



Date: Wednesday, February 21, 2024
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, February 21, 2024, at which time the following business was transacted.

Board Members Present: Bob Choate, Patrick Rowe, Conor Duffy, Anne Best Johnson, Jordana Barrack, Jon Slutsky, Shelby King, and Lisa Chollet.

Staff Present: Jenny Axmacher, Planning Manager; Justin Currie, Planner II; Conner Sheldon, Civil Engineer I; David Pringle, Civil Engineer I; Caryn Nezat, Civil Engineer II; Lea Schnieder, Environmental Health Planner; Christine Luckasen, Assistant County Attorney I; Christina Scrutchins, Recording Secretary; and Teresa Mollendor, CIRT.

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.

AMENDMENTS TO THE AGENDA

Jenny Axmacher announced a correction to the agenda for the night's hearing. The corrected information pertained to the Lemon Family Trust Conservation Development, involving a preliminary plat approval for a conservation development on 241 acres to create 45 residential lots in the RR2 zoning district. The location was at the southeast corner of County Road 21 and County Road 4. The applicant/owners were Alex Homie and HT Land Partners 2000 LLC. The Development Services Team recommended that the Planning Commission recommend the Board of County Commissioners approve the Lemon Family Trust Conservation Development. The correction was made because incorrect information had initially been posted on the agenda, though the notice had been published correctly.

APPROVAL OF THE MINUTES

Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the February 21, 2024, minutes of the Larimer County Planning Commission. Commissioner Duffy seconded the motion, and Commissioner Cholette abstained. Motion carried (7-0).

CONSENT ITEMS

Members of the public requested for Item No. 1 - Lemmon Family Trust Conservation Development, File No. 22-LAND4255 and Item No. 2 - New Cell Tower at 520 Isaac Lane Special Review, File No. 23-WCF0107 to be removed from the Consent Items and be placed as Discussion Items for a full Hearing.

DISCUSSION ITEMS

ITEM NO. 1 – LEMMON FAMILY TRUST CONSERVATION DEVELOPMENT, FILE NO. 22-LAND4255

The applicant proposes to subdivide a 241-acre (+/-) parcel zoned RR2 – Rural Residential into forty-five (45) residential lots, each measuring approximately 2 acres. Since the property is over 30-acres and located outside a Growth Management Area, the required land division process for this parcel is a Conservation Development, which requires that a certain percentage of the land be set aside as open space in a residual lot, while still allowing for the division of smaller lots in 3 clusters. Based on the zoning and the utility infrastructure already in place, the required ratio of developable land to residual land is 50/50. Of the 241-acres 7.3 acres of this will be dedicated as right-of-way for County Rd. 4 and County Rd. 21, leaving 234-acres. Of those 234-acres approximately 24-acres are non-developable due to its location in the floodplain, leaving the total project site at 209-acres. As mentioned above, since this is a 50/50 developable to residual land ratio, approximately 104.5-acres is eligible for development and approximately 104.5-acres must be used for residual land which is required to be conserved in perpetuity.

The property is currently being used for agricultural purposes with the remaining portions being undeveloped land. The proposed subdivision will be served by the Little Thompson Water District and the residential lots will utilize on-lot septic for their sewer requirements.

The application was sent out to both referral agencies and community members. No comments were received from any community members. Referral agencies that provided comments are listed below and their comments are attached to this report (Attachment – F).

Comments were received from the following referral agencies:

- Larimer County Engineering
- Larimer County Code Compliance
- Larimer County Department of Natural Resources, Weed District
- Division of Water Resources
- Little Thompson Water District
- Berthoud Fire Dept.
- Town of Berthoud
- Century Link
- Colorado Geological Survey
- USPS
- WAPA (Western Area Power Administration)
- Platte River Power Authority

Comments were not received from the following referral agencies:

- Larimer County Health Department
- Colorado Parks and Wildlife
- Larimer County Parks
- Larimer County Addressing
- Larimer County GIS
- Larimer County Soil Conservation
- Eagle Ditch Company

A neighborhood meeting was not required for this proposed Subdivision.

STAFF PRESENTATION

Staff gave a brief presentation of the application, review criteria, a summary of the Development Review Teams Findings, and the Development Services Team Recommendations.

PLANNING COMMISSION AND STAFF COMMENTS

A commission member asked for clarification on whether this review would be the only time the Planning Commission would review the plotting application or if they would also have an opportunity to review the final plot application. Staff confirmed that typically, the final plat proceeded directly to the Board of County Commissioners. A commission member raised a concern regarding the minimum lot size requirement of 2.3 acres for on-site septic systems. In response, staff explained that although the RO2 zoning stipulated a 2.3-acre minimum, the project was undergoing the Conservation Development Review process, allowing for a density bonus due to the preservation of 50% of the total acreage as residual land. This adjustment permitted a slight reduction in lot size while still accommodating necessary septic system requirements. Staff mentioned that the Health Department was content with this modification, ensuring compliance with setback regulations without necessitating additional variances. Overall, the conversation indicated a thorough consideration of lot size and septic system needs within the framework of the Conservation Development Review process.

APPLICANTS PRESENTATION

The applicant, Alex Hoime, expressed excitement about a project involving a beautiful property, indicating personal attachment and potential residency. They shared pictures illustrating the property's scenic features and layout, emphasizing compliance with county guidelines and conservation efforts, particularly in light of the devastating 2013 flood. The project aimed to preserve agricultural uses and historical significance while incorporating modern amenities like fiber optic internet. Detailed plans included clustered residential lots, open spaces, and infrastructure improvements. The presentation concluded with acknowledgment of the project team's efforts and a recap of utility arrangements.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

A commission member raised concerns about shallow groundwater and the environmental impact of installing septic units on the property. The applicant explained that connecting to the Town of Berthoud's sewer district was not feasible due to distance and would likely necessitate higher density development. Staff addressed environmental worries by outlining stringent regulations for mounted sand septic systems to prevent groundwater contamination. Another concern was raised regarding the lack of connectivity to the North Front Range MPO's trail master plan. The applicant stated that trail connections were possible, although plans were not finalized. The applicant also detailed plans for a non-potable water system for irrigation, primarily serving common areas and 2-acre lots. Restrictions on building envelopes within residual lots were discussed, emphasizing agricultural use and HOA guidelines. Finally, the absence of a metro district and the intention to prioritize native vegetation for landscaping were confirmed, with irrigation restrictions in place to minimize water use.

PUBLIC COMMENT

Grant Gillig, James Sherman, Brian Campbell, John-David Gray, Linnea Carlson, Shawn Stratton, Jim Laib, Mason White, and Madisen Shirk.

Comments

- Positive remarks about the development's design and conservation efforts.
- Supportive representation from a homeowner's association, appreciating communication and cooperation from the developers.
- Appreciation for the diversity of housing options and conservation efforts.
- Gratitude for the tasteful and conservation-minded development, with commendations for addressing community concerns.
- Support for conservation efforts and proposed park development along the river.
- Concerns expressed about inadequate notification and information dissemination, resulting in low attendance.
- Various concerns raised about floodplains, wildlife habitats, water supply, and notification methods.
- Repeated concerns about inadequate community engagement, wildlife assessments, and agricultural viability.

- Questions asked about gated community status, park access, water supply, and traffic management plans.
- Request for more detailed information on traffic, wildlife, and water studies, suggesting another meeting for further discussion.
- Concerns voiced about school overcrowding, traffic safety, floodplain accuracy, and further concessions in development plans.
- Dissatisfaction expressed with the notification process and skepticism about compatibility with the area's character.
- Highlighting concerns about floodplain changes, access during floods, and maintaining land integrity and flood resilience.

PLANNING COMMISSION, STAFF COMMENTS, AND APPLICANT COMMENTS

Staff addressed concerns regarding notification procedures, wildlife impact assessments, road maintenance agreements, and traffic studies. They assured that standard notification procedures were followed, with documents available online. Staff clarified the purpose of neighborhood meetings and explained the absence of changes to road intersections. Regarding wildlife impact, they noted assessments done during the sketch plan phase and the absence of significant concerns from relevant agencies. Staff also outlined the internal road maintenance agreement and provided details on the Fugitive Dust Control Plan for construction. Commission members inquired about proposed changes to road intersections, long-term maintenance obligations, and water supply for the development. The applicant clarified engagement efforts with neighbors and discussed water supply arrangements with Little Thompson Water District. Additionally, they addressed fencing plans to accommodate wildlife movement and delineated wetland areas relative to the development. Drainage treatments were outlined to ensure minimal environmental impact. Other key points were addressed, including water management plans, wherein the applicant proposed detaining flow in a pond to facilitate sediment settling and pollutant treatment. Infrastructure upgrades were also discussed, with the applicant intending to replace old infrastructure with a new 12-inch water district line, upgrading existing 6-inch lines as necessary. There was deliberation regarding public access to amenities such as trails and parks, with considerations about potential restrictions by the HOA. The meeting also touched on the payment of capital improvement fees to the school district for each lot created. Concerns were raised about the ownership and use of residual land, with questions about maintaining agricultural use and preventing unwanted development. It was noted that the proposed development aligned with RR2 zoning and was consistent with the comprehensive plan. Information dissemination to the public was addressed, highlighting the availability of project details through online portals and notifications. Finally, the meeting confirmed that the Thompson School District had been reviewed as part of the referral process.

PLANNING COMMISSION DISCUSSION:

The Commissioners had various concerns and suggestions raised. The Commissioners started with acknowledgment of the challenges posed by rapid growth in Larimer and Weld counties and the importance of zoning codes. Commission members discuss the need to ensure public access to a trail along the river and address concerns about notification processes. Additional conditions related to trail connectivity and dark sky standards are proposed to support the development. Concerns about public access to private property and the adequacy of notification processes are voiced, emphasizing the importance of citizen involvement in rural developments. The County Attorney provides legal insights, and suggestions are made to incorporate proposed conditions into the resolution. Overall, the conversation revolves around balancing development needs with citizen concerns, ensuring public access to amenities, and addressing issues related to notification and compliance.

MOTION

Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission include a condition of approval: The applicant shall include public connectivity through the property to the regional Little Thompson River corridor trail illustrated on the NFR MPO non-motorized plan from 2021 in accordance with Comprehensive Plan principle and policy No. 51 items 1.1, 1.2, 1.5, 1.6 and No. 52 2.1. This shall be illustrated on the final plat. Commissioner Duffy second the motion. Motion carried (8-0)

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommends that the Board of County Commissioners Approve the Lemmon Family Trust Conservation development, File No. 22-LAND4255, subject to the conditions as outlined in the staff report and the additional condition: The applicant shall include public connectivity through the property to the regional Little Thompson River corridor trail illustrated on the NFR MPO non-motorized plan from 2021 in accordance with Comprehensive Plan principle and policy No. 51 items 1.1,1.2,1.5, 1.6 and No. 52 2.1. This shall be illustrated on the final plat. Commissioner Cholette second the motion. Motion carried (8-0)

ITEM NO. 2 – NEW CELL TOWER AT 520 ISAAC LANE SPECIAL REVIEW, FILE NO. 23-WCF0107

The subject property is at 520 Isaac Lane and is located on the northeast corner of Rist Canyon Road and Stove Prairie in Bellvue. The property is 40-acres, zoned O-Open, and the current use of the property is single-family residential. In the O-Open zoning district, cell tower structures taller than 120 feet are allowed with Special Review approval. This proposal is to build a new 190' (with 5' lightning rod) cell tower within a proposed 70'x32' lease area. The site is designed to allow for colocation of multiple cell companies, with four 15'x10' ground equipment lease areas for future tenants. The application was sent to multiple referral agencies for review, comments were received from the following agencies:

- Building Division
- Code Compliance Division
- Larimer County Health Dept.
- Larimer County Engineering Dept.
- Larimer County Emergency Services – Wildfire

No comments were received on the Site Plan from Larimer County Right-of-Way Permitting and the Rist canyon Volunteer Fire Dept. 56 Engineering: The proposed access road will need to be in conformance with the Larimer County Rural Area Road Standards, particularly sections 3.2, 3.3, 3.4, and 3.6. They will also need to include any and all applicable notes noted in Appendix H of the Larimer County Rural Area Road Standards. Complete referral agency comments are included in Attachment E. Neighbor notices were sent to ten (10) property owners and at the time of the writing of this report, no written neighbor comments were received. Per Federal Law/Federal Communications Commission, Section 47 U.S.C. 332(c)(7)(B)(iv) says, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

STAFF PRESENTATION

Staff gave a brief presentation of the application, review criteria, a summary of the Development Review Teams Findings, and the Development Services Team Recommendations.

APPLICANTS PRESENTATION

The applicant, Richard Gaito from Tower Engineering Professionals, outlines details of the proposed cell site development. He explains that the tower will serve as a subcarrier for wireless providers and discusses efforts to minimize environmental impact by avoiding tree removal. The height of the tower, 190 feet with a 5-foot lightning rod, is justified for line-of-sight requirements and to attract other carriers for co-location. Gaito explains the choice of a self-support tower over a monopole for structural reasons and to accommodate multiple carriers within a smaller footprint. He reassures regarding lighting, stating the tower will not have lights as it falls under FAA height requirements. Additionally, Gaito discusses the minimal traffic expected at the site, with periodic inspections by carriers and tower owners, emphasizing the potential for remote troubleshooting to minimize disruptions.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

A Commission member inquired about the tower's anchoring method, which would involve subsurface moorings

and drilling for casing. The applicant affirmed this plan. Another Commission member then asked about the coverage area of the tower, particularly its radius extending north and south along the canyon. The applicant explained that the coverage area depended on factors such as carrier bandwidth and channels, which were not yet determined. They indicated that specifics would be provided during subsequent applications for carrier installation on the tower. The process would involve zoning approval followed by individual carrier agreements. Concerning the process for adding carriers, staff clarified that after approval from the commission and the Board of County Commissioners, construction would proceed. Adding carriers would require an Eligible Facilities Request (EFR), which would not involve a public hearing but administrative approval. Additionally, a development construction permit would be necessary for road construction preceding the building permit.

PUBLIC COMMENT

Josef Dvorak

Comments

- Acknowledgment of the need for improved cellular communications.
- Consideration of alternative solutions to address the communication needs.
- Concern for preserving the natural character of the mountain and forest area.
- Advocacy for better notification processes for stakeholders.
- Awareness of potential impact on property access and infrastructure development.
- Concerns over the proposed tower's height being out of character with the surroundings.
- Doubts about the effectiveness of camouflage to hide the tower.
- Criticism of the notification process for stakeholders.
- Uncertainty regarding the feasibility of accessing the site via Isaac Lane.
- Confusion and misinformation about the tower's design and potential impact on properties.

OWNERS COMMENTS

Nathan Horn, property owner, explained that the proposed cell tower had been on his property, emphasizing that it was his company responsible for the development. They clarified that no other companies were involved, stating his role as the one overseeing the project. They stated that there would be no additional towers, expressing openness to the monopole option discussed with Joseph and Matt. They mentioned the height limit of 190 feet to avoid excessive lighting, highlighting a propagation study to support the proposed tower's feasibility. The property owner acknowledged the need for adjustments to the plans if necessary, particularly concerning fiber optics. He offered easements to Matt and others, emphasizing the importance of decisions based on visual impact and individual property preferences, separate from his business interests. The property owner concluded by affirming his positive regard for everyone involved.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Commission members inquired about easements and citing considerations for the tower's location, and the applicant explained that tower placement was primarily dictated by the needs of wireless carriers and availability of lease land. Questions arose regarding the necessity of tower height and lifespan, with the applicant suggesting it could last for several decades. Concerns were raised about access rights across private property and whether the applicant had demonstrated legal authorization. The county attorney clarified that the responsibility lay with the applicant to obtain legal access and that the county didn't interfere in private property contracts. Discussions also focused on design standards, including camouflage and co-location possibilities for the tower. The staff noted that the county might require the removal of abandoned tower facilities per operational standards. Overall, the conversation touched upon legal, engineering, and design aspects of the proposed tower project, with a focus on ensuring compliance with regulations and addressing concerns about access and visual impact.

PLANNING COMMISSION DISCUSSION

The Commission members discussed various aspects of the proposed tower project, including concerns about concealment efforts and the tower's height. One member expressed uncertainty about the project's readiness for approval, highlighting the need for more information, particularly regarding the tower's height requirements. There were discussions about the tower's role in providing wireless service to rural areas and the importance of ensuring compatibility with surrounding landscapes. Suggestions were made to request additional information from the applicant to clarify height requirements and explore alternative locations. Concerns were also raised about easement and access issues, suggesting that the application might not be ready for approval due to unresolved issues beyond just the tower's design. The staff clarified certain design standards applicable to the project and emphasized the need for further evaluation beyond just the tower's structure. The possibility of multiple continuances to address various unresolved issues was suggested as a course of action for the commission.

MOTION

Commissioner Duffy moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission continue the discussion for New Cell Tower at 520 Isaac Lane Special Review, File No. 23-WCF0107 at the March 20, 2024, Planning Commission Hearing. Commissioner Barrack seconded the motion. Motion carried (8-0).

REPORT FROM STAFF

None.

ADJOURN

With there being no further business, the hearing adjourned at 9:48 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.