

Date: Wednesday, April 20, 2022

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_znXpRNAzQ7CjWQtNVa2EVA

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a session on Wednesday, February 16, 2022, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Gary Green attended virtually. Commissioners John Barnett, Anne Best-Johnson, Nancy Wallace, Jordana Barrack, Bob Choate, Patrick Rowe, and Jon Slutsky physically attended with Commissioner John Barnett presiding as Chairman. The Larimer County staff that virtually attended were Steven Rothwell, Civil Engineer II. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Lea Schneider, Environmental Health Planner Traci Shambo, Senior Civil Engineer; Tina Kurtz, Environmental Coordinator Specialist; Caryn Nezat, Civil Engineer II; 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 MARCH 16, 2022, PLANNING COMMISSION HEARING

MOTION by Commissioner Best Johnson to approve the minutes.

Commissioner Choate seconded the motion.

This received unanimous voice approval.

Motion passed 8-0

AMMENDMENTS TO THE AGENDA

None

CONSENT ITEMS

ITEM NO. 1 – JOHNSON REZONE, FILE NO. 21-ZONE3178:

Mr. Threewitt, who stood in for Ms. Hillenbrand, gave a brief presentation regarding the applicants' request to remove existing conditional zoning originally approved in 1982 that restricts or limits the use of the property to a 'restaurant, general store, or professional offices.' The property would remain zoned CD – Commercial Destination. The applicants'/property owners' project description indicates that no new development is proposed with this rezone. Uses in this area include residential, National Forest, and vacant land. The property currently contains two (2) existing single-family dwellings that appear to have been constructed in 1925. In addition to the two residences, the property also contains a detached garage. The property does not currently contain a restaurant, general store, or professional office use. The proposed rezone to remove the conditional zoning would allow the two (2) existing single-family residences and detached garage to continue as permitted uses. Additionally, the applicants/property owners would like to remove the conditional zoning in order to seek approval

for a 'Resort Lodge/Cottage' use which would allow them to rent the two existing residences on a short-term basis. The proposed use would be allowed in the existing CD – Commercial Destination zone district following Site Plan Review. The applicants/property owners are concurrently seeking Site Plan Review approval for a Resort Lodge/Cottage use with the understanding that an approval is dependent upon the outcome of this rezone request. 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.

ITEM NO. 2 – LINDA VISTA SUBDIVISION, FILE NO. 18-LAND3743:

Mr. Threewitt gave a brief presentation regarding the applicants' request for a Preliminary and Final Plat for a one-lot subdivision with a total area of 34.78 acres to remove an MLD restriction and allow the parcel to be a building lot. Appeals to the Land Use Code Section 8.14.1.O (gated private roads) and 8.14.1.R (connectivity) of the former Land Use Code (Articles 4.5.4 and 5.3.2.B currently). This application was originally submitted on June 5, 2015, with a subsequent redesign and resubmittal on February 28, 2018, as a two-lot subdivision, and a final resubmittal on December 24, 2019, with the current configuration as a one-lot subdivision. This proposal is subject to the former Linda Vista Subdivision 18-LAND3743 Being Lot One, Weixelman-Mae M.L.D No 02-S2147 55 Larimer County Land Use Code and has been evaluated based on the regulations effective at the time of application. The applicants intend to develop the entire tract as a single, rural residential use. Normal accessory uses such as sheds and outbuildings, livestock grazing, and home occupation use are intended and allowed by the district zoning. Water service will be provided by a well through the executed well-share agreement. The lot is in the Norther Colorado Water Association (NCWA) district currently under a moratorium for new connections, and the feasibility of extending water service was not contemplated with this proposed action. The proposed home would be served by on-lot septic system. The subject property is within the boundaries of the LaPorte Plan Area. The LaPorte Area Plan Future Land Use map identifies the properties as generally being appropriate for residential development at a maximum density of 1 dwelling unit per 10-35 acres, as Low Density Residential. 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

Item No. 2 Linda Vista Subdivision, File No. 18-LAND3743 was asked to be removed as a consent item and be heard as a discussion item.

ITEM NO. 3 – RUDKIN PLANNED LAND DIVISION AND REZONE, FILE NO. 21-LAND4167:

Mr. May gave a brief presentation regarding the applicants' request for a A) A Planned Land Division to divide an existing 18.11-acre parcel into two (2) total residential lots, B) A rezoning from RR2- Rural Residential to Residential to PD – Planned Development, and C) Appeals to the Land Use Code: Article 4.3.5. (On-lot Septic in a Growth Management Area), Article 4.5.4.B.1 (Connectivity), Article 5.3.A (Public Right-of-Way), Article 5.3.1.C.2 (Urban Street Standard), and Article 4.7 (Landscaping). The existing 18.11-acre parcel is located on the north side of E. County Road 44, approximately ½ mile east of the intersection of S. County Road 3 and E. County Road 44, east of Fort Collins. Water for the existing property is currently provided by East Larimer County Water District (ELCO) and sanitation is provided by Boxelder Sanitation District. The new lot would also be served by ELCO and Boxelder Sanitation District. The existing single-family residence is served by an on-site

wastewater treatment system (OWTS), and the proposed new lot would also be served by an OWTS. The subject property is within the service boundary of the Poudre Fire Authority. Mr. May 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

Item No. 3 Linda Vista Subdivision, File No. 18-LAND3743 was asked to be removed as a consent item and be heard as a discussion item.

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 consent agenda.

Commissioner Green seconded the motion.

VOTE

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

Motion passed 8-0

DISCUSSION ITEMS MOVED FROM CONSENT ITEMS

ITEM No. 1 – LINDA VISTA SUBDIVISION, FILE NO. 18-LAND3743:

Mr. Threewitt gave a more in detail presentation regarding the review criteria. To recommend approval of a Subdivision, the County Planning Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable: A. The proposed Subdivision is compatible with existing and allowed land uses in the surrounding area. The property is zoned O - Open which requires a minimum lot size of 10 acres. The proposed subdivision would contain one 34.78-acre lot. The property is in the LaPorte Plan Area with a variety of property sizes in the vicinity ranging from 3 acres to over 200 acres. The predominant land uses in the area are single-family residential, rural residential, and agricultural. The surrounding properties are zoned O-Open, which generally allows agricultural uses and single-family development. The proposed Subdivision is consistent with existing and allowed lot sizes and land uses in the surrounding area. B. The applicant has demonstrated that the proposed Subdivision can and will comply with all applicable requirements of this Code. The following standards have been met: Adequate Public Facilities, Domestic Water Level of Service, Drainage Level of Service: In a memo dated February 12, 2020, Larimer County Engineering has indicated that the Drainage Memo addressed most previous concerns but seeks clarity on a more detailed erosion control plan and requires plans for the access road to ensure LCRARS low volume road standard design drainage standards., Fire Protection & Emergency Medical Level of Service: Poudre Fire Authority (PFA) has responded with comments regarding access and water supply. PFA has indicated that a fire sprinkler system is required to be installed in all future residential dwellings on any of the lots. Unless otherwise approved by the fire marshal, this requirement shall remain in effect until such time that infrastructure of the water utility will allow for the placement of fire hydrants as required by code., Road Capacity and Level of Service: The purpose of the

road capacity and level of service standard is to ensure that all development will have safe and adequate access to public roads and transportation related services and to ensure that development does not create demand for

public improvements and services that cannot be met with existing public resources. In the February 2020 memo, the Engineering Department indicated that the applicant is required to widen Green Mile Drive from US287 to the end of the right-of-way to meet the LCRARS road standard. To utilize the private shared access, the applicant required to appeal 8.14.1.O for the gated access request and 8.14.1.R to appeal connectivity requirements. The memo further indicated that the Engineering Department can conditionally support these appeal requests., There are no wetlands identified on these parcels, The property is in a moderate geological hazard area with a Geologic Classification of 4B, also being stable colluvial or rock bed on steep slopes. There is emphasis on drainage. The property is not within a mapped wildfire hazard area., There are no specific wildlife concerns with the proposed Subdivision currently. A referral was sent to Colorado Division of Parks and Wildlife, but they have not provided any comments on the request. There are no landscaping standards applicable to this Subdivision., Private Local Access Road and Parking Standards: Two parking spaces are required for each single-family residential home. The proposed lot is large enough to provide an adequate number of parking spaces., Road Surfacing Requirements: There is no internal road proposed with this subdivision. The new lot will take access directly off Green Mile Drive., There are no irrigation ditches within the vicinity of this proposal., These standards will be applicable at the time of development construction and permits will be required at that time. There are no commercial mineral deposits on this site., The proposed lots are generally consistent with the Design Standards and Guidelines., There are two exceptions. First, the proposal does not provide connectivity., The layout of the site, surrounding topography, and the existing development patterns in the area may not be conducive to establishing roadway connectivity. Second, the applicant is requesting an appeal to allow gated private access. For the Board of County Commissioners to approve a gated private road, all associated review criteria shall be met. The owners who have historically utilized the access road prior to this proposal have had it gated., The applicant is directed to refer to the Land Use Code with respect to outdoor lighting. Down-directed outdoor lighting is strongly recommended so that light does not trespass on to adjacent properties., Fences must comply with the requirements of the Land Use Code., the recommendations of referral agencies have been considered. Referral agency comments are attached to this memo and have been incorporated into this staff report and the proposed conditions of approval., and approval of the proposed Subdivision will not result in a substantial adverse impact on other property in the vicinity of the proposed Subdivision. The subdivision creates one buildable lot. This development proposal is consistent in land use type with the surrounding area and is proposed at a substantially similar density that exists in the area. This will not result in a significant impact to properties in the immediate area. Mr. May closed

APPLICANTS PRESENTATION

None

PUBLIC COMMENT

Brian Darington, Daniel Weiner, and Jessie Weiner

Comments in opposition

- Shared well needing to be updated to provide enough water to all properties.
- Who will be maintaining the shared access road?
- Where the new access road would be located for the proposed property?
- Did not have knowledge of a septic system on the proposed property.

APPLICANT'S REBUTTAL

Mr. Weixelman stated the access for the proposed property would be on Green Mile Drive that will be maintained by the applicant. The water system design has been tested and approved for adequate proposed use and road turn around design has been provided to the county.

PLANNING COMMISSION COMMENTS

The Planning Commission asked clarification regarding which property the turnaround will be located, and who

will be maintaining the shared access road.

The Larimer County Staff stated that access was required to come off Green Mile Road and the applicant was required to design and construct a widened section of Green Mile Drive from US 287 to the proposed lot's driveway and a turnaround that meets the local low volume road standard, and A Road Maintenance Agreement will need to draft and recorded to ensure that the new lot owner contributes their fair share to the maintenance of Green Mile Road. If one already exists, the applicant will need to coordinate with the other contributing landowners to add the new lot owner to the agreement.

PLANNING COMMISSION DISCUSSION:

The Planning Commission discussed which properties have ownership of the shared-well and who are involved in the shared-well Agreement, concerns have been addressed or plans have been put in place to address concerns and if the applicant does not come to an agreement with the shared road neighbors, then the maintenance falls on the applicant to maintain the road.

The Larimer County Staff stated the shared-well Agreement was executed on August 27, 2003, that includes standard residential uses, gallon size limitation and irrigation.

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 Linda Vista Subdivision File # 18-LAND3743, and the requested Appeals to Sections 8.14.1.O and 8.14.1.R of the Land Use Code regarding gated private access and connectivity subject to the following conditions in the staff report.

Commissioner Wallace seconded the motion.

VOTE

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

Motion passed 8-0

ITEM NO. 2 – RUDKIN PLANNED LAND DIVISION AND REZONE, FILE NO. 21-LAND4167:

Mr. May did not have anything more to add to his previous presentation.

PUBLIC COMMENT

Lynn Stevens

Comments in opposition

- Was not aware that the applicant property and the surrounding properties were allowed to re-zone.
- Wants the proposed property to continue being used as the main dwelling on the northern side and limited to little gun use.
- Would like a more detail of the Conditions of approval.

ITEM NO. 2 – RUDKIN PLANNED LAND DIVISION AND REZONE, FILE NO. 21-LAND4167 STAFF

PRESENTATION:

Mr. May gave a more in detail presentation regarding the review criteria. 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; 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; 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; 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; As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions. Complies with the applicable supplementary regulations of the GMA district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable.; Is compatible with existing and allowed land uses in the surrounding area; Can and will comply with all applicable requirements of this code; The county commissioners have approved a rezoning of the land to PD – Planned Development; The recommendations of referral agencies have been considered; Approval of the proposed planned land division will not result in a substantial adverse impact on other property in the vicinity of the proposed planned land division. The Rezoning is Compatible with Surrounding Uses: The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood. Community Need or Public Benefit: The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.; Change of Circumstances: The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.; Adequate Infrastructure: The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.; Natural Environment: The proposed change does not result in significant adverse impacts on the natural environment.; Additional Review Criteria in Growth Management Area (GMA) Districts: To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in Article 4.2.1.B.3 have been met; and The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in Article 4.2.1.B.3 can no longer be met. Approval of the appeal will not subvert the purpose of the standard or requirement; Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood; Approval of the appeal is the minimum action necessary; Approval of the appeal will not result in increased costs to the public; Approval of the appeal is consistent with the intent and purpose of the Code. Mr. May closed the presentation with additional comments and recommendation.

PLANNING COMMISSION COMMENTS

The Planning Commission wanted clarification regarding what the subdivision regulations are within the proposed properties surrounding neighbors.

The Larimer County Staff stated the proposed property and surrounding neighbors are zoned as RR-2 Rural Residential which has a minimal lot of 2.3-acres where any potential Land Division would be required to meet the minimum lot size.

APPLICANTS PRESENTATION

Mr. Rudkin stated the intent was to create two lots and to maintain the integrity of the existing neighborhood.

PUBLIC COMMENT

Tom Nesbitt

Comments in opposition

- Concerns with Timnath Growth Management expanding quickly.
- What will happen if other properties go through the same process
- Will Larimer County lose jurisdiction?

PLANNING COMMISSION DISCUSSION:

The Planning Commission discussed that the reason for the Timnath Growth Management is to allow future growth and are in support of the application.

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 approval of the Rudkin Planned Land Division, File #21-LAND4167, subject to the conditions noted in the staff report, approval of the rezoning from RR-2 Rural Residential to PD - Planned Development, File #21-LAND4167, subject to the conditions noted in the staff report, and approval of the Appeals to the following Articles in the Land Use Code: Article 4.3.5. (On-lot Septic in a Growth Management Area), Article 4.5.4.B.1 (Connectivity), Article 5.3.A (Public Right-of-Way), Article 5.3.1.C.2 (Urban Street Standard), and Article 4.7 (Landscaping).

Commissioner Anne Best Johnson seconded the motion.

VOTE

Commissioner Wallace, Choate, Best Johnson, Green, Rowe, Slutsky, Barrack, and Chair Barnett

Motion passed 8-0

DISCUSSION ITEMS

ITEM NO. 1 – AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE TO ADDRESS ERRORS AND OMISSIONS IN ARTICLES 3,4,5,8, AND 12; FILE NO. 22-CODE0268:

Mr. Threewitt gave a brief presentation regarding the applicants' request for a to amend the Larimer County Land Use Code with the following: 1. Correction to §3.2.3.B.2. to add the CD Commercial Destination zoning district as one that allows for multiple principal uses; 2. Corrections to Table 3-1 in §3.2.6. and Table 3-2 in §3.2.7. to align use allowances with §11.3.2.A, Oil and Gas facilities; 3. Corrections to the Table of Allowed Accessory Uses in §3.2.8. to correct errors related to helipads; 4. Corrections in §3.4.5.B.2. to the review process required for Business Accessory Dwelling Units to align with Tables 3-3 and 3-4 in §3.2.8.; 5. Addition to §4.12 Water Quality to include an omitted "Water Quality Adjacent to Drinking Water Reservoirs" section (formerly Sec. 8.12.6); 6. Correction to §5.7.2. to remove reference to the Estes Valley as a location where a planned land division is required; 7. Corrections to the allowed sign area for nonresidential signs in Table 8-4 in §8.4.3.B.; and 8. Updates to Article 12 floodplain regulations that were inadvertently omitted from the Code in 2021. 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

The Planning Commission wanted clarification if the Board of County Commissioners have determination regarding moratorium's being placed while corrections to the Table of Allowed Accessory Uses in §3.2.8. to correct errors related to helipads, and if the Addition to §4.12 Water Quality to include an omitted "Water Quality Adjacent to Drinking Water Reservoirs" section (formerly Sec. 8.12.6) includes drinking water wells.

The Larimer County Staff stated the helipads and landing pads were not formerly allowed under the old Land Use Code therefore when added into the New Land Use Code they drafted as an accessory use and for the Board of County Commissioners and Planning Commission to place performance standards to allow as an accessory use. Well protections regarding drinking water are included within the code.

PUBLIC COMMENT

None

PLANNING COMMISSION DISCUSSION:

The Planning Commission discussed that they felt the amendments are reasonable and are in favor of the proposal.

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 amendments to the Larimer County Land Use Code, File #22-CODE0268 as described in Items #1 through #7 in the memo, Item #8 as depicted in Exhibit A, and other minor formatting changes to the table of contents in order to correct errors and omissions in the Land Use Code, subject to the conditions of approval outlined in the staff report.

Commissioner Nancy seconded the motion.

VOTE

Commissioner Choate, green, Wallace, Best Johnson, Rowe, Barrack, Slutsky and Chair Barnett

Motion passed 8-0

REPORT FROM STAFF

None

ADJOURN

With there being no further business, the hearing adjourned at 7:41 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.