



Date: Wednesday, May 19, 2021
Time: 6:00 PM
Location: Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a session on Wednesday, May 19, 2021, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioner Best-Johnson and Pontius attended virtually. Commissioner Choate, Barnett, Wallace, Miller, Green, and Barrack physically attended with Commissioner Choate presiding as Chairman. The Larimer County staff that virtually attended was Lea Schneider, Environmental Health Planner. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Tawn Hillenbrand, Planner II; Traci Shambo, Senior Civil Engineer; Samantha Mott, Senior Planner; Matt Lafferty, Principal 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 FROM THE APRIL 21, 2021 PLANNING COMMISSION HEARING

MOTION by Commissioner Wallace to approve the minutes.

Commissioner Barnett seconded the motion.

This received unanimous voice approval.

Motion passed 8-0

AMMENDMENTS TO THE AGENDA

MOTION by Commissioner Barnett to remove item number two - Saperstone Special Review and Appeals, File No.20-ZONE2741, from the consent agenda due to the applicant voluntarily requesting to withdraw their application.

Commissioner Wallace seconded the motion.

This received unanimous voice approval.

Motion passed 8-0

CONSENT ITEMS

ITEM #1 – LARIMER COUNTY URBAN AREA STREET STANDARDS REVISIONS: Ms. Shambo introduced Sean Kellar who gave a brief presentation regarding the updates to the Larimer County Urban Area Street Standards Revision (LCUASS) Updates. The LCUASS update team is comprised of members from the City of

Fort Collins, Larimer County Engineering Department, City of Loveland, and Mr. Kellar. Mr. Kellar's presentation included the following information:

- What are the LCUASS?
- Types of Revisions
- Revision Adoption Process
- Proposed Revisions – 2021
- Outreach & Adoption Schedule

Mr. Kellar closed his presentation by asking the board if they had any questions or comments.

PLANNING COMMISSION COMMENTS

None.

PUBLIC COMMENT

None.

ITEM #3 – JAX/HOLCIM REZONE, FILE NO. 18-ZONE2335: Ms. Hillenbrand gave a brief presentation regarding the applicants' request to rezone a portion of two parcels and a third parcel in its entirety from O – Open to PD – Planned Development. The properties are located approximately one-half mile north of the intersection of N. Highway 287 and Overland Trail. The two parcels are currently owned by Holcim (US) Inc. and a portion is currently used for the processing and storing of concrete. The property currently contains several administrative offices, storage buildings, a material conveyor, a cement truck loading station, a detention pond, and Union Pacific railroad track spurs used to support distribution of Holcim materials. One of the two parcels contains additional raw material storage buildings for the concrete facility. And the third parcel is currently owned by Jax and contains several administrative offices and storage buildings used to support distribution to Jax stores. The Jax/Holcim site has operated as an industrial and general commercial use since 1926. At the time of the zoning of the property by the County and the LaPorte Area Plan, the existing uses were not fully considered, and a blanket zoning was assigned to the entire region. The existing cement facility, classified as a 'Manufacturing, Heavy' use, and the existing Jax facility, classified as a 'Commercial' use, are currently not permitted in the O – Open zone district. The intent of the rezone is to bring the existing uses into compliance with the current Land Use Code; to ensure that the existing uses are consistent with the zone district. Ms. Hillenbrand closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

Chair Choate wanted to confirm that if the applicant needing to use hazardous materials, they would need to complete a Special Review Permit.

Ms. Hillenbrand confirmed the applicant would need to complete a full Special Review process.

Commissioner Barrack had a concern regarding the increase in traffic for the intersection of Overland Trail and N. Highway 287.

Ms. Hillenbrand explain that at this time construction is not proposed with the Jax/Holcim Rezone project.

Commissioner Wallace asked if the application was filed as a result of action on the County or filed as a result of Jax and Holcim?

Ms. Hillenbrand stated that the applicant was not able to attend that evening to answer the question, but it was her understanding that the applicant had filed not as a result of action on the County.

Commissioner Best-Johnson wanted to confirm that the project is for a change in zone in order for the uses that have been occurring on the site meet the alignment with the correct zoning district.

Ms. Hillenbrand confirmed that the rezone is for the uses that have been occurring on the site meet the alignment with the correct zoning district.

PUBLIC COMMENT

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 approval of the Larimer County Urban Area Street Standards Revisions and the Jax/Holcim Rezone, File No. 18-ZONE2335 from O – Open to PD – Planned Development, subject to the conditions.

Commissioner Miller seconded the motion.

VOTE

Commissioner Barrack, Wallace, Best-Johnson, Barnett, Miller, Green, Pontius, and Chairman Choate voted in favor.

Motion passed 8-0

DISCUSSION ITEMS

ITEM #1 – Amendments to the Larimer County Land Use Code regarding Private Parks and Recreation Uses in the Estes Valley Residential Zoning Districts and Outdoor Recreation Facilities Countywide:

Ms. Ellis gave a presentation regarding a request to amend the Larimer County Land Use Code Article 13, Table 13.1, to remove the “Park and Recreation Facilities, Private” use from Residential Zoning Districts; and to amend Article 3, Tables 3.1 and 3.2 to remove the “Recreation Facility, Outdoor” use from zoning districts where it currently applies. The changes will allow for further community input and refinements to the standards.

Part One – Private Park and Recreation uses in Estes Valley Residential Zoning Districts

In 2019 the Town and County adopted the new standards into the EVDC (later converted to Town of Estes Development Code), and in March 2020 carried them forward into the Larimer County Land Use Code. Ms. Ellis explained that the Code allows private parks and recreation uses in residential areas, the definition, and the process. Use Specific Standards shall be restricted to the following uses: Horseback Riding with ten or fewer participants per riding group; fishing (including fishing lessons on private ponds) with appropriate licensing or permitting; photography; hiking and climbing activities; swimming; non-motorized cycling (electric-assist boating shall be allowed); Non-motorized cycling (electric assist bicycling shall be allowed); and Passive open space are Use Specific Standard. The proposed changes to Private Park and Recreation Facilities in Table 13.1 to remove the “Park and Recreation Facilities, Private” use for the Estes Valley EV RE-1, EV RE, EV E-1, EV E, EV R, EV RM zoning district.

Part Two – Recreation Facilities, Outdoor

Throughout conversation with the Town of Estes it was realized that part of the Estes Valley, beyond the Estes Planning area, is potentially affected by a new definition (20.2.4.G.5 – Recreation Facility, Outdoor)

that was adopted into the new LUC on March 31, 2021. The new definition will have use specific standards listed in Article 3, Section 3:3.3.5.D and are allowed in most zoning districts of the County through an Administrative Special Review (ASP) approval process. The ASP process will not include a public hearing unless elevated from the Planning Director to the Board of County Commissioners for review and decision. The proposed changes include: Table 3.1, remove the "Recreation Facility, Outdoor" use for NR, FO, A, ACE, RR-1, RR-2, IR, and RC zoning districts. In Table 3.2 remove the "Recreation Facility, Outdoor" use for MU-C, CC, CN, CD, IL, and AP zoning district. Ms. Ellis closed the presentation with additional comments, staff findings, and staff recommended motion.

PLANNING COMMISSION COMMENTS

Chairman Choate wanted to confirm there are no pending applications for such park and recreation or general recreation uses.

Ms. Ellis stated they have not had any applications submitted within the past year in the town or outside of the Estes Valley Planning area

Commissioner Best-Johnson asked if there are any uses currently existing and if there are, the property owners are not allowed to expand?

Ms. Ellis confirmed there are not any uses currently existing.

PUBLIC COMMENT

None.

PLANNING COMMISSION DISCUSSION:

Commissioner Wallace expressed her comments in favor.

MOTION

Commissioner Barnett 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 for "Park and Recreation Facilities, Private" uses in the Estes Valley and "Recreation Facility, Outdoor" uses countywide and outside the Estes Valley. This is considered to be a temporary change to the Code for the Estes Valley while the community has the conversation through the comprehensive plan process about compatible recreational uses, and for other County boards and commissions and public to give input on the topic of countywide outdoor recreational uses. Some of the zoning districts (e.g., FO and CD) are immediately adjacent to the Estes Valley Planning Area. Recommended proposed LUC changes include: Remove the "Park and Recreation Facilities, Private" use in Table 13.1 for the Estes Valley EV RE-1, EV RE, EV E-1, EV E, EV R, EV RM zoning districts. Remove the "Recreation Facility, Outdoor" use in Table 3.1 for the following County zoning districts: NR, FO, A, ACE, RR-1, RR-2, IR, and RC zoning districts and in Table 3.2 for MU-C, CC, CN, CD, IL, and AP zoning districts as shown in the table excerpt in the staff report.

Commissioner Miller seconded the motion.

VOTE

Commissioner Miller, Green, Barnett, Barrack, Pontius, Best-Johnson, Wallace, and Chairman Choate voted in favor.

Motion passed 8-0

ITEM #2 – AMENDMENTS OF ARTICLE 8.0 SIGNS OF THE LAND USE CODE, FILE NO. 21-CODE0251: Mr. Lafferty gave a brief presentation of the Signs of the Land Use Code history and regarding the request to repeal and replace the sign regulations found in Article 8.0 Signs of the Larimer County Land Use Code (Code). He also introduced Elizabeth Garvin, Consultant for the Amendments of Article 8.0 Signs of the Land Use Code.

Ms. Garvin started her presentation with mentioning the Project Team, Planning Commissioner and Board of County Commission March 10, 2021 Workshop Summary. Sign Code Update Goals would include: Preparing targeted updates, not a comprehensive rewrite; more clearly link the Sign Code purpose to the Larimer County Comprehensive Plan and County sign priorities; balance and align the Sign Code across the different County character areas, identified in the Phase 1 LUC update, and with municipal partners; ensure compliance with all emerging legal parameters and clarify technical and enforcement provisions as needed; and update the current regulations to provide an expanded menu of sign types address on-going technology changes. First draft comments were received from members of the public regarding technical comments, sign allowance, and specific comments that relate to the code. She explained in detail what has been updated and what has remained the same throughout the LUC. The new sign code includes the following: 8.1 – General Provisions, 8.2 Applicability, 8.3 – Standards for Permanent Signs, 8.4 – Permanent Sign Regulation by Zone District, 8.5 – Standards for Temporary Signs, 8.6 – Nonconforming Signs, 8.7 – Installation and Maintenance, 8.8 – Sign Permits (will be relocated), 8.9 – Measurement and Calculation, and 8.10 – Definitions (will be relocated).

Ms. Lafferty closed the presentation with additional comments, and suggested motion.

PLANNING COMMISSION COMMENTS

Commissioner Miller asked if the County will be regulating sign content?

Mr. Lafferty stated the County will not be regulating the sign content but the location, size, and presentation of the signs.

Chairman Choate asked if an analysis was completed regarding existing signs within the unincorporated county within or without the GMA's and if they would be complying with the new code or considered non-conforming.

Ms. Garvin stated that an analysis was not completed, but the rural standard had been carried forward from the previous code. Signs in the rural residential area will remain non-conforming and signs within the mixed centered districts that are non-conforming due to size will be confirming under the new code.

Mr. Lafferty explained that if the property with a sign is annexed into the City, that it is conforming and in compliance with the new code.

Commissioner Miller asked if businesses are within a GMA, how will the new code affect them?

Mr. Lafferty explained that the businesses will not be affected with current signs unless the sign is relocated or the size of the sign is changed, then the business will be responsible for complying with the conformity regulations.

Chairman Choate wanted to confirm that the County will regulate a stricter code after reviewing the regulations between the Cities and the County.

Mr. Lafferty confirmed more in detail that the County sign code will be stricter.

Chairman Choate asked how the County will monitor and regulate the code for mobile billboard signs?

Mr. Lafferty and Ms. Garvin explained in detail that the regulations would apply to vehicles with a sign that are placed and left on properties and not a vehicle that is used for transportation.

Chairman Choate expressed his feelings that the County Staff review the language regarding the mobile billboard signs.

Mr. Haug confirmed the regulation would apply to vehicles that are placed on properties that are not used and not vehicles that are used for transportation.

Chairman Choate asked if the signs listed as exempt from the regulations under section 8.2.3. are not required to have a permit or comply?

Ms. Garvin stated they will need to be in compliance with the new regulations.

Chairman Choate asked for clarification regarding section 8.6. – Nonconforming signs, stating they shall not be structurally or physically changed or altered.

Mr. Lafferty explained in detail how the regulations had been enforced in the past for safety.

Chairman Choate asked if the County monitors the signs maintenance?

Mr. Lafferty stated the County does not update the signs and they are removed if it becomes a safety issue.

Commissioner Miller asked if a company hires a vehicle to advertise the company would it be restricted?

Ms. Garvin stated it would be restricted.

Mr. Lafferty explained that it would be restricted if the mobile sign was considered under the mobile billboard sign definition.

Commissioner Best-Johnson wanted to confirm the definition for the mobile billboard sign regulation is not considering logos on a vehicle.

Mr. Lafferty confirmed that logos on a vehicle are not considered a mobile billboard sign.

Commissioner Best-Johnson asked how far in measurement can a sign be seen that is in compliance with the 1,000 nits?

Ms. Garvin stated they do not have the measurement at this time.

Commissioner Green asked what is the definition for a mobile billboard sign?

Mr. Lafferty cited the definition in the code that states: a mobile billboard sign is a sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of a traveling sign device, and where the vehicle is either: (1) not used primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

Commissioner Wallace asked about a current sign that she believes is political is allowed.

Mr. Lafferty explained he understood the sign she was asking about and stated that due to the sign's size, it does not comply with the regulations.

Commissioner Miller asked how the County would enforce the new sign code?

Mr. Lafferty stated the County's Code Compliance Department would need to identify the owners of the sign and

mail a letter in the mail to notify the owners are in compliance with the code.

Commissioner Miller asked if the owners do not comply how would the County move forward?
Mr. Haug explained more in detail that the County would file a conjunction against the owners.

Mr. Lafferty stated that usually a filed conjunction is the County Code Compliance Department's last resort.

Commissioner Miller wanted to confirm that the Code Compliance is enforced based on complaints that are received.

Mr. Lafferty confirmed yes.

PUBLIC COMMENT

None.

PLANNING COMMISSION DISCUSSION:

Chairman Choate, Commissioner Best-Johnson, Miller, and Wallace expressed their comments in favor or in opposition.

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 request to repeal and replace Article 8.0 Signs, File# 21-CODE0251 as presented. The draft regulations found in Attachment B include commentary (text highlighted in light orange) that will not carry forward into the final draft.

Commissioner Barnett seconded the motion.

VOTE

Commissioner Wallace, Pontius, Barnett, Best-Johnson, Green, Barrack, and Chairman Choate voted in favor.

Commissioner Miller voted in opposition.

Motion passed 7-1

ITEM #3 – AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE, FILE NO. 21-CODE0254: Mr. Lafferty gave a presentation regarding a request to amend the Larimer County Land Use Code. Since the Land Use Code (Code) adoption in December 2020, staff has identified a portion of the new Land Use Code that was misinterpreted and incorrectly transferred from the previous Code to the new Code. Mr. Lafferty explained in more detail that the reason for the amendments is to provide clarity to what types of property modifications are available and which processes can be approved administratively by the Community Development Director versus those that require approval by the Board of County Commissioners (BCC) through a public hearing process. Ms. Lafferty closed the presentation with additional comments, review criteria, recommendation, and suggested motion.

PLANNING COMMISSION COMMENTS

Chairman Choate asked if the County is required to approve a boundary change between two meets and bonds descriptions and meets and bonds parcel that are greater than 35 acres?

Mr. Lafferty stated no, as long as the parcels stay above 35 acres.

PUBLIC COMMENT

None.

PLANNING COMMISSION DISCUSSION:

None.

MOTION

Commissioner Barnett 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 proposed amendments to the Larimer County Land Use Code, File No. 21-CODE0254.

Commissioner Wallace seconded the motion.

VOTE

Commissioner Barnett, Green, Wallace, Pontius, Best-Johnson, Miller, Barrack, and Chairman Choate voted in favor.

Motion passed 8-0

REPORT FROM STAFF

Ms. Ellis congratulated Chairman Choate and Commissioner for being reappointed to serve on the Planning Commission board, starting in July 2021 and thanked Commissioner Miller as he has decided, after 12 years of serving on the Planning Commission board, not to be reappointed, starting on July 1, 2021. Patrick Roe, newest member of the Planning Commission board, has been appointed and will start attending to serve on the Planning Commission board in July 2021. Ms. Ellis went over future meetings for the Planning Commission and how they will be attended.

ADJOURN

With there being no further business, the hearing adjourned at 8:12 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.