquired about discussions with the Clerk's Office especially regarding referees.

Assessor Overbeck stated that staff are currently going through a debriefing process with the Clerk's Office. Assessor Overbeck shared some of his thoughts on how the process might be improved for the Assessor's Office. Assessor Overbeck thanked staff, highlighting the work that the Business Analyst Team did to provide the results for the abstract. Colorado has one of the most complex assessment systems in the country. Assessor Overbeck was also appreciative of staff coming up with new tools that saved 25-50% of staff time in putting together the packets for the CBOE process.

Assessor Overbeck shared that there were more commercial appeals this year, due to the nature of the market. Assessor Overbeck commented that he received feedback from the public regarding the appraisers and referees that he will share during the debrief to see if adjustments can be made for the future to assist in serving the public.

County Manager Volker shared that the Assessor's Office, the Commissioner's Office and the Recording Department meet regularly to look at the process from the community's point of view. Being able to work together as a team is key and Manager Volker would like to thank staff for all of the work they put in to make this a streamlined process. The Clerk & Recorder's Office took on a lot of work this period and a lot of innovation was made to change the way that people can schedule appointments and appear for their hearings.

The Board appreciated the clarification from Assessor Overbeck that the assessment is being done differently this year regarding the certification with the split assessment rates and the extended or alternative protest period. The Board shared that this process is complex and any additional education for the public that can be done might aid in lessening confusion. The Board thanked staff for their team effort and the innovation and efficiencies that were focused on this assessment period.

MOTION

Commissioner Kefalas moved that the County Board of Commissioners accept the Abstract of Assessment Report as certified by Larimer County Assessor Bob Overbeck and to authorize the Chair to sign the report as required by CRS 39-5-123.

Motion carried 2-0.

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

Kristin Stephens
KRISTIN STEPHENS, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Dianne Cheney
Dianne Cheney, Deputy Clerk

