

Date: Wednesday, May 21, 2025
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, May 21, 2025, at which time the following business was transacted.

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

Staff Present: Jenny Axmacher, Planning Manager; Matt Lafferty, Senior Planner; Justin Currie, Planner II; Samantha Mott, Senior Planner; Conner 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.

APPROVAL OF THE MINUTES

Commissioner Duffy moved, and Commissioner King seconded the motion to approve the April 16, 2025, minutes of the Larimer County Planning Commission, as presented. The motion carried (6-0), with Commissioners Slutsky and Weiss abstaining.

CONSENT ITEMS

ITEM NO. 1 – NEUBAUER CONSERVATION DEVELOPMENT, FILE NO. 22-LAND4225

ITEM NO. 2 – JACOBS CONSERVATION DEVELOPMENT, FILE NO. 21-LAND4170

ITEM NO. 3 – VANHATTEM REZONING, FILE NO. 22-ZONE3311

ITEM NO. 4 – EMISSARIES OF DIVINE LIGHT AMENDED SPECIAL REVIEW AND APPEAL, FILE NO. 23-ZONE3564

ITEM NO. 5 – AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE, FILE NO. 25-CODE0283

ITEM NO. 6 – LAND USE CODE AMENDMENTS, FILE NO. 25-CODE0285

Amendment: Commissioner Weiss requested Item No. 6 - Land Use Code Amendments, File No. 25-CODE0285, to be removed from consent to discussion.

Amendment: A member of the public requested to remove Item No. 2 - Jacobs Conservation Development, File No. 21-LAND4170, to be removed from consent to discussion.

MOTION

Commissioner Duffy moved, and Commissioner Slutsky seconded the motion that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommends that the Larimer County Board of County Commissioners approve the consent agenda as amended. The motion carried (8-0).

DISCUSSION ITEMS

ITEM NO. 1 – JACOBS CONSERVATION DEVELOPMENT, FILE NO. 21-LAND4170

[View Staff Presentation](#)

APPLICANTS PRESENTATION

None.

PUBLIC COMMENT

John Roots on behalf of Sandra Pedron and Steven Milton, Brad Cooper, Scott Griffin, and Paul Ellis.

Comments

- Increased housing options in a desirable area may support regional growth and demand.
- Potential economic benefits from increased property taxes, construction, and service use.
- Alignment with current land use code that permits subdivision under certain conditions.
- The HOA has not reviewed or approved the application, despite a requirement under recorded covenants. A prior HOA vote was 15–2 against the subdivision.
- The proposed subdivision relies on a private road controlled and maintained by the HOA. Without their approval, access is not guaranteed.
- Staff recommended waiving Section 5.3.1.A, but commenters argue Section 5.3.1.B.1 also applies and has not been addressed (e.g., the public purpose of waiving road dedication).
- The subdivision may contradict the intent of current regulations that encourage clustered development and the preservation of open space.
- No traffic study has been provided to demonstrate impacts or compliance with thresholds (e.g., 200 trips/day).
- Hidden Springs Road and Westridge Drive are privately maintained; additional traffic would increase wear without proposed mitigation.
- Past flooding events cut off Westridge Drive, highlighting limited emergency access. Further subdivision may worsen this issue if roads remain private and unimproved.
- Approving one subdivision could invite requests from 30+ other 35-acre lot owners, potentially doubling density in a rural, wildland-urban interface area.
- Increased development could compromise the foothills' open and natural character, contrary to long-standing community expectations and past public votes (e.g., Hughes Stadium open space).
- Multiple residents echoed with similar concerns, indicating widespread opposition based on safety, procedural, and aesthetic considerations.
- While the State Engineer approved the current proposal, commenters stressed the lack of analysis on cumulative water impacts if multiple lots are subdivided similarly.

APPLICANTS REBUTTAL

The applicant outlined a prolonged dispute with the Homeowners Association (HOA) regarding subdivision rights. Initially, a request to subdivide was brought before the HOA and denied by a vote of 15 to 2, prompting legal action. The case proceeded with the District Court, where a ruling granted the applicant the right to subdivide. During the legal process, the HOA amended the covenants to remove the previously stated right for any

landowner to subdivide, a right that had originally been explicitly included. Following the denial and covenant amendment, only one other couple had also attempted subdivision. Their request was similarly denied, leading to another lawsuit. The HOA later agreed to allow that couple to subdivide in exchange for dropping the lawsuit. As a result, only two properties will proceed with subdivision. All required traffic plans and related documentation have been completed, and the process now stands with those elements addressed.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS:

The Commission requested additional information from Staff regarding the history of the area, traffic study requirements, and how access concerns are handled. Staff Member Currie noted that the application began in 2021 and was delayed due to legal proceedings. County staff does not enforce HOA covenants and relies on applicants to demonstrate access rights for private roads. Since only one new lot is proposed, a traffic study was not required under Larimer County's rural area road standards. Staff Member Sheldon added that while traffic studies are triggered when two or more lots are added, this proposal only required an evaluation to ensure the private road meets safety standards. The Engineering Department supports maintaining the road as private to avoid fragmented ownership, a problem encountered under previous practices. West Ridge Drive, which connects to County Road 38, is paved and public, but no further analysis was required due to the limited subdivision. Assistant County Attorney Luckasen clarified that private legal rulings, such as court orders involving HOAs, are not interpreted by the Planning Commission, which must rely solely on applicable review criteria and submitted materials. Legal access must be represented during the platting process, but the county does not determine its validity.

PLANNING COMMISSION DELIBERATION

A Planning Commissioner acknowledged the input provided by area residents and emphasized that land use decisions must be based on legal compliance, conformance with current zoning regulations, and adherence to established land use procedures, including the conservation development process. The member noted that while community values are important, those values are most appropriately expressed through the County's Comprehensive Plan and its influence on future zoning code and development standard revisions. The member concluded that it is neither appropriate nor equitable to oppose an application that meets all applicable requirements based solely on neighborhood opposition and therefore expressed support for proposals that are legally and procedurally consistent with adopted community standards.

MOTION

Commissioner Duffy moved, and Commissioner King seconded the motion that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommends that the Larimer County Board of County Commissioners recommends that the Board of County Commissioners approves the Jacobs Conservation Development, File No. 21-LAND4170, subject to the conditions outlined in the staff report.

ITEM NO. 2 - LAND USE CODE AMENDMENTS, FILE NO. 25-CODE0285

A Planning Commissioner indicated interest specifically in discussing the portion of the proposal related to wells and water and suggested limiting discussion to that component if there were no outstanding concerns with other aspects. Staff responded that such an approach would be acceptable, provided the Chair and other Commissioners agreed. With consensus, the discussion proceeded accordingly.

[View Staff Presentation](#)

PUBLIC COMMENT

None.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS:

A Planning Commissioner requested clarification on well permitting within the Northern Colorado Water Association's service area, asking whether property owners must obtain the association's approval to drill a well and what options exist if approval is denied. Planning Manager Axmacher confirmed that within service areas, association approval is required, but properties outside such areas may apply directly to the State. The association implemented a tap moratorium after updated studies during the pandemic revealed limited capacity to support new customers. The Commission asked whether the County could determine aquifer adequacy or override the moratorium, to which staff responded that the State is responsible for evaluating water rights impacts, and therefore well permits are only recommended for properties 35 acres or larger. Axmacher noted that two prior appeals for wells were granted and while weekly inquiries are received, most parcels affected are already developed or exceed 35 acres. Discussion also covered the possibility of transferring taps between private parties and the use of cisterns, which staff supports as supplemental—not primary—water sources for uses like irrigation or fire suppression.

PLANNING COMMISSION DELIBERATION

A Planning Commissioner expressed opposition to the proposed code amendment, characterizing it as a short-term solution to a private dispute and recommending that the County prioritize a comprehensive groundwater study to inform future policy. Staff clarified that while such a study is planned for late 2025 or early 2026, the proposed amendment provides a narrowly tailored option for certain property owners and does not override the State well permitting or provider moratoriums. The Assistant County Attorney confirmed that the County lacks authority to compel water providers to issue taps, regardless of available data. Several Commissioners voiced support for the amendment, citing limited aquifer impact, alignment with existing State regulations, and the need to preserve property usability. It was noted that the code change does not guarantee access to water and that applicants remain responsible for demonstrating adequacy. Staff also clarified that the proposed motion may be modified to approve or exclude individual sections of the code amendment.

MOTIONS

Commissioner Duffy moved, and Commissioner King seconded the motion that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommends the Larimer County Board of County Commissioners approval of the Land Use Code Amendments, File No. 25-CODE0285 and related to Articles 6 and 9, subject to the following condition. The effective date of the proposed code amendments will be June 23, 2025. The motion carried (8-0)

Commissioner Duffy moved, and Commissioner King seconded the motion that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommends the Larimer County Board of County Commissioners approval of the Land Use Code Amendments, File No. 25-CODE0285 and related to Article 4, subject to the following condition. The effective date of the proposed code amendments will be June 23, 2025. The motion carried (7-1).

REPORT FROM STAFF

Planning Manager Axmacher provided an update on upcoming bylaw revisions, noting that proposed changes will be presented within the next one to two months. The revisions are intended to align the bylaws with updated County Board and Commission policies and the recently adopted Code of Conduct. Updates are being coordinated with feedback received during the Board of Adjustment bylaw review. Additionally, it was announced that Commissioner Eagleston has been reappointed to a new three-year term, and that Commissioner Barrack's term will conclude at the end of June, making the next meeting her final appearance on the Commission.

ADJOURN

With there being no further business, the hearing adjourned at 7:36 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.

LARIMER COUNTY PLANNING



Jacobs Conservation Development, Preliminary Plat 21-LAND4170

Planning Commission: May 21, 2025



Vicinity Map





Site Info / Request

Request:

The applicant is requesting a Preliminary Plat approval on 35-acres to create one (1) residential lot, and one (1) residual lot with a 2-acre building envelope, along with an appeal to Article 5.3.1.A Public Right-of-Way Required

Applicants/Owners

Lonnie Jacobs
2941 Living Springs Ln.
Fort Collins, CO 80526

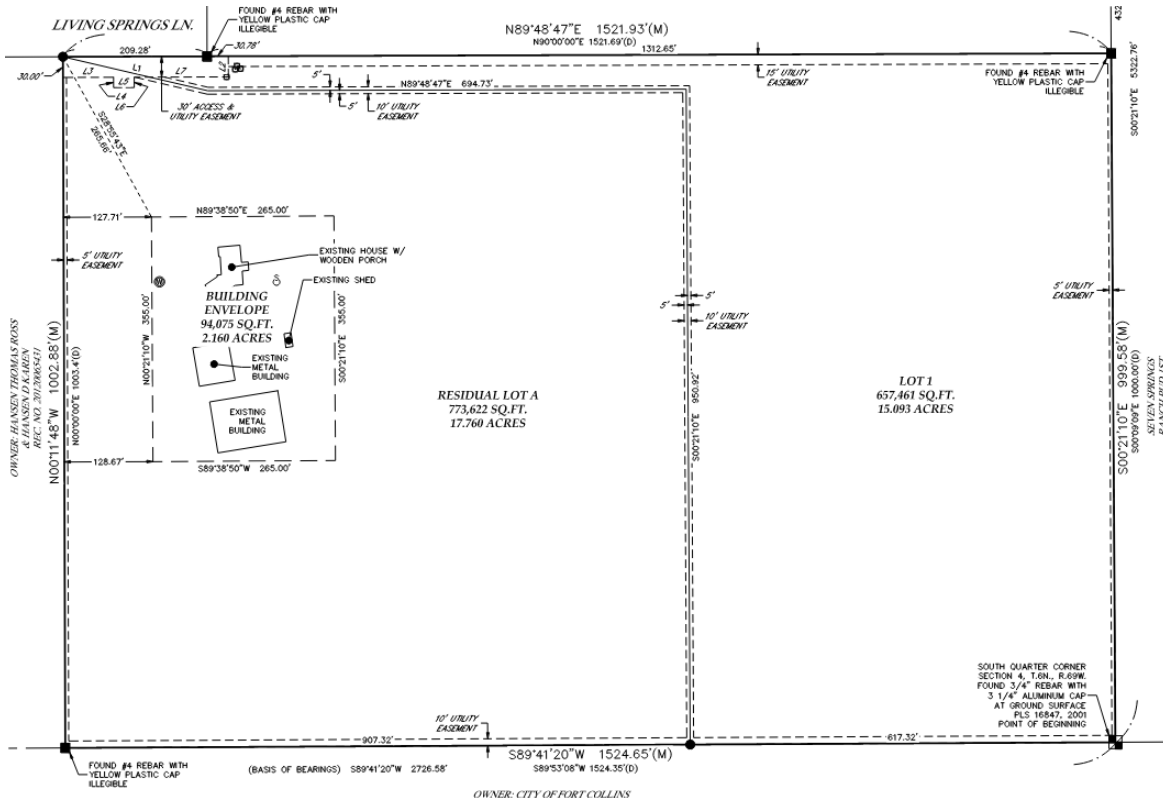
Current Zone District:

RR2 – Rural Residential

Utilities and Access:

Fort Collins-Loveland Water District
South Fort Collins Sanitation District
Poudre Fire Authority
Living Springs Ln. (Private Rd.)

Lot Size: 35 Acres





Conservation Development

Since this is a 50/50 developable to residual land ratio, a minimum of 17.5-acres must be used for residual land, which is required to be conserved in perpetuity or used as agricultural land, and the remaining acreage, a maximum of 17.5-acres, can be developed. Building envelopes located within residual land count towards the developable area, as is the case with this application.

Table 5-2: Conservation Development Site Design				
Zone District	Water and Sewer Service	Minimum Residual Land (%)	Maximum Developable Land (%)	Minimum Lot Size
NR, FO, A, O, or RR-1	Public Water and Public Sewer	80 [1][3]	20	No Minimum [2]
NR, FO, A, O, or RR-1	Public Water and On-lot Septic	80[1][3]	20	2.0 acres
RR-2, UR-1, UR-2, UR-3, or MR	Public Water and Public Sewer	50	50	No Minimum
RR-2	Public Water and On-lot Septic	50	50	2.0 acres

Appeal Request

Request Appeal to Article 5.3.1.A:

Public Right-of-Way required where all roads within the boundaries of land divisions, in both urban and rural areas, shall be a public right-of-way.

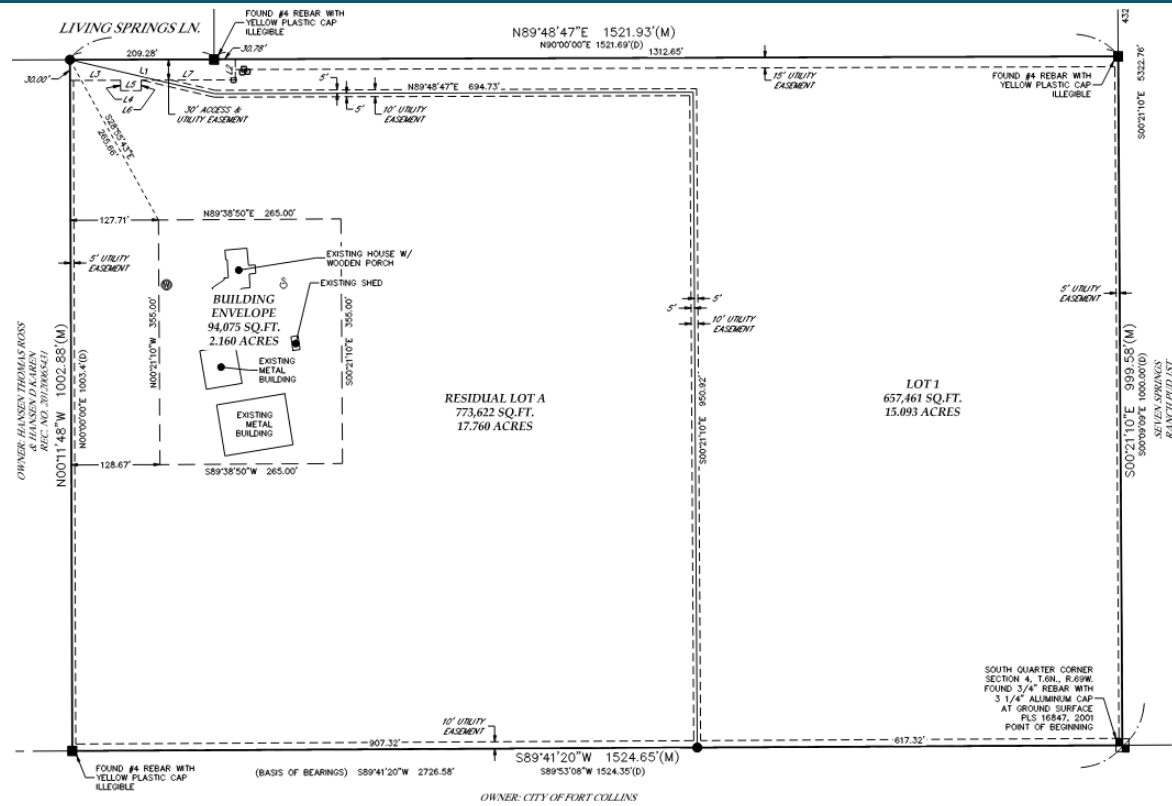
The Engineering Dept. supports the appeal to allow Living Springs Lane to remain a private road since the land use code only requires the section of road within a proposed subdivision to be public and cannot require the entire length of private road outside the proposed subdivision to change to a public road. Staff wants to avoid having a roadway become a combination of public/private ownership that would create confusion on ownership and maintenance responsibilities.



Near Neighbor Notification

Community Notification

- Notifications were sent to property owners (5) within 500 ft. of the project site
- No comments have been received



Review criteria (Article 6.5.5.D.1)

Standards for Preliminary Plat Review:

In reviewing a proposed preliminary plat application, the review and decision-making bodies shall consider the general approval criteria in §6.3.8.D, General Review Criteria, and if the proposed subdivision:

- a. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets;
- b. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- c. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable;
- d. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations;
- e. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; and
- f. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.

Review criteria (Article 6.7.2.B.5)

Standards for Appeal Review:

In reviewing a proposed appeal application, the review and decision-making bodies shall consider each of the following factors and make findings pertaining to each one which, in their 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 Code.

Recommendation

The Development Services Team finds that the proposed request meets the review criteria of Article 6.3.8.D, 6.5.5.D and 6.7.2.B of the Larimer County Land Use Code, therefore...

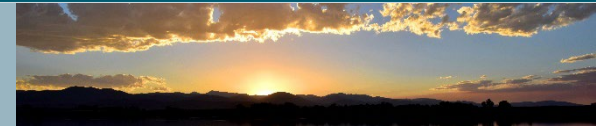
- A. The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Jacobs Subdivision, Preliminary Plat, File #21-LAND4170, and an Appeal to Article 5.3.1.A of the Land Use Code subject to the conditions noted in the staff report.**
- 1. The Final Plat shall be consistent with the approved preliminary plat and with the information contained in the Jacobs Subdivision, Preliminary Plat, File # 21-LAND4170, except as modified by the conditions of approval or agreement of the County and applicant.**
 - 2. The property owners address the concerns/requirements of the Referral Agencies included in this staff report and mentioned above**

LARIMER COUNTY: PLANNING



25-CODE0285 – MINOR CODE AMENDMENTS TO ARTICLE 6, ARTICLE 4 AND ARTICLE 9

PC 5/21/2025



ARTICLE 6 – NOTICE UPDATES

- Goal -more efficient notice
- Impacts:
 - neighbor referrals (6.3.3)
 - neighborhood meetings (6.3.4)
 - public hearing notice (6.3.7)
- Remove resident mailings (not property owner)
- Replace with additional sign notice
- Add notice tiers to expand notice area
 - 500
 - 1000
 - 1500

ARTICLE 6 – NOTICE UPDATES

• 6.3.3

E. Neighbor Referral.

1. Purpose.

The neighbor referral procedure is intended to:

- a. Provide information about a development application and an opportunity for property owners and residents ~~within 500 feet in close proximity to the property in accordance with Section 6.3.7.C of the property line~~ for the proposal to comment on a land use application that requires county approval; and
- b. Gather neighbor comments, concerns, and/or suggestions about the development application early in the review process and enable the applicant ample opportunity to address the comments.

3. Procedure.

- a. Upon receipt of an application for which a neighbor referral is required, property owners ~~and residents~~ within 500 feet of the property line ~~(or as required in Section 6.3.7.C)~~ for the proposal shall be mailed notice of the application and where to view application materials.
- b. The referral shall provide 14 days for property owners and residents within 500 feet of the property line for the proposal ~~(or as required in Section 6.3.7.C)~~ to respond with any comments, questions, or concerns about the application. Comments shall be submitted to the Community Development Department and will be included in the staff report prepared for any public hearing on the proposal. The Community Development Department shall provide the applicant with a copy of any comments received.
- ~~c. The applicant shall also be required to post a sign in compliance with Section 6.3.7.C.2.a.i.. The purpose of the sign is to provide adjacent residents or tenants, who may not be directly receiving mailed notice, with information about the application.~~
- c. The Director will determine if a neighborhood meeting (see §6.3.4, Neighborhood Meeting) is required based on land use impact or comments received.
- d. Prior to the neighborhood meeting (if required) or public hearing application, the applicant shall respond to comments received during the neighbor referral. The applicant shall provide a written report detailing comments and the applicant's response to those comments. The written report will be available for review and will also be included in the staff report prepared for any public hearing on the proposal.

ARTICLE 6 – NOTICE UPDATES

• 6.3.4

C. Procedure.

1. Neighborhood meetings shall be conducted by the applicant or the applicant's designee.
2. The staff planner assigned to the project and the applicant shall coordinate meeting time, place, and notice to neighbors.
3. Property owners ~~and residents~~ within 500 feet of the property line (or as required in Section 6.3.7.C) for the proposal shall be notified of a neighborhood meeting by mailed notice at least 14 days in advance of the meeting date.
4. A sign must also be posted on the subject [No Title] in compliance with Section 6.3.7.C.2.a.i..
4. The staff planner shall attend the neighborhood meeting as a resource for process questions. Staff will not provide information about project specifics or facilitate the meeting.
5. The applicant is responsible for all expenses of the neighborhood meeting including but not limited to facility costs and the cost of the meeting notice. The applicant shall provide a meeting notetaker.
6. The applicant shall prepare a written report of meeting comments and submit the report with the development application. The applicant may elect to make changes to the proposal based on neighborhood comments to improve the project outcome.



ARTICLE 6 – NOTICE UPDATES

- 6.3.7

Neighborhood Meeting	N/A	14 days	N/A 14 days
Notes: [1] Mineral owner/lessee notification required in §6.3.7.B.2 must be sent at least 30 days prior to the initial public hearing. [2] Administrative subdivisions shall require mineral owner/lessee notification required in §6.3.7.B.2 to be submitted with the initial application to ensure the 30 day notice is achieved before a decision of the Director. [3] Any interested person may elect to place their name on a list to be notified of all <u>1041</u> hearings. [4] Legislative zoning map amendments shall be available for public viewing as required in §6.3.7.C.1.b.i.1.			

ARTICLE 6 – NOTICE UPDATES

• 6.3.7

c. Mailed notices shall be sent via first-class mail to ~~all properties and to~~ all owners of property as listed in the records of the County Tax Assessor's office within a distance of the subject property as determined below ~~by county staff during the pre-application conference, as measured from property boundaries.~~

i. The area included in the mailed notice shall be to all property owners whose have a property boundary within 500 feet of the subject property boundary not be less than 500 feet surrounding the subject property unless:

1) The project is any of the following:

- Short Term Rental (STR) application including Resort Lodges and Hosted STRs
- Location and Extent
- 1041 Permit
- New cell towers

• in which case the notice shall be increased to all properties with a boundary within 1000 feet-

2) The project will have any of the following:

- Increased regular, routine, or persistent noise or odor
- Increased traffic along a privately maintained public road
- Impacts to air quality that will continue outside of a typical construction timeframe
- Major Special Reviews as noted in the current Larimer County Development Review Fee Schedule
- A unique impact to surrounding properties, as determined by staff

in which case the notice shall be increased to a minimum of 1500 feet.

3) In any case, if a project is linear in nature, such as a pipeline or roadway, and being undertaken by a public utility provider, it will be noticed from the center line of the project corridor, not the property line, as to more accurately reflect the location of the project.

ARTICLE 6 – NOTICE UPDATES

• 6.3.7

- d. Depositing the notice in the U.S. mail with postage prepaid is the responsibility of the Community Development Department and satisfies the mailed notice requirement. ~~Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure to send a mailed notice does not invalidate any public hearing.~~

2. Posted Notice.

- a. Required posted notice shall include:
 - i. At least one sign on the subject property along each street frontage according to the timeframes established in Table 6-2: Public Hearing Notice Requirements. The Community Development Department will provide signs, or information on where to acquire a sign including minimum size, sign materials and font size, when a complete application is made. The applicant is responsible for erecting and maintaining the sign(s) for the time period specified and removing them after the last public hearing and/or neighborhood meeting. Signs must be placed as near the property line as possible and in a manner that is readily visible from the street or road. The applicant must complete a sign affidavit, attesting to the proper posting of the sign. Posting the property is a courtesy to the public and the failure of anyone to observe a sign does not invalidate any public hearing; and
 - ii. Notice posted by the Community Development Department on the County website or at the posting board at a County facility according to the timeframes established in Table 6-2: Public Hearing Notice Requirements. Such notice shall:
 - 1) Identify the application type;
 - 2) Describe the nature and scope of the proposed project;
 - 3) Indicate opportunity to appear at the public hearing, including the public hearing date, time, and location; and
 - 4) Identify a telephone number for additional information.
- b. The Director may require additional signs based on access and configuration of the property.

ARTICLE 4 – WELLS AND TAP MORATORIUMS

- Goal –reasonable partial solution to problem County did not create
- Impacts:
 - Wells (4.3.7)
- Restructures section to apply requirements based on property size
 - All wells
 - Under 35 acres
 - Over 35 acres
- Notes a distinction between water service areas and water districts
 - They function differently but the code previously regulated them the same
- Allows a very specific exception for properties in a water service area (not a water district) to apply for a well
 - if the service area consents
 - AND the property is greater than 35 acres in size
- Seeks to remove the LUC roadblock for properties impacted by tap moratorium that could otherwise apply for a well through the State
- Requires data confirming the well can meet necessary quantity and quality standards to serve the proposed property
- Clarifies the use of cisterns for temporary uses only

ARTICLE 4 – WELLS AND TAP MORATORIUMS

• 4.3.7

B. Wells.

The development will be served by individual wells and comply with all the following requirements:

1. The following requirements apply to all domestic water wells:

4a. The development cannot physically be served by a public community water system* whose distribution system is within one mile of the development or the public community water system provides documentation that they do not have the capacity to serve the property and they do not object to the property utilizing a well;

2. An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued; and

2b4. Evidence is submitted showing adequate water quality and quantity can be made available for the development. Evidence may shall include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable; In turn, the State Engineer shall review the water supply information and issue an opinion regarding injury to other vested water rights and the adequacy of the water supply.

3c. The well is permitted through the State of Colorado Department of Water Resources and complies with all applicable permit requirements; and;

45.d. Any well that supplies water as part of a collection, treatment, and distribution system for a development and meets the criteria of a public water system shall comply with the State of Colorado Design Criteria for Potable Water Systems policy, regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division.

ARTICLE 4 – WELLS AND TAP MORATORIUMS

• 4.3.7

2. The following requirements apply to domestic water wells

For wells on properties under less than 35 acres in size:

NOTE: Lots less than 35 acres that were legally created prior to May 5, 1972 OR legally created through a rural land use plan (RLUP), and are located within an area serviced by a public community water system may utilize a well if items 4.3.7.B.4-31.a. through 1.d., above are met and if appropriate approval and compliance with state law and regulation exists.

a52. The development is outside any existing or planned water district and/or water service area; and

5b. An augmentation plan has been approved, if required by the State and the Colorado Division of Water Resources confirms that well permits will be issued; and

3.

For The following requirements apply to domestic wells on properties ~~over~~ equal to or greater than 35 acres in size:

7a. The development is outside any existing water district, which is defined as a special district under Colorado law, and is compliant with all state law and regulation, and demonstrates that a well can provide safe, adequate, and reliable water;

2. An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued; and

4. Evidence is submitted showing adequate water quality and quantity can be made available for the development. Evidence may include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable. In turn, the State Engineer shall review the water supply information and issue an opinion regarding injury to other vested water rights and the adequacy of the water supply.

5. A well that supplies water as part of a collection, treatment, and distribution system for a development and meets the criteria of a public water system shall comply with the State of Colorado Design Criteria for Potable Water Systems policy, regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division.

ARTICLE 4 – WELLS AND TAP MORATORIUMS

- 4.3.7

C. Interim Uses.

1. Uses that do not require permanent facilities such as gravel mining or special events may propose alternative methods for the provision of domestic water for review and approval by the County Health Department.
2. Cisterns may only be used for interim uses or to supplement another water source such as a well and require approval from the Community Development Director prior to installation.

ARTICLE 4 – WELLS AND TAP MORATORIUMS

• 4.3.7

B. Wells

The development will be served by individual wells and comply with all the following requirements:

1. The development cannot physically be served by a public community water system whose distribution system is within one mile of the development;
2. The development is outside any existing or planned water district and/or water service area;
3. An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued; and
4. Evidence is submitted showing adequate water quality and quantity can be made available for the development. Evidence may include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable. In turn, the State Engineer shall review the water supply information and issue an opinion regarding injury to other vested water rights and the adequacy of the water supply.
5. A well that supplies water as part of a collection, treatment, and distribution system for a development and meets the criteria of a public water system shall comply with the State of Colorado Design Criteria for Potable Water Systems policy, regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division.

C. Interim Uses

Uses that do not require permanent facilities such as gravel mining or special events may propose alternative methods for the provision of domestic water for review and approval by the County Health Department.

ARTICLE 9 – WILDFIRE CAMERAS ON TELECOM

- Goal –small allowance for public safety service providers to install wildfire camera
- Impacts:
 - Cameras (9.3.7)
- Restricts camera use for
 - Wildfire detection
 - By public safety offices such as OEM or Sherrif's office
- Restricts data sharing to
 - Accredited education institution
 - Local government entity
 - Research institution
 - Requires prior approval by Community Development Director to share data
- For profit and commercial users would still be required to apply for an appeal to install cameras

ARTICLE 9 – WILDFIRE CAMERAS ON TELECOM

- 9.3.7

9.3.7. - Cameras.

Placement of cameras or other surveillance on WCFs shall be used exclusively for the safety and security of the WCFs unless installed for the benefit of wildfire detection. No data secured through the use of camera, video, and biometric sensors (including facial recognition software) installed on WCFs shall be collected and shared without the expressed prior consent of citizens. Data collected from WCF security surveillance equipment will not be shared with law enforcement except within well-defined exigent circumstances. The applicant must identify in its application whether cameras or other surveillance equipment are to be utilized.

Cameras for the purpose of wildfire detection may only be installed and used by public safety officials such as the Larimer County Office of Emergency Management, unless an appeal to this code section is granted to allow another entity to install and use cameras. The data from these wildfire detection cameras may be accessed by accredited education institution, local government entity, and research institutions upon separate approval by the Community Development Director; such approval shall be required for each separate entity seeking to access the data. -----

DEVELOPMENT SERVICES TEAM FINDINGS

Findings:

The Development Services Team finds that the proposed code amendments comply with Section 6.6.2.D. of the Land Use Code.

Recommendation:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code amendments contained within File #25-CODE0283, subject to the following condition:

1. The effective date of the proposed code amendments will be June 23, 2025.

Suggested Motion:

I move that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code amendments contained within File #25-CODE0283 and related to Articles 6, 4, 9, subject to the following condition:

1. The effective date of the proposed code amendments will be June 23, 2025.