

Date: Wednesday, July 17, 2024
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_KXG36s4UTISCdhzd-7bPdQ

PLANNING COMMISSION HEARING AGENDA

Call to Order

Pledge of Allegiance

Amendments to the Agenda

Public Comment on the County Land Use Code or Regarding Relevant Land Use Matters not on the Agenda or Future Proposals

Approval of Minutes

– May 15, 2024

Consent Items

*Will not be discussed unless requested by Commissioners or members of the audience.

1. * Sunflower Community Amended Special Review, File No. 22-ZONE3317

Staff Contacts: Samantha Lasher, AICP, Planning, Connor Sheldon, Engineering, Lea Schneider, Health and Environment Department

Request: Amended Special Review to convert an existing 14,783 square foot storage lot into two new residential mobile home sites in the southwest corner of the Sunflower Active Adult Community Mobile Home Park

Location: 4517 E. Mulberry Street, Fort Collins, CO 80524; located approximately 0.45 miles east of the intersection of Interstate-25 and Mulberry Street. The physical address of the Community is 4517 E. Mulberry Street and the mailing address on record with the County Assessor's Office is 865 Pleasure Drive.

Applicants: Eric Rollain, Follett USA, 3600 American River Drive, Sacramento, CA 95864

Owners: Sunflower SPE LLC, 3600 American River Drive, Sacramento, CA 95864

Development Services Team Recommendation: The Development Services Team recommends Approval of the Sunflower Community Amended Special Review, File nO. 22-ZONE3317, subject to the conditions outlined in the staff report.

2. * Brown Family Conservation Development Preliminary Plat, File No. 19-LAND3867

Staff Contacts: Michael Whitley, AICP, Planning, David Pringle, Engineering, Lea Schneider, Department of Health and Environment

Request: Preliminary Plat approval for a Conservation Development which would divide a 35-acre parcel into one residential lot and one residual lot with a residential building envelope

Location: 13875 N. County Road 7, Wellington; Located on the west side of N. County Road 7 approximately one mile north of the intersection of N. County Road 7 and Labrador Lane

Applicants: Megan Keefe, P.E., Keefe Civil, Inc., 3125 Crockett Street, Fort Collins, Colorado 80526

Owners: Brian and Sarah Brown, 3665 Downieville Street, Loveland, CO 80538

Development Services Team Recommendation: The Development Services Team recommends approval of the Brown Family Conservation Development, File No. 19-LAND3867 subject to the conditions found in the staff report.

3. * Park Creek Reservoir Location and Extent, File No. 24-ZONE3669

Staff Contacts: Jared Seay, Planner I

Request: Location and Extent Review for expansion of the Park Creek Reservoir for increased storage capacity and allowing for an existing recreation component for overnight camping and day-use to the southwest of the reservoir.

Location: 5496 W County Road 80 Wellington, CO 80549

Applicants: The North Poudre Irrigation Company

Owners: North Poudre Irrigation Company, PO Box 100 Wellington, CO 80549

Development Services Team Recommendation: 1) The applicant must obtain all the applicable building and construction permits including those identified by Larimer County Code Compliance, Larimer County Health and Larimer County Engineering Department, for any county, state, and federal permits, and any required access permits to construct any future uses at this site. This includes but is not limited to Army Corps of Engineers, Colorado State Division of Water Resources, and any other permits identified by referral agencies for this Location and Extent. 2) Technical Review and approval is required for the recreational campground component prior to any construction at the site for the recreational use and prior to applying for building permits for the recreational use.

4. * Pivot Energy Inc. 1041 Permit, File No. 24-ZONE3646

Staff Contacts: Justin Currie, Planning; Steven Rothwell, Engineering; Lea Schneider, Department of Health & Environment

Request: A 1041 review of a permit application for an activity of state interest pursuant to Article 10 of the Land Use Code for a proposed 1.485 MW solar energy facility.

Location: 4817 E County Road 62, Wellington, CO. East of the I-25 intersection and County Rd. 62

Applicants: Kyle Sundman, Pivot Energy Inc.

Owners: Robert Johnson, 4817 E County Rd. 62 Wellington, Co 80549

Development Services Team Recommendation: Development Services Team recommends approval of the Pivot Energy Inc. 1041 Permit, File No. 24-ZONE3646, subject to the conditions found in the staff report.

Discussion Items

1. Wellington Operation Company – WF Muddy Unit #26-2 Special Review & Appeals, File No. 23-ZONE3571

Staff Contacts: Matt Lafferty, AICP, Planning; Steven Rothwell, Engineering; Lea Schneider, Department of Health and Environment

Request: Special Review to deepen the existing Wellington Field Muddy Unit #26-2 well to determine the potential of oil and gas resources at greater depths than currently mined. This request includes appeal to §11.3.3 – Air Quality to not be required to monitor for Methane Emissions.

Location: 1590 E County Road 70, Wellington; located on the north side of County Road 70, approximately ½ mile west of County Road 11.

Applicants: Conner Staley, 5200 Energy LLC/Wellington Operating Company, 1590 E County Road 70 Wellington, CO 80549

Owners: King Operating Company, DBA Wellington Operating Company, 15301 Dallas Parkway STE 900 Addison, Texas 75001-4674

Development Services Team Recommendation: The Development Services Team recommends approval of the Wellington Operation Company – WF Muddy Unit #26-2 Special Review and Appeal, File No. 23-ZONE3571, subject to the conditions outlined in the staff report.

2. Legislative Rezoning from Open (O) and Rural Residential (RR-2) to Natural Resources (NR), File No. 24-ZONE3670

Staff Contacts: Matt Lafferty, AICP

Request: A Legislative Rezoning to the Larimer County Zoning Map to change the zoning designation Open (O) and Rural Residential (RR-2) to Natural Resources (NR) on multiple publicly owned properties being utilized for open space or held for purposes such as conservation or public uses.

Applicants: Larimer County Community Development

Development Services Team Recommendation: 1) Staff recommends that the Planning Commission recommends to the Board of County Commissioners approval of the Proposed Zoning Amendments to the Larimer County Zoning Map and the Larimer County Front Range Zoning Map (Planning File No. 24-ZONE3670) to change the zoning designation of multiple publicly owned properties from O (Open) and RR-2 (Rural Residential) to NR (Natural Resources) as proposed by the Community Development Department, and 2) Staff recommends that the Planning Commission Certify the Larimer County Zoning Map and the Larimer County Front Range Zoning Map as proposed.

3. Larimer County Land Use Code Amendments, File No. 24-CODE0278

Staff Contacts: Matt Lafferty, Principal Planner, AICP; Justin Currie, Planner II; Jared Seay, Planner I

Request: Amend the Larimer County Land Use Code as follows:

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.7.B – Home Occupations and Subsection 3.4.7.C. – Rural Occupations to require the submittal of a completed and signed registration certificate for the operation of such uses on a residential or rural property.

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.5.A. – Accessory Living Area to allow accessory living areas as a use by right in all residential zones, unless otherwise specified in said Article 3.4.5.A., also to Amend Tables 3.3 and 3.4 in Subsection 3.2.8. – Tables of Allowed Accessory Uses to correspond with the changes made to Article 3.4.5.A..

Amend Article 3.0 – Use Regulations, Section 3.4. - Accessory Uses and Structures, Subsection 3.4.5.C. – Extended Family Dwelling by deleting said use, including amendments to delete all references to extended family dwellings found in Article 2.0 – Zoning Districts, Subsection 2.7.2.G.1.b.iv.(b), Article 3.0 – Use Regulations, Tables 3.3 and 3.4 in Subsection 3.2.8. – Table of Allowed Accessory Uses, Article 3.0 – Use Regulations, Subsection 3.3.3.E.- Manufactured Home, and Article 20.0 – Rules of Interpretation and Definitions, Subsection 20.2.7.B. – Accessory Dwelling Unit (ADU).

Amend Article 20.0 – Rules of Interpretation and Definitions, Subsection 20.3.1. – Definitions, by updating the terms Family and Living Unit to reflect state legislative changes that prohibit the regulation of occupants based upon family relation, also to amend Article 13.0 – Supplemental Regulations for the Estes Valley, Section 13.8. – Definitions by updating the terms Household Living and Household to reflect legislative changes that prohibit the regulation of occupants based upon family relation, and to amend all references in the Land Use Code of where the term family can be replaced by unit (i.e. single-family, multi-family or the like to single-unit, multi-unit, or the like).

Amend Article 2.0 – Zoning Districts, Subsection 2.9.4.E.3. – Annexed Roads to allow for greater flexibility in setback requirements along major roads inside of an adopted Growth Management Area, and Article 6.7. – Flexibility and Relief Procedures, Subsection 6.7.1.D.4. – Additional Criteria for Modifications to Setbacks from County Road Setbacks.

Amend Article 20.0 – Rules of Interpretation and Definitions, Section 20.3. – Other Terms Defined to refine the definition of Tiny House on Wheels, Article 20.0 – Rules of Interpretation and Definitions, Section 20.2.2. – Residential Uses by adding Subsection 20.2.2.9. – Dwelling, Tiny Home to define when a tiny home of wheels can be considered a dwelling, Article 3.0 – Use Regulations, Subsections 3.3.3.A – Dwelling Cabin, 3.4.5.A. – Accessory Living Area, and 3.4.5.D. – Farmstead Accessory Dwellings to define where tiny home on wheels on a temporary foundation is allowed or not allowed.

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.4.I. – Personal Horses and Livestock to remove the term livestock, also to make the same amendments to Article 3.0 – Use Regulations, Tables 3.3 and 3.4 in Subsection 3.2.8. – Table of Allowed Accessory Uses, and Article 20 Rules of Interpretation and Definitions, Subsection 20.2.7.A.9..

Amend Article 2.0 - Zoning Districts, Section 2.9. – Measurements and Exceptions, Subsection 2.9.4.E.3. and Table 2-9: Allowed Setback Encroachments in Subsection 2.9.4.I.4. by changing the term administrative variance to

minor modification to conform with the terminology used in Article 6.0 – Review Procedures, Section 6.7. – Flexibility and Relief Procedures, Subsection 6.7.1. – Minor Modifications.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.5.B.2.q.iv. by removing the requirement for a copy of a current registration with the Fire Department.

Amend Article 5.0 – Land Division Standards, Section 5.9. – Design Standards, Subsection 5.9.4.C.3. by generalizing who will be the grantee if a conservation easement is used on the residual land in a Rural Land Use Plan (RLUP).

Amend Article 2.0 - Zoning Districts, Section 2.9. – Measurements and Exceptions, Table 2-9: Allowed Setback Encroachments in Subsection 2.9.4.I.4. by changing adding allowances for stairs attached to decks to encroach into the required setbacks.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.3.G. by clarifying that the standard does not apply to agricultural storage buildings and garages.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.5.B.2.x. by including clarifying language regarding what drivable surfaces can be used to measure amount of length of parking separation from the floodplain.

Amend Article 6.0 – Review Procedures, Section 6.4. – Use-Specific Standards, Subsection 6.4.3.C.2. by deleting language stating that a neighborhood referral is not required.

Amend Article 8.0 – Signs, Section 8.3. – Standards for Permanent Signs, Subsection 8.3.2.F. by deleting the term pole as it is not applicable.

Amend Article 20.0 - Rules of Interpretation and Definitions, Section 20.3 – Other Terms Defined, Definition - Growth Management Area (GMA) by removing the sentence pertaining to Estes Park as there is no longer a GMA for the Town of Estes Park.

Applicants: Larimer County Community Development

Development Services Team Recommendation: Staff recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code amendments which generally include clarifying the intent and applicability of setbacks and standards, adding and updating various use allowances and use descriptions, and refining processes, procedures, and standards for clarity and ease of use, as found in File No. 24-CODE0278, subject to the conditions outlined in the staff report.

Action Items

1. Election of the Planning Commission Chair, Vice Chair, and Secretary

Reports From Staff

Adjourn

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at accessibility@larimer.org or by calling 970-498-5967 or Relay Colorado 711 "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.