

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS**MONDAY, MAY 18, 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 Kefalas and Commissioner Stephens were present. Also present were Samantha Mott, Samantha Lasher, and Ryane Oswandel, Community Development; David Pringle, Engineering; Ashton Brodahl, Health and Environment; Frank Haug, Assistant Deputy County Attorney; and Lindsey Trachy, Deputy Clerk.

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

PUBLIC HEARING CONSENT ITEMS:

1. STARK 5TH APPEAL, FILE NO. 26-GNRL0588: The Stark Subdivision and Appeals Preliminary Plat, File No. 18-LAND3746, was approved by the Board of County Commissioners in September of 2020. The Stark Subdivision approved a land division to create one new residential lot.

This request is for an appeal to the timeframe to submit a final plat after preliminary plat approval. The Land Use Code (Article 6.5.5.C.8.a) specifies that preliminary plat approvals are effective for one year. If a complete final plat application is not submitted to the Community Development Department within one year of preliminary plat approval, the preliminary plat approval will automatically expire. The Land Use Code does allow the Board of County Commissioners to extend the effective period of a preliminary plat for good cause. The applicant must request the extension in writing prior to expiration of the preliminary plat.

A request for an appeal was submitted to Larimer County in early September of 2021, and met this requirement. That appeal was approved on December 3, 2021 (Stark 2nd Appeal, File No. 21-GNRL0513). An additional two requests for an appeal were submitted to Larimer County in September of 2022, and December of 2024, which also met this requirement. Those appeals were approved on December 19, 2022, and February 24, 2025 (Stark 3rd Appeal, File No. 22-GNRL0536, and Stark 4th Appeal, File No. 24-GNRL0562).

This is an additional request for an appeal to the timeframe to submit a final plat after preliminary plat approval as the previous appeals have expired and the conditions for the request remain unchanged. The Stark 2nd Appeal approval gave a one year extension, the Stark 3rd Appeal gave an additional two year extension, and the Stark 4th Appeal gave an additional one year extension.

The request for an extension to the timeframe for submitting the final plat is because the Northern Colorado Water Association (NCWA) currently has a moratorium on new water taps. The applicants were ready to submit their final plat within the allotted timeframe except for the ability to obtain an updated commitment letter from the NCWA. Because of this moratorium, the applicants were unable to provide all the required submittal documents for final plat submission. When new developable lots are created through a land division process, the Land Use Code requires the provision of adequate public facilities such as the provision of water. The Land Use Code requires that new developments must be connected to either public water or be served by a well. Earlier in the land division process the applicants did obtain a commitment letter from NCWA indicating they could provide an additional water tap to the newly created lot, but due to the moratorium NCWA now cannot issue a new water tap.

The intent of this request is to allow the applicant an extension for the preliminary plat approval. The applicants intended to submit an appeal to use a domestic well on the proposed lot instead of obtaining a water tap from NCWA as there is no indication of if or when the moratorium on new water taps will be lifted.

The owners have approximately 40 acres located about four miles west of Wellington on County Road 60E. The land division would create one additional lot. The resultant lots would be 19 acres and 21 acres. The property currently has one single family dwelling, a detached garage, a Quonset shed, and a hobby train collection. The applicant proposes to create a 19-acre lot that would include the Quonset shed to allow a new single-family dwelling, and a 21-acre lot that would include the existing single-family dwelling, the garage, and the hobby train collection. This area is characterized by a mix of primarily larger lots with some smaller lots created through either the rural land use or subdivision process. The surrounding uses include residential and agricultural uses.

Water service was proposed to be provided by Northern Colorado Water Association (NCWA) which currently serves the existing single-family home, but if this appeal is approved, they will seek an approval for an appeal to use an alternative water source instead of public water through NCWA. The existing home is served by an on-lot septic system, and an additional on-site septic system is proposed to service the new residential lot. The lot currently takes access from the south off County Road 60E with an access easement through the vacant lot to the south which is part of the Ridgeview North Subdivision. The proposed new lot will take access off County Road 60E from the west.

This plan does not provide for connectivity, and the existing lot is long and narrow, so the proposed new lot cannot meet the depth-to-width ratio requirement. The preliminary plat application included appeals to Sections 8.14.1.H (Lot Depth-to-Width Ratio) and 8.14.1.R (Connectivity) of the Land Use Code, which were both approved.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommend that the Board of County Commissioners approve the Stark 5th Appeal, File No. 25-GNRL0588, subject to the following condition:

1. The final plat documents must be submitted within one year from the date that the Findings and Resolution is recorded for this appeal.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda subject to the one condition in the staff report and further moved to authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS:

1. MSHAN LLC SHORT-TERM RENTAL SPECIAL REVIEW, FILE NO. 25-ZONE3824:

Samantha Lasher presented this discussion item, explaining that the subject property is located at 2566 West Highway 34 in Drake Colorado, approximately 1.3 miles northeast of Lake Estes. The property is lot 8A of the Orton-Sullivan Subdivision, is approximately 0.44-acres in size, and is zoned O - Open. The property is served by an on-site septic system, an on-site well, and the Estes Valley Fire Protection District. The property takes access from Highway 34.

The property owner and applicant is Ming Shan, and the proposed property manager for the short-term rental (STR) is Mark Matson of Evolve Vacation Rentals. Mr. Matson is located in Estes Park, approximately 10 minutes from the proposed STR.

The applicant requests special review public hearing phase approval for a one-bedroom plus one additional sleeping area, four-guest STR in an existing single-unit residence. Ms. Lasher offered a definition of a STR, explained the maximum number of guests allowed, and noted that a STR use is classified as a commercial lodging facilities use and is permitted in the O-Open zone district following special review approval.

Ms. Lasher also outlined the special review process. The applicant/property owner for this application opted out of the sketch plan phase and moved directly into the public hearing phase. The sketch plan phase is designed for applicants to get comments on their proposal prior to the public hearing phase. In this case, staff were supportive of the application moving straight to public hearing phase without the sketch plan phase.

This item was on the April 15, 2026, Planning Commission public hearing at 6:00 p.m. The Planning Commission voted to recommend approval of the MSHAN LLC Short-Term Rental Special Review application, and the motion passed with a vote of 6-0. Notice of the public hearing phase of this application was sent to 49 property owners within 1,000 feet of the property. One comment in opposition has been received. No referral agencies who provided comments had any concerns, or their concerns have already been addressed.

REVIEW CRITERIA:

Ms. Lasher outlined the review criteria, which can be found in the following sections of the Larimer County Land Use Code: Article 6.3.8.D. General Review Criteria, Article 6.4.2.D. Special Review Criteria, Article 3.3.5.B.2. General Standards, and Article 4.0 Development Standards.

Staff are of the opinion that the proposed Special Review for the MSHAN LLC Short-Term Rental meets all

applicable criteria in Article 6.3.8.D. and Article 6.4.2.D, as well as all applicable standards outlined in Article 3.3.5.B.2 and Article 4.0.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and the Development Services Team recommend that the Board of County Commissioners approve the MSHAN LLC Short-term Rental Special Review, File No. 25-ZONE3824 subject to the following conditions. Staff propose to remove condition of approval number 12, as it is no longer a requirement of the Land Use Code. This condition has been redlined in the Planning Commission Report.

1. This Special Review approval shall automatically expire in three years if the use has not commenced and/or a building permit and/or a 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 MSHAN LLC Short-Term Rental Special Review, File No. 25- ZONE3824, 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 MSHAN LLC 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 one bedroom plus one additional sleeping area for a maximum occupancy of four 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 7:00p.m. and 7:00a.m.
10. Upon issuance of the Change of Occupancy Permit, the applicant shall include the approved File Number, 25-ZONE3824, on all advertising and booking websites.
11. The identified property manager must be located within the required distance of the short-term rental, per Article 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 1,000-foot radius of the property boundary. The owner shall also mail contact information to surrounding property owners whenever the designated property manager changes.

The Board asked staff a series of questions, including how the radius is measured for the property notification mentioned in condition 13, the 500-foot separation required between STRs, whether the trail system near the property is a fee area, whether the STR was required to have bear-safe garbage receptacles, and if a Code Compliance concern regarding a building permit had been addressed. Ms. Lasher responded to the Board's questions. Ms. Lasher was unsure if the nearby trail system was a fee area, but did confirm that the U.S. Forest

Service was informed of this application and did not respond. Ms. Lasher also referenced Article 3.3.5.B.2. of the Land Use Code, which outlines required garbage plans that apply to all STRs. Ms. Lasher also confirmed that Code Compliance indicated that a permit was needed to convert the cabin to a single-unit residence. The applicant already worked with Code Compliance to get the issue resolved, and a building permit was issued in April of 2026.

APPLICANT PRESENTATION: Ming Shan of MSHAN LLC gave a presentation, explaining that he bought this property in August of 2025 for personal use and for use as a short-term rental (STR). Mr. Shan gave some background on the property, noting that it has a septic system, a well, and propane for heating. Mr. Shan also noted that he has already purchased a bear-proof garbage can, and garbage will be picked up by the property manager and not by a garbage removal service. The only public utility for the property is electricity. As such, this property will add very little pressure to the public utility systems. Mr. Shan explained that the property is 0.44 acres, allowing some privacy from the neighbors, and Mr. Shan also added a 6-foot fence around the property to prevent any disturbance to the neighbors.

Mr. Shan showed all of the Larimer County inspections that have already been passed for this property, including a lot consolidation, a life safety inspection, electric inspection, wildfire mitigation inspection, and an as-built permit and inspection. Mr. Shan understands that STRs can be controversial, but if a property is managed by a responsible owner, issues will be minimal or non-existent. Mr. Shan is using Evolve Vacation Rentals, which is considered one of the best rental management companies in the nation. The manager, Mr. Matson, has 15 years of experience and has great reviews. He is available 24 hours a day, seven days a week, and will address issues immediately. Mr. Shan emphasized that all neighbors will be provided with Mr. Matson's contact information so any complaints can be addressed promptly.

Mr. Shan promised to diligently uphold Larimer County standards as the owner of this property. Mr. Shan emphasized that he will be a responsible owner and will ensure that all current and future regulations will be upheld.

The Board thanked Mr. Shan for his presentation and commended him for a job well done in making his case. The Board asked the applicant about the bear-safe garbage receptacles. Mr. Matson responded that there will be a bear-proof garbage bin, and that he will be personally responsible for all trash removal. He will pick up the trash after every short-term guest leaves, or if a guest is there for a longer stay, he will pick it up more often. The Board asked Mr. Shan about his planned personal use of this property, and how many months of the year the property will be available as a STR. Mr. Shan responded that it will be available year-round as he will only be using it for a few days at a time.

PUBLIC COMMENT: Chair Shadduck-McNally opened the hearing to public comment. There was no public comment in person or online.

Chair Shadduck-McNally closed public comment.

DELIBERATION: The Board thanked Mr. Shan for his presentation. The Board also thanked Mr. Matson for coming to the hearing. The Board commented that they would be in support of this application and felt that all of the review criteria had been met. The Board appreciated the bear-safe garbage cans, the fence that was built around the property to help with privacy, and Mr. Shan's commitment to comply with all current and future regulations.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the MSHAN LLC Short-Term Rental Special Review, File No. 25-ZONE3824, subject to the revised conditions found in the Planning Commission Staff Report.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:35 p.m.

TUESDAY, MAY 19, 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 Kefalas and Commissioner Stephens were present. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Lindsey Trachy, Deputy Clerk.

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

1. PUBLIC COMMENT: Chair Shadduck-McNally opened the meeting to public comment. There was no public comment in person or online.

Chair Shadduck-McNally closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MAY 11, 2026:

M O T I O N:

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of May 11, 2026.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 25, 2026: Ms. Martin reviewed the upcoming schedule with the Board. The Board made several changes to the upcoming schedule.

4. CONSENT AGENDA:

AGREEMENTS

**1. AMENDMENT ONE TO THE CONTRACT BETWEEN LARIMER COUNTY
DEPARTMENT OF HUMAN SERVICES AND MAPLE STAR COLORADO DBA CLARVIDA**

APPOINTMENTS

1. RECOMMENDED REAPPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD
– David Roecker, Debi Triplett, Nicholas Peterson, Lucinda Kerschensteiner, Dana Gaines, Erin Hottenstein, Amber Rahn, Hope Hartman, Luke Margheim, Kayla Garlow, Joshua Alvarez, and Caitlin Wyrick
2. RECOMMENDED MIDTERM APPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD – Lance Moberly and Daisy Montgomery

LETTERS OF SUPPORT

1. DONATION ACCEPTANCE LETTER

LIQUOR LICENSES

1. LIQUOR LICENSE NEW ISSUANCE – SEED & SPIRIT LLC DBA SEED & SPIRIT DISTILLING – DISTILLERY PUB – FORT COLLINS, COLORADO

MISCELLANEOUS

1. STIPULATION FOR MULBERRY AND LEMAY FT COLLINS LLC AS TO 2025 TAX YEAR
2. STIPULATION FOR ALLEN MARION T JR REVOCABLE TRUST, ALLEN JUNE K REVOCABLE TRUST (ALLEN JUNE K) AS TO 2025 TAX YEAR
3. STIPULATION FOR ALTEO LTD AS TO 2025 TAX YEAR
4. STIPULATION FOR GEA LLC AS TO 2025 TAX YEAR
5. AMENDED STIPULATION FOR 811 STOCKTON LLC AS TO 2025 TAX YEAR
6. STIPULATION FOR CA PROPERTY OWNER FORT COLLINS LLC AS TO 2025 TAX YEAR
7. STIPULATION FOR SECURECARE PROPERTIES I LLC AS TO 2025 TAX YEAR
8. STIPULATION FOR SECURECARE PROPERTIES I LLC AS TO 2025 TAX YEAR
9. STIPULATION FOR SECURECARE PROPERTIES I LLC AS TO 2025 TAX YEAR
10. STIPULATION FOR WINTERSET HOLDINGS LLC AS TO 2025 TAX YEAR
11. STIPULATION FOR 3311 LAPORTE LLC AS TO 2025 TAX YEAR

RESOLUTIONS

1. FINDINGS AND RESOLUTION APPROVING THE REESE APPEAL
2. REGULATIONS RELATING TO DISPOSITION OF ABANDONED PERSONAL PROPERTY

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for May 19, 2026.

Motion carried 3-0.

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

6. DISCUSSION ITEMS: None requested.

7. COUNTY MANAGER UPDATE: County Manager Volker updated the Board on various projects and activities.

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

9. LEGAL MATTERS: None requested.

With there being no further business, the Board adjourned at 9:20 a.m.


JODY SHADDUCK-MCNALLY, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK & RECORDER

ATTEST:


Lindsey Trachy, Deputy Clerk

