



Date: Wednesday, September 22, 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_Ib9etBBCQD6B8iXRiq-v6w

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a special session on Wednesday, September 22, 2021, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Abbey Pontius, and Gary Green attended virtually. Commissioners John Barnett, Patrick Rowe Anne Best-Johnson, Nancy Wallace, Jordana Barrack, Sean Dougherty, and Bob Choate physically attended with Commissioner John Barnett presiding as Chairman. The Larimer County staff that virtually attended were Frank Haug, Assistant County Attorney II. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Matt Lafferty, Principal Planner; Samantha Mott, Senior Planner; Jenn Cram, Planner II; Connor Sheldon, Civil Engineer I; Lea Schneider, Environmental Health Planner; and Christina Scrutchins, Recording Secretary.

Commissioner Pontius wanted to mention that September 22, 2021, will be her last Planning Commissioner hearing. She will be resigning from the Planning Commission due to her relocation of her residence.

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.

AMMENDMENTS TO THE AGENDA

None.

CONSENT ITEMS

ITEM #1 – OLANDER FARMS SPECIAL REVIEW, FILE NO. 20-ZONE2691: Ms. Mott gave a brief presentation regarding the applicants' request for a Special Review approval for a value-added agricultural processing operation. The property is located on the north side of Highway 60 approximately 3/4 mile east of County Road 11. It is just north of Weld County, and it is located outside of, but adjacent to the Loveland Growth Management Area. It is approximately 72.75-acres in size, and it is currently zoned RR-2 Rural Residential. The existing 12,420-square-foot building was approved for a 2,950-square-foot malting facility in 2015, however the malting operations currently occupy 6,480 square feet of the building. The application seeks to legalize the existing configuration of the malting facility. The 72.75-acre property also contains a single-family dwelling, a pivot-irrigated agricultural field, and an oil & gas well. There are no new buildings proposed with this request. Value added agricultural processing is defined as: The processing and/or packaging of agricultural products, excluding the processing of fish, meat or game. Converting barley to malt is considered a Value-Added Agricultural Processing use. The review process required for such uses depends on a combination of property size, percentage of the product grown on-site, the building size and vehicle trips per day generated. In this instance, the Special Review process is required because the building use area is greater than 4,000 square feet, the use may generate more than 20 trips per day, and less than 50% of the product is grown on site. 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

Commissioner Choate asked if the project would have been eligible for a rezone to an “A” or “ACE” to accommodate the use?

Ms. Mott stated she didn’t look at it specifically but wanted to make note that this project was submitted under the old Land Use Code.

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 Best-Johnson seconded the motion.

VOTE

This received unanimous voice approval.

Motion passed 9-0

DISCUSSION ITEMS

Mr. Lafferty gave a brief introduction of all the Discussion Items regarding the Land Use Code.

ITEM #1 – Land Use Code Amendments to Article 13, the Estes Valley Supplemental Regulations, FILE NO. 21-CODE0261: Ms. Ellis gave a presentation regarding the applicants’ request for a 1) Amend Article 13 and Section 3.3.5.B. to allow Preexisting Lodging Facilities as a Use by Right in EV A and EV A-1 accommodations zoning districts, and to amend the Use Regulations and Definitions to include this use. 2) Amend Article 13 to create a Townhome Project use that is allowed by Administrative Special Review in EV A and EV A-1 accommodations zoning districts and in the RM residential zoning district and to amend the Use Regulations and Definitions to include this use. These changes aim to align the Code with intentions of the Accommodations districts for lodging facilities and how the Town of Estes administered these code provisions, while keeping the changes limited and improving on certain life-safety and site development standards. A Land Use Code is an evolving document, so periodic changes are appropriate, and the County anticipates additional changes to Article 13 that emerge during the comprehensive plan policy discussions. The staff and consultant have discussed these topics with the Estes Valley Planning Advisory Committee on: April 15, May 20, and July 15, 2021. Members of the public also attended and provided comments during some of those meetings. Additionally, the County held a virtual public meeting on Zoom on August 4, 2021, to share preliminary proposed code changes. Also, staff heard from community and property owners within the Accommodations zoning districts about these topics for several months through 2021 and discussed potential code changes with Town of Estes staff, Board of County Commissioners, and Planning Commission at several work sessions.

1: Accommodations uses – the issue: **EVPAC said STRs should be allowed in Accommodation districts; address this issue quickly along with life safety considerations.**

- Current Code, Article 13: Table 13-1 (Residential Zoning Districts Zoning Table) and Regulations in Sec. 13.6.1.b and 3.3.5.B.a (“only one STR shall be allowed on a property”) that apply to STRs and Vacation Homes.
- The Vacation Homes/SRTs in residentially zoned districts capped at 266. No cap in non-

residential districts.

1: Proposed Changes for Preexisting Lodging Facilities in “A” Districts

- Sec. 3.3.5.B.a - State that limitation of one per property does not apply to Preexisting Lodging Facilities in the EV A and EV A-1 districts.
- Tables 13-1, 13-4 - Add a use type in EV A and EV A-1 districts that allows Preexisting Lodging Facilities as a Use by Right.
- Sec. 13.6.D, Use Regulations - Require a basic building life safety inspection, registration.
- Sec.13.8. - Add a new definition - structure existed prior to April 1, 2020.

1: Definition – Staff suggestion, a Change: 13.8., Definitions: Sec. 13.8.2.a.v.

- Preexisting Lodging Facility: A legally constructed dwelling, including condominium units, cabins, or hotels, constructed prior to April 1, 2020, for transient lodging uses and located in the EV A or EV A-1 zoning districts.

2: Townhomes In “A” Districts and “RM”

- Prior to April 1, the EVDC contained a definition for a Townhome Project: "a subdivision which subdivides land into individual lots and platted out lots. Each lot shall contain no more than one (1) unit. Units may or may not be attached. ") and had standards.
- Townhome Projects were allowed in the RM, A, and A-1 zoning districts.
- Definition carried forward.
- Townhomes must comply with all minimum lot sizes and setbacks, which isn't possible.

2: Proposed Changes for townhome Projects

- Tables 13.1 and 13.4 - Add Townhome Project with Administrative Special Review for EV A, EV A-1, and EV MF zoning districts.
- Sec. 13.6 Use Regulations - Adjust setback and minimum lot size requirements, other standards for technical review to address drainage, parking, and neighborhood compatibility (for the residential district).
- Sec. 13.8 – Add to existing definition.

Ms. Ellis closed the presentation with additional comments, review criteria, staff findings, Community Development Department Recommendation and Suggested Motion.

PLANNING COMMISSION COMMENTS

Commissioner Dougherty asked if the definition for the preexisting Lodging Facility going to interfere with the licensing that Estes Valley has currently?

Ms. Ellis stated that it will not affect due to the Town of Estes Park and Larimer County having different and separate programs.

Commissioner Best-Johnson wanted to confirm that the proposed change to the definition of a preexisting Lodging Facility is included in the sub section 3.3.5.B.a?

Ms. Ellis the definition of a preexisting Lodging Facility is included in the sub section 3.3.5.B.a was not included in the packet and would recommend the Planning Commission include it in the motion to add the change.

Commissioner Rowe stated that he feels the preexisting Lodging Facility doesn't fit the definition and was wondering if the staff has a concern that it would be confusing to the public.

Ms. Ellis stated the Estes Valley Planning Advisory Committee did not approve the previous title, Hotel Condo Unit, because it felt as if it was not including the cabin withing the area and the Committee wanted to include all that applied.

PUBLIC COMMENT

None.

PLANNING COMMISSION DISCUSSION:

None.

MOTION

Commissioner Wallace 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 request to amend Subsection 3.3.5 of Article 3 and Article 13, shown in Attachment A as recommended by staff and 13.8., Definitions: Sec. 13.8.2.a.v. Preexisting Lodging Facility: A legally constructed dwelling, including condominium units, cabins, or hotels, constructed prior to April 1, 2020, for transient lodging uses and located in the EV A or EV A-1 zoning districts.

Commissioner Green seconded the motion.

VOTE

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

Motion passed 9-0

ITEM #2 AMENDMENTS TO THE LAND USE CODE REGARDING DEVELOPMENT STANDARDS (PARKING, LANDSCAPING, AND BUFFERING), FILE NO. 21-CODE0258: Mr. Lafferty gave a presentation regarding the applicants' request for a 1. Amending Article 4.0. Development Standards by: a. Adding allowances to Sub-Sections 4.2.1.C.3.d. Off-Street Parking and Loading and 4.2.1.C.3.e. Landscaping of Section 4.2 Applicability regarding requirements for minor expansions and changes of use, b. Repealing and replacing Section 4.6. Off-street Parking and Loading, c. Repealing and replacing Section 4.7. Landscaping, and d. Repealing and replacing Section 4.8. Adjacency and Buffering, and 2. Amending Article 20.0 Rules of Interpretation and Definitions by adding definitions for Agricultural Fencing, Entrance and Exit, Electric Vehicles, Soil Amendments, and Understory Landscaping to Section 20.3. Other Terms Defined.

- Background & Public Outreach
 - Phase 1 of LUC Update carried forward parking regulations and landscaping regulations and introduced buffering standards for residential/agricultural uses
 - Parking regulations last updated in 2000 and landscaping regulations last updated in 2013 in response to changing landscape practices
 - May- September 2021
 - 1 virtual public open house (e-mail notice to over 400 individuals)
 - 1 workshop with staff
 - 3 PC/BoCC joint work sessions
- KEY CHANGES – Parking
 - New standards related to:

- Structured parking
 - Pedestrian and transit access
 - Parking alternatives
 - ADA compliance
- Minimum vehicle parking requirements
 - Required minimum parking spaces in the Urban Character and GMAs
 - Recommended minimum parking spaces in the Conservation & Agriculture, Rural, & Mixed Center
 - Parking Table organized to mirror Table of Allowed Uses
- Minimum bicycle parking requirements applied to only Urban character area and GMAs
- Minimum electric vehicle requirements
- Changes from Prior Draft
 - Electric Vehicle Requirement updated to read:
 - Parking areas in the Urban districts and GMA's with more than 30 parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 30 parking spaces provided on site. The electric parking space shall be:
 1. Located on the same lot as the principal use.
 2. Signed in a clear and conspicuous manner indicating ex conspicuous manner indicating exclusive availability to electric vehicles.
 3. EV-Capable as defined in section 20.3, *Other Terms Defined*.
 - EV Capable: The installation of electrical panel capacity with a dedicated branch circuit and continuous raceway from the panel to future electric vehicle parking spaces.
- KEY CHANGES – Landscaping
 - General landscaping standards updated to incorporate and encourage water-wise landscaping principles
 - Introduced minimum required landscaping percentages (of total lot area) in the Urban character area and GMAs
 - Incorporated new restoration standard for all developments with 1 or more acre of ground disturbance as recommended by the Natural Resources Department
 - Modified and reformatted the Larimer County Plant List (to be included in the LUC Supplementary Materials)
 - Modified and expanded the buffering system established in Phase I
- Changes from Prior Draft
 - Deleted prohibition on artificial landscaping material – non-living material limitations and living material requirements remain.
 - Updated irrigation standards to address properties with no public water supply
 - Updated applicability of 3 buffering types and adjusted width or setback requirements based on scenario

Mr. Lafferty closed the presentation with additional comments, review criteria, staff findings, Community Development Department Recommendation and Suggested Motion.

PLANNING COMMISSION COMMENTS

Commissioner Dougherty, Best-Johnson, Barnett, Barrack expressed their thanks in staff taking the time to make

the amendments.

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION:

Chair Barnett recommended the following changes for Section 4.6.7.H. to read Parking Areas in the Urban districts and GMAs with more than 30 parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 30 parking spaces provided on site. The electric vehicle parking spaces shall be: 1. EV-Capable as defined in §20.3, Other Terms Defined. 2. Located on the same lot as the principal use; and 3. When the electrical vehicle parking spaces are put in service, they shall be signed in a clear per spiculate manner indicating exclusively availability for electric vehicles; Section 4.7.4.B.c.iii.7. to read Where appropriate and approved by the County Engineer, the use of permeable pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff, where permeable pavement is feasible, the maximum impervious are and parking lot shall not exceed 15 percent of the total site are; and Section 4.7.5.C. to read Where a public water supply is unavailable, the applicant shall provide an appropriate method for watering for a minimum of three growing seasons to ensure the establishment of approved plantings.

Commissioner Best-Johnson asked for clarification regarding the recommendation for Section 4.7.4.B.c.iii.7.

Chair Barnett and Commissioner Dougherty explained how they understood how Section 4.7.4.B.c.iii.7 should read.

Mr. Goebel expressed his understanding that Section 4.7.4.B.c.iii.7. does read confusing and did not have information regarding how the staff determined the 15 percent.

Commissioner Choate stated due to the confusion he would recommend removing Section 4.7.4.B.c.iii.7. from the code until further clarification is determined.

Chair Barnett made the following amendment to his recommendation: Section 4.7.4.B.c.iii.7 be removed from the Land Use Code until further review is made by staff.

Commissioner Wallace stated it would be important to find out why the percentage was determined.

MOTION

Commissioner Best-Johnson 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 Land Use Code Amendments by 1. Amending Article 4.0. Development Standards to: a. Add allowances to Sub-Sections 4.2.1.C.3.d. Off-Street Parking and Loading and 4.2.1.C.3.e. Landscaping of Section 4.2 Applicability regarding requirements for minor expansions and changes of use, b. Repeal and replace Section 4.6. Off-street Parking and Loading, c. Repeal and replace Section 4.7. Landscaping, and d. Repeal and replace Section 4.8. Adjacency and Buffering, and 2. Amending Article 20.0. Rules of Interpretation and Definitions by amend adding by adding definitions for Agricultural Fencing, Entrance and Exit, Electric Vehicles, Soil Amendments, and Understory Landscaping to Section 20.3. Other Terms Defined as amended by Chairman Barnett's recommendations for Section 4.6.7.H., Section 4.7.4.B.c.iii.7. and Section 4.7.5.C.

Commissioner Wallace seconded the motion.

VOTE

Commissioner Wallace, Pontius, Choate, Best-Johnson, Green, Rowe, Dougherty, Barrack, and Chair Barnett.

Motion passed 9-0

ITEM #3 – LAND USE CODE AMENDMENTS TO THE RECREATIONAL VEHICLE PARK AND CAMPGROUND REGULATIONS, FILE NO. 21-CODE0256: Ms. Cram gave a brief regarding the applicants' request for a 1.) Amendments to Article 3.0 Use Regulations by: a. Amending Section 3.2 Table of Allowed Uses, b. Amending Section 3.3 Use Specific Standards, and c. Amending Section 3.5 Temporary Uses and Structures, and 2.) Amendments to Article 20 Rules of Interpretation and Definitions by: a. Amending Section 20.2 Definitions of Use Categories and Specific Use Types by adding or amending definitions of Primitive and Modern Campgrounds, Recreational Vehicle Park and Recreational Vehicle, and b. Amending Section 20.3 Other Terms Defined by adding definitions of Sanitary Facility and Sanitary Waste Station. Note: All proposed amendments for File #21-CODE0256 are related to Recreational Vehicle Park and Campground standards of the Larimer County Land Use Code. The previous regulations date back to 2000 and are based on an adopted resolution from 1970. Much has changed since 2000 with outdoor recreation and how recreationalists use public spaces. During the projects 4-month timeframe (May to September 2021), the project team has hosted two public open houses and maintained website content with one public draft to provide opportunities for public input. RV Park and Campground owners were one of the stakeholder groups that participated in the open houses. Workshops were also conducted with Larimer County staff including Planning, Engineering, Health and Environment and Code Compliance. There were also two joint work sessions with the Planning Commission and Board of County Commissioners that covered the proposed content.

- Background & Public Outreach
 - Current regulations based on outdated regulations from the 1970's
 - Intent to be consistent with Comprehensive Plan and updated to follow modern design and operation practices.
 - May- September 2021
 - 2 virtual public open houses (including RV Park and Campground owners)
 - Workshops with Planning, Engineering, Health and Environment and Code Compliance staff
 - 2 PC/BoCC joint work sessions
- KEY CHANGES
 - Modernized development standards to better align with current practice
 - Established two “scales” of campgrounds
 - Primitive: walk-in, tent-only, limited-service camp sites
 - Modern: hybrid of tent and recreational vehicles allowed with more amenities (e.g. sanitary facilities, utility hookups, etc.)
 - Clarified standards for:
 - Setbacks
 - Roads and walkways
 - Campsite design
 - Water supply
 - New standards addressing minimum lot size, 180-day occupancy limitation (campgrounds only), landscaping, fire safety and refuse disposal.

- Changes from Prior Draft
 - Incorporated “Tiny House on Wheels” into definition of “Recreational Vehicle” and removed specific references to “Tiny Houses on Wheels.”
 - Specific reference to 6 CCR 1010-9 removed and replaced with a broad standard to “comply with all state and federal requirements, adopted building codes, fire district requirements, and other applicable codes” based on conversation with Health and Environment Department.
 - Revised approach to sanitary facilities, bringing back a minimum number of fixtures with the ability for the Director to modify those requirements.
 - Road and setback requirements modified per Engineering staff comments.
 - Water supply requirements modified to ensure adequate provision of potable water hydrants within both campgrounds and recreational vehicle parks.

Ms. Cram closed the presentation with additional comments, review criteria, staff findings, Community Development Department Recommendation and Suggested Motion.

PLANNING COMMISSION COMMENTS

Commissioner Dougherty asked if the 180-day limit for RVs in campgrounds is being removed?

Ms. Cram stated the 180-day limit for RVs in campgrounds is being removed and is applied for recreational vehicles that have full hookups and outside of a floodplain.

Commissioner Dougherty feels that there is language within the Land Use Code that the 180-day limit could be extended for an additional 90-days by the Directors choice.

Ms. Cram explained in detail that the 180-day limit could be extended for an additional 90-days by the Directors choice only for campgrounds.

Commissioner Dougherty asked if water will be an addition to the primitive camp sites?

Ms. Cram stated that primitive camp sites could be exempted but it will be at the discretion of the Community Development Director.

Commissioner Best-Johnson wanted to make sure that the school districts are noticed and part of the referral process?

Ms. Cram explained in detail that notice would be provided to the public that are within 500-ft of the property.

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION:

Commissioner Choate asked for clarification regarding the exceptions between primitive and modern campsites.

Ms. Cram explained in detail that primitive campgrounds would have an exception to roads and setback requirements and there are within all situations, the Community Director can wave standards based on the context.

Commissioner Choate would like for the language unisex be removed for Section 7.8. Comfort Stations Sanitary Facilities Every campground shall include a minimum of one unisex sanitary facility and recommended that the minimum of one bathroom could be waived by the Community Director.

Mr. Lafferty stated in detail that the Land Used Code needs to have a minimum standard, but it could be

appealable.

Ms. Schneider explained in detail the minimum standard would be a vaulted toilet.

Commissioner Dougherty wanted to make note that tent camping would be available for the campsite which would need to have access to a Sanitary Facility.

Commissioner Rowe wanted to also note that winter campers would also need to have access to the Sanitation Facility.

Commissioner Choate wanted clarification regarding what the Community director would have the decision to waive regarding Sanitary Facilities.

Ms. Cram stated that the Community Director would be allowed to waive up to the one individual Sanitary Facility. If the applicant wanted to not provide any Sanitary Facilities, they would have to have complete an appeal process.

Commissioner Choate asked what the appeal process would include.

Ms. Cram stated that the applicants appeal would be presented through a public hearing to the Board of County Commissioners.

Mr. Lafferty wanted to note the appeal would be only for the requested standard.

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 approval of the Land Use Code as presented by 1.) Amending Article 3.0 Use Regulations by: a. Amending Section 3.2 Table of Allowed Uses, b. Amending Section 3.3 Use Specific Standards, and c. Amending Section 3.5 Temporary Uses and Structures, and 2.) Amending Article 20 Rules of Interpretation and Definitions by: a. Amending Section 20.2 Definitions of Use Categories and Specific Use Types by adding or amending definitions of Primitive and Modern Campgrounds, Recreational Vehicle Park and Recreational Vehicle, and b. Amending Section 20.3 Other Terms Defined by adding definitions of Sanitary Facility and Sanitary Waste Station. These amendments are found in File# 21-CODE0256 and Attachments B (redline version) and C (clean version) attached to the Planning Commission hearing packet subject to the following: 1. The effective date of the regulations shall be November 1, 2021.

Commissioner Choate seconded the motion.

VOTE

Commissioner Choate, Green, Dougherty, Wallace, Pontius, Rowe, Best-Johnson, Barrack, and Chair Barnett.

Motion passed 9-0

REPORT FROM STAFF

Mr. Threewhitt gave his and the staffs thanks to Commissioner Pontius for her service to the Planning Commission. He also asked for the Planning Commission to discuss the approval of the Consent agenda process. Mr. Threewhitt gave three options for the Planning Commission: 1. Current 2-3 minutes presentation. 2. No slide and brief statement.

ADJOURN

With there being no further business, the hearing adjourned at 7:51 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.