

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

Board Members Present: Patrick Rowe, Lisa Chollet, Conor Duffy, Jordana Barrack, Jon Slutsky, Shelby King, Nick Casady, Jon Weiss, and Adam Eggelston.

Staff Present: Jenny Axmacher, Planning Manager; Samantha Lasher, Planner II; Justin Currie, Planner II; David Pringle, Civil Engineer I; Steven Rothwell, Civil Engineer II; Lea Schnieder, Environmental Health Planner; Frank Haug, Assistant County Attorney II; Melissa Bruski, Community Information Resource Technician, and Christina Scrutchins, Recording Secretary.

AMENDMENTS TO THE AGENDA

None.

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 JULY 17, 2024

Commissioner Slutsky moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the July 17, 2024, minutes of the Larimer County Planning Commission. Commissioner Barrack seconded the motion. Motion carried (9-0).

CONSENT ITEMS

Commissioner Weiss requested to remove Consent Item No. 1 - Fort Collins Soccer Club Amended Special Review, File No. 23-ZONE3422 to a discussion item.

DISCUSSION ITEMS

ITEM NO. 1 – FORT COLLINS SOCCER CLUB AMENDED SPECIAL REVIEW, FILE NO. 23-ZONE3422

The subject property is a 99.48-acre parcel located directly northwest of the intersection of East Douglas Road and NW Frontage Road. The property is zoned O-Open, is located outside of a Growth Management Area (GMA) and is not part of any existing subdivision or exemption Plat. The property is currently home to the Fort Collins Soccer Club (FCSC).

There are two land use approvals associated with this property (see below):

Previous approvals include:

1. File No. 95-ZR0748: Approval of a Special Review to allow for the construction of a soccer complex in three phases (Attachment G).
2. 2001 Modification: Modification to the original Special Review approval (File No. 95-ZR0748) in 2001 to allow for the temporary use of the Phase I fields at the site without the installation of the required permanent restroom/storage facility. This modification was filed under the original Special Review file, No. 95-ZR0748, so there is no separate file number (Attachment G).

In the original 1995 approval, the applicants sought approval to construct and operate a soccer complex in three phases (with an approximate timeline of 15 to 20 years to complete all phases) with facilities to include 22 soccer fields, lighted and fenced stadium field, picnic and playground areas, and a 5,000 square foot clubhouse with concessions, office and a caretaker apartment. Phases 1 and 2 were to include the construction of 22 soccer fields and attendant facilities, and Phase 3 was to include the construction of the stadium field. All improvements associated with the original three (3) phases are detailed in Attachment H.

Phase 1 was completed, and Phase 2 was initiated with a total of 17 fields completed, but no supporting restroom structure was installed nor were other conditions and improvements completed, as was required for Phase 2. The applicant was approved in 2001 to use portable restrooms and other 'temporary support' for five (5) soccer fields until the maintenance/caretaker/restroom structure was completed as required for Phase 1. This structure was completed in 2002-03, however, portable restrooms are still being utilized to supplement the permanent restrooms that were required for progressing to Phase 2. Relatedly, the Club's Master Plan document, completed in 2014 (Attachment D), acknowledges that the existing restroom structure located in the far northeast corner of the property is underutilized due to the distance from the central and western fields, so only portable restrooms are used. The Master Plan also proposes new phases of development for future build-out and expansion of the Club.

The applicant is applying for an Amended Special Review to amend their previous phasing plan to allow for six (6) phases to better align with their updated Master Plan. This Amended Special Review also allows staff to recommend updated conditions of approval that will ensure the appropriate restroom facilities are constructed to accommodate the Club in addition to the evaluation of other technical components, like traffic, access, drainage, etc. as detailed in the following sections.

The proposed six phased plan is as follows, as indicated by the applicant in their proposed phasing plan (Attachment C):

Existing Conditions: Existing 17 grass fields, existing unpaved parking areas, existing irrigation ponds (east and west), existing maintenance building with restrooms and a caretaker apartment, landscape buffering on the northern, eastern, and western sides of the property, and updated turn and acceleration lanes for entry and exiting of the facility, and portable bathrooms are still being used on site (More details regarding the existing conditions on site can be found in Attachment B and Attachment D).

Phase A: South parking lot, north (2) artificial turf fields with lighting, parking lot landscape plantings, restroom, leach field for restroom. Implement within 3 years of adoption.

Proposed Sub A-phases:

A.1 Restrooms (Restroom with water and septic near parking area and two stand-alone restroom central areas)

A.2 Parking lot with striping and landscape plantings

A.3 Two Artificial Fields

Phase B: South (2) artificial turf fields with lighting, south perimeter fencing and buffer planting

Phase C: Central plaza, Supporters Promenade, plaza

Phase D: Championship field and fieldhouse building

Phase E: Grass fields, east/west sidewalks, north/south sidewalks

Phase F: Indoor practice facility, clubhouse building

More details regarding these six proposed phases are as follows, as indicated by the applicant in their Project Description (Attachment B). It should be noted that the general operation of the Club is not changing from the original approval, however, details of the Club's operations are noted within their Project Description.

1. Change the planned layout of the Complex to reflect the master plan the Club approved in 2014. This results in a shift of the location of the stadium field and clubhouse.
2. Change the phases of implementation.
3. Commit to paved parking with striping and a restroom facility with flushing toilets and running water near the main parking area. Two (2) more remote restrooms will be installed that will be non-flushing and without running water and centrally located north / south, and two (2) non-flushing restrooms will be installed centrally north and south within the field areas. These are proposed in Phase A. Asphalt parking and the restrooms will be installed before or at the same time as the artificial fields. Artificial fields will not be installed prior to these items.
4. Replace four (4) lawn fields with artificial fields that are lighted that can assist in year round training for competitive teams.
5. Addition of walkways for universal accessibility.
6. Safe drop off and pick up area [planned in original approval]
7. Entry plaza
8. Concrete walkways and access.
9. Changing rooms and referee room for the main Championship Field in new location. [Planned in original approval]
10. Clubhouse in new location [Planned in original approval]

11. Indoor training facility [Funding dependent, new item]
12. The complex on a typical Saturday during a spring or fall season can accommodate a maximum of 1,400 people.
13. The intent of the plan is to show possible field locations as a graphic (Attachment C). The complex is an expansive lawn with chalk lines applied to the grass that are temporary. This enables fields to rotate and rest. The graphic shows all possible locations on a north / south alignment and does not imply all fields will be open and operational. Only ten (10) fields at any given time will be in use.
14. Phase B-E can occur out of sequence if funding and priorities change.

Site Plan review and approval be required for each proposed phase, which will include the detailed evaluation of traffic, parking, drainage, plumbing fixture adequacy (restroom counts), noise, fire protection, etc, as applicable. This has been made a condition of approval.

Additionally, as indicated in #12, it should be clarified that the proposed maximum number of occupants on-site at any one time is 1,400 occupants. Occupancy will not increase with the implementation of each phase, unless this approval is amended. This has been made a condition of approval.

Phase A, Sub Phase A.1 must be completed prior to any subsequent phases commencing and a Site Plan Review application for this phase must be submitted within three years of this approval to ensure proper restroom facilities are constructed, as noted in the Department of Health and Environment's comments and discussed earlier in this report. This has been made a condition of approval. Phase A, Sub-Phases A.2 and A.3 will occur in order after the implementation of Phase A, Sub-Phase A.1, although staff is not requiring submittal timelines for these two (2) phases. Relatedly, staff is not proposing timelines for Phases B-E to be completed and will allow these phases to occur out of sequence as funding opportunities arise and/or Club priorities change. Site Plan Review approval will be required for each phase.

There are various conditions of approval in the original 1995 file and the 2001 modification that are outdated and need to be modified, or are no longer relevant; therefore, staff has proposed modifications of these conditions of approval, which are detailed in the following section. All conditions of approval that will apply to this Amended Special Review are noted in the Development Services Team Recommendation section, at the end of this report. All original conditions of approval for both previous approvals can be found in Attachment G, for reference.

There are no Appeals associated with this application. Staff did not receive comments from any of the neighboring property owners with this public hearing submittal.

Larimer County Engineering indicated that an updated TIS and Drainage Report and Plan will be required with the Site Plan Review application for Phase A. They will determine in which Sub-Phase(s) these reports will be required during the time of submittal(s). Stormwater detention, water quality issues, and erosion control will also need to be evaluated during the subsequent Site Plan review(s). Development construction permits will be required for each Site Plan application for each phase and applicable Transportation Capital Expansion Fees will apply, which have been made conditions of approval. Engineering is supportive of the removal of the Dust Suppression condition along County Road 54 as the road is maintained by Larimer County Road and Bridge. Larimer County Health

Department is also in support of this modification, and relatedly, no longer requires a dust abatement plan for the parking lot. Applicable conditions have been modified or removed, as discussed previously. Larimer County Department of Health and Environment provided a background on the history of the property, recommended the addition of multiple conditions of approval, and the removal of outdated conditions of approval from the 1995 Special Review approval. Please note that the recommended condition of approval that the Health Department included regarding the sound impacts for proposed Phase E grass fields (Attachment D) was revised and is covered by proposed Condition #9 at the end of this report. Also, the Health Department's recommended condition of approval that the restroom structures originally proposed under Phase E shall become part of Phase A, Sub-Phase A.1 has not been included as the applicant has already revised their Proposed Phasing Plan (Attachment C) to indicate this. Larimer County Code Compliance indicated that there are no known building code violations.

Poudre Fire Authority indicated that the proposal will have to comply with adequate fire apparatus access, fire lane, water supply, address identification, and fire protection standards. These standards will be addressed during each Site Plan Review application. The City of Fort Collins has no concerns with the proposal and provided a few recommendations regarding the request. Colorado Department of Transportation (CDOT) has no comments or concerns with the proposal. Community members within 500-feet of the subject property were notified of this application. To-date, no community members have provided written comments.

There are no major issues or concerns with this request that have not been discussed in the body of this report.

The applicants will need to complete the Site Plan Review process prior to each phase and will need to obtain the applicable permits.

The proposed Amended Special Review meets all the applicable review criteria; therefore, the Development Services Team recommends Approval of this request.

Staff finds that the request meets the review criteria and applicable standards, as discussed above.

The Development Services Team recommends Approval of the Fort Collins Soccer Club Amended Special Review, File No. 23-ZONE3422, subject to the following conditions:

1. The Site shall be developed consistent with the approved plan and with the information contained in the Fort Collins Soccer Club Amended Special Review, File No. 23-ZONE3422, except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Fort Collins Soccer Club Amended Special Review.
2. Prior to the issuance of building permits or the start of any construction on any phase improvements described in the August 2024 Master Plan and the associated application materials, the improvements shall be reviewed through the Site Plan Review process for each proposed phase. The property owner or the facility operator shall make any modifications identified through the Site Plan Review process that are necessary to ensure that existing facilities and uses and proposed facilities and uses are and will be maintained in compliance with all applicable requirements and regulations.
3. Failure to comply with any conditions of the Amended Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of

Commissioners.

4. The Findings and Resolution shall be a servitude running with the property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Amended Special Review approval.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Amended Special Review, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees.
6. This application is approved without the requirement for a Development Agreement, but a Developer Acknowledgement will be required as a part of the site plan review at each phase.
7. County may conduct periodic inspections to the property and reviews of the status of the Amended Special Review as appropriate to monitor and enforce the terms of the Amended Special Review approval.
8. The Fort Collins Soccer Club shall not be eligible for further site improvements and development until Phase A, Sub-Phase A.1. restroom facilities are installed. The Phase A, Sub-Phase A.1. Site Plan Review application for new restroom structures shall be submitted as soon as possible, but no later than three (3) years after this approval.
9. The use must comply with the Larimer County Noise Ordinance which outlines noise levels as well as noise disturbances, with lower sounds/decibels at property lines allowed between 7pm and 7am.
10. As part of the future Site Plan Review for Phase D, the Fort Collins Soccer Club will be required to submit a predictive sound analysis report that evaluates existing ambient sounds and the predicted sound levels of the outdoor championship field.
11. The applicant must obtain building permits and pay all applicable fees including Transportation Capital Expansion Fees (TCEF) required by the Larimer County Engineering Department which will be due at the time of building permit issuance.
12. A Development Construction Permit is required prior to commencing any improvements to the site for each phase.
13. Food service of any kind shall be licensed and/or approved in writing by the Larimer County Department of Health and Environment.
14. All irrigation ditches on site shall be posted with signs to alert participants of possible dangers associated with the ditches. All ditches designed to convey water off-site shall be maintained in good repair by the property owners/facility operators.
15. Agricultural uses are present in this area. Such uses can and will produce odor, dust and noise. Larimer County will not take action to stop or hinder any legal agricultural uses.
16. The perimeter wind break/visual and sound buffer shall be established with the assistance of the

Colorado State Forest Service. The perimeter wind break/visual and sound buffer shall be maintained in the spring and fall of each year the facility is in operation and all dead and dying plants shall be replaced with substantially similar plant material.

17. During Tournaments a first aid station shall be set up to handle minor injuries, and each field marshal shall be equipped with a portable phone to call 911 and to be able to alert appropriate agencies or individuals of the emergency situations.
18. The facility shall be open for public use between the hours of 8:00 A.M. and 11:00 P.M.
19. All water sources shall be signed to alert the public and employees of the potability/non-potability of water supplies on site.
20. Dust from the existing unpaved parking lot shall be controlled to prevent visible, off-site transport of dust until it is paved.
21. All parking must be provided onsite. No parking will be allowed within Larimer County's CR54 or CDOT's I-25 Frontage Road Right-of-Way (ROW). If offsite parking within the ROW is found to be a reoccurring issue, Larimer County may require the applicant to fund the installation of "No Parking" signs along the site's frontage.
22. The applicant shall prepare, submit for review and approval, and adhere to a new or updated Traffic Control Plan (TCP), formally referred to as the "Dust Abatement/Control Plan for County Road 54".
23. The maximum number of occupants allowed on-site at any one time is 1,400 occupants. Occupancy will not increase with the implementation of each phase, unless this approval is amended.

PLANNING COMMISSION AND STAFF COMMENTS

Commissioner Weiss sought clarification on unmet conditions related to a development project. Staff Member Lasher indicated they were reviewing the original 1995 approvals, which outlined around 25 conditions, some of which remain unfulfilled. Commissioner Weiss focused on the major conditions, specifically querying about restroom facilities and parking lot requirements. Staff Member Lasher confirmed that certain conditions, such as the installation of permanent restroom facilities, had not been met. The restrooms currently in place fail to meet the standards set by the Health Department, making the facility out of compliance.

Commissioner Rowe then inquired about the site's parking review process, to which Staff Member Lasher confirmed it was an administrative task unless an appeal was involved. Further, Commissioner Chollet raised concerns about expanding the parking area, particularly regarding any plans for its enlargement or paving. Staff Member Lasher explained that while dust abatement measures were in place, the parking area had yet to be paved despite previous conditions mandating it.

Throughout the conversation, the commissioners emphasized the importance of compliance with health and safety standards, particularly regarding restrooms and parking. Staff Member Lasher acknowledged the complexities around sewage and restroom facility upgrades but highlighted the ongoing efforts to address these unmet conditions, with input from other staff members and external agencies like the Health Department.

APPLICANTS PRESENTATION

Paul Mills, a principal at a landscape architecture and land planning firm in Fort Collins, provided

insights into their involvement in a club project, emphasizing a future-focused approach to resolving issues. They highlighted that the club, which serves approximately 3,000 children, is nonprofit and relies entirely on membership fees for its operations. This lack of alternative funding sources has contributed to the project's challenges, especially since its original approval 30 years ago. Missing documents, people, and institutional memory have left current stakeholders with little knowledge of why past conditions weren't met.

They explained that while the past cannot be fixed, the club is committed to moving forward and addressing the major issues, such as the need for permanent restroom facilities and the eventual paving of the parking lot. The restroom construction is seen as the first priority, enabling the club to meet Health Department requirements and then move forward with additional improvements, like artificial fields. They acknowledged the lack of sewer within a mile of the facility but affirmed that the club is eager to connect to it if the opportunity arises.

Discussing the historical layout, they noted that the restrooms were initially built in phase one to serve the primary playing areas, but portable restrooms have since been added to augment the lack of facilities. They pointed out that past financial limitations likely contributed to the club's inability to fulfill certain requirements, but moving forward, the focus is on building restrooms, asphalt paving for parking, and improving the overall complex.

Regarding the club's infrastructure, they clarified that potable water is supplied by an existing water line, ensuring a supply for restroom facilities, though the lack of sewer remains a limitation. They detailed the club's current and future plans, including the phased development of artificial grass fields, centralized facilities, and a revised parking layout to maximize space once it's paved and lined.

The plan also includes sub-phases, acknowledging the uncertainty of funding and the necessity of taking one step at a time. The club is actively exploring professional fundraising options to support these developments. They concluded by reaffirming the club's commitment to resolving past oversights and moving forward with a vision of a better-equipped facility, emphasizing the importance of looking toward the future rather than on the past.

PUBLIC COMMENT

None.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Commissioner Weiss raised concerns about parking capacity after noticing cars parked off-site during a recent drive past the soccer complex. They questioned whether the facility truly had enough parking for major events, based on what they had observed. Paul Mills responded by stating that there had never been a shortage of parking on-site, speculating that any off-site parking might have occurred if the gates were locked, causing people to park on the frontage road temporarily.

Commissioner Chollet added that off-road parking does happen, particularly in the dirt along the frontage road, and suggested better signage to clearly mark overflow parking areas and prevent off-site parking. They also asked about ADA accessibility, noting that it wasn't clearly addressed in the plans. Paul Mills explained that ADA parking would be incorporated into future phases along with the parking lot development, and that concrete walkways were planned to ensure accessibility to the fields.

Staff Member Lasher confirmed that the site plan review would require ADA parking spots based on the total number of parking spaces. Commissioner Chollet further suggested better communication with visiting teams, especially during tournaments, and recommended sending maps and instructions to reduce confusion and potential safety hazards on the frontage road, which has a 55 mph speed limit.

Commissioner King asked for clarification on the capacity of the parking lot, and Paul Mills explained that the facility currently holds about 1,000 cars, which is adequate based on typical car occupancy of two to three people per vehicle. However, they acknowledged that without parking lines, space utilization was less efficient, and striping the lot would allow for more vehicles to fit.

Commissioner Casady asked about the frequency of tournaments and how often the facility might experience high demand for parking and restroom facilities. Paul Mills confirmed that there was only one major tournament each year and that overflow parking occurs in future-phase areas when needed, typically during shift changes between games.

Commissioner Slutsky expressed concerns about the long-term feasibility of continuing to expand the facility without a proper sewage system, noting that eventually, there might not be enough room for more septic systems. They inquired whether the cost of bringing sewer service to the site had been evaluated. Paul Mills acknowledged that extending the sewer was financially unfeasible at this time due to its high cost but hoped that future developments could bring sewer service closer to the site.

Commissioner Weiss emphasized the importance of addressing restroom facilities promptly, noting that the current facilities were inadequate based on the Health Department's requirements. They suggested that while the club works toward building permanent restrooms, the county should allow the continued use of portable toilets to meet demand in the interim. Staff Member Schneider clarified that while the facility is currently using about 20 portable restrooms, these are technically sufficient for the number of people attending, though the long-term goal is to install permanent facilities.

The commissioners generally agreed that the plan was a well-thought-out effort to clean up long-standing issues, while also preparing the facility for future growth. Commissioner Rowe expressed support for the club's approach, noting that the plan addressed both immediate needs, such as restroom facilities and parking, while also outlining ambitious long-term goals for the complex. Paul Mills reiterated the club's commitment to moving forward responsibly, with a focus on meeting immediate priorities, such as restroom facilities, while also working toward the broader vision for the facility.

MOTION

Commissioner Chollet moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that Planning Commission recommend approval to the Board of County Commissioners for the Fort Collins Soccer Club Amended Special Review, File No. 23-ZONE3422, subject to the conditions of approval outlined in the staff report. Commissioner Weiss seconded the motion. Motion carried (9-0).

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., and 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. 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."

It is the assessment of the Development Services Team that this request meets the Special Review criteria provided the applicant satisfies the recommended conditions of approval below.

The Development Services Team recommends approval of the New Cell Tower at 520 Isaac Ln. Special Review, 23-WCF0107 subject to the following conditions:

1. The Site shall be developed consistent with the approved plan and with the information contained in the New Cell Tower at 520 Isaac Ln Special Review, 23-WCF0107 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the New Cell Tower at 520 Isaac Ln. Special Review.
2. This application is approved without the requirement for a Development Agreement. In the event the applicant fails to comply with any conditions of approval or fails to use the property consistent with the approved Special Review, the applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Administrative Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Administrative Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Administrative Special Review approval, applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees. County may conduct periodic inspections to the property and reviews of the status of the Administrative Special Review as appropriate to monitor and enforce the terms of the Administrative Special Review approval.
1. 3.The Findings and Resolution shall be a servitude running with the Property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Administrative Special Review approval.
2. 4.The owner is responsible for obtaining all required building permits for the cell tower and paying all applicable fees, including permit fees.

3. 5. This Special Review approval will automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
4. 6. The plans submitted with the building permit shall demonstrate compliance with the access standards noted in the Engineering Department's comments dated February 1, 2024.
5. 7. The proposed 20-foot-wide access and utility easement will need to be recorded by a separate document prior to approval of the Special Review.

PLANNING COMMISSION AND STAFF COMMENTS

Commissioner Rowe recalled a previous discussion regarding access to a property and asked for clarification on whether the access issue had been resolved, particularly about concerns with crossing another property. Staff Member Currie confirmed that the access to the property is via Isaac Lane, which is a non-exclusive private easement, meaning multiple property owners can use it. Staff Member Currie further clarified that if more detail was needed, engineering staff could provide additional information, but the easement allows for access by others.

Commissioner Duffy then raised another concern from a prior meeting in February, asking whether the road could handle the weight of equipment trucks and fire trucks needed to service a tower on the property. Commissioner Rowe suggested that the applicant address this issue during their presentation, as they would be better positioned to provide specific details.

Staff Member Currie and Staff Member Pringle both agreed that the applicant or engineering staff would be the best sources for addressing the road's condition and access, as the county doesn't regulate private roads. Staff Member Pringle reiterated that because it's a private road, the county can't enforce its usual codes or restrictions.

APPLICANTS PRESENTATION

Andrew Berglund, representing Tower and Engineering Professionals and Subcarrier Communications, addressed several key issues surrounding the development of a new cell tower. They began by acknowledging concerns raised in previous meetings and confirmed improvements to the access road, Isaac Lane, which has undergone significant upgrades, including the application of recycled asphalt. They also clarified that the road is a non-exclusive private easement, meaning it allows access for multiple users, including utility companies.

Berglund addressed previous concerns about the height of the proposed tower, which was initially planned to be 195 feet tall. This height was designed to achieve a line of sight to Buckhorn Mountain, crucial for communication links. However, with recent advancements, including the installation of fiber optics, the need for such height has been eliminated. Consequently, they proposed reducing the tower's height to 150 feet, with the intent to co-locate multiple carriers on the structure.

They emphasized that this tower is intended to serve the Stove Prairie Valley, an area with limited to no cell coverage. Berglund explained the importance of providing communication in rural areas, particularly for emergency situations like car accidents or fires, where reliable communication could be a lifesaver. They also reassured the commissioners that there is no intention of creating a "tower farm" with multiple structures in the same location, as the lease agreement specifically limits the site to one tower.

Regarding concerns about whether additional height might be necessary, Berglund stated that no carriers have expressed a need for the original 190-foot height due to the new fiber connections. The

proposed 150-foot height should be sufficient to accommodate the four major carriers: AT&T, Verizon, T-Mobile, and Dish. They also mentioned ongoing negotiations with carriers and hoped to have a signed letter of intent soon, confirming carrier interest in the project.

Commissioner Duffy inquired whether the need for a 190-foot tower might arise in the future. Berglund reassured them that, with the fiber installation, the additional height would not be necessary, and the current proposal of 150 feet should be adequate to meet the needs of the area. They also explained the coverage projections for various carriers, showing that the new tower would significantly improve coverage in the Stove Prairie Valley and surrounding areas, filling in coverage gaps along critical roads such as Rist Canyon Road.

Berglund closed by emphasizing the goal of creating a single facility that can serve multiple carriers and improve communications in a previously underserved area. They stressed the importance of the project for public safety and expressed confidence that the proposed 150-foot height would be sufficient to meet the needs of both the carriers and the community.

PUBLIC COMMENT

Staff Member Axmacher reminded the Commissioner Rowe that during the original hearing in February, public comment had been both opened and closed. As a result, the staff's advice was to not reopen public comment unless the Planning Commission decided otherwise, leaving the decision up to the discretion of the commission and the chair.

Commissioner Rowe expressed interest in hearing from any members of the public who were present, particularly as one individual had made the effort to attend in person. He decided to proceed with allowing the individual to speak, inviting them to step up to the microphone, introduce themselves, and share their location. He also indicated that they would check if anyone online wished to provide input, ensuring both in-person and virtual participants had the opportunity to speak.

Brandon Walker,

Comments

- A tall tower could disrupt the dark night sky, leading to potential light pollution.
- Concerns about reduced property values due to the visibility of the tower.
- The application did not explore alternative options, such as a shorter tower, which might still provide adequate coverage while being less visually intrusive.
- Incremental coverage improvements for different tower heights were not demonstrated.
- Concerns about increased traffic and disturbance from construction and maintenance crews using private land.
- Disputes over whether the easement is legally valid for business use and concerns about not signing any agreement for access.
- Tower could be an eyesore, especially given the scenic, natural surroundings of the area.
- The visual impact of a 150-foot or taller tower may still be significant due to the elevation above the valley floor.
- Better communication in emergencies (e.g., wildfires, accidents) in rural areas like Stove Prairie

Valley.

- Increased safety for residents and quicker response times for emergency services.
- Progress for the rural community by providing modern communication infrastructure.
- Improved quality of life for residents with reliable cell phone coverage.
- Facilitates faster evacuation and emergency alerts, particularly in high-risk areas like Stove Prairie Valley.
- Reduced tower height addresses concerns about light pollution at night.
- Improved coverage for public safety services (e.g., firefighters, police) at no additional cost to local agencies.
- Provides enhanced cell service for daily use and emergencies in isolated areas.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Andrew Berglund explained the existing easement in detail, confirming that it involves Isaac Lane, which leads to the tower facility. This access and utility easement still needs to be recorded, but the portion of the easement between the parent parcel and Risk Canyon Road is already in place, having been established before the current owner purchased the property. The easement is non-exclusive, allowing use for both parcels served by Isaac Lane. Berglund noted that the road currently serves two parcels, ensuring they are not landlocked, and added that once the tower is constructed, traffic to the site will be minimal, limited to quarterly maintenance visits by the carriers.

In terms of construction, Berglund explained that the process would take about 40 days, with occasional visits from crews for antenna installation. He emphasized that traffic impact would be minimal, even during the construction phase, with the heaviest traffic likely occurring on days when concrete is poured for the foundation. He also mentioned that utility installations, such as electricity, will be placed underground to avoid adding any above-ground infrastructure, especially considering the area's fire risks.

Commissioner Chollet inquired about potential lighting on the tower, and Berglund confirmed that there would be no lights on the structure, maintaining a dark sky environment. He also assured the commission that once the tower is operational, there should be no nighttime activity, and any lights on the equipment will be minimal and on timers to avoid disruption.

Berglund acknowledged feedback from the public regarding the tower height and committed to providing updated coverage maps showing the impact of varying tower heights. While the original proposal called for a 190-foot tower, Berglund stated that they are now seeking approval for a 150-foot structure but are open to reducing the height further if coverage can still be adequately provided at a lower level. He emphasized the importance of building a tower that meets coverage needs without unnecessarily increasing its height, particularly for the four carriers that would use the structure.

The commissioners discussed the possibility of approving the tower conditionally, based on updated coverage maps that would determine the minimum height needed for sufficient coverage. Commissioner Chollet suggested setting a maximum height but allowing for flexibility if the carriers determine that a lower height can still meet their needs. Berglund agreed with this approach, noting that the applicant is committed to building the tower to the minimum necessary height, with a maximum of 150 feet. This compromise aims to address concerns from neighbors about property values and visibility while ensuring the tower provides adequate coverage for the area.

MOTION

Commissioner Chollet moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend approval to the Board of County Commissioners for the New Cell Tower at 520 Isaac Ln. Special Review Special Review, 23-WCF0107, subject to the conditions of approval outlined in the staff report and with an additional condition that the applicant will provide the minimum height requirement for maximum coverage from a carrier and allowing an extra 30 feet plus 5 feet for the lightning rod, with the height not to exceed 150 feet.

AMENDED MOTION

Commissioner Chollet moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend approval to the Board of County Commissioners for the New Cell Tower at 520 Isaac Ln. Special Review Special Review, 23-WCF0107, subject to the conditions of approval outlined in the staff report and with an additional condition that the applicant will provide the minimum height requirement for maximum coverage from a carrier and allowing an extra 30 feet plus 5 feet for the lightning rod, with the height not to exceed 150 feet, unless the study provided by the applicant shows that it's feasible to have a shorter tower, in which case that should be the maximum height. Commissioner Weiss seconded the motion. Motion carried (9-0).

REPORT FROM STAFF

Jenny Axmacher reminded the planning commissioners about the upcoming State APA planning conference in October. She mentioned that four commissioners had already been registered but extended the invitation to any others who may still wish to attend. Axmacher asked that anyone interested let her know by August 30th to ensure their registration could be processed in time.

ADJOURN

With there being no further business, the hearing adjourned at 8:35 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.