



Date: Wednesday, November 15, 2023
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_xvEByGr7RVys8d2gYss3HQ

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, November 15, 2023, at which time the following business was transacted.

Board Members Present: Bob Choate (Chair), Patrick Rowe (Vice Chair), Conor Duffy (Secretary), Anne Best Johnson, Jon Slutsky, and Shelby King.

Staff Present: Jenny Axmacher, Planning Manager; Justin Currie, Planner II; Steven Rothwell, Civil Engineer II; Lea Schnieder, Environmental Health Planner; 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

Commissioner Duffy moved, and Commissioner Rowe seconded the motion to approve the October 18, 2023, minutes of the Larimer County Planning Commission as presented. Motion carried (5-0). Slutsky abstained.

AMENDMENTS TO THE AGENDA

None.

DISCUSSION ITEMS

ITEM NO. 1 – CITY OF LOVELAND TRAIL CONNECTION LOCATION & EXTENT, FILE NO. 23-ZONE3553

Staff gave a brief presentation regarding the applicants' request for a Location and Extent for the City of Loveland to construct a new 1-mile trail connecting the existing Boise Bend Natural Area to the future Willow Bend Park Natural Area. Location and Extent (L&E) Review for the City of Loveland's proposal to construct a new one-mile trail connecting the existing Boise Bend Natural Area to the west and the future Willoughby Natural Park to the east. The L&E Review is mandated by Colorado state statute, requiring approval from the county or regional planning commission for public projects. The purpose of the L&E Review is to determine if the proposed public use, structure, or utility aligns with Larimer County's adopted comprehensive plan. The comprehensive plan elements considered in this case include economic health, recreation, conservation, community connectivity, natural resources, wildlife habitats, and hazard protection. The application underwent review by various agencies, and public notice was sent to surrounding property owners, with no official comments received from the public. Staff closed the presentation with additional comments, and the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION AND STAFF COMMENTS

Firstly, it was noted that location and extent applications do not necessitate public comment or notice, although there was a mailing notification to properties within 500 feet of the proposed project area, yielding no public comments. Concerns were raised about the potential impact of the proposed trail on the nearby agricultural operation, Osborne Farms, and the commissioner sought clarification on whether discussions had occurred with the farm owners. Additionally, there was a detailed discussion on the floodplain review, with a focus on the definition of development in a floodplain. It was clarified that floodplain regulations would become applicable during the subsequent phase when the actual trail alignment was proposed, not in the current location and extent phase. The floodplain designations, floodway, and flood fringe were explained, with an emphasis on the more stringent regulations in the floodway. The conclusion highlighted that the current phase dealt with the alignment of the trail, while floodplain regulations and technical reviews would be addressed in the subsequent development phase, where compliance with floodplain regulations would be crucial.

APPLICANTS PRESENTATION

It was highlighted that the Willow Bend Trail constitutes a segment of a larger trail system with future plans to connect to I-25 and establish a linkage between the trail systems of Loveland and the Johnstown area. The existing conditions of the site were illustrated through images, emphasizing the trail's location in southeast Loveland, including crossings over South Boise Avenue and an outfall channel from the wastewater treatment plant. The trail alignment would traverse remnants of gravel mining ponds and wetlands, with planned boardwalk crossings. The proposed trail, approximately one mile in length, features a 10-foot-wide concrete pathway with two bridge or boardwalk crossings. The presentation also outlined safety measures, such as a rectangular flashing beacon for pedestrian crossings over South Boise Avenue. The overall location and extent plan delineated the trail alignment, with a specific section slated for a separate project with the Willow Bend Park and natural area. Emphasizing its role in the East Big Thompson River Trail, the presentation outlined connections to downtown, a future park, and natural area, Boys and Girls Club, and youth gardeners. The project aligns with the Larimer County Comprehensive Plan, focusing on preserving wildlife habitat, expanding the city's recreational trail network, and enhancing non-motorized transportation options while maintaining the scenic lands and biodiversity of wetlands and riparian corridors.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Concerns were raised regarding the impact of the Willow Bend Trail on natural resources, wildlife habitat, and ecosystems, particularly concerning potential infringement on wildlife movement between the Boise Bend natural area and the Willow Bend Park. Questions were posed about existing wildlife paths and the potential disruption caused by the trail's paving. The response clarified that while there is an existing 2-track road on the TCM property, the trail's intention is to no longer use it as a 2-track trail. While wildlife corridors were not officially mapped, the low-impact nature of the trail and the surrounding land conservation efforts were emphasized. It was highlighted that the East-to-West corridor between the Boise Bend natural area and the Willow Bend Park already faces challenges due to a busy road and wastewater treatment plant. The presentation underscored the City's broader conservation plan, with the acquisition of 165 acres of conserved land, contributing to a net benefit for wildlife along the riparian corridor. Additionally, partnerships with the Osborne Farm were acknowledged, emphasizing their role as a conservation partner and the positive impact of taking developable land off the table. Overall, the project was presented as contributing positively to both wildlife conservation and public access.

PUBLIC COMMENT

Lawrence Long and Keith Brown.

Comments and Concerns

- Public hearing notice did not clearly indicate the ability to provide comments.

- The potential impact of the proposed trail on wildlife.
- Disagreement on Impact of the trail.
- The homeless population using the trail as a pathway, camping, fires for warmth, and impacting the neighborhood's safety and environment.
- Proximity to the neighborhood is less than 500 feet away.
- Found navigating website for information challenging.
- Disconnect between discussions about alignment and the supposed focus on general consistency with the county plan.
- Concerned about the proposed trail's proximity to a water treatment plant.
- Requests clearer communication to avoid confusion.
- Suggests the need for a fence between the trail and the river to prevent public entry.

APPLICANTS REBUTAL

The applicant provided background information about the trail alignment, stating that the city had held an easement across the TCM property for many years, predating its acquisition last year. The property, previously privately owned by the McGuinty family, had been of interest to the city for an extended period. It was clarified that the city does not permit hunting on its properties, and the gunfire likely originated from the Simpson Pond State wildlife area to the east. The trail alignment was still in the early stages of review, with technical details, construction documents, and permitting yet to be finalized. Preservation of wetland habitat was a concern, influencing the choice of the current alignment to avoid sensitive wildlife areas. Collaboration with the county on a larger river restoration project was mentioned, and considerations for fencing, access to the river, and a property management plan were being addressed. Homelessness was acknowledged as a concern, and although the property was not open to the public at that time, creating trails could enhance accessibility for emergency services. The applicant emphasized that trail corridors improve access for police, fire, and city staff, contributing to safety and maintenance efforts. The location and extent process was noted as part of the county's procedures, and the city aimed to adhere to the rules and regulations throughout the application process.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS:

There was an inquiry about the possibility of placing the trail on the south side of the river, but it was clarified that the city only owned land up to the northern boundary of the river. The applicant noted the presence of a chain-link fence between the city property and the subdivision, limiting direct access. Commissioner Bess Johnson inquired about contact with Colorado Parks and Wildlife for the environmental impact of the trail. The applicant explained the involvement of an environmental consultant due to federal funds requiring thorough environmental clearances. The project received no comments from the natural resource's referral. The applicant emphasized that the trail's final location, design, and construction details would undergo further administrative review during the technical review process. Commissioner Slutsky sought clarification on the property ownership, and the applicant explained that while owned by the city, the property fell within unincorporated Larimer County, subjecting it to the county's review process. The meeting concluded with the understanding that this would be the last public hearing, and the subsequent stages would involve administrative processes, not open to public hearings.

PLANNING COMMISSION DISCUSSION

The Planning Commission highlighted the narrow scope of the location and extent application process. They explained that the approval criteria were centered around adherence to the comprehensive plan and specified how the application complied with it. Emphasizing that the focus was on determining if the property was suitable for trails or open space, they clarified that the detailed aspects of the project, such as flood plain development permits and construction drawings, would be addressed in subsequent, more detailed reviews. The Planning Commission mentioned that the current scope was limited and would be followed by a technical review. They

clarified that the county Planning Commissioners would not be voting during the technical review, emphasizing that it was primarily an administrative process with no further public input required.

MOTION

Commissioner Rowe moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the City of Loveland Trail Connection Location & Extent, File No. 23-ZONE3553, subject to the conditions of approval outlined in the staff report. Commissioner Best Johnson seconded the motion. Motion carried (6-0).

REPORT FROM STAFF

None.

ADJOURN

With there being no further business, the hearing adjourned at 7:07 p.m.