

Date: Wednesday, December 15, 2021
Time: 6:00 PM
Location: Hybrid: In-Person, Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom link - https://larimer-org.zoom.us/webinar/register/WN_iYXfeQqzQqOPz6JWYQCP_Q

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a session on Wednesday, December 15, 2021, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Gary Green, Patrick Rowe, Nancy Wallace, Anne Best Johnson, and John Barnett attended virtually. Commissioners Jordana Barrack, Sean Dougherty, and Bob Choate physically attended with Commissioner John Barnett presiding as Chairman. The Larimer County staff that virtually attended were Shalana Lysaght, Business Ops Supervisor. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Matt Lafferty, Principal Planner; Eric Fried, Chief Building Official; Samantha Mott, Senior Planner; Tawn Hillenbrand, Planner II; Steven Rothwell, Civil Engineer II; Lea Schneider, Environmental Health Planner; and Christina Scrutchins, Recording Secretary.

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 NOVEMBER 17, 2021, PLANNING COMMISSION HEARING

MOTION by Commissioner Wallace to approve the minutes.

Commissioner Best-Johnson seconded the motion.

This received unanimous voice approval.

Motion passed 8-0

AMMENDMENTS TO THE AGENDA

None.

TABLED ITEM(S) FROM NOVEMBER 17, 2021, TO DECEMBER 15, 2021, Tabled TO JANUARY 19, 2022

ITEM #1 - COVEY SPECIAL EXCEPTION POST APPROVAL MODIFICATION, FILE NO.18-ZONE2425

MOTION

Chair Barnett moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission approve the Covey Special Exception Post Approval Modification, File No.18-ZONE2425, to be tabled to January 19, 2022.

Commissioner Choate seconded the motion.

VOTE

Commissioner Barrack, Rowe, Wallace, Best-Johnson, Dougherty, Green, Choate, and Choate

Motion passed 8-0

CONSENT ITEMS

ITEM #1 – GRAFF REZONING, FILE NO. 21-ZONE3072:

Ms. Hillenbrand gave a brief presentation regarding the applicants' request to Rezone the subject property from O-Open to RR-2 Rural Residential in order to seek approval for an existing accessory agricultural use not currently permitted in the O-Open zone district due to recent changes to the Land Use Code. The subject property currently contains an existing single-family dwelling, an accessory living area, barn, stables, and multiple outbuildings. The applicants'/property owners' project description indicates that no new development is proposed with this rezone. Uses in this area include residential and agriculture. The applicants/property owners are currently operating a Large Agritourism Enterprise use at the subject property without County approval and are thereby the center of an active Code Compliance Case. The applicants/property owners are seeking to resolve the ongoing issue. Per the current Larimer County Land Use Code (LUC), an Agritourism Enterprise use is considered an accessory use and is incidental to the primary agricultural use existing on site. Prior to March 2021 and the adoption of the current LUC, a Large Agritourism Enterprise use would have been permitted in the O – Open zone district following Special Review approval; however, with the adoption of the new code, a Large Agritourism Enterprise use is no longer permitted in the O – Open zone district, therefore triggering this request. Ms. Hillenbrand closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

None

PUBLIC COMMENT

None

ITEM #2 – MOUNTAIN WHITEWATER DESCENT AMENDED SPECIAL REVIEW #3 AND APPEALS, FILE NO. 21-ZONE2903:

Ms. Mott gave a brief presentation regarding the applicants' request for an Amended Special Review for uses associated with Mountain Whitewater Descent/Paddler's Pub. This Amended Special Review will update the 2014 Special Review and the 2016 Special Review will be revoked. This request includes appeals to landscape requirements and to have on-site septic in a Growth Management Area (Sections 8.5 and 8.1.1 of the Land Use Code). The subject property is a 12.88-acre parcel located on the south side of Highway 287, approximately 1/2 mile west of North Shields Street. The property is zoned PD-Planned Development, and it is located within the Fort Collins Growth Management Area (GMA), which is the area that is anticipated to be annexed by the City of Fort Collins. Because the property is not contiguous to the current Fort Collins 106 municipal limits, it is not eligible for annexation at this time. It is Lot 1 of the Tamlin MLD 2nd and Tract A, Kane Exemption Amended Plat. There have been numerous land use approvals for this property. For this Amended Special Review, the applicant has requested to construct a new building with an outdoor patio to host the rafting operations (office, retail space) and a tavern (with a restaurant) for year-round operations. In addition, an outdoor event venue (live music, private events, etc.) has been proposed with a stage/chapel and restroom structure. The combined operations site capacity is proposed to be 500. This request indicates the maximum occupancy for the site is no more than 500 people (including employees) on site at any one time. If the required number of restrooms for this

maximum capacity are not provided during the building permit stage, the maximum occupancy will be reduced further. Ms. Mott closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

None

PUBLIC COMMENT

None

MOTION

Commissioner Dougherty 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 approve the consent agenda.

Commissioner Choate seconded the motion.

VOTE

Commissioner Rowe, Green, Choate, Barrack, Dougherty, Best Johnson, and Chair Barnett voted in favor of the motion.

Motion passed 7-0

Commissioner Wallace lost virtual connection and was not able to participate in the voting of the motion to approve the consent agenda.

DISCUSSION ITEMS

ITEM #1 – COLORADO STATE UNIVERSITY FOOTHILLS CAMPUS LOCATION AND EXTENT FILE NO. 21-ZONE3128:

Mr. Threewitt gave a brief presentation regarding the applicants' request for a Location and Extent review for a proposed Field Research and Education Facility on the CSU Foothills Campus. The purpose of Location and Extent review is to determine if a public use, structure, or utility proposed in unincorporated Larimer County conforms with the adopted Comprehensive Plan. Location and Extent review is required for public schools. In this case, Location and Extent review is required because the proposed use includes new buildings as part of a public-school campus. There is one new facility proposed at this time as part of the Physical Master Plan for the Foothills Campus. The Field Research and Education Facility will replace an existing boat storage building and outdoor storage of research equipment. It will be constructed east of the current Fisheries Research Facility. The Field Research and Education Facility will be a one-story building at approximately 6,400 square feet and be a pre-engineered metal building. The building will include 272 unconditioned dry storage for boats and gear and a smaller conditioned storage space for higher value research equipment. Mr. Threewitt closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

None

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION:

None

MOTION

Commissioner Choate moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission approve the Colorado State University Foothills Campus Location and Extent, File No. 21-ZONE3128, subject to the conditions of approval outlined in the staff report.

Commissioner Dougherty seconded the motion.

VOTE

Commissioner Choate, Best Johnson, Green, Rowe, Dougherty, Barrack, and Chair Barnett voted in favor of the motion.

Motion passed 7-0

Commissioner Wallace reconnected virtually

ITEM #2 – ADOPTION AND AMENDMENTS TO 2021 INTERNATIONAL RESIDENTIAL, BUILDING AND RELATED CODES, FILE NO. 21-CODE0252:

Mr. Fried gave a brief presentation regarding the applicants' request to 1) Recommend Adoption of the 2021 International Residential, Building and Related Codes as amended to the Board of Larimer County Commissioners. 2) Recommend Repeal of the 2018 International Residential, Building and Related Codes as amended to the Board of Larimer County Commissioners. Every three years, the International Code Council (ICC) publishes new editions of the International Residential, Building, Plumbing, Mechanical and related codes ("I-Codes"). Through extensive nationwide discussion, proposals, amendments, public hearings and electronic voting, the I-Codes are developed by code professionals, building scientists and construction industry stakeholders, then adopted around the country by states, cities and counties with local amendments reflecting their local needs and situations. The I-Codes form the framework upon which Larimer County develops its local building codes. In addition, Larimer County adopts the most recent National Electrical Code published by the National Fire Protection Association. The codes being considered are the following:

- 2021 International Residential Code (IRC)
- 2021 International Building Code (IBC)
- 2021 International Energy Conservation Code (IECC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Fuel Gas Code (IFGC)
- 2021 International Mechanical Code (IMC)
- 2021 International Plumbing Code (IPC)
- 2021 International Property Maintenance Code (IPMC)
- 2021 International Swimming Pool and Spa Code (ISPSC)
- 2020 National Electrical Code (NEC)

Larimer County's most recent codes (the 2018 I-Codes) were adopted by the Board of County Commissioners on December 17, 2018 and took effect on February 1, 2019. Amendments to several of the codes regarding Short-Term Rentals were approved by the Board of County Commissioners on June 10, 2019 and took effect September 1, 2019. The County's building codes are reviewed by a community/staff Code Review Committee, the Board of Appeals and Planning Commission (PC), and the Board of County Commissioners (BOCC), which adopts them. During the 2021 code cycle, upholding County guiding principles of public engagement and cultivating partnerships, these additional actions were taken:

- Northern Colorado CBOs met for months to discuss each entity's code adoption needs.
- Local fire departments briefed the Commissioners in February on residential fire sprinklers.
- A joint Fort Collins/Larimer County code review committee met from May through October.
- A customer survey hosted on the Community Development Department website garnered almost 100 responses.
- Working with the County Engagement Coordinator, contract "community connectors" collected 206 surveys in unincorporated Fort Collins-area mobile home parks with written materials in Spanish to engage historically underserved communities.
- Draft code amendments were posted on the County Building Division web page.
- City/county staff took the draft codes to meetings of the Poudre Fire board, Homebuilders Association, Board of Realtors, Chamber of Commerce, and other stakeholder groups.
- The proposed codes and amendments were brought to the Larimer County Board of Appeals on November 10, 2021. The Board recommended approval of the codes as amended.
- The proposed codes and amendments were brought to a joint Board of County Commissioners/Planning Commission work session for discussion on November 10, 2021.

Major changes, either to the 2021 I-codes as written, or as proposed local amendments, include:

1. Chapter One – adopt a single set of administrative provisions for all commercial codes, add administrative provisions for the NEC.
1. IRC/IBC Section 105.2 – Keep code as is, exempt from permit requirements residential sheds up to 200 sq. ft. in area, commercial sheds up to 120 sq. ft., fences up to 7' high.
2. IRC Section R313 – Require fire sprinklers for new duplexes, townhouses, and Short-term Rentals (but not for detached single-family dwellings).
3. IRC Section R313 - Require sprinklers for detached single-family dwellings in any fire district as designated by the Board of Larimer County Commissioners. Sprinklers are already required in Lyons Fire District, but the Commissioners may add other districts.
4. IRC Section R331/IBC Ch. 36 - Update Wildfire Hazard Area rules for increased defensible space, non-combustible ground cover and siding.
5. IRC Section R332 – Update Vacation Home/Short-term Rental rules including exterior solid fuel appliances, fire extinguishers and exterior lighting.
6. IRC Section R333.1/IBC Section 1811 – Require passive radon-mitigation systems and radon tests for all new dwelling units, and system activation for tests above 4.0 pCi/L.
7. IRC Section R333.2/IBC Section 420.12 – All new dwelling units shall be "Electric Vehicle Ready" with a pre-wired circuit for future charging station installation.
8. IRC Section R333.3 – All new dwelling units shall be "Renewable Energy Ready" with a pre-wired circuit for future rooftop solar photovoltaic or wind energy installation.
9. IRC Section R902.1/IBC Ch. 15 – Class A fire-rated roof coverings required countywide.
10. IRC Section R905.2.4.2/IBC Ch. 15 - Impact-resistant asphalt shingles required countywide.

11. IRC Chapter 11/IECC – Prescriptive insulation requirements rise to R-60 attics, R-30 walls with all cavity insulation, R-20 for wall cavities with R-5 continuous exterior insulation, or multiple combinations that can achieve compliance. All new construction must involve an approved air leakage specialist at the beginning, not the end, of the process to help minimize air leakage by final inspection. All ducts must be pressure-tested. Mechanical rooms must be enclosed.
12. Adoption of the International Swimming Pool and Spa Code for the first time.

Mr. Fried closed the presentation with additional comments and noted that the County Attorney's office is requesting a slight change to the language of IRC Section R105.5 regarding building permit expiration.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed if the energy efficiency payback period ~~to the homeowner~~ received any pushback from the homebuilders on the code review committee, if the cost to only install the conduit rather the full electric vehicle hookups is more appropriate, the cost for radon testing and will the homeowners have to continue to retest until the home passes the radon test, what specifies a radon mitigation professional, and the importance of sprinkler systems for detached single family homes being overshadowed.

The Larimer County Staff stated that there was pushback regarding the payback taking up to 25 years to the homeowners, the Board of County Commissioners wanted ~~the properties~~ homes to ~~me~~ be electrical vehicle ready and not just electrical vehicle capable, the radon test is only required once and if the radon test does not pass the homeowner is required to install a radon fan but is not required to have an additional radon test, the State will have rules and regulations that specify a radon mitigation professional.

PUBLIC COMMENT

Paul Higman, chair of the Larimer County Board of Appeals, stated that he participated in the code review committee and is in favor of the adoption of the codes as proposed.

PLANNING COMMISSION DISCUSSION:

The Planning Commission discussed that the code is very reasonably balanced, the detail in wildfire protection, continuing to be conscious of ~~the~~ housing affordability ~~of~~ and the cost of living, metric conversion numbers in ~~of~~ the code to be cleaned up and for IRC section R105.5 to clarify permit expiration.

MOTION

Commissioner Choate 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 Adoption and Amendments to 2021 International Residential, Building and Related Codes, File No. 21-CODE0252, subject to the conditions of approval outlined in the staff report and the following amendment to include language "Every permit issued shall expire 18 months after the day of issuance, unless the project is completed ~~and~~ In compliance with the code".

Commissioner Dougherty seconded the motion.

VOTE

Commissioner Choate, Green, Wallace, Best Johnson, Rowe, Barrack, Dougherty, and Chair Barnett voted in favor of the motion.

Motion passed 8-0

ITEM #3 – AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE, FILE NO. 21-CODE0265

Mr. Lafferty gave a brief presentation regarding the request to amend the Larimer County Land Use Code to address errors, omissions and organizational issues throughout the Code, which generally include clarifying the intent and applicability of setbacks and standards, adding and updating various use allowances and use descriptions, eliminating and refining processes, procedures, and standards, and adding and reorganizing Code sections for clarity and ease of use. Mr. Lafferty closed the presentation with additional detailed comments regarding the code amendment to Section 3.2.6. Table 3-1 and Section 3.2.7. Table 3-2 and Article 20, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed Heavy Industrial vs. Heavy Manufactory, if the definitions between Heavy Industrial vs. Heavy Manufactory prohibit a non-manufacturing use previously considered industrial, if the title “Caretaker Dwelling Unit” changed to “Accessory Dwelling Unit” make a difference that would prohibit property owners to not have a paid attendant.

The Larimer County Staff stated the difference between Heavy Industrial vs. Heavy Manufactory in the current code is the code give detailed examples of what would identify the differenced, Light Industrial will be defined with details that does not apply as a Heavy Industrial, and Business Accessory Unit was used in the previous title with the intent for a business owner to have an employee live on site to have access anytime and clarify the difference between a business use and personal use.

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION:

None

MOTION

Commissioner Choate 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 Amendments to the Larimer County Land Use Code, File No. 21-CODE0265, subject to the conditions of approval outlined in the staff report.

Commissioner Dougherty seconded the motion.

VOTE

Commissioner Dougherty, Rowe, Barrack, Green, Choate, Wallace, Best Johnson, and Chair Barnett voted in favor of the motion.

Motion passed 8-0

REPORT FROM STAFF

Mr. Don introduced Andrew Lewis

ADJOURN

With there being no further business, the hearing adjourned at 7:19 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.