

Date: Wednesday, September 18, 2024
Time: 6:00 PM
Location: Hybrid: In-Person, Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom link -

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in the Hearing Room as well as virtually by Zoom video at 6:00 p.m., on Wednesday, September 18, 2024, at which time the following business was transacted.

Board Members Present: Patrick Rowe, Lisa Chollet, Conor Duffy, Jon Slutsky, Shelby King, Nick Casady, Jon Weiss, and Adam Eggelston.

Staff Present: Axmacher, Planning Manager; Samantha Lasher, Planner II; Smantha Mott, Senior Planner; Connor Sheldon, Civil Engineer I; Lea Schnieder, Environmental Health Planner; Christine Luckasen, Assistant County Attorney I; and Christina Scrutchins, Recording Secretary.

AMENDMENTS TO THE AGENDA

None.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE OR REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA OR FUTURE PROPOSALS

None.

APPROVAL OF THE MINUTES FROM THE August 21, 2024

Commissioner Slutsky moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the August 21, 2024, minutes of the Larimer County Planning Commission. Commissioner Duffy seconded the motion. Motion carried (8-0).

CONSENT ITEMS

Commissioner Slutsky requested that Consent Item No. 2 - Mountain Vista Rezoning, File No. 23-ZONE3539, and Commissioner Chollet requested that Consent Item No. 3 - Seiler Rezoning, File No. 21-ZONE3145, be moved from the consent agenda to the discussion agenda.

ITEM #1 – COLBERT CONSERVATION DEVELOPMENT, FILE NO. 22-LAND4289

Request: Preliminary Plat for a Conservation Development to divide a 35.29-acre parcel, zoned RR-2 – Rural Residential, into one single-family residential lot and one residual lot with a residential building envelope.

ITEM #4 – STITH PLANNED LAND DIVISION/PLANNED DEVELOPMENT, FILE NO. 22-LAND4259

Request: A Planned Land Division for a one lot subdivision to make Lot 2 of the Ehmann MLD a buildable lot and a Rezoning to PD-Planned Development.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning

Commission recommend to the Larimer County Board of County Commissioners approval of the consent agenda. Commissioner Eggleston seconded the motion. Motion carried (8-0).

DISCUSSION ITEMS

ITEM NO. 1 – MOUNTAIN VISTA REZONING, FILE NO. 23-ZONE3539

The subject property is a 38.5-acre parcel, located at 4405 E. County Road 50, approximately 0.3 miles east of the intersection of Interstate-24 and E. County Road 50. The property is located within the Timnath Growth Management Area (GMA) and is not part of a platted subdivision. The property currently contains a single-story, 912 square foot single-family residence, along with a detached garage, and various outbuildings. The property currently contains agricultural uses as well.

The applicant would like to rezone the subject property from RR-2 Rural Residential to RPD – Rural Planned Development to allow for a wider range of commercial uses that maximize the property's utility and that align with the Town of Timnath's and Larimer County's Comprehensive Plans for this area. More specifically, the applicant proposes to use half the property for Indoor and Outdoor storage, intended to serve as an interim solution until a more suitable and higher-value alternative is identified. The indoor storage facility is designed to encompass approximately 70,000 sq. ft. of self-serve storage units, with provisions for expansion into a larger area as the need arises. In conjunction with indoor storage, approximately 9.5 acres of pervious parking will be designated for outdoor vehicle, trailer, boat, and motorhome storage. To ensure proper management and security, the entire site will be fenced, with controlled entry along Mountain Vista.

The remaining portion of the property will be retained for agricultural purposes to reflect the applicant's commitment to preserving its current conditions. The existing home would also remain and would become a legal nonconforming use with the proposed rezoning (Attachment C). If the property were to be further developed, beyond that of an indoor/outdoor storage use, the home would either need to be removed or converted to an approved use Unit, as further outlined in the applicant's zoning exhibit (Attachment A). The indoor/outdoor storage use would require approval through the Site Plan Review process.

Generally, a property that is located within a GMA must rezone to PD – Planned Development, to ensure alignment with both the County and applicable City's Comprehensive Plan, based on the following LCLUC section: Per Article 6.6.1.E.2.a of the Larimer County Land Use Code (LCLUC), "a property may only be rezoned to a PD zoning district if the property is within a designated growth management area or within the LaPorte Plan area or other adopted subarea." However, no formal overlay zoning district has been adopted for the Timnath GMA, even though there is a recognized Intergovernmental Agreement (IGA) between the Town of Timnath and Larimer County.

Therefore, staff has determined that until an overlay district is adopted, and the Timnath GMA is formally designated, this property, in addition to other properties within the Timnath GMA, are not eligible to rezone to PD – Planned Development.

As an alternative, the property could be rezoned to RPD – Rural Planned Development, per Article 2.6.1.B. of the LCLUC, which states that "the RPD district is intended to facilitate planned development outside of areas subject to a sub-area plan such as LaPorte and Red Feather Lakes and established GMAs that allows greater flexibility than that allowed by the strict application of the Code in exchange for more creative and imaginative designs with a higher level of amenities and public benefits than is otherwise possible under the base zoning districts."

Staff determined that a rezoning to RPD is an appropriate alternative to a rezoning to PD, until a formal GMA is designated for the Town of Timnath, as it achieves the same outcomes and will still be required to conform with the Timnath IGA, Town of Timnath's Comprehensive Plan and Future Land Use Map, and the Larimer County Comprehensive Plan.

This property is located within the Urban/Rural Interface Framework category within the Larimer County Comprehensive Plan. Preferred uses in this area are agriculture, conservation developments, rural planned developments, and lots on 35 acres or greater. Additional uses that are supported by this framework category include non-residential uses and uses as allowed under current zoning regulations. Heavy industrial uses are discouraged within this framework category. Urban Character Area zoning districts, such as CC – Commercial Corridor, I-Industrial, among others, further the Comprehensive Plan goals for the Urban/Rural Interface Framework category.

Relatedly, this property is located within the Employment/Regional Commercial Future Land Use Category within the Town of Timnath Comprehensive Plan. This category includes centers of high economic base located near regional transportation corridors providing regional commercial services such as restaurants, grocery stores, theatre, and retail. These areas support retail and employment in more suburban development patterns yet provide an intensity of uses that serve both the Town and the larger region. Surrounding residential may be limited and appropriately buffered. Primary uses include areas designated for community/destination retail, employment, entertainment, and civic uses. Secondary uses include light industrial and manufacturing.

The Town of Timnath indicated that based on the applicant's proposed use of Indoor/Outdoor Storage, the property would

likely be designated as I-Industrial upon a future annexation into the Town of Timnath. However, the Employment/Regional Commercial Future Land Use Category also supports RC – Regional Commercial and CC – Community Commercial zoning districts. Similarly, the LCLUC's CC – Commercial Corridor zoning district is compatible with the Urban/Rural Interface Framework category. The proposed RPD zoning district mainly aligns with the CC – Commercial Corridor zoning district to allow for ease of enforcement while the property is still located within the County's jurisdiction, while thoughtfully tailored to ensure the proposed uses also align with the Town of Timnath's Comprehensive Plan. Specific agricultural uses were also permitted to support the existing agricultural operation and the County's Comprehensive Plan. The Town of Timnath has no concerns with the proposed RPD zoning district (Attachment A).

No Appeals are associated with this application and no community member comments have been received to-date.

Internal referral agency comments:

- The Code Compliance Division indicated that the owner has been actively working with
 - their division to rectify the outstanding violations. All unpermitted buildings will be
 - removed once development of the site begins, upon approval of this application.
 - The Engineering Department has no concerns or comments with this rezoning application.
 - All applicable standards and fees will apply upon submittal of a Site Plan Review application
 - for the proposed use.
 - The Health and Environment Department indicated that the existing residence is supported
 - by an On-Site Wastewater Treatment System (OWTS), but there are no septic records
 - available since the existing residence was built in the 1900s, before permitting was
 - required. The conditions of the OWTS are unknown and will most likely require upgrades. A
 - new OWTS may also be required for the proposed use, which will be evaluated during the
 - Site Plan Review application. As previously discussed, since there is no adopted overlay
 - zoning district for the Timnath GMA, staff will not require an Appeal to Article 4.3.5.A.2. of
 - the LCLUC to allow an OWTS to be used on a property in a GMA for the proposed use.

External referral agency comments:

- The Division of Water Resources indicated that the property is served by the East Larimer
- County (ELCO) Water District and that the district is a reliable water source. Additionally,
- the property is irrigated by a non-exempt well and the owner may continue to use the well
- for irrigation purposes. They have no concerns with this application.
- Poudre Fire Authority has no concerns with this Rezoning application but indicated that
- future development will require compliance with site access, water supply, and addressing
- requirements. These standards will be addressed with the future Site Plan Review
- application for the proposed use.
- The Town of Timnath indicated that the property aligns with the Employment/Regional
- Commercial Future Land Use category in their Comprehensive Plan, which supports a
- variety of industrial and commercial uses. They have indicated no concerns with the final,
- proposed RPD zoning district (Attachment A).

Referral agencies notified but did not respond:

- Larimer County GIS
- Larimer County Parks
- Larimer County Road and Bridge
- Larimer County Weed District
- City of Fort Collins
- U.S. Post Office – Timnath and Fort Collins
- Boxelder Sanitation
- ELCO Water District
- Poudre School District
- Lumen
- Xcel Energy
- Poudre Valley REA
- AT&T
- Soil Conservation
- Bureau of Land Management

- Colorado Parks and Wildlife

Surrounding properties within 500-feet of the subject property were notified of this proposal. No community member comments have been received to-date.

The Development Services Team finds that the Mountain Vista Rezoning, File No. 23-ZONE3539 complies with the Rezoning Review Criteria found in Article 6.6.1.D & 6.6.1.E. and complies with the General Review Criteria found in Article 6.3.8.D of the LCLUC.

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners Approval of the Mountain Vista Rezoning, File No. 23-ZONE3539.

PLANNING COMMISSION AND STAFF COMMENTS

Commissioner Slutsky asked for clarification on the benefits of proceeding with the zoning changes for both Larimer County and the town of Timnath. They wanted to understand whether Timnath would receive tax revenue from the property or if the taxes would stay with Larimer County. Additionally, they inquired about what services Larimer County would continue to provide after the zoning change and questioned the role of Fort Collins, as the property seemed to be located closer to Fort Collins than to Timnath.

Staff Member Lasher responded, explaining that taxes would still be paid to Larimer County and that rezoning would not change this. Even if development occurred on the property, it would remain under the jurisdiction of Larimer County. Lasher confirmed that the property is indeed closer to Fort Collins and located on the border of both Fort Collins' and Timnath's Growth Management Areas (GMA). They shared that the project was referred to Fort Collins because of its proximity, but Fort Collins did not provide comments on the rezoning, which was interpreted as a lack of concerns. Therefore, the rezoning would not affect where taxes are paid or how the property is developed.

Commissioner Slutsky further asked if taxes generated from the rental units proposed for the property would be included in the arrangement. Staff Member Lasher confirmed this and added that if the property were to be annexed by Timnath in the future, the tax structure could change.

Commissioner Slutsky then asked if there was a deadline for Timnath to annex the property or if it could remain under Larimer County's jurisdiction indefinitely. Staff Member Lasher confirmed that there is no set date for Timnath to annex the property, and it could stay in the county for many years unless Timnath or a property owner chose to annex it.

Staff Member Axmacher added that there are state statutes governing annexation, which require that at least one-sixth of a property's perimeter be contiguous to an incorporated town or city for annexation to occur. They were unsure if the property met this requirement, which could limit Timnath's ability to annex it under current state law.

Staff Member Lasher agreed, stating that the property currently lacks contiguity. They explained that if contiguity were established in the future, perhaps through a land division or another rezoning, it could trigger annexation.

Commissioner Chollet raised a question about the possibility of a buffer zone between Fort Collins and Timnath, given that the county typically establishes buffers between municipalities. They noted that while Timnath has a GMA, there is no overlay zone district as part of their Intergovernmental Agreement (IGA). Staff Member Lasher responded that the development would not prevent the establishment of a buffer zone between the towns.

APPLICANTS PRESENTATION

Brian Williamson, representing TSC Consulting Engineers, introduced themselves as the applicant for the project. They mentioned that the property owner was also present. While they did not have a formal presentation prepared, they acknowledged the comprehensive staff report created by Samantha, which covered all the essential aspects of the project. Williamson explained that their primary objective was to address the intent behind the application.

They noted that the area is experiencing growth on both sides of the highway, and the goal of the project is to develop the property in a way that allows it to be responsive to the evolving needs brought by this growth. This is why they are pursuing zoning in the RPD (Residential Planned Development) district rather than a standard zoning designation through the county.

Williamson emphasized that they have maintained ongoing communication with the town of Timnath, and the town has not

expressed concerns regarding the development. They also pointed out that Timnath is located over three miles away from the property, making it unlikely for the property to qualify for annexation at this time, even if there were an interest in doing so.

PUBLIC COMMENT

None.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Commissioner Chollet asked whether there would be an immediate need for such a large storage facility in that location or if the project was more about anticipating future growth.

Brian Williamson responded, expressing their belief that there would be a short-term need for the facility, particularly as the Montava development in Fort Collins progresses. They explained that as the Montava development gains momentum and more units are built, there will likely be demand for additional storage space directly across the highway. Williamson highlighted that the density and types of housing in the Montava development would naturally lead to a need for storage solutions.

Commissioner Slutsky then commented that it seemed like the storage facility might be a temporary measure and that there could be other long-term plans for the property, which would require another application.

Staff Member Lasher confirmed that any future plans for the property would indeed require site plan approval.

Commissioner Slutsky followed up by asking about the current plans for the property.

Williamson clarified that the storage facility is intended to be a permanent feature, although they are currently planning for it to occupy only half of the site. Depending on future demand, the storage facility might expand, or the remaining portion of the property could be used for something else, such as light industrial development or other uses outlined in the RPD zoning plan.

Commissioner Slutsky raised the point that the application stated the undeveloped part of the property would be used for agricultural purposes to blend in with surrounding uses, but it seemed that this was not the ultimate plan for the site.

Williamson agreed, explaining that while agriculture would likely remain on the undeveloped portion for some time, it is not the long-term plan. They anticipated that the storage facility would take time to reach full capacity, and only then would demand potentially trigger further development. Williamson emphasized that the ultimate goal is to develop the entire property, but each new use would require its own application process through Larimer County. They mentioned that the intensity of the proposed use would determine the level of scrutiny, and the number of public hearings needed.

Commissioner Slutsky then noted that by the time additional development takes place, the property might no longer be in Larimer County.

Williamson agreed, explaining that if the property were annexed by Timnath, the current zoning district would cease to exist. In the case of annexation, the property would be subject to Timnath's zoning regulations, which would replace Larimer County's zoning plan.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Mountain Vista Rezoning, File No. 23-ZONE3539, subject to the conditions of approval outlined in the staff report. Commissioner Chollet seconded the motion. Motion carried (8-0).

ITEM NO. 2 – SEILER REZONING, FILE NO. 21-ZONE3145

The subject property is 35.03-acres located at 13510 N County Road 7, approximately ¾ of a mile north of the intersection of County Road 7 and E County Road 72/Labrador Lane, just west of I-25.

The property is currently zoned O-Open. There is a home and numerous outbuildings on the property. The uses on the property include residential, agricultural with livestock grazing, and an outdoor shooting range. The shooting range use does not currently align with what is allowed in the O-Open zoning district.

The applicant is proposing to rezone the property to A-Agriculture. The Land Use Code states that:

The A district is intended to encourage agricultural cultivation and production activities. Agricultural practices such as agriculture and ranching should be the principal activity of these areas. Rural residential development may be allowed through the Rural Land Use Process (§5.9). Residential uses are secondary in agricultural areas and should be developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. Residential development adjacent to existing agricultural uses should have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and should comply with any applicable "right to farm" provisions in state statutes.

The agriculture zoning district would allow the existing residential and agricultural uses to continue, but also allows other types of uses including recreation and entertainment uses. A shooting range would be allowed in the agriculture zoning district if approval is received through the applicable planning process. In order to bring this property into compliance, a rezoning would need to be approved. If the property is rezoned to A-Agriculture, then the applicant would have to seek approval for the outdoor shooting range through the Special Review process which would go to both the Planning Commission and the Board of County Commissioners for approval. Through the Special Review process County staff and referral agencies would review the proposal for compliance with the applicable Larimer County Land Use Code standards and other site design requirements which include, but are not limited to: adequate utilities, adjacent and offsite street improvements, site access, water quality protection, traffic impacts, parking, drainage, fire protection, stormwater detention and stormwater quality, landscaping, lighting, floodplain regulations, etc. Building permits would then be required and would be reviewed for compliance with applicable building code. This current request is only for the rezoning.

The rezoning from O-Open to Agriculture is supported by the Larimer Comprehensive Plan and the Land Use Code.

The Larimer County Comprehensive Plan is a policy document that establishes a long range framework for decision-making in Larimer County. The Framework Map in the Comprehensive Plan helps guide the location, intensity, and pattern of development in the County. The Framework Map identifies this location as Agriculture and Ranching. This is indicated as an area to preserve agriculture and ranching to support a rural economy, and where applicable, community separation.

The Comprehensive Plan identifies the purpose/character of the Agriculture and Ranching Framework category as follows:

Agricultural and rangeland uses on private lands under conservation easements (no public access) are expected to continue in the Front Range. Separation from residential developments is advantageous. The agricultural landscape provides separation between adjacent municipalities. The Plan recommends Agricultural District Overlays would occur on some areas designated for Agriculture.

Preferred uses in this category include agricultural and ranching uses, but additional uses in this category include outdoor recreation.

The Larimer County Land Use Code calls out a Conservation and Agriculture character area which supports the preservation, management, and productive use of natural areas, open lands, and agriculture. The area is characterized by open lands with minimal development and limited infrastructure and support services such as public water/sewer or fire protection. Agriculture-supporting uses and limited residential uses are allowed. This area furthers the Comprehensive Plan goals for the specific framework categories identified in the Comprehensive Plan including Agriculture and Ranching. The character area is comprised of multiple zoning districts including Agriculture (A).

This request to rezone was sent out to both referral agencies and community members. There were no community member comments regarding this request and a neighborhood meeting was not required as part of this Rezoning. Referral agencies that provided comments are attached to this report (Attachment D).

The application was referred to a variety of agencies. Review of this application and the referral agency comments reveal no major concerns or issues with this rezoning request. Referral agencies that provided comments are listed below and their comments are attached to this report (Attachment D).

Comments were received from the following referral agencies:

- Larimer County Engineering
- Larimer County Flood
- Larimer County Department of Environmental Health
- Larimer County Planning-Environmental
- Larimer County Code Compliance
- Northern Colorado Water Association
- Division of Water Resources
- Western Area Power Association

There were no comments from any community members for this request.

The Development Services Team finds that the Seiler Rezoning, File No. 21-ZONE3145, complies with the Rezoning Review Criteria found in Article 6.6.1.D of the Land Use Code and complies with the General Review Criteria found in Article 6.3.8.D of the Land Use Code.

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Seiler Rezoning, File No. 21-ZONE3145, from O-Open to A-Agriculture.

PLANNING COMMISSION AND STAFF COMMENTS

Commissioner Chollet referenced the staff report, noting that the shooting range was mentioned multiple times, primarily through comments from individuals who were consulted. They asked a straightforward question: whether the shooting range was currently in operation, as that seemed to be the impression from reading the report.

Staff Member Mott confirmed that the shooting range is currently operating and explained that it is part of a code compliance issue. Mott mentioned that the applicant, who was present, could provide more information if needed. The range's operation is the reason it became a code compliance case, and this application is part of the process to seek formal approval for that use on the site.

APPLICANTS PRESENTATION

Peter Siler introduced himself as the owner and applicant for the project and noted that he was accompanied by Patrick Anderson.

Patrick Anderson added that he owns the business that operates the gun range.

Siler explained that they did not have a formal presentation prepared, as this hearing was focused on the zoning. However, both he and Anderson were fully prepared to answer any questions related to the shooting range and its uses.

PUBLIC COMMENT

None.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Commissioner Chollet asked whether the shooting range was still operational or if operations had been paused while going through the zoning process.

Peter Siler confirmed that the range is still operational. He explained that Patrick Anderson leads firearms training sessions, primarily for private groups. However, they have significantly limited operations in order to maintain clear communication with the Planning Department and ensure they are pursuing full compliance.

Commissioner Chollet then inquired about the expected timeline for preparing for the special review process, asking when they would be ready to pursue full permitting and approval.

Siler responded that before they can proceed to the special hearing, they need to address items such as road access

improvements, permanent bathroom facilities, and other infrastructure. These components must first be scoped, planned, and approved. As such, he could not commit to a specific date until they fully understood the scope of the required work. He mentioned that they hope to continue the process into the next year, noting that the shooting range is essentially shut down for the rest of the year due to weather, as they do not operate during the winter months.

Patrick Anderson added that the business operates seasonally and only on weekends, typically from November through the end of September, depending on weather conditions. He emphasized that it is class-based and not a public range, with around 10 to 12 shooting classes conducted each year.

Commissioner Chollet recalled that they conducted a lot of concealed carry classes and asked if that was still the case.

Anderson confirmed that concealed carry training is a significant part of their services, but they also provide training for law enforcement, including Fort Collins Police Department SWAT, U.S. Marshals, and the FBI, all free of charge. Additionally, they have done fundraising events for local high school sports teams.

At this point, Staff Member Axmacher stepped in to remind everyone that the current application under review was only for rezoning, not for approving any specific use of the property. They noted that if a use such as the shooting range were to be pursued, a separate application would be required. Axmacher also clarified that the county allows operations to continue while the compliance process is ongoing, provided there is no expansion of the current use.

Commissioner Chollet explained that their line of questioning was prompted by the fact that the application seemed heavily focused on the shooting range. They asked if Siler planned to maintain the agricultural aspect of the property as its primary use.

Siler confirmed this, explaining that over 30 acres of the property are currently operational pasture, used year-round. They have kept their own horses on the pasture and have also leased out part of it for cattle grazing. Siler emphasized that the agricultural use of the land would continue regardless of the outcome of the special review for the shooting range. Additionally, the front portion of the property has been used for horse training, preparing horses for ranch work and other related activities.

MOTION

Commissioner Chollet moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Seiler Rezoning, File No. 21-ZONE3145, from O-Open to A-Agriculture, subject to the conditions of approval outlined in the staff report. Commissioner Duffy seconded the motion. Motion carried (8-0).

REPORT FROM STAFF

Staff Member Axmacher provided two brief updates. First, they expressed appreciation to everyone who had already completed the staff report feedback survey and encouraged those who hadn't to share their input. They emphasized that the purpose of the staff reports is to assist in the decision-making process, and they welcomed any suggestions for improvement.

Additionally, Axmacher reminded everyone about the upcoming Colorado APA Conference scheduled for October 2nd. They mentioned that for anyone still interested in attending, they were unsure if late registration was being offered but encouraged people to reach out to them if they wanted to explore the possibility. Those were the key updates they provided.

ADJOURN

With there being no further business, the hearing adjourned at 6:43 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.