LARIMER COUNTY

COMMITTED TO EXCELLENCE

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 23, 2026

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Shadduck-McNally presided. Commissioner Stephens and Commissioner Kefalas were present. Also present were Laura Collier, Jared Seay, Jacy McNulty, Michael Whitley, and Ryane Oswandel, Community Development; Ashton Brodahl, Environmental Health; Bruen Johnson and Katherine Beilby, Engineering; Amy White, Code Compliance; Christine Luckasen, Assistant County Attorney; and Dianne Cheney, Deputy Clerk.

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

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

PUBLIC HEARING CONSENT ITEMS:

1. CHOICE ORGANICS TRANSFER OF MEMBERSHIP INTEREST, FILE NO. 13-GO257: The subject property 813 Smithfield Drive, Fort Collins, is located approximately 1,200 feet southwest of the intersection of Mulberry Street and I-25. The property, zoned CC-Corridor Commercial, is within the Fort Collins Growth Management Area and within the East Mulberry corridor plan area.

The site is 1.16 acres, and the existing building has a footprint of 8,400 square feet.

Choice Organics, Inc. was formed in 2010 by Brian and Erica Freeman. Choice Organics, Inc. received Special Review approval from the Board of County Commissioners on October 18, 2010, to operate a Medical Marijuana Dispensary and a Medical Marijuana Grow Operation within Units A and B of the building.

Choice Organics, Inc. was issued a Retail Marijuana Store License and a Retail Marijuana Cultivation License in 2014 to operate within Units C and D of the building. Those licenses have been renewed each subsequent year until 2023. In 2023, Choice Organics, Inc., elected to not renew their Retail Marijuana Cultivation License. The Retail Marijuana Store license was renewed in 2023, 2024, and 2025.

Sections 4-209 (b) and (c) of the Larimer County Code read,

(b) Any proposed transfer of capital stock or any change in principal officers or directors of a corporation holding a license shall be reported to the administrator and approved by the Board prior to such transfer or change.

(c) Any proposed transfer of membership interest or any change in members of any limited liability company holding a license shall be reported to the administrator and approved by the Board prior to such transfer or change.

In 2021, the Board of County Commissioners approved a sale of 100% of Brian and Erica Freeman's shares in Choice Organics, Inc. to DP Holdings, LLC which was owned by Alexander Levine, Andrew Levine, and Lisa Leder.

DP Holdings, LLC is an arm of the Green Dragon Brand which hold approximately twenty-five marijuana licenses across several companies.

In 2024, the Board of County Commissioners approved a proposed change in principal officers and transfer of membership interest which resulted in an ownership change of Choice Organics, Inc. from DP Holdings, LLC to Eaze, Inc. and Eaze Colorado, LLC.

Eaze, Inc. and Eaze Colorado, LLC are owned by James Clark.

There is a request from Lucas Ewing, Compliance Counsel & Director of Compliance for Eaze, Inc., and it describes proposed ownership reconfiguration that would result in an ownership change of Choice Organics, Inc., from Eaze, Inc. and Eaze Colorado, LLC. Eaze, Inc. to Vireo Growth, Inc, Eaze, Inc., and Eaze, Colorado LLC.

Closing of the transaction is contingent upon securing the approval of Larimer County.

No changes to the location, physical composition, or structure of the facility are proposed. Although the ownership interests are proposed to change, Choice Organics, Inc. will continue to hold the Retail Marijuana Store License.

The Special Review approval for the medical marijuana dispensary within Units A & B is independent of the retail marijuana license and is not affected by the change in principal officers and transfer of ownership interest of Choice Organics, Inc.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Board of County Commissioners approve the Choice Organics, Inc. Change in Principal Officers and Transfer in Membership Interest, File No. 13-G0257

2. **EDRINN ALA SIZE APPEAL, FILE NO. 26-GNRL0586:** The applicant requests approval of an appeal to Table 3-15 of the Land Use Code to allow an Accessory Living Area (ALA) totaling 1,038 square feet, which exceeds the maximum permitted size for the subject property by 38 square feet. The subject parcel falls within the 15,000 to 100,000 square foot lot size category governed by Table 3-15 of the Land Use Code. Under Table 3-15, ALAs on lots within this size

range are limited to 75 percent of the square footage of the principle single-unit dwelling or 1,000 square feet, whichever is less.

The existing single-unit dwelling on the property contains 1,484 square feet. Seventy-five percent of that area equals 1,113 square feet. However, because the code establishes a cap of 1,000 square feet for lots within this size category, the allowable ALA size on this property is limited to 1,000 square feet. The proposed ALA, consisting of a single-wide manufactured home, totals 1,038 square feet and therefore exceeds the maximum permitted size by 38 square feet.

Historically, the property has contained one single-wide manufactured home since the 1970s. Records and site observations indicate that the manufactured home has been replaced multiple times over the years without obtaining the required building permits. The most recent manufactured home was demolished under Permit No. 25-MISC1009. A subsequent permit application to replace and connect a new manufactured home (Permit No. 25-MISC1274) was denied.

An observation by the Code Compliance Inspector on August 6, 2025, confirmed that a replacement manufactured home had been installed on the property without the required permits. As a result, the current manufactured home is out of compliance with County codes. Approval of this appeal to exceed the ALA size limitation is necessary in order to provide a pathway toward compliance. If the appeal is approved, the applicant will be required to submit a complete building permit application to the Building Division. Through that process, the applicant must obtain all necessary approvals, including verification of adequate water and sewer service from the applicable providers.

In addition to the size limitation, the current placement of the manufactured home does not meet the setback requirements of the Land Use Code. The applicant has indicated an intent to relocate the manufactured home to a location on the property that complies with required setbacks. Compliance with setback standards, as well as all applicable building, utility, and safety requirements, will be verified through the building permit review and inspection process.

Ninety postcards were mailed to property owners within 500 feet of the subject property to notify them of this request at the time the case was scheduled for a land use hearing. To date, no comments from neighboring property owners have been received.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommend that the Board of County Commissioners approve the Edrinn ALA Size Appeal, File NO. 26-GNRL0586, subject to the following conditions:

1. The applicant and property owner shall comply with all applicable provisions of the Larimer County Land Use Code and adopted building codes, including but not limited to obtaining all required building permits for the subject ALA. Approval of this appeal authorizes only the increase in maximum size beyond 1,000 square feet and does not grant permission for the structure itself, nor does it waive or modify any other applicable land use, building, utility, or safety requirements. The applicant and property owner acknowledge that

failure to obtain all necessary approvals and inspections may result in enforcement action, including potential removal of the structure.

2. The subsequent building permit application shall be reviewed for compliance with all applicable provisions of the Larimer County Land Use Code, including setback requirements set forth in §2.9.4 and Table 2-5, and the standards applicable to single-wide manufactured homes located outside of a manufactured housing park as outlined in §3.3.3.E.2. Approval of this appeal does not waive or modify any other applicable code requirements.

3. WINDCLIFF PROPERTY OWNERS ASSOCIATION AMENDED PLAT, FILE NO. 24-LAND4453: The applicant is requesting an approval of an amended plat to expand an existing building envelope at 1660 St. Moritz Trail in Estes Park. The subject property currently contains a storage out-building that does not conform as it is located outside of the previously approved building envelope. The proposed envelope alteration would allow the Windcliff Property Owners Association (POA) the opportunity to maintain location of the existing out-building to conform within the altered envelope. This alteration would also allow the POA extra space to construct another detached outbuilding for further POA storage on the parcel. No easements or rights-of-way are being vacated in conjunction with this request.

This lot is an open area lot within Block 5, Amended Windcliff Estates 5th and was approved originally to house the existing storage out-building for the Windcliff POA. This storage includes necessary equipment for the maintenance of the subdivision and its associated facilities.

The Development Services Team and referral agencies have reviewed this request and found that it meets the review criteria for the amended plat process. The Board of County Commissioners are only reviewing the proposal to alter the building envelope as required by Section 6.5.7 of the Land Use Code. If this amended plat is approved, the applicant will need to go through the building permit process to construct their desired outbuilding.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommend that the Board of County Commissioners approve the Windcliff Property Owners Association Amended Plat, File No. 24-LAND4453, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Amended Windcliff Estates 5th Filing subdivision.

2. Any future uses on the parcel subject to this request shall obtain approval through all applicable review procedures as established in the Larimer County Land Use Code prior to commencement of the use, including obtaining any required building permits.

3. The Findings and Resolution shall be a servitude running with the property. Those owners of the property or any portion of the property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and

persons holding under applicants shall comply with the terms and conditions of this amended plat approval.

4. Any existing or proposed buildings constructed on this parcel shall be built within the approved building envelope.

4. NORTON RIGHT-OF-WAY VACATION, FILE NO. 25-LAND4531: The Norton Right-Of-Way Vacation request is located at 1612 Fire Rock Court in Loveland. The property is zoned Urban Residential 2 (UR-2) and is located within the City of Loveland Growth Management Area (GMA). The property is also known as lot 14 of the Namaqua Hills 2nd Filing subdivision. The current city limits of Loveland are located approximately 0.16 miles east of the subject property.

The property currently contains a single-unit home, built in 1977, according to the County Assessor's Office records. The property owner inherited a Code Compliance violation at the site where the existing deck, constructed by a previous owner, encroaches upon the adjacent right-of-way for Fire Rock Court. The request is to vacate approximately 194 square feet of right-of-way. As such, the current owner is requesting this easement vacation along with a concurrent setback variance case, File No. 23-ZONE3457, to allow the deck to remain in its current location. If this right-of-way is successfully vacated to allow the deck to remain, the land would be returned to the property owner, allowing them to seek a 0-ft setback variance from their new property line. The setback variance case, 23-ZONE3457, will be heard separately from this application by the Board of Adjustment in the future.

The deck separately encroaches upon an easement that runs the periphery of the lot line for 1612 Fire Rock Court. Encroachment agreements have been signed by the landowner and all affected utilities that affirm they consent to the deck remaining in its current location. These agreements were provided to the Larimer County Attorney's Office for review and are binding for each separate entity with an existing, valid claim to the easement. This allowed the applicant to proceed with this request without needing a utility easement vacation process.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommend that the Board of County Commissioners approve the Norton Right-Of-Way Vacation, File No. 25-LAND4531, subject to the following conditions:

1. Failure to comply with any conditions of this approval may result in reconsideration of the use and possible revocation of the approval by the Board of County Commissioners.

2. This request is only for the buildings or structures as submitted with this right-of-way vacation application. All future buildings, additions, and improvements must meet County setback requirements or must go through proper County review and permit process prior to construction.

3. The approval of the right-of-way vacation shall automatically expire in one year unless the applicant takes affirmative action consistent with this approval.

4. The Larimer County Building Division must be provided with a written certification by a Colorado Licensed land surveyor with any required permit submittal. The certification must show that the existing and proposed buildings and structures are located where shown on the Larimer County approved plot plan for this development.

5. PETITION FOR EXCLUSION OF PARCEL NO. 3527404038 FROM TANAGER PUBLIC IMPROVEMENT DISTRICT (PID) NO. 72: On January 16, 2026, the Engineering Department received a petition for exclusion from the legal owner of Parcel No. 3527404038 from the Tanager Public Improvement District (PID) No. 72. The property is located on the southeast boundary of the Tanager PID; however, the parcel is landlocked and currently gains access from Laurel Lane, a private road that is not included within the PID.

The property owners David and Marilyn Brehm, who also own the contiguous Parcel No. 3527404041, are requesting that Parcel No. 3527404038 be excluded from the PID boundaries because it no longer has direct access through the district. The owners are also pursuing a Boundary Line Adjustment through the Community Development Department, which cannot be completed until the exclusion requested is resolved.

Staff believe that this parcel was intended to gain access through the private drive of a neighboring property: however, the owners of that private drive have since removed that access. As a result, the parcel no longer receives access or benefit from the roads maintained by the PID. As part of the proposed Boundary Line Adjustment, the property owners are requesting a second access from Laurel Lane, which is not included within the Tanager PID.

Based on these circumstances, staff recommend that the Board of County Commissioners approve the petition for exclusion and remove Parcel No. 3527404038 from Tanager Public Improvement District No. 72, as the property does not receive access from or benefit from the improvements maintained by the district.

As prescribed in the improvement district statutes, a legal notice was advertised in the Reporter Herald on March 4, 2026, and the Road Board was notified of the exclusion.

MOTION

Commissioner Stephens 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. 2025 RUBBISH ORDINANCE AMENDEMENT – THIRD READING, FILE NO. 25-CODE0289: Amy White, Code Compliance Supervisor, presented the third reading of the 2025 Rubbish Ordinance Amendment, File No. 25-CODE2089.

Ms. White stated that this is the third reading of the amended 2025 Rubbish Ordinance, File No. 25-CODE0289. Due to some clerical errors staff are submitting a third reading. The ordinance will be published for 30 days, taking effect 30 days after publication.

PUBLIC COMMENT: There were no public comments in person or online.

MOTION: Commissioner Stephens moved to adopt the 2025 Rubbish Ordinance Amendment – Third Reading, File No. 25-CODE2089.

Motion carried 3-0.

2. MATHER SHORT-TERM RENTAL, SPECIAL REVIEW, FILE NO 25-ZONE3806: Laura Collier, Planning, presented this item. Ms. Collier stated that the applicant is requesting approval for a four-bedroom, eight-guest, short-term rental in an existing single-unit residence.

The subject property is located at 4901 Sandstone Drive in Fort Collins, Colorado. The property is on the west side of Horsetooth Reservoir, within the Horsetooth Lake Estates Subdivision. It is approximately 0.38-acres in size, and it is zoned O - Open. The property is served by Spring Canyon Water & Sanitation District, and Poudre Fire Authority. The property takes access from Sandstone Drive.

Ms. Collier reviewed the planning process required for short-term rentals. Short-term rentals are classified as Commercial Lodging Facilities use and are permitted in the O - Open zone district.

On November 14, 2025, notice of the public hearing phase of this application was sent to 143 property owners within 1,000 feet of the property. Three community members provided comments in opposition to the proposed short-term rental. One community member noted that short-term rentals are not permitted within the Horsetooth Lake Estates community, though they indicated they would support a long-term rental in this location. A second community member expressed opposition to the request but did not provide specific reasoning.

Ms. Collier stated that this item was originally on the consent agenda for February 18, 2026, with the Planning Commission. At the hearing, the item was removed from the consent agenda by a member of the public for a full discussion.

During the public comment portion of the discussion, one community member spoke in support of the request, and one community member spoke in opposition to the request. Comments in opposition mentioned concerns about traffic and pedestrian safety near the proposed short-term rental. No public comments were received from referral agencies.

REVIEW CRITERIA

To approve a Special Review application, the Board of County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable (Article 6.4.2.D.), in addition to the General Review Criteria found in Article 6.3.8.D.:

1. The proposed use has minimal impacts on existing and future development of the area.

2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.

3. The recommendations of referral agencies have been considered and adequately addressed.

4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan.

5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, Use Regulations.

Additional review criteria including General Standards, Ordinance for Implementing and Enforcement of Short-term Rentals, Safety Standards, Floodplain Overlay District Standards and Local Roadway and Access Standards for Short-term Rentals can be found in the Land Use Code. In addition, to approve a Special Review application, the Board of County Commissioners must also consider Article 4.0, Development Standards, of the Land Use Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Board of County Commissioners approve the Mather Short-Term Rental, File No. 25-ZONE3806, subject to the following conditions of approval:

1. This Special Review approval shall automatically expire in three years if the use has not commenced and/or building permit and/or development construction permit are not issued.

2. This Special Review approval shall be subject to revocation at a noticed public hearing if the owner fails to comply with any conditions of approval or fails to use the property consistent with the approved Special Review.

3. The site shall be developed consistent with the approved plan and with the information contained in the Mather Short-Term Rental, File No. 25-ZONE3806, and the supplemental regulations listed above, except as modified by the conditions of approval or agreement of Larimer County and the property owner. The property owner shall be subject to all other verbal or written representations and commitments of record for the Mather Short-Term Rental Special Review.

4. The property owner is responsible for paying all applicable fees which may include building permit fees, impact fees, and Transportation Capital Expansion Fees (TCEF) applicable to the use.

5. Prior to operation as a short-term rental, the applicant shall obtain an approved Change of Occupancy Permit from the Larimer County Building Division and successfully pass the Life Safety Inspection.

6. The short-term rental is approved with four (4) bedrooms, for a maximum occupancy of eight (8) people.

7. Re-certification shall be required upon notice by Larimer County, which is required approximately every two years. Failure to complete and resubmit the re-certification form to the Community Development Department shall be cause for consideration of revocation of this approval.

8. No parking shall be permitted in the right-of-way and all parking for the use shall be on-site.

9. The use must comply with the Larimer County Noise Ordinance, including reduced noise levels at property lines between 7pm and 7am.

10. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 25-ZONE3806, on all advertising and booking websites.

11. The identified property manager must be located within the required distance of the short-term rental, per Section 3.3.5.B.2.P of the Larimer County Land Use Code.

12. Prior to operation as a short-term rental, the applicant shall post the property manager contact information outside the front door of the short-term rental.

13. Upon approval, the property owner shall mail the designated property manager's contact information to surrounding property owners within a 1000-foot radius of the property boundary. The owner shall also mail contact information to surrounding property owners whenever the designated property manager changes.

APPLICANT PRESENTATION: Applicant, Timothy Mather, addressed the Board. Mr. Mather provided background information about the property and how it has been used by his family as a primary residence and home office. Mr. Mather shared information regarding road access, wildfire mitigation surrounding the property, general information regarding the property and benefits of having a short-term rental in this community. Mr. Mather stated that he will have a no smoking policy in and around the rental and will propose a fine should there be evidence of smoking during the rental period. Mr. Mather shared with the Board that he will be offering this as a minimum 5-day rental and that he owns two other rental properties and is familiar with property management.

QUESTIONS FOR THE APPLICANT AND STAFF: The Board asked the applicant about other traffic calming features regarding the road to the property. The Board inquired about the risk of wildfire and if an evacuation plan is communicated with renters should a wildfire occur. The Board asked staff about the density of short-term rentals in the area and the inclusion of the Larimer County Telephone Authority (LETA) information in the operations package. The Board asked the applicant about plans for overseeing the property during their absence from town. The Board mentioned typographical errors in the operations manual.

Mr. Mather shared that due to the curvature of the road and the steepness, drivers in the area tend to move slowly. Mr. Mather stated that he would review the manual and correct the errors the Board had found. Mr. Mather communicated that he has a property manager specified when he is renting the property and is not in the area.

Staff informed the Board that the LETA information is required in the Operations Manual, and they will make sure that it is part of the operation manual if the short-term rental is approved. Staff shared the density of the area with the Board. Staff informed the Board that, as a condition of approval, neighbors in the area will receive notification about the property manager.

PUBLIC COMMENT: Chair Shadduck-McNally opened public comment.

There were no public comments in person or online.

Chair Shadduck-McNally closed public comment.

DELIBERATION: The Board thanked the applicant and the public who commented through the website prior to the meeting. The Board conveyed their appreciation to the applicant for the fire mitigation efforts surrounding the property. The Board stated that the new criteria standards for short-term rentals provide more accountability for the owner and protection for the community. The Board felt that the conditions of approval have been met.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Mather Short-Term Rental, File No. 25-ZONE3806 subject to the conditions of approval as outlined in the Staff report.

Motion carried 3-0.

With there being no further business, the Board recessed at 3:40 p.m.

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m. with Jenny Axmacher, Planning Manager. Chair Shadduck-McNally presided. Commissioner Stephens and Commissioner Kefalas were present. Also present were Rebecca Everette, Community Development Director; Michael Whitley, Jared Seay, and Ryane Oswandel, Community Development; Lea Schneider, Health and Environment; Frank Haug, Assistant Deputy County Attorney; and Dianne Cheney, Deputy Clerk.

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

PUBLIC HEARING DISCUSSION ITEMS:

1. ARAGON HOLDINGS ON-LOT SEPTIC APPEAL, FILE NO. 25-GNRL0577: Michael Whitley, Senior Planner, presented an overview of this discussion item to the Board. The applicant is seeking an appeal of Section 4.3.5.A.2 of the Land Use Code to allow for the continued use and expansion of a septic system in a Growth Management Area instead of utilizing public sewer as outlined in Section 4.3.5.A.4 of the Land Use Code.

The subject property at 516 N. Highway 287 is a 9.72-acre parcel in the Fort Collins Growth Management Area (GMA) located approximately one-third of a mile east of the intersection of N. Highway 97 and N. Shields Street.

The property was rezoned from O – Open and IH – Industrial Heavy to PD – Planned Development in 2021.

The PD – Planned Development zone district is used in Growth Management Areas and is intended to establish densities and uses consistent with the applicable supplementary regulations of the GMA. In this instance, the allowed uses in the existing PD zoning are a subset of the uses allowed in Larimer County's IH – Heavy Industrial zone district, including concrete and asphalt batch plants.

Uses on the property when the parcel was rezoned to Planned Development included industrial recycling, an auto salvage yard, an office, and a warehouse/storage building.

The recycling yard received special review approval in 1978. One of the purposes of the 2021 rezoning to PD was to change the status of the auto salvage yard, which operated on a portion of the property zoned O – Open, from nonconforming to conforming. The salvage yard has since ceased operations.

In 2023, the PD zoning was amended to allow fleet services with site plan review approval, to specify that multiple principal uses are allowed on the property, and to allow an increased height for batch plant silos and bag house dust collection enclosures.

A Special Review Sketch Plan application to establish a concrete batch plant on the property was submitted in November 2021. An application for the public hearing phase of the special review was submitted in January 2023.

There is an active Code Compliance case on the property because a trucking business, which is classified in the Land Use Code as a fleet services use, was established on the property without site plan review approval. A site plan review application seeking approval for the use was submitted in October 2025.

Mr. Whitley reviewed Sections 4.3.5.A.2 and 4.3.5.A.4 of the Larimer County Land Use Code regarding on-site wastewater treatment systems (OWTS).

The Aragon Holdings Concrete Batch Plant Special Review application included an appeal to continue use of the existing on-lot septic system. As the appeal was submitted in conjunction with the special review, it was anticipated that both requests would be considered concurrently and acted upon by the Board of County Commissioners at the same hearing.

The applicant is still refining information required for consideration of the concrete batch plant, and the Special Review application is not yet ready to be scheduled for public hearings. As a result, this appeal for the OWTS is being heard prior to the Special Review. Each application must be reviewed and decided based on the criteria applicable to that application.

Seeking a decision on the on-lot septic appeal prior to consideration of the special review, the applicant submitted an independent appeal application on October 1, 2025. Appeal applications submitted independent of a development application are approved or denied by the Board of County Commissioners, with no hearing with the Planning Commission required.

This matter was originally placed on the November 17, 2025, Land Use Hearing agenda for discussion. The item was tabled from that agenda at the applicant's request to allow time to refine the application materials.

REVIEW CRITERIA

When considering whether to approve an appeal to deviate from standards or requirements of the code, other than minimal lot size requirements, the Board of County Commissioners may grant the appeal subject to safeguards and conditions with their findings concerning factors outlined in Section 6.7.2.B.5 Review Criteria for Appeals to Deviate from Standards or Requirements Other Than Minimum Lot Size Requirements. The Board of County Commissioners should consider each of the following factors and make findings pertaining to each one which, in the Board's discretion, applies to the appeal.

a. Approval of the appeal will not subvert the purpose of the standard or requirement.

b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.

c. Approval of the appeal is the minimum action necessary.

d. Approval of the appeal will not result in increased costs to the general public.

e. Approval of the appeal is consistent with the intent and purpose of the Land Use Code.

Mr. Whitley spoke about review comments received from Larimer County and other agencies, and outlined comments received from the public specific to the on-lot septic system or wastewater. Mr. Whitley mentioned that in addition to public comments regarding the on-lot septic system, other public comments were submitted regarding the Aragon Holdings Batch Plant Special Review File No. 21-ZONE3151 which is a separate appeal process. Many comments refer to the Fort Collins Structure Plan which has relevancy to this appeal request.

Mr. Whitley provided data on neighboring properties that also rely on on-lot septic systems.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Board of County Commissioners approve the Aragon Holdings On-Lot Septic Appeal, File No. 25-GNRL0577.

The Board requested more information on why the two appeals were uncoupled. The Board asked about the continued use and expansion of the septic system, specifically what the expansion of the septic system is referring to. The Board questioned why it has taken two years for the site review to come before the Board. The Board asked for clarification on the change of zoning, specifically related to the site being within the GMA of the City of Fort Collins, addressing the nonconforming operations that were going on at the site to allow for conforming zone use. The Board inquired if there was a condition of approval in the 2023 rezoning requiring a site plan review.

Mr. Whitley answered the Board's question regarding why the two appeals were uncoupled. Regarding the septic system, Mr. Whitley stated that continued use refers to the use of the septic system as it existed. The expansion refers to the 2024 expansion and any future expansions, should they be necessary. Larimer County Department of Health regulations allowed for the expansion of the septic system on this property independent of any type of land use. The Land Use Code states that in order to use or expand a septic system, in a GMA for a particular use that is going through a review process, there needs to be an appeal in order to expand the system or for continued use. Mr. Whitley shared that he was unsure when the fleet services use began on the property, but the code was established before fleet services was a contemplated use for that zoning district. When the zoning was amended in 2023, it was written that there was a path forward for legalizing the business through a site plan review process, but approval was not automatically granted. In conversations with the operator and the property owner, Mr. Whitley shared that there was an assumption that because the zoning had been modified the use was automatically granted. During the process for the special review for the concrete batch plant, there was discovery that the site plan review for the fleet services had never been granted. Mr. Whitley iterated to the Board that this particular appeal for the septic is required for any use on the property stating that it is required for both the future site plan review for the concrete batch plant and for the continued use of the property for fleet services. There was not a specific condition of approval that the existing use needed site plan review approval, but it was built into the zoning change. The 2023 staff report specifically mentioned that the use that was on the property was not authorized and a future site plan process would be required to legalize the fleet services business. Mr. Whitley responded to the Board's question about the gap in time between the zoning approval and the site review submission.

APPLICANT PRESENTATION: Savanah Benedick-Welch with Norris Design presented on-line. Ms. Benedick-Welch introduced the parties who were present at the hearing including, Stephanie Fancher-English with Loveland Ready Mix, Ryan McBreen with Norris Design and John Cullor with Telesto Solutions, Inc.

Ms. Benedick-Welch briefly outlined how the applicant meets the appeal criteria. Comments included the zoning approval in 2021, non-feasibility to connect to public wastewater, inability to achieve the land use zoning envisioned for this portion of the GMA due to the absence of wastewater infrastructure, and the demonstration that on-site wastewater treatment systems can be safely provided at the site.

Ms. Benedick-Welch discussed the reason for separating out the septic to clarify that the septic appeal is for both the established business that is currently undergoing site plan review and the proposed Aragon Holdings concrete batch plant. Ms. Benedick-Welch stated that the applicant believes that the approval of the appeal is consistent with the intent and purpose of the code. Ms. Benedick-Welch shared that the applicant would continue to collaborate with staff on the special review process.

PUBLIC COMMENT: Chair Shadduck-McNally opened public comment.

The following members of the public spoke in person in opposition to the appeal: Mike Foote, Janet Duvall, Jerry White, Tiffin Vaughn, Adela Gonzalez, Tyler Miget, Claire Havelda, Mike Orzell, Peter Meng, Andre Mouton, Grace Moreno, Doreen Martinez, Clay Frickey, and Glenna Brissey. Comments in opposition included the separation of this item from the special review application, pollution impacts, health concerns, and concerns about contamination of the soil should the system collapse. Additional comments in opposition mentioned current use concerns about traffic patterns, especially those located close to school transportation, failure of the applicant to meet current Land Use Code, impact of surrounding owners on their property value and non-support by the City of Fort Collins within the GMA.

Chair Shadduck-McNally closed public comment.

APPLICANT REBUTTAL: Stephanie Fancher-English with Loveland Ready Mix provided rebuttal to comments from the public. Ms. Fancher-English shared with the Board that they uncoupled the appeals to separate the septic appeal from the land use appeal for the concrete batch plant to focus on the septic issues first for transparency. Regarding the compliance issue with fleet services and the delay in this company's application, Ms. Fancher-English stated that they were under the impression that the site plan review process for the existing fleet services use had been done already. Ms. Fancher-English added that the timeline was impacted by a misunderstanding of allowable uses; specifically, outdoor storage was deemed inappropriate, prompting the shift to fleet services. Additional ownership changes also impacted on the submission. Ms. Fancher-English concluded by noting that the application remains consistent with land use protocols. She highlighted that infrastructure constraints, namely the lack of available City of Fort Collins sewer service and noted the property's long standing industrial zoning and need regardless of the applicant for an on-lot septic appeal.

QUESTIONS FOR APPLICANT AND STAFF: The Board requested clarification on other businesses in the area who are on septic and if they are having to file for on-lot septic appeals. The Board asked if a decision tonight on the septic would subvert the process of the applicant's special review process for the batch plant. The Board asked if staff would clarify the approval of septic for Paddler's Pub. The Board inquired whether the Intergovernmental Agreement (IGA) is relevant to this appeal. The Board requested that staff address public health concerns related to septic systems, including the minimum allowable distance between a septic system and a body of water, as well as the potential impacts that system expansion may have on proximity to the lake. The Board asked staff to answer the public's question about the variances that have been allowed on this property. The Board asked if the business that is currently there now is meeting the use of the septic system onsite. The Board inquired about the letter received from the Colorado Environmental Justice ombudsman regarding environmental adjustment concerns, and how it fits into this type of appeal for a septic system.

Mr. Whitley shared his awareness with the Board regarding other appeals that have been granted in this vicinity regarding their on-lot septic. Mr. Whitley stated that many of the businesses in the area are well-established, long-term businesses that predated the requirement for a site plan review process. Site plan review was first required in Larimer County in 2000. This corridor contains several zoning areas, with a significant section designated as O - Open. Mr. Whitley stated that the appeal tonight does not subvert the special review process that would also come before the Board. Mr. Whiteley recapped the variance that had been approved on the site for the Board.

Ms. Schneider shared some background about a similar application regarding on-lot septic. Ms. Schneider discussed septic system safety, their lifespan and allowable proximity to bodies of water. Ms. Schneider shared that any transfer of ownership requires septic system inspection and approval for both business and residential properties. The current system in place on this property is adequately designed to protect surface water, groundwater, lakes and well water in the area. Ms. Schneider noted that the engineer designs for the proposed concrete batch plant did not account for existing site operations. Consequently, Water Quality Control evaluated the septic system's adequacy based solely on the projected 18-person occupancy for the new use, without considering the cumulative impact of current activities.

Mr. Haug and Mr. Whitley answered the Board's question regarding the IGA and its importance as a working document between Larimer County and the City of Fort Collins. The criteria in this appeal do not relate to the IGA. A site plan review application would not trigger annexation or consideration of annexation to the City of Fort Collins, while a special review application would if the property were contiguous to Fort Collins city limits. In this case the property is not contiguous to Fort Collins city limits with the property a mile away from current city limits. The Board has the ultimate decision-making process regarding an appeal within the IGA and whether the long-term vision of the city holds weight in their determination. Regarding the letter from Colorado Environmental Justice, Mr. Haug shared the items in the letter, to the extent that the Board wants to consider it in their decision, need to fit within the appeal criteria for this appeal. Mr. Whitley shared that impacts not directly related to the septic mentioned in the letter are part of the special review application for land use.

DELIBERATION: The Board stated that the appeal tonight relates only to the on-lot septic. The Board did not believe that criteria a, b, and e under 6.7.2.B.5 were met. In addition, the Board felt that under section 4.3.5.A.4 criteria a, b, c, d, and e have not been fully met. The Board expressed its appreciation for the public testimony, the staff report and the applicant's presentation.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners deny the Aragon Holdings On-Lot Septic Appeal, File No. 25-GNRL0577.

Motion carried 3-0.

With there being no further business, the meeting was adjourned at 9:00 p.m.

TUESDAY, MARCH 24, 2026

ADMINISTRATIVE MATTERS MEETING

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

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

1. **PUBLIC COMMENT:** There was no public comment in person or on-line.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF MARCH 16, 2026:**

M O T I O N:

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of March 16, 2026.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 30, 2026: Ms. Martin reviewed the upcoming schedule with the Board. The Board made several additions to the upcoming schedule.

4. CONSENT AGENDA:

AGREEMENTS

1. AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND JACOB FAMILY SERVICES, INC DBA THE JACOB CENTER

LETTERS OF SUPPORT

1. LETTER OF SUPPORT TO THE HONORABLE MICHAEL BENNET

2. LETTER OF SUPPORT FOR STEINHOFF HILL STATE LAND BOARD STEWARDSHIP TRUST NOMINATION

3. LETTER OF SUPPORT FOR THE DALE CREEK STATE LAND BOARD STEWARDSHIP TRUST NOMINATION

4. LETTER OF SUPPORT FOR THE LIVERMORE MOUNTAIN STATE LAND BOARD STEWARDSHIP TRUST NOMINATION

LIQUOR LICENSES

1. LIQUOR LICENSE RENEWAL - MOUNTAIN WHITEWATER INC DBA MOUNTAIN WHITEWATER - BEER AND WINE - FORT COLLINS, COLORADO

2. LIQUOR LICENSE RENEWAL - CARTER LAKE MARINA INC - FERMENTED MALT BEVERAGE ON/OFF PREMISE - LOVELAND, CO

3. LIQUOR LICENSE RENEWAL - FT COLLINS BPOE #804 - CLUB - FORT COLLINS, COLORADO

4. LIQUOR LICENSE SPECIAL EVENT LIQUOR PERMIT 6% - ATHLETES IN TANDEM - NOCO HALF MARATHON & 10K - LOVELAND COLORADO

5. LIQUOR LICENSE NEW MANAGER REGISTRATION - POUDRE PUB - HOTEL & RESTAURANT - BELLVUE, COLORADO

MISCELLANEOUS

1. LANDLORD'S ESTOPPEL CERTIFICATE

2. LARIMER COUNTY LEGISLATIVE POSITIONS

3. STIPULATION FOR HOGAN FAMILY PARTNERSHIP LLP AS TO 2025 TAX YEAR

4. STIPULATION FOR 811 STOCKTON LLC AS TO 2025 TAX YEAR

5. STIPULATION FOR SILVERTIP REALTY LLC AS TO 2025 TAX YEAR

6. STIPULATION FOR WAGNER EQUIPMENT CO AS TO 2025 TAX YEAR

7. STUPULATION FOR HAZEL SELF STORAGE INVESTORS LLC AS TO 2025 TAX YEAR

RESOLUTIONS

1. RESOLUTOIN ADOPTING THE LARIMER COUNTY LEGISLATIVE REZONING TO ESTABLISH THE WELLINGTON GROWTH MANAGEMENT AREA (GMA) OVERLAY ZONE

2. RESOLUTOIN DISSOLVING THE ESTES VALLEY PLANNING ADVISORY COMMITTEE

MOTION

Commissioner Kefalas moved that Board of County Commissioners approve the Consent Agenda for March 24, 2026.

Motion carried 3-0.

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

6. **DISCUSSION ITEMS:**

1. **RESOLUTION DECLARING FIRE BAN IN LARIMER COUNTY:** Sheriff John Feyen addressed the Board. Sheriff Feyen is recommending to the Board that it is in the best interest of the people of Larimer County and to further their safety and welfare, that there is a prohibition and ban on wood burning recreational fires that are not in a permanent enclosure or a portable device designed to contain fire, pile burning and other prescribed fires, and smoking, except within a home, enclosed vehicle or a developed paved area clear of all vegetation by at least three feet. The ban would encompass the unincorporated territory of Larimer County below 9,000 feet, and shall be imposed effective Wednesday, March 25, 2026, at 12:01 a.m. through Tuesday May 5, 22, at 11:59 p.m.

Sheriff Feyen commented that the Sheriff's Office follows the National Weather Service map which determines zones based on topography and weather patterns. Sheriff Feyen provided information on various components that determine decision making including elevation, weather trend index, snow cover in the measured areas, energy release and spread components, herb curing, fuel moistures, and the Keetch Byram Drought Index (KBDI).

Commissioner Stephens was excused for the remainder of the meeting.

The Board asked if the presentation would be available on the Sheriff's website and if the Board could receive a copy of the presentation. The Board asked about fireworks as part of the ban. The Board wanted to know if other counties are putting restrictions in place. The Board inquired about the input from other fire districts regarding the ban. The Board asked if Sheriff Feyen could explain why this particular ban is being put in place and not a full ban. The Board requested Sheriff Feyen come back earlier than May 5, to discuss whether further restrictions will be in place or if the ban will be lifted. The Board inquired how wind factors into the index.

Manager Volker asked for clarification on where the ban is focused.

Sheriff Feyen answered the Board's questions. Sheriff Feyen stated that he would make the presentation available to both the Board and the public. He mentioned that fireworks are already banned in Larimer County, which is why they are not a part of this ban. Sheriff Feyen mentioned that other fire districts are in support of the ban, and he is aware that Boulder County has the same level restrictions in place currently and is not aware if Jackson or Grant Counties have restrictions in place. He stated that while wind is not factored into the index scores, wind has a factor on how the score changes including the drying of materials. Sheriff Feyen iterated that the ban is for unincorporated Larimer County below 9,000 feet in the plain and foothill regions. He mentioned that agricultural burns are not under the jurisdiction of Larimer County, they are under state jurisdiction.

The Board thanked Sheriff Feyen for his presentation.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Resolution Declaring Fire Ban in Larimer County below 9,000 feet effective Wednesday, March 25, 2026, at 12:01 a.m. through Tuesday, May 5, 2026, at 11:59 p.m.

Motion carried 2-0.

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

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

9. LEGAL MATTERS:

1. **EXECUTIVE SESSION PURSUANT TO COLORADO REVISED STATUTE 24-6-40-(4)(b): CONFERENCE WITH AN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING HERSHFELDT V. LARIMER COUNTY, ET AL. – U.S. DISTRICT COURT 26-cv-00342-NYW-CYC**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S.24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding Hershfeldt v. Larimer County, et al. – U.S. District Court 26-cv-00342-NYW-CYC.

Motion carried 2-0.

The Board entered into Executive Session.

The Board returned to session.

David Ayraud, Deputy County Attorney, addressed the Board and gave an overview of the Executive Session regarding Hershfeldt v. Larimer County, et al. filed in Colorado Federal District Court. Mr. Ayraud shared that case is a civil rights lawsuit regarding a child support order that was issued against Mr. Hershfeldt and his disagreement with the enforcement action being taken. Staff are requesting the Board authorize the County Attorney's Office to defend and indemnify the Larimer County employees named in this matter.

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners defend and indemnify County officials and employees in U.S. District Court Case 26-cv-00342-NYW-CYC.

Motion carried 2-0.

2. **EXECUTIVE SESSION PURSUANT TO COLORADO REVISED STATUE 24-6-402(4)(b): CONFERENCES WITH AN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND COLORADO REVISED STATUTE 24-6-402(e)(I): DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS REGARDING HARMON v. LARIMER COUNTY 24-cv-01422-DDD-TPO.**

3. **EXECUTIVE SESSION PURSUANT TO COLORDO REVISED STATUE 24-6-402(4)(b): CONFERENCES WITH AN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING NATIONAL OPIOID SETTLEMENT OF SIX REMAINING DEFENDANTS.**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S.24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice and Colorado Revised Statute 24-6-402(e)(I): Determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding Harmon v. Larimer County 24-cv-01422-DDD-TPO.

Commissioner Kefalas moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S.24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding national opioid settlement of six remaining defendants.

Motion carried 2-0.

With there being no further business, the meeting was adjourned at 10:25 a.m.

WEDNESDAY, MARCH 25, 2026

SEED & SPIRIT LLC dba
SEED & SPIRIT DISTILLING
LIQUOR LICENSE HEARING

The Board of County Commissioners met at 10:30 a.m. with David Ayraud, Deputy County Attorney. Chair Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were Jared Jaques and Deidre O'Neill, Clerk & Recorder's Office and Dianne Cheney, Deputy Clerk.

Chair Shadduck-McNally opened the hearing, and the applicants Jess Gries and Joel Gustafson were sworn-in.

Mr. Ayraud reviewed the following exhibits with the Board: Exhibit A – publishing of the notice in the newspaper; Exhibit B – diagram of the premises; Exhibit C – photos of Notice of Public Hearing posting on the premises; and Exhibit D – petition of the surrounding neighborhood.

Mr. Ayraud asked a series of questions of Mr. Gries and Mr. Gustafson regarding the exhibits and then questioned whether Mr. Gries and Mr. Gustafson felt the needs and desires of the surrounding neighborhood support a distillery pub license. Mr. Ayraud asked the applicants if they were familiar with the liquor laws and if they had any alcohol service training. Mr. Ayraud inquired about food service and whether the applicants believed that they could achieve the required percentage of sales from food service. Mr. Ayraud asked what the hours of operation would be. Mr. Ayraud reviewed the individual history reports and background checks on both applicants and asked the applicants what assurances they could provide the Board that they can run this type of establishment.

Mr. Ayraud noted for the record that there was nobody present to speak for or against this license.

Under discussion, the Board asked questions of the applicant. The Board requested information regarding individual history reports and background checks on both applicants and asked additional clarifying questions. The Board asked specific questions regarding the layout of where alcohol would be consumed and how exits would be monitored. The Board inquired as to why the applicants chose to suspend their current license and what the time frame is with getting required licenses and permits for their anticipated opening. The Board asked if there were any alcohol-related issues with their current distillery license or at any public facing events that they have participated in.

Mr. Gries and Mr. Gustafson responded to Mr. Ayraud's questions. During the petition process, Mr. Gries shared that respondents were looking forward to having an establishment reopen nearby. Both Mr. Gries and Mr. Gustafson stated that they had completed training for intervention procedures (TIPS) and that all hired staff would also be required to complete TIPS training. Mr. Gries stated that they are planning to offer elevated heavy appetizers and anticipated that sales of food would exceed the required 15%. The business plans to be open four to five days a week and operate from 3:00 – 8:00 p.m. Mr. Gries and Mr. Gustafson responded to the Board's questions regarding their individual history reports and background checks. The applicants provided more detail of the plans to open, why they have suspended their current license and the layout of the premise. Additionally, the applicants shared that they grow their own grain and source other distilling products from local farmers. They outlined the ethos of their company and the work that they are doing with non-profits to give back to the community and other entities outside of Colorado.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve a Distillery Pub License for Seed & Spirit LLC dba Seed & Spirit Distilling located at 1900 E Lincoln Units B & C, Fort Collins, Colorado 80524.

Motion carried 2-0.

With there being no further business, the Board adjourned at 11:50 a.m.

Jody Shadduck-McNally

JODY SHADDUCK-MCNALLY, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:

Dianne Cheney

Dianne Cheney, Deputy Clerk

LARIMER COUNTY CLERK
SEAL
COLORADO