

LARIMER COUNTY PLANNING COMMISSION

Minutes of May 15, 2019

The Larimer County Planning Commission met in a regular session on Wednesday, May 15, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Choate, True, Stasiewicz, Miller and Wallace were present. Commissioner Jensen presided as Chairman. Commissioners Dougherty and Lucas were absent. Also present were Rob Helmick, Senior Planner; Jenn Cram, Planner II; Katie Gray, Engineering Department; Lea Schneider, Health Department, Carol Kuhn and Matt Lafferty, Principal Planners; Eric Fried, Chief Building Official; Lesli Ellis, Community Development Director; and Denise Ruybal, Recording Secretary.

The Planning Commission visited the sites of the Bradley Subdivision Preliminary Plat and the Platte River Solar Project.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:

None

COMMENTS BY THE PUBLIC REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA:

None.

APPROVAL OF THE MINUTES FOR THE APRIL 17, 2019, MEETING: MOTION by Commissioner Wallace to approve the minutes, seconded by Commissioner Miller. This received unanimous voice approval.

CONSENT ITEMS:

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Commissioner Choate moved that the Planning Commission adopt the following Motion:

BE IT RESOLVED that the Fossil Creek Area Plan and Code Amendments, Files

#19-CODE0234, #19-CODE0235, #19-CODE0236 and #19-CODE0237 be moved to the Consent Agenda.

Commissioner Miller seconded the motion.

This received unanimous voice approval.

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ITEM #1 BRADLEY SUBDIVISION PRELIMINARY PLAT, FILE #18-LAND3781: Mr. Helmick provided a brief overview of the Bradley Subdivision Preliminary Plat detailing that this is a proposal for the division of 5.32-acres into two lots approximately 2.6-acres each, one with an existing home. The land was previously divided in the 1970s and there is a prior mortgage parcel which is part of this application. The Lonetree Reservoir, owned by the Home Supply Ditch Company, is east of this site. Lonetree Drive is a public paved road that is maintained by the County. It is a dead-end road, although an emergency access connects to the Paradise Valley Subdivision at the south end. There was one neighbor in opposition at the sketch plan and preliminary plat processes but Mr. Helmick has not heard from anyone since.

Staff is recommending approval and have reviewed the conditions with the applicants as follows:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Bradley Subdivision File # 18-LAND3781, 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 Bradley Subdivision File # 18-LAND3781.
2. The following fees shall be collected at building permit issuance for new single family dwellings: Thompson R2-J School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, and Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.

3. Fire Requirements – All new residential structures will be required to have residential fire sprinkler systems.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. Due to the seasonal high water table, basements are prohibited in the development. Mechanical methods proposed to reduce the groundwater level, unless it is a response after construction, must be proposed on a development-wide basis.
5. Passive radon mitigation measures shall be included in the construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester, which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
6. The developer is responsible for the construction and acceptance of the domestic water line for the Little Thompson Water District.
7. All road improvements identified on the plans are the responsibility of the developer.
8. The Home Supply Ditch Company agreement will need to be completed as a part of the Final Plat.
9. Final geotech and drainage plans shall be provided at the Final Plat submittal.

Chair Jensen neglected to ask if there was anyone in the audience that would like to speak on behalf of the application. A few people indicated they would like to comment on the application.

Chair Jensen opened the hearing for Public Comment:

Bonnie Templeton spoke in opposition of the application. She stated that Lone Tree Drive is only 2 miles long with a lot of properties on it. This area is home to many species of wildlife and feels this subdivision would assist in a loss of habitat for the wildlife. The meadowlarks in the area are ground-dwelling birds and need the fields to nest. She wishes to keep the country life feeling in this area.

Hugh Templeton spoke in opposition of the application. He values the openness of the area and doesn't want to see the openness closed off. He has been contacted by interested parties that would like to purchase his property for possible future subdivision. He feels the property owners in the area should not feel pressured to subdivide. He also expressed his desire to not be annexed into the City of Loveland.

Lisa Butler spoke in opposition of the application. She has lived in her current residence for 20-years. The area is close to the city with a country setting. She has beautiful views and is concerned that they will be blocked.

Chair Jensen closed the hearing to Public Comment and invited the applicant, Mike Bradley to address the Planning Commission.

Mr. Bradley stated that he has lived on the property since 1981. He and his wife are conservationists and want to be good citizens. They don't mow or graze their property which is great for the wildlife. They are willing to follow all the rules. Mr. Bradley stated that the subdivision is for the family.

Commissioner Miller asked if Mr. Bradley's son was buying the existing home and Mr. Bradley would be building a new home?

Mr. Bradley replied yes.

Commissioner Miller asked if both parcels were staying in the family?

Mr. Bradley replied yes.

Commissioner True asked if the house that is being built a 1-story or 2-story?

Mr. Bradley responded that it will be one-story.

Commissioner True asked for verification that it would not obstruct any views?

Mr. Bradley responded no.

Commissioner Choate asked for clarification in what was meant by these lots were created long ago and not you're just formalizing it? Were the lots illegally split off?

Mr. Bradley responded with a no and shared that he may be using the right verbiage. They have always paid taxes on two parcels, one as a residence and the other as a farm property. One is an acre and the other is 4.32 acres. It is not a legal building lot until they go through the formal process.

Commissioner Choate clarified that there are two different parcels numbers to which Mr. Bradley answered yes.

Mr. Helmick shared that he crossed paths with Mr. Temple about 20-years ago when Paradise Valley was platted and the same issues were raised at that time. The one-acre lot is not a buildable lot and is an artifact of some oddball financial mechanism from the mid-70s.

DISCUSSION:

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Commissioner Wallace moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Bradley Subdivision Preliminary Plat, File #18-LAND3781, and requested appeal 8.14.1.R Connectivity subject to the conditions on pages 5 and 6 of the packet,

Conditions 1-9.

Commissioner Miller seconded the motion.

Commissioners Choate, Johnson, Stasiewicz, True, Miller, Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

2. FOSSIL CREEK AREA PLAN AND CODE AMENDMENTS, FILES #19-CODE 0234, #19-CODE0235, #19-CODE0236 AND #19-CODE0237: Mr. Lafferty stated that this is primarily a procedural issue with the Fossil Creek Reservoir Area Plan, which was adopted back on the late 90s. It was a plan that was aimed at allowing Urban Development within the City of Fort Collins Growth Management Area. The County entered into an agreement with the City to do a TDU program, a Transferable Density Unit was to allow housing development units to be moved off of one property in an a sending area, which we call the Plan for the Region between Loveland and Fort Collins, to a receiving area which was in the Fort Collins Reservoir Area Plan. Since the Plan's adoption back in 2000, the receiving area that accepts TDU's has been filled up with the exception of one parcel, which 90% of that parcel has been placed under a Conservation Easement, so it won't be developed. The other portion remains an active farm, which will probably not receive many TDU's anyways. The County and the City have agreed that Plan was a success, TDU's were transferred from the area we wanted them moved out of and were placed into the part of the county we wanted them placed in, and now the Plan can be eliminated. We are asking the Planning Commission to act on six different items:

- A. To amend the Fossil Creek Reservoir Area Plan and to eliminate all the references regarding TDU's and the requirement for the exchange of the TDU's. The Planning Commissioner is being asked for a motion to approve the amendments to the Master Plan. Master Plans are not approved by the Board of County Commissioners and are approved by the Planning Commission in accordance with State law.
- B. To repeal the Transferable Density Program because it is no longer necessary to move TDU's in the Fossil Creek Reservoir Area. If the County chooses to do TDU's again in the future, a new program will be adopted then.
- C. To amend the Growth Management Area for Larimer County and the City of Fort Collins. There are a lot of references on how we interact in that area of the county and who does what during the review processes, and where annexation occurs. This is needed to clean the document up so it is no longer confused by that process.
- D. To delete Section 4.2.3 of the Larimer County Land Use Code, which the Fossil Creek Reservoir Creek Transferable Density Unit Overlay Zone District. This is the zone that allowed us to apply standards to that area for TDU transfers.
- E. To remunerate the balance of the section because we are pulling parts out and leaving other parts in.
- F. To eliminate Section 15.2.2 of the Larimer County Land Use Code which are supplementary regulations for the Fossil Creek Reservoir Area. When we adopted that Plan, the City of Fort Collins and the County agreed that in that area specifically, we would have specifically designed criteria that comes out of the City's Planning System and we adopted it as our design criteria just for the Fossil Creek Area. That is no longer necessary because all the development in that area is going to be completed by the County and we won't be operating in there anymore.

Commissioner Wallace noted that the file numbers were blank in the packet recommendations and wanted to know if the motion could be made with the blank file numbers?

Mr. Lafferty noted that he did not have the file numbers with him, but if it is stated per the Planning files, Mr. Lafferty will make sure that those file numbers get added in for the Board of County Commissioners.

Chair Jensen wanted to clarify that the TDU's were being eliminated for this area only and just not change our ability to do TDU's anywhere in the County.

Mr. Lafferty answered affirmatively and stated that they have no plans in place to cause TDU's to maneuver in Larimer County. But if needed in the future, a new program would be developed at that time. These are unique programs and want to be sure they are built for specific scenarios.

Chair Jensen mentioned that in the Comprehensive Plan that is being finalized now, there is conversation about TDU's in Larimer County, so we do expect to see that again, is that a true statement?

Mr. Lafferty stated that he hoped that sometime in the future that some of our communities might choose to enter into those agreements with us and that we do have those programs in the future.

Pete Wray from the City of Fort Collins addressed the Planning Commission.

Commissioner Choate asked Mr. Wray if he agreed with the success of the program

Mr. Wray stated that yes he does. They have observed the implementation of the Fossil Creek Plan for more than 20-years and that it has been a great collaboration to accomplish the preservation of important resources around the Fossil Creek Reservoir Area and reducing density in the corridor between Loveland and Fort Collins. The number of units that have been transferred have been recognized as successful.

Mr. Lafferty acknowledged Russ Legg and Pete Wray were the crafters of that Plan and it would be nice to acknowledge them for their work on the project.

DISCUSSION:

Commissioner Choate recommended that more than one motion be made if they are going to be approving the Master Plan and everything else is a recommendation.

Chair Jensen clarified that the two motions asked for would be the first for the change to the Master Plan and then the others the Code?

Commissioner Choate states that would be his recommendation.

Chair Jensen agreed with Commissioner Choate's recommendation.

Commissioner Wallace moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission approve the proposed changes and exclusions as found in the Planning Commission files, with the file numbers to be added later and in the attached exhibit A, which is the amended Fossil Creek Reservoir Area Plan subject to the conditions listed on page 193, which is 1i, small two, small three and roman numeral four, which are deletion of Transferable Density Units, amendment of the Code and the Intergovernmental Agreement, deletion of the overlay zone and deletion of the supplementary regulations for growth management areas.

Commissioner Miller seconded the motion.

Commissioners Choate, Johnson, Stasiewicz, True, Miller, Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

In addition, Commissioner Wallace moved that the Planning Commission recommend to the Board of County Commissioners approval of the repeal of the program for the Transferrable Density Units for the Fossil Creek Reservoir Area Plan as found in Exhibit B and the Planning files. Secondly, the Planning Commission recommend approval to the Board of County Commissioners the amendments to the Larimer County and City of Fort Collins Intergovernmental Agreement as found in Exhibit C, which in the packet with the Planning file number to be added. The Planning Commission also recommend to the Board of County Commissioners approval of the deletion of the Larimer County Use Code, Section 4.2.3. Fossil Creek Reservoir Transferable Density Units Overlay Zone, as found in Exhibit D, with an additional file number. Next, that the Planning Commission recommend to the Board of County Commissioners approval of the renumeration of the Larimer County Land Use Code, Section 4.2.4, Cooperative Planning Overlay Zone District to Section 4.2.3, file number to be decided. And finally, the Planning Commission recommend to the Board of County Commissioners approval of the deletion of Larimer County Land Use Code, Section 15.2.2, Supplemental Regulations for Growth Management areas as found in Exhibit E and additional file number.

Commissioner Miller seconded the motion.

Chair Jensen asked if there was a need for discussion amongst the Commissioners. No one asked for discussion on the motion.

Commissioners Choate, Johnson, Stasiewicz, True, Miller, Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

Commissioner Choate commented that there was several work sessions in this and that the Planning Commission and he commends Mr. Lafferty and Mr. Wray on the project. He sees it as a good a planning tool and that is why he was supportive of it. There were several questions and answers on the project that have already been discussed and answered.

3. PLATTE RIVER SOLAR PROJECT 1041 PERMIT 19-ZONE2507: Ms. Cram detailed that this is a request to Section 14.4.I of the Larimer County Land Use Code, siting and development of any solar energy power plant greater than 5-acres requires a 1041 permit. The proposed solar project consists of a Solar Photovoltaic (PV) Plant that will have the capacity of up to 20 Megawatts and an associated Battery Energy Storage System (BESS) designed to feed up to 1 Megawatt in to the grid with a total energy capacity of 2 Megawatts-hour at the existing Rawhide Energy Station. The location of the project is 2690 County Road E which is north of Wellington and west of I-25. The solar modules are proposed to be located on undeveloped and un-grazed areas on eight sites (A-H) totaling approximately 274 acres of the 4,560 acres that is owned by Platte River Power Authority including the existing energy campus. The eight sites will have PV modules mounted on a single axis tracker racking system and arranged in multiple arrays. Each set of arrays will include at least one pad-mounted inverter and transformer. Perimeter fencing is proposed around each site. Each module will be placed at least one-foot above finished grade and will stand approximately 12-feet high measured from the base of the tracker to the top of the PV panel. The panels will be placed approximately 29-feet apart measured from the center of the tracker. The project will utilize a proposed 34.5 kilovolt underground line that will extend approximately 1,200 linear feet from the Generator Collection Switchgear, located at the northwest corner of PV array F, to the existing transformer bank located immediately north of PV array F. No overhead electrical lines or exposed electrical surfaces are anticipated at this time.

The BESS for the proposed PV solar plant will also be located on the northeast corner of PV array F. The battery will be approximately 33.5-feet long, 6-feet wide and 9.5-feet tall. The BESS will be secured via a 7-foot tall chain link fence.

The purpose of the project is to reduce greenhouse gas emissions and enhance electric service for residents of Larimer County.

This was referred to seven agencies with four responding back, Larimer County Engineering, Larimer County Health and Environment, Colorado Parks and Wildlife and Poudre Fire Authority.

A letter was sent to neighbors within 500-feet and attendees of the public open house. There were no comments received.

The applicant also provided notice to the mineral interest owners and lessees and it is Ms. Cram's understanding that the Planning Commissioners received an email today regarding the mineral rights. The applicant is also aware of the email received. Staff has drafted an additional condition of approval to address those comments and the applicant will have additional information on how they plan to address that.

There are 12 review criteria, listed on pages 48-53 of the packet. Ms. Cram believes that criteria #2 looks at the applicant's analysis of the proposed location for the project and the preferred sites were selected based on:

- § Land availability
- § Relatively flat, unshaded and existing infrastructure
- § No new transmission lines required
- § Existing infrastructure for electrical interconnection is in place
- § Lack of environmental constraints
- § Minimal number of residences within the proximity

In summary, the applicant has provided a thorough analysis of the alternatives and have addressed the issues associated with adding additional solar facilities to the Rawhide Energy Station. Conditions of approval have been placed on this application to ensure that it will comply with all state and local

permitting requirements. There is also an additional condition that needs to be considered. The application for the Platte Rover Solar Project meets the approval criteria for the use and type.

The Findings are:

- § The proposed solar project is consistent with the Larimer County Master Plan
- § Alternate locations were considered that looked at the least about of impacts
- § The preferred site as having the least conflicts with natural resources and agricultural lands was conducted
- § Mitigation measures and best management practices are proposed to reduce or avoid impacts to wildlife and environmentally sensitive areas during construction and site development
- § Applicant and property owner easily addressed concerns from the referral agencies, so it made it very easy for staff to draft conditions of approval
- § There is a reasonable balance between the resources and cost to the applicant and the environment
- § Necessary permits and coordination of construction will be obtained from the appropriate entities

Ms. Cram provided two slides listing the Conditions of Approval.

Chair Jensen asked Ms. Cram to point out the additional condition she is asking approval for.

Ms. Cram provided printed copies of the condition to the Planning Commissioners for review. Ms. Cram had a brief opportunity to discuss the condition with the applicant. The applicant is comfortable with the condition but would prefer to change the word 'agreement' to "solution'. Jeremy Call will be discussing that further.

The additional condition reads as follows:

The property owner will work with the mineral interest owners to come to a reasonable agreement prior to the Board of County Commissioners meeting on June 10, 2019.

Commissioner Miller asked what the cost of the project will be?

Ms. Cram stated that she does not have that answer and offering to get that information for the Planning Commission.

Commissioner Miller stated that he would ask that of the applicant.

Chair Jensen asked the applicant to come up. Platte River Power Authority would be represented by Jeremy Call.

Commissioner True noted that the property would not be immune from potential impacts from flooding and asked if that was something Mr. Call would be discussing?

Mr. Call answered yes and proceed with his portion of the presentation. Mr. Call pointed out that the applicant is Colorado Buffalo Flats and the parent company is DEPCOM. Mr. Call noted that during his presentation he will be referring to the applicant and parent company as Depcom Energy. Mr. Call mentioned that he is joined in the audience by Casey Nolan and Kevin MacLand, Steve Burroughs and Ted Hood with DEPCOM Power if the Planning Commission had any questions for them. Plate River Power Authority is the land purchaser and power purchased. Christopher Wood with Platte River Power Authority (PRPA) is in the audience if there are any questions he will need to answer.

There are four reasons that Mr. Call is excited about as a resident of Larimer County. PRPA selected DEPCOM through a competitive RFP process.

- § They have a goal of using equipment that is 100% made in the United States. This is very unique in an industry dominated by foreign parts and equipment
- § Almost 30% of their workforce is a veteran

§ 10% of their net income goes to the most impoverished or veteran local charities.

Platte River Power Authority was created in 1973 to be able to be responsive to the local values of the member communities (Fort Collins, Loveland, Estes Park and Longmont). They have proven to provide cost efficient and environmentally responsible electricity. Almost 40-years ago, Larimer County had to solve a problem to decide where to locate a new coal-fire power plant. A site was decided on that was not visible from I-25, did not have sensitive wildlife constraints, it was in a region that was largely undeveloped at the time, and it was intentionally located in Larimer County to internalize the impacts instead of externalizing those to other states or counties. Since then, Rawhide has become a regional and diverse energy campus. It now offers electrical, natural gas, solar and coal energy. It has also demonstrated over the past three decades that Shortgrass Prairie ecosystem including a bison herd and energy production can coexist.

Some of the key advantages for this location for solar include:

- § Best of multiple sites considered throughout the region
- § Industrial uses for the past 40-years
- § Minimal environmental impact
- § Co-located with existing coal, natural gas, solar and transmission facilities
- § Substation facilities for electrical interconnection exist at the site
- § No new transmission lines would be required
- § Similar in appearance to existing 30 MW solar
- § Site has low visibility from I-25
- § Site is relatively flat with no shading
- § Infrastructure already exists – no new roads
- § Staffed 24/7 with dedicated emergency response team

Mr. Call wanted to point out that the 273-acres would be a sitting area and permitted area. Only about 1/3 of the area would be used for the project.

There is a mineral interest access area in the north and south areas of the property where surface access is reserved for mineral interest donors to be able to access minerals. An email was received requesting an agreement with PRPA, so the condition of approval that staff prepared is supported with the one exception to change 'agreement' to 'solution'. Mineral access to the surface is being provided and PRPA is in discussions with a lessee of that individual's mineral rights to do directly drilling using offsite

locations. It should be very reasonable to accommodate that mineral interest donor's request by offering surface access and then through an agreement with a lessee to use directional drilling.

The battery will be located in area F. It is a new technology to PRPA, but is becoming more common throughout the industry. It would be about the size of a semi-truck tractor trailer, without the wheels. It is about 10-feet tall, 6-feet wide and 30-feet wide.

Longmont and Fort Collins have adopted a 100% renewable energy goal. PRPA has followed suit and adopted a 100% renewable energy goal. This project would improve air quality as the county grows as it does not rely on carbon or create any emissions. It does not require any water for operation. It would provide direct and indirect economic benefits.

The project provides a very competitive cost advantage which means the rates would not directly affected because of this. The battery will meet the National Fire Association's standards.

The project has been sited so that it meets County regulations:

- § Building setbacks from property line at 25-feet
- § County Road 82 setback of 100-feet from the Right-of-Way centerline
- § Waterways buffer of 100-feet from the centerline of a waterway
- § 100-feet from the wetlands (there are no mapped wetlands on the map)
- § Future County Road reservation
- § It is also setback from railroads, gas pipeline, electric transmission line and the dam

A neighborhood meeting was held on January 16, 2019, a state-wide and national press release occurred on February 14, 2019, and the Mineral Interest Notification was sent on April 10, 2019.

The project meets all the requirements and will built to all management requirements. DEPCOM supports staff recommendations and accepts all the conditions of approval.

Commissioner Miller again asked what the cost of the project would be?

Mr. Call asked Commissioner Miller so describe costs. It is in terms of equipment or labor?

Commissioner Miller asked for the cost of building the new site.

Mr. Call asked Mr. MacLand to provide the cost of the project. Mr. Call asked if they could follow-up in writing as they are not ready to provide an exact total?

Commissioner Miller asked them to guess the cost of the project.

Mr. MacLand responded with \$10-15 million.

Commissioner Miller than asked what the ROI will be?

Mr. Call responded that they didn't have that information.

Commissioner Miller asked if it would be 20-years?

Mr. Call stated that the engineers were not in the audience and that he would be happy to follow-up with that information.

Commissioner Choate asked if DEPCOM providing the battery?

Jeremy responded that DEPCOM would be procuring and installing the battery.

Commissioner Choate wanted to clarify that they are not in that business.

Mr. Call stated that DEPSOM is not in the business of manufacturing batteries.

Commissioner Choate asked about drainage ways described on the southeast side, are those natural drainage ways, ditches or concrete?

Me. Call responded that there is a combination. There is a ditch that runs at the base of the dam to collect any water that seeps or floats form the dam. Coal Creek is naturalized.

Commissioner Choate asked if the 100-foot buffer is on each side of the waterway?

Mr. Call responded that it is 100-feet on each side from the center of the waterway.

Commissioner Choate asked what the reasoning behind including 2/3 more property than necessary for the installation of the facility? What is that going to be used for?

Mr. Call responded that it would be removed after the final design is done. At the time the application was submitted, DEPCOM Power was in the process of developing the preliminary site plan with an example of that provided in the appendix. That appendix shows that it only uses about 180-acres of the

site. At that time the project had not done Q-Technical investigations and other efforts to determine if the site was suitable.

Commissioner Choate clarified so that they were able to microsite as necessary as constructed?

Mr. Call responded precisely.

Commissioner Choate asked how old the existing panels are?

Mr. Call shared that the existing panels are three-years old.

Commissioner Choate noted that they were fairly new, and asked if they anticipated that full build out is going to be similar or probably less than the 30 megawatt field?

Mr. Call responded that the footprint would be smaller than the 30-megawatt field and would be similar in appearance.

Commissioner Miller asked if there would be 50 megawatts between the two?

Mr. Call responded yes. He noted that there were some differences between AC and DC, but yes.

Commissioner Miller asked what percentage of that would be the total necessary electrical needs for Larimer County?

Mr. Call responded that overall it would be 50% of the project and the Roundhouse project, 50% of PRPA would come from renewable sources.

Commissioner Miller asked if it was 50% from this site or all the sites?

Mr. Call responded that it is from all sites in PRPA's portfolio.

Joel Denforth clarified that the existing 30-megawatt facility will provide approximately 2% of the energy supply for 2019. The additional 20% in megawatts or 3% total will be from solar.

Commissioner Miller asked for confirmation that the project would not increase the cost to the end users in Larimer County?

Mr. Denforth responded yes that is correct. There will be no rate impact resulting from this project.

Commissioner Miller asked who will be paying for it?

Mr. Denforth responded that PRPA has signed a 20-year power purchase agreement with the developer and that will be paid through their typical rate recovery mechanism through their customers.

Commissioner Miller clarified that certain customers would pay the extra fees to cover the cost of this?

Mr. Denforth stated that was something they would defer to the retail distribution utilities that they serve (Fort Collins, Loveland, Estes Park and Longmont). They are free to pass that rate on as part of that total energy mix that they receive at the distribution level. Or it's possible they may have the subscriber program where an individual customers can subscribe to 100% of their energy from renewables.

Commissioner Miller asked what would happen if the subscription were to refuse to pay the extra fees, we would all be paying more for our electricity, right?

Mr. Denforth responded that is not correct. There will be no rate impact as a result of this project.

Commissioner Miller stated that Mr. Denforth just stated that the subscribers would be paying the extra fee, but the exact amount is unknown?

Mr. Denforth explained that the subscribers could pay individually, so by 2021, PRPA expects to be providing approximately 50% of all energy delivered from renewables. A subscriber could the at their option pay an increased amount for up to 100% and that would reduce the amount available to other customers.

Commissioner Miller asked if renewables are included in this project and wind farms and is hydroelectric included?

Mr. Denforth responded that is correct.

Commissioner Johnson asked if there were any additional permits required and who is required for regulating the proposed activity?

Mr. Call responded that there were no federal permits required. An air quality permit is required from the state of Colorado. He asked Commissioner Johnson if there was one in particular that she was interested in?

Commissioner Johnson responded no but that she wanted the rest of the audience to hear the amount of regulation that is overseeing the application beyond the local land use permit, if they didn't have the opportunity to review the permit, the application itself.

Mr. Call responded the application that the site plan review at Larimer County, the building permit, the development construction permit, and the fire district asked them to obtain a fire permit to demonstrate that the project is built safely.

Commissioner Johnson asked about the noise, the proposed standards don't indicate what type of noise the project will be complying with and is there a mitigation plan or what will PRPA be doing to make sure that they are complying with noise standards?

Mr. Call referred this question to the staff.

Ms. Cram stated that the only noise would be during construction, in that solar is usually pretty quiet, so staff was not concerned with that but wanted to make sure that during construction they were being courteous to the neighbors with construction hours and level of noise.

Commissioner Johnson asked what noise standards are you going to be maintaining compliance with and is there a mitigation plan during construction?

Mr. Call stated that there would be a mitigation plan during construction, it hasn't been developed yet pending approval of the 1041 permit. It would meet the standards of the County's noise standards for construction.

Commissioner asked what those noise standards were?

Mr. Call asked staff to any this question.

Ms.Schneider stated that 80 decibels during the daytime and 75-decibels in the evening.

Commissioner Johnson with the site plan review application, a mitigation plan will be included for noise during the construction phase of the project?

Mr. Call responded yes.

Commissioner True asked if construction would happen on the weekends or only Monday through Friday?

Kevin MacLand with DEPCOM Power answered that construction would only occur during the week and not on the weekends.

Chair Jensen asked about the technology of the battery as it appears to sit close to waterways, containment, the battery itself, how it is dealt with, its life span and how it is dealt with when it needs to be replaced.

Steve Burroughs with DEPCOM Power shared that it is lithium ion battery system with the cells looking like a AA batteries. The cells are packaged in modules and there are sheets of these modules that installed in a cabinet. There are 16 modules per cabinet with 10 cabinets being installed. The life span of the batteries is initially 10-years, with the modules replaced with new cells. Those will last another 10-years. The system is currently designed for 20-years.

Chair Jensen asked if they are considered hazardous waste?

Mr.Burroughs replied yes. He shared at that time they would get a specialty contractor who deals in hazard waste to remove it. The manufacturer is involved in that process as well.

Commissioner Miller asked about the batteries reaction to water.

Mr. Burroughs replied the modules have sensors and if it detects water or an increase in temperature, the cells are turned off. They would become dead at the point and would be able to conduct electricity at that point.

Commissioner Miller asked about mitigating a fire and what is the process?

Mr. Burroughs stated that inside the modules if there is a thermal runaway, each of the modules will turn off individually so that the fire cannot spread to modules that are close to it. There is also a heat sensor that will open breakers for disconnection.

Commissioner True what would happen if they were hit by lightning?

Mr. Burroughs replied that there is a grounding system in place that essentially would immediately ground the lightning strike to a copper ground grid that is installed underground, and again if sensors temperature increase, it would immediately shut the batteries off entirely.

Chair Jensen asked if they were flooded batteries and if there would be acid?

Mr. Burroughs replied that they are similar to a cell phone battery.

Chair Jensen asked if there was a fire, what would be used to put it out?

Mr. Burroughs replied that foam would be used to extinguish a fire.

Chair Jensen asked for clarification in that would be no runoff?

Mr. Burroughs replied no.

Commissioner Choate stated that if DEPCOM doesn't make the batteries, who is the supplier?

Mr. Burroughs answered that Romeo Power System in southern California is using a Samsung actual battery cell. They purchase the batteries, contain them, and set up the control systems.

Commissioner Choate asked for verification that the batteries would be replaced every 10-years. Is the 20-years the end or can they be replaced every ten years?

Mr. Burroughs replied they can be replaced every ten years. The 20-years the current contract and design system.

Commissioner Johnson asked about emergencies, potential hazards and groundcover. Could they explain what the groundcover will look like and the footprint where the project will be?

Mr. MacLand stated the area would be roughly 180-acres. The actual array footprint is actually closer to 120-acres.

Commissioner Johnson asked what the actual groundcover would be?

Mr. MacLand responded that they would be seeding with native grasses of the area working with PRPA and will make sure it is native to the area. They will make sure there are no changes to the prairies.

Commissioner Johnson asked if there happened to be a fire, a grass fire, what would the response time be?

Chris Wood with Poudre Fire Authority responded that there is a weed management plan they are committed to implementing. There is an onsite emergency response team and they can be responsive within minutes.

Commissioner Johnson asked if the minerals affidavit is just for hydrocarbons, oil and gas, or other minerals as well that were of interest under this property?

Mr. Call responded that their understanding is that the interest is with hydrocarbons, oil and gas minerals.

The Planning Commission took a brief five-minute recess.

The Planning Commission reconvened with Chair Jensen asking the audience if anyone wanted to comment. There was no response from members of the audience.

Chair Jensen asked the applicant if they wanted to address the Planning Commission again and Mr. Call replied no.

DISCUSSION:

Commissioner Johnson asked about the timing of some of the conditions of approval. On #5, the submittal of a stormwater management plan and associated BMP's conversion control plan must be submitted. When will that happen?

Ms. Cram responded that those would be submitted prior to a building permit. They will be working on them during the site plan review process but before a building permit is issued.

Commissioner Johnson stated that she thought it would be important to document when in the process those items need to be submitted

Ms. Gray responded that they ask for an erosion control drawing during the site plan process, so that is looked at a little earlier than the full storm water management plan. The stormwater plan contains more detail and it would be reviewed before a development construction permit is issued.

Commissioner Johnson asked about the timing of the development construction permit?

Ms. Gray responded that once the site plan is at a point that it can be administratively approved, a development construction meeting to issue that permit. It is after the site plan is ready to be approved, the development construction permit would be issued as long as they have all the necessary state permits, CDEHP permit and the stormwater permit,

Commissioner Johnson asked about the noise and how would the noise levels be documented? She also stated that it would be a good idea for the applicant to submit a noise mitigation plan during construction with the site plan review. On #11, she asked if the applicant has to do blasting for this type of work.

Commissioner Johnson noted that she saw heads shaking no, but there was no verbal response.

Commissioner Johnson would like an amendment to delete the need for blasting but include that they could be engage in some noisy activity. She asked if staff received calls when the noisy activities are happening? And if they do, would it be helpful that not only if they notified their neighbors, but they also let the County know that some kind of noisy activity will be happening so that if calls are received the County would be informed. Commissioner Johnson asked if that would help staff or not?

Ms. Cram answered that #12 states that they will provide their contact information so neighbors have the ability to communicate if they have any concerns.

Commissioner Johnson asked if staff receives calls when noisy activity is happening on sites.

Ms. Cram replied that those complaints are handled by the Code Compliance department or by the Planner on Call.

Commissioner Johnson felt it would be helpful if staff were alerted when noisy activity was taking place or would it matter because they would have the neighborhood tip line?

Mrs. Kuhn mentioned that there would be a neighborhood tip line that could be called should the noise get too loud. It would be helpful if the applicant shared that information with the County but felt that what Commissioner Johnson is asking are amendments to the conditions of approval. It would be worthy of discussion of amendments to the conditions is being proposed.

Commissioner Johnson again asked if it would be helpful to staff if they knew when there would be noisy activity on site?

Mrs. Kuhn stated that it would be very helpful.

Commissioner Johnson continued with #13, Weed mitigation would be helpful to submit this with the site plan and providing a plan to Planning. Also on #15, it states that the property owner will work with the Colorado Parks and Wildlife for requested monitoring. It would be good to quantify or qualify when that would need to be submitted. It should be submitted for accountability purposes with the site plan, their responses, what is the County looking at from them?

Ms. Cram stated that they will be working with them during the site plan process. PRPA has been very proactive in already working with CPW on their comments. They didn't have any major concerns with what they were asking, so some of the things will be addressed during the site plan review process because they are finite, and some of the monitoring will continue for years. Generally, the County trusts that the applicant will continue to work with CPW to make them comfortable. CPW's comments were requests and not requirements.

Chair Jensen wanted verification that they would work with the site plan process as they have been very proactive. There are no major concerns. Addressed the site plan process and other monitoring.

Commissioner Johnson wanted verification that #5, #7, #13 and #15, that the applicant provide responses during the site plan process and a qualifier would be added as to when those items should be submitted. On #10 regarding noise, it would be nice to amend that condition to reflect what that level is and when they need to submit a mitigation plan. #11 really was for staff and if they want to be included in that notification or not.

Chair Jensen noted since that is so subjective, it may be erroneous condition for the applicant to try and monitor that at property line because that can be a bit subjective out there. Winds and other things can change that and make it a little difficult to comply to without having to make calls every day.

Commissioner Johnson stated that when construction started and ended would be appropriate. Just to know when their construction period is.

Ms. Schneider responded that in Appendix C, it states that if blasting occurred, but there would be no blasting, only land clearing and general excavating will take place and adequate land buffers exist. The noise levels cannot be exceeded past the property line.

Commissioner Wallace noted that #10 states the applicant needs to comply with the noise ordinance and that it comes up often. Typically, specifics of the noise ordinance are not outlined and that the applicant just has to comply. As long as it is part of the process and everybody knows what the Larimer County noise ordinance is, it shouldn't have to be outlined in the condition of approval.

Commissioner Johnson stated that would be fine but maybe just clarify that it is outlined in the ordinance and that the condition reflects Larimer County noise ordinance in the first sentence.

Chair Jensen commented that he was going to have Commissioner Wallace go through the criteria for a 1041 permit and read through the conditions and see if amendments are necessary.

Commissioner Wallace provided a brief outline for a 1041 permit. This process is different than a standard application the Planning Commission usually sees. There are special, applicable criteria that are in the Code in Sections 14.10 and 14.11. If the proposal does not meet those criteria, the permit gets denied, unless the Board of County Commissioners decide that reasonable conditions can be imposed which will allow the permit to comply with the criteria.

There are about 5 pages of criteria, and Commissioner Wallace will go through them briefly. The first requires that the proposal is consistent with the Master Plan and applicable intergovernmental agreements affecting land use and development. This is not in a growth management area, so it's not subject to any area when the County has any intergovernmental agreement. The County Master Plan anticipates the need for adequate infrastructure and utilities to serve the needs of Larimer County. The analysis in the application addresses the strategies and principles of the Master Plan related to the placement of the proposed plant and the impacts of construction ongoing use.

The next criteria is that the applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available. Most of the presentation tonight has addressed this issue of what is reasonable siting and design. They have gone through all the criteria in the packet and it is available online for review.

The very first thing staff mentioned was how they identified the proposed sites for Rawhide as the preferred site for several reasons. It is one of the few sites in the County with ample area. There are very few neighbors who would hear this and have a problem with the project, especially after it was constructed. It truly is in a prairie area. It's flat and unshaded, has existing infrastructure, no new transmission lines will be added, the electrical connections are all in place, it lacks environmental constraints, and a minimal number of residences are in proximity.

The next criteria is that it conforms with County Standards review criteria and mitigation requirements including environmental impacts including but not limited to those contained in Section 8 of the Land Use Code. It does have some wetlands and limited wildlife habitats.

The adequate public facility section are mostly not applicable. There is no sewage disposal levels that are required. The domestic water level is not required. Drainage level of standards, there will be some erosion control but there won't be too much erosion control out there because it is pretty much flat. Fire protection and emergency medical levels, they have their own fire protection and they are within shooting distance of Wellington. No new roads are proposed.

Wetlands, there are minimal wetlands, they are going to deal with the streams and man-made streams and other ones out there. There will be no irrigation systems, but they will have to do a fugitive dust plan.

The next major component is that the proposal will not have a significant impact or adverse effect on or will adequately mitigate significant adverse effects on the land on which the proposal is situated on and on lands adjacent to the proposal. This area was historically used for livestock grazing and this project will not interfere with that.

There are no historical sites to be considered. It won't negatively impact health and safety. It is a reasonable balance between the cost to the applicant to mitigate significant adverse effects and benefits achieved through mitigation. The recommendation of staff and the comments by referral agencies have been addressed to the County's satisfaction.

Chair Jensen asked that after going through the criteria, does anyone want to speak about changing any of the conditions of approval and if not, he will entertain a motion.

Commissioner Choate stated that he was supportive of the project but not supportive of the additional condition. The only reason they would not be able to reach those minerals if they were required to do vertical drilling which does not occur, ever, anymore. There is a lot of land around this and he doesn't think this is a path the Planning Commission should go down. He would support it if there truly were no other options. Directly drilling is where it's at and has been for year.

Commissioner Johnson supports what Commissioner Choate stated. The reason she asked the applicant what minerals were discovered is to know what other resources that would be limited to exploration, not by directly under the facility. She would support not entertaining #16.

Commissioner Miller stated that this project is identical in many aspects to what has already been done. With regards to that and its successful accomplishment, he said the Planning Commission should just roll with it.

Commissioner Johnson stated that she feels strongly about that they need to qualify when #5, #7, #13 and #15 need to be submitted and provided to the County.

Commissioner Wallace moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commissioner recommends approval of the Platte River Solar Project 1041 permit, File #19ZONE2507, subject to the conditions on pages 56 and 57 of the packets, which are 1 through 15, with the following modification, paragraph 5, paragraph 7, paragraph 13 and paragraph 15, that the responses to those 4 paragraphs are due at the site plan review.

Commissioner Choate seconded the Motion.

Chair Jensen asked Commissioner Johnson if she wanted that added as condition #16, as she is covering multiple conditions or if she would like that added on each line, that those are put in at the site plan review?

Commissioner Johnson is in agreement with Commissioner Wallace's suggestion that those 4 be submitted at the time of site plan. The motion was fine.

Ms. Gray stated that #7, the development constructionist is not submitted during the site plan process but is issued after approval. She is concerned with the language.

Chair Jensen asked her if she had a suggestion?

Ms. Gray recommended the #7 state that development construction permit must be obtained after site plan approval.

Mrs. Kuhn added or following site plan approval.

Chair Jensen asked Commissioner Johnson if she approved of this amendment? She responded yes.

Chair Jensen asked Commissioner Wallace if she accepted that amendment? She replied yes.

Commissioner Choate agrees with Commissioner Curtis and that they should just roll with it.

Commissioners Choate, Johnson, Stasiewicz, True, Miller and Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

4. **SHORT-TERM RENTALS REGULATION, FILE # 19-CODE0241:** Mr. Lafferty shared that he is joined at the staff table by Eric Fried, Chief Building Official, who will be speaking on the Building Codes in relationship to the Short-term rentals, and Lesli Ellis, the Community Development Director, who will help address issues that may come up.

There have been work sessions in the past that addressed several issues that everyone has had concerns with. In August of 2015, our past Community Development Director interpreted the Land Use Code and in doing so, determined that a resort lodge cabin defined by the Land Use Code at that time was equal to a short-term rental. As such, he authorized the use of single-family dwellings, in certain zone districts, wherever resort lodge cabin were allowed, to be utilized as short-term rentals in Larimer County. Those short-term rentals were required to go through a special review process which a relatively lengthy and costly process.

In 2017, the short-term rental definition was added to the Land Use Code, and into zone districts whereby we currently allowed resort lodge cabins. The idea there was that most people looking at the Land Use Code to find out if a short-term rental would be permitted probably wouldn't be looking under the definition of a resort lodge cabin.

On March 18, 2018, the short-term rental team began an effort to prepare uniformed standards and processes for the short-term rental applications. The purpose of this was that after the 2017 addition to the Land Use Code of short-term rentals, Larimer County received three different applications. These three applications were vastly different and which standards should be applied to each with regards to fire sprinklers, access and other required standards was difficult to determine. The aim of this team was to find a way to uniformly adopt standards that everyone could apply so that as applicants were going through the process of approval, it would more uniform and predictable for the applicants.

In July 2018, the short-term rental team conducted a series of meetings with the community, fire districts, members of the community that were in favor of short-term rentals and those that might be

opposed. The results of those meetings were later shared with the Planning Commission and the Board of County Commissioners in November 2018. Additional feedback was received from both of those bodies as to what the direction would be needed moving forward.

After that, the short-term rental team put together a set of regulations that provided a balance between the two extremes of the issue and tried to find a process that was not only easy to follow so that the County would encourage people to come through the process and validate their uses, but also something that was affordable in the long run.

The results of those meetings were then shared with the community during an open-house meeting at the County Courthouse in March 2019. Additional testimony was presented, with some members of the community stating the regulations have gone too far, while others shared that they had not gone far enough.

On May 8, 2019, the new regulations were presented to the Planning Commission and the Board of County Commissioners to give them an opportunity to provide last-minute feedback on the regulations. These comments were addressed as part of the process.

Mr. Lafferty presented a series of slides and noted that definitions and use descriptions were two different things, definitions merely define the use and use descriptions which further expand on the definition of what something is. For this purpose, a short-term rental is defined as a dwelling that is rented to transient guests, when not occupied by the owner/renter. Transient means less than 30-days. Criteria have been added into the use description of a short-term rental which is a dwelling rented to transient guests when not occupied by the owner/renter for 30 or fewer consecutive days. Mr. Lafferty also noted that that use definition has been broken two different categories: one is to address occupancy levels when there are 10 and fewer people in a dwelling and the other one is when there are more than 10 occupants in a dwelling.

Currently, short-term rentals are allowed in the FO-Forest, FO-1 -Forest, O-Open, RE-Rural Estate, A – Accommodations, T-Tourism, B- Business, FRLB – Red Feather Lakes Business zones. The proposed zones will be those previously mentioned as well as FA-Farming, FA1-Farming, E-Estate ,E-1 -Estate, RE- 1-Rural Estate, R-Residential (10 or fewer occupants), R-1-Residential (10 or fewer occupants), and R-2 - Residential (10 of fewer occupants). Mr. Lafferty provided a map outlining the areas where short-term rentals were allowed and where the proposed areas are. The gray area on the map indicated GMA areas for Fort Collins, Loveland and Estes Park.

When it comes to process, right now the process is a special review. It takes about 6-9 months and runs about \$5,000.00. The fee was lowed to \$1,500.00 for short-term rentals.

Chair Jensen asked Mr. Lafferty to go through the zones for everyone to understand.

Mr. Lafferty asked Chair Jensen to allow him to follow the train of thought and continued with explaining that the special review process was the previous process for approval of a short-term rental but the team felt that usually, a short-term rental occurs in an existing dwelling, it's not a new thing, it's not a big new development, and therefore a lot of the things have already been decided and don't need to go through the special review process. The process is being simplified down to, A Public Site Plan which will be used when occupied by 10 or fewer occupants. This process, for the most part, is an administrative process that requires notification of neighbors, it is reviewed by staff and referral agencies, and ultimately approved by the Community Development Director, but the director could pass the decision on to the Board of County Commissioners. A Minor Special Review will be the process used for 11 or more occupants. It is not a full special review, it skips the sketch plan, doesn't go before the Planning Commission and goes straight to the Board of County Commissioners for a decision. It is a more timely and affordable process.

With regards to the zoning districts, all the zoning districts have certain designations. Farming districts doesn't mean that farming takes place or that farming is the only thing, single-family dwellings are allowed as well as other uses. The Forestry zones allow for dwelling units as well as or the forestry of our community. O-Open does not mean that you are open to do anything but allows rural residential,

agricultural and other uses. Each of these zone districts has different criteria. Lot size, the number of houses that can be put on there, things like that. E is Estate, RE is Rural Estate, R and R-1 are Residential, M is Multi-Family, A is Accommodations, T is Tourist, B is Business, C is Commercial, I and I-1 are Industrial, RFLB is Red Feather Lakes Business District and AP is Airport zone.

Mr. Lafferty went into more detail of each process. A Public Site Plan will be used for 10 or less occupants, take approximately 1-2 months and costs \$700.00. Neighborhood notification will be required within 500-feet of the property, no neighborhood meeting required, the uniform standards will apply, the Community Development Director makes the final decision with appeals to the Director's decision going to the Board of County Commissioners.

If there will be 11 or more occupants, a Minor Special Review will be the process. This process takes 3-6 months with an \$875.00 fee. Neighborhood notice is required, as well as a neighborhood meeting. Uniformed standards, to be discussed shortly, will apply with fire sprinklers being required. The decision on these will rest with the Board of County Commissioners and appeals will go to District Court.

The Uniformed Performance Standards for a short-term rental with 10 or less occupants are as follows:

- § One single-family residence per property
- § Legally constructed dwelling
- § Change of Occupancy permit required
- § Property Management (must be within one hour of the application site)
- § Emergency services registration (applicants should register with the local fire districts)
- § Boundary identification (fence or signage)
- § Floodplain compliance
- § Exit maps (identify escape routes)
- § Operational manual
- § Garbage handling
- § Primary dwelling only (will not be allowed in any other structure on the property)
- § Stove Top Fire Stop (a piece of equipment installed close to a stove, operates similar to a sprinkler system, far cheaper than a sprinkler system)
- § ♣ Fire extinguishers

Section 8 of the Larimer Land Use Code still applies. The applicant will have to demonstrate they have adequate water supply, sewer system, and have to deal with adequate road and access standards. If these don't exist, they are subject to denial or will have to show that they will comply with the standards.

The Uniformed Performance Standards for a Large Short-Term Rental (11 or more occupants) are as follows:

- § One single-family residence per property
- § Legally constructed dwelling
- § Change of Occupancy permit required
- § Property Management
- § Emergency Services registration
- § Boundary identification
- § Floodplain compliance
- § Exit maps
- § Operations manual (a handout will be provided to assist the applicant with putting this Manual together)
- § Garbage handling
- § Primary dwelling only
- § Stove Top Fire Stop
- § Fire sprinkler system

The fire sprinkler system requirement is a Building Code requirement due to the occupancy load. This can be an expensive proposition in some locations of the County.

Mr. Fried explained that under state law, the process for adopting or amending a Building Code is reviewed by the Board of Appeals and approval by the Board of County Commissioners. The Larimer County Board of Commissioners as a matter of best practices has decided that they would like building code updates to be referred to the Planning Commission for their review and recommendation. Any concerns the Planning Commission has will be passed on to the County Commissioners. As a matter of process, the Planning Commission does not legally vote to approve building code changes but will share their recommendations.

The proposed changes did go to the Board of Appeals on April 10, 2019, with the Board recommending approval with a slight change. They wanted a change to the fire extinguishers which Mr. Fried will touch on later. The substance of the proposed changes, as part of their overall review that Mr. Lafferty explained, they looked at the building codes and how the current building codes handle short-term rentals. As currently written, if the building code is not changed, renting out your home for 30-days or less turns a dwelling into a transient residence occupancy, much like a hotel or motel, which moves it out of the International Residential Code and into the International Building Code which handles all other structures. Under the International Building Code, all residential occupancies require fire suppression sprinklers, handicap accessibility, and other substantial and potentially costly alterations.

These proposed changes would ease some of that regulatory burden while maintaining an appropriate level of safety for what is somewhat more hazardous than a single-family home since the occupants in a short-term rental are not familiar with the property and make it possible for most homes to stay within the International Residential Code without sprinklers or handicap accessibility. There are similar rules already in place in the Estes Valley from about a year and a half ago, but with the benefit of experience and substantial input from public meetings, it is suggested some changes to the rules that are affect for Estes Valley.

The first thing is how to distinguish between a short-term rental and a large short-term rental. In Estes Valley, they make that break at 8 or less as a small or regular short-term rental, and 9 or more as a large short-term rental. In our case, looking at where the building code draws some distinctions, they would like to make that break at 10 or fewer occupants for a short-term rental and would stay under the International Residential Code, meaning every residence with five bedrooms or less could be a short-term rental and proposing not to rent to more than 10 occupants. That should take care of 90% of the homes would be a short-term rental. These short-term rentals will not require sprinklers, would require a Change in Occupancy permit, a life-safety survey and eventually a certificate for a short-term rental would be issued.

More than 10 occupants would go under the IBC (International Building Code) and would be viewed as an R-2 occupancy, which is a vacation timeshare property and it would be looked at under IBC and the International existing Building Code for changing the occupancy and what is required in that case. There would be a life-safety survey inspection, which again is something they have in Estes Park that includes the following items:

- § Address identification
- § No Unapproved/Unpermitted Uses/Work
- § Observe structural concerns
- § Emergency escape/rescue openings (bedroom egress windows)
- § Window wells
- § Smoke alarms

- § Carbon monoxide alarms
- § Fuel gas appliances: location, venting, combustion air, clearances
- § Home/garage separation (firewalls/fire doors/penetrations)
- § Environmental Air Duct Terminations (bath/laundry)
- § Handrails
- § Guardrails
- § Cookstove anti-tip devices
- § Wildfire hazard defensible space
- § Lighting at exterior stairs
- § Ground-fault Circuit-interruption protection
- § Private septic systems approved by the Health Department
- § Solid fuel fire pits prohibited in wildfire hazard areas - o People coming into the area
that are unfamiliar with the high fire danger. These fire pits would have to be locked off
to guests but could be used by owners. If a new vacation home was to be built in the wildfire
hazard zone, you would not be able to install a solid fuel fire pit
- § Stove-top fire stops
- § Fire extinguishers - Originally, fire extinguishers were required in every habitable room, but the Board of Appeals felt that was a bit extreme and feedback was received at the open house as well, so now the proposal is that a fire extinguisher be placed in every room that has a cooking appliance, fireplace, heating appliance or water heater. If there is one on the deck or patio, the fire extinguisher shall be placed inside the house at the door leading into that area and at least one fire extinguishers on each level of the house.
- § Operations manual
- § Safety signs posted at all exits

The building permit would allow the County to go through and make sure all the conditions that were put in through the Planning process were in fact in place. Once all those things were completed, a Certificate of Occupancy as a vacation rental would be issued.

There is also a proposal to change the regulations for a Bed and Breakfast in the Building Code because if not changed, the regulations for a Bed and Breakfast will be stricter than a short-term rental which doesn't make sense. A Bed and Breakfast where the owner occupies the home is less hazardous. The rules for a Bed and Breakfast would be dialed back so that they would not be more restrictive than they are for short-term rentals which are not owner-occupied.

The last change is a proposal for new deadlines for vacation homes in the Estes Valley. This is necessary as the original rules were based on the group of grandfathered vacation homes in the Estes Valley that were registered before March 31, 2017. Those original dates have passed and unless new deadlines are applied, there could not be any new vacation homes in Estes Valley. The proposal is that for new ones coming in, they register with the Town Clerk. Within 60-days of that, they apply for their building permit. Within 120-days of the building permit being issued, they take the life-safety survey inspection and within one year of getting their life-safety survey inspection and make all necessary corrections to get their Certificate of Occupancy.

Mr. Lafferty presented a few other items that are being amended with this set of regulations as follows:

- § Add parking requirements for short-term rentals
- § Align the definition, use description, process, and intensities for Bed and Breakfast use with the short-term rentals
- § Add definitions for bedroom and renter for clarity in other definitions

Mr. Lafferty noted that the Building Code changes weren't outlined in the approval process in the packet, but they are in there. A recommendation will need to be added as a recommendation from the Planning Commission to the Board of County Commissioners.

Commissioner Miller asked Mr. Lafferty for an explanation of primary dwelling only?

Mr. Lafferty responded that it means you can't have a short-term rental in your barn or approved accessory dwelling unit.

Commissioner Miller asked if he had two houses that he would be able to rent both that way?

Mr. Lafferty started to explain that two houses on one property when Commissioner Miller clarified he meant two houses on two separate properties.

Mr. Lafferty responded one per property and it had to be in the primary dwelling.

Commissioner Miller then asked about duplexes, townhomes, and condos?

Mr. Lafferty responded that they are included. He also stated that a modification to the term dwelling and a dwelling will be a building or portion of a building thereof used for residential occupancy including cabins, single-family, duplexes, multi-family dwellings. Dwelling also includes Bed and Breakfast and Short-Term Rental but does not include hotel, motel or boarding rooms. Dwelling is used in the Code as a secondary term.

Commissioner Miller then asked about all the dwellings and if he was a renter could he then become a sub-renter?

Mr. Lafferty responded that short-term rental is always non-owner or renter occupied. If a renter wanted to put a short-term rental in a dwelling that they were renting, permission would be required from the person renting to that person.

Commissioner Choate asked for clarification on the short-term rental having to be in the primary dwelling on the property and not in an accessory living area. If there was an accessory living area on the property, the intent is to not have two short-term rentals on one property, correct?

Mr. Lafferty answered in the affirmative.

Commissioner True asked if you have six-bedrooms, each person is renting a bedroom, can each of those people have hot plates in their room? Is there any kind of limit to what kind of appliances each room can have?

Mr. Lafferty asked that the Planning Commissioners go back to the definitions under staff recommendations, under the Use Description for a short-term rental, at 4.3.6.e in the packet, it says short-term rental and it says a dwelling rented to transient guests when not occupied by the owner or renter for 30 or fewer consecutive days. And then the criteria further expands on that item with item #1 says a short-term rental in the following zone districts and it lists a bunch of zone districts when accommodated by a single group of 10. So, the idea is that a short-term rental isn't rented to multiple groups. For instance, if it's a 5-bedroom place, and we don't know each other, you don't get to rent a room and me another room. It's only rented to one group of people affiliated with each other and we would all use the kitchen together.

Commissioner Johnson asked about the other definition kind of being the boarding rooms or rooming house where you could rent out rooms to different people?

Mr. Lafferty stated that if it was a Bed and Breakfast or something that, it would operate differently. If 8 people were going to stay in a short-term rental, they are all going to stay there together and are not there as separate groups.

Commissioner True asked if that was specifically in there?

Mr. Lafferty responded yes. 4.3.6.e, item #1 states a short-term rental in the certain zone districts, accommodating a single group of 10 or fewer occupants. A single group.

Commissioner True asked if there would be one rental agreement with the entity and up to 10 people?

Mr. Lafferty answered yes.

Commissioner Tue asked if there was anything about fireplaces? Anything to do with extinguishes near the fireplace? Any special thing about fireplaces?

Mr. Lafferty stated that in the Building Code and the Land Use Code proposal, it will say that unless already equipped with an automatic fire sprinkler system, approved fire extinguishers shall be installed in a readily accessible and visible location for immediate use in the following locations within a short-term rental in each room with a cooking appliance, fireplace, heating appliance or water heater. Inside and adjacent to the door leading to a deck or patio which is occupied with such appliances and at least one on each story of the dwelling.

Commissioner Choate referenced 4.3.6.e and when referencing 10 or fewer occupants determined by multiplying the number of bedrooms by two is their concern that 4 occupants may all be in one bedroom?

Mr. Lafferty stated that the County is not going to inspect the unit for how that is happening. The County has to have a way to determine 10 and the best way to do that was to say each bedroom would have room for two people to stay in it. For example, there is a finished basement that has a fold-out couch, adequate exiting requirements must be in place to qualify as a room people should be sleeping in.

Chair Jensen asked for the stated goals of this regulation are?

Mr. Lafferty stated that the purpose of this when it began was to create a set of uniformed standards by which short-term rentals could be considered when approving them.

Chair Jensen asked if the Planning Commission adopted this for argument sake, Crystal Lakes decides that they would like to ban them or place greater restrictions on what can be done if a short-term is approved through the County but the Homeowners Association (HOA) says no they can't do that, will the County attempt to override those individual standards?

Mr. Lafferty responded no.

Chair Jensen asked how those get applied then?

Mr. Lafferty stated that the County doesn't apply standards on property that have private covenants.

The covenants are between property owners and the County doesn't get into that. If Crystal Lakes decided that short-term rentals are not a permitted use in that subdivision area and covered by their covenants, they could file action with the courts.

Chair Jensen asked for clarification in that the County would not be involved in that private action.

Mr. Lafferty responded no. He continued that some developments have private roads. When you go to the private road section of the Land Use Code, does it comply with Section 8, Section 8 says that you have to have legal access and if that HOA states they have private roads and they don't authorize access for that purpose, then approval should not be granted until that is resolved between the two parties.

Mrs. Ellis agreed with Mr. Lafferty and added that the County could if there is an interest on the Planning Commission's part, to let applicants know that they may also need to comply with additional covenants or HOA requirements, but that is not something the County would enforce.

Chair Jensen stated that he felt it was important that it's not confused with who is the final authority in a covenanted area.

Chair Jensen asked for an explanation of fees. What are the fees covering, why is a short-term rental \$700.00 and a large short-term rental is \$875.00?

Mr. Lafferty explained that staff time, and that is not just Planning staff, but Engineering staff, Health Department staff and the amount of time in evaluating applications such as Public Site Plans which basically pays staff salaries.

Chair Jensen asked Mr. Lafferty to go back to the slide that showed the requirements.

Mr. Lafferty did state that one process is more intense than the other. The second requires staff reports. Coming to the Board of County Commissioners, and notification requirements, both in the newspaper and to the neighborhood.

Chair Jensen stated that he knows the Planning Commission doesn't approve the Building Code changes, but they can send a message. He wanted to talk about a couple of things. He asked Mr. Fried to explain why he thought the life-safety survey inspection is so critical?

Mr. Fried stated that when you live in your home, you are familiar with your home and you have skin in the game. With a short-term rental, you may have someone in there that is not familiar with the home, therefore, the hazard is much higher. When you change it from a single-family residence to a short-term rental the degree of hazard is increased and the guests have an expectation that if it is licensed by the Town or County that the level of safety is met. They have gone through and highlighted what is similar and existing for Estes Valley. What they think the life-safety features are such as emergency egress windows in a bedroom, guardrails, and handrails on staircases. They also perform Code Compliance research. That is the purpose of having the life-safety survey inspection. In the Estes Valley, these inspections have helped determine when requirements were not met.

Chair Jensen asked if they were to put out those requirements and allow someone to self-certify instead of having the inspection done, why would it be a problem to self-certify? It is his understanding that when this was started in Estes Valley, the number of Code Compliance cases greatly increased. Please explain how the life-safety inspection doesn't turn into trojan horse that allows the County to come in and oops, surprise, you have a bunch of other things that you didn't know about and the opportunity for a homeowner to come in and verify they are meeting standards.

Mr. Fried asked if the County wanted someone to rent out part of their house to the general public for a fee and it turns out that part of the house was never permitted or didn't meet building code requirements. If during the research, it is discovered that a basement has been finished without a permit, or there is an addition to the house, Mr. Fried feels that it is important to catch that. The alternative is to not do that kind of review and allow someone to rent out to the public without adequate safety features. The argument is if whether the average homeowner is knowledgeable enough to be able to do the kind of life-safety inspection that a trained and certified inspector does. While some homeowners know the Building Code well, most homeowners have no idea what the Building Code is. There may be safety issues that creep up that they may not be aware of. The level of expertise if an inspector is higher than the average homeowner and not every owner is completely honest either. The Board of Appeals felt that a self-certification was the same as not having an inspection at all.

Chair Jensen continued with the struggle of putting strangers in our homes for less than 30-days and Mr. Fried has stated that they may not be familiar with the home, but suddenly they are smart enough to read an operations manual know where the borders of the land is, in his mind doesn't quite line up. He asked Mr. Fried to explain the Change in Occupancy permit. What does it do, what does it look like?

Mr. Fried explained that they apply for a permit to change their home into a short-term rental. They essentially provide a floor plan showing all the rooms in the home. The plan would be reviewed and red stamps would be added and call out certain code requirements that are met. The permit is issued, then after the permit is issued they would go out there to check the 20 items or so on the life-safety survey to see that they were met. Most of these inspections require some corrections. A list of corrections is given and hopefully, those corrections are made after the renting season is over and a follow-up trip is made to ensure the corrections have been corrected and a Certificate of Occupancy is issued.

Chair Jensen asked Mr. Fried how many open permits his department had? He recalled in a meeting that Commissioner Donnelly mentioned approximately 5,000.

Mr. Fried stated that what he was talking about is the number of permits that have been issued since 1972 when permits were first issued that have expired, were referred or never cleared. Mr. Fried did not feel that it relates to this issue. There may be approximately 400 short-term rentals that are not permitted yet. This is a discrete number.

Chair Jensen asked how many homes in Estes Park opened up additional permits or opened up additional or was found when they did that in Estes Park Valley?

Mr. Fried stated that they have had 325 permits applied for in the Estes Valley. Mr. Fried didn't have the exact number, but something like 60% of them were found to have some kind of code violation. 60% of

the 325 equals about 200 additional Code Compliance cases. Out of that 325, about 80% have either been approved or had a Certificate of Occupancy issued. There is still another 70 that are still in Plan Review or being reviewed by Code Compliance that they haven't gotten through the process yet.

Mr. Lafferty stated that this kind of questioning is good but asked him to keep in mind that building permitting is a procedure that is handled by the County. It's appointed to us, it has to be done, it's what goes on. The regulations being discussed tonight require a building permit one way or another. If there is a message to be sent to the Board of County Commissioners, it should probably be separate from the actual standards themselves. If the Planning Commission wants to send that message tonight, to go ahead and send that message. Can we focus on the actual regulations and are the regulations appropriate for Larimer County?

Chair Jensen stated he was focusing on those regulations, but he sees an additional bureaucracy being built that they can't keep up with.

Commissioner Miller commented that Commissioner Dougherty expressed a big concern with regards to the inspection process. And because many of these homes are based upon seasonal timeframes, he doesn't see the 1-2 month approval happening. At least initially, he doesn't see Planning Department having the capability to make this happen within 1-2 months. Commissioner Dougherty recommended that independent contractors be hired or have inspectors come in to assist.

Commissioner Miller strongly agrees with that. He would like to recommend that to the Board of County Commissioners.

Mr. Lafferty stated that obviously, this is going to make the department evaluate how much staff is available. Those discussions will have to be had with the Board of County Commissioners as to which type of resources they are going to give the department to address these things and how to go forward. Nothing is off the table.

Mrs. Ellis shared that the County is not anticipating all 400 of these applications coming through in a very quick period. The expectation is that it will take it through the middle of 2021. There will be grace periods if people register. There may be 30 processed this year with the bulk of the applications in 2020, so that the opportunity is available to have the proper in place and be ready for this. The early stages are really about finding out what is out there and letting folks know about the process.

Commissioner Miller stated that based on what was just said, what if there are individuals currently using their home as a short-term rental? Does that mean they must cease and desist until they can get their inspection or will they be allowed to continue?

Mrs. Ellis responded that a grace period has been given and most of those folks have shared that they would like to be at the top of the list when the times comes for them to go through the process.

Mr. Lafferty added that out of the 400 that are out there, the County doesn't even know the addresses of them all and there are agencies that can help the County with that.

Chair Jensen opened up the hearing up to public comment and let members of the audience aware that they will have three minutes to address the Planning Commission.

Mary Myers lives up the Big Thompson Canyon next to a neighbor that has two cabins on her property. She rents one as a short-term rental and rents the other as a full-time rental. The cabins were built in 1875 and she is pretty sure they are not up to code. Cabins don't require a Certificate of Occupancy and she feels this neighbor has found a bunch of loopholes. The life-safety inspection would address such things as the fire pit and bar-b-que. This bar-b-que is the primary cooking source. She also provides a hot plate, toaster oven, and the bar-b-que. The neighbor's property hasn't been fire mitigated, cleaned or raked for years. The porch doubles as a bedroom. This person is not likely to self-inspect and has been doing this for over five years. She supports the life-safety inspections and would like to see limitations on the bar-b-que. There is also no phone service available.

Mariah Shreinski and her husband have been a part of this for over a year as they run a licensed Bed and Breakfast near Horsetooth. Looking through the regulations, she can see how much work has gone into it and she appreciates that. During the Public Site Plan, a notice to neighbors is sent. That notice stated a Bed and Breakfast and the Bed and Breakfast really implies that guests are being fed and opening up a restaurant. This is a very extensive word that really doesn't represent the service and what they offer. She feels that during that site plan, you could mitigate some of those neighbor issues. She is recommending the definition of a Bed and Breakfast be amended. She also has a concern with the age. It used to state that a renter was 12-years or older but that has been omitted. She wanted to know if at any time was age going to be addressed? Will that be added back in as an infant doesn't use septic or anything of that nature.

Brent Allred and his wife own a cabin in Crystal Lakes. They use short-term rentals to assist with the costs of having a cabin. They like the idea of not cluttering the woods with No Trespassing signs and having a map available. The fire suppression in the hood is a good idea but their cabin doesn't have a hood but does have vaulted ceilings. He hopes that consideration and concessions are given to such situations. The cabin can serve up to 14-people and is disappointed that this may not be the case for them anymore. There are a good number of people that want to rent for family reunions and this will no longer be available. He agreed with the previous woman in what is considered a renter? They have property management on site. At some point, they will discontinue this service. The Allreds live in Denver and would like to see a 2-hour response time instead of the 1-hour proposed.

Mark Goldstein stated that one issue that isn't addressed in the new regulations is the larger ranches. These are greater than 500-acres and have multiple homes on them. With the new regulations only allowing one per property, many of these large ranches are being eliminated. There is usually an on-site ranch manager and will not be a nuisance to the neighbors. He would like to encourage the Planning Commission and Board to really think through that time period as there are a lot of these properties that are being used today. A grandfather-type clause for those that have already been in place or a multi-year transition to allow those that can't immediately be in compliance. In some counties, there is a resolution with a grandfather clause for residences built before the '70s that are in good shape and have been well maintained.

Ryan Zigray is a native to the area and has been in property management for 10-years. He is hearing that they aren't competent enough to make the house safe and their transient guests aren't competent enough to get themselves out if there were a fire or if it is safe to do things, like a fire pit. He asked how many people at Red Feather or the campgrounds are local? Why should they be able to use a wood fireplace and those that are able to given instruction are not. Fences and boundaries, anyone that is out an about should have common sense and if you are trespassing it is your responsibility to know. Is going through a Special Review going to affect the property taxes? The timeframe given seems long meaning there will be a lot of downtime. This seems like a lot of over-regulating making it hard to understand why a property that is safe for 29 to 30-days than someone who is going to be in there 31. If it's safe for 31-plus days, it should be safe for a shorter time. Some of this is covering too broad an area. He felt that notification was insufficient and many folks he spoke with didn't know of the meeting.

Janice Durton moved to the mountains and was shocked how much the noise carries. She hasn't heard anything regarding noise. Is this going to be consistent with the nature of the neighborhood?

Katie Zybko asked for the necessity of the restriction of one short-term rental per property and why it has to be in the primary building? Is it a neighborhood issue?

Commission Choate answered this as he asked this question earlier. If you have a primary and an accessory dwelling on your property, the short-term rental has to be in the primary residence. If it is in the accessory residence it is because the owner lives in the primary residence it is a Bed and Breakfast. You cannot have a short-term rental in the primary and accessory residence. Ms. Zybko lives on a property with a house and a grandfathered duplex. Right now she lives in the primary residence and can have renters on either side of the duplex. She asked why she would not be able to turn both sides of the duplex into short-term rentals?

Commissioner Miller stated that he thinks she can because you can have a short-term rental in a duplex.

Mr. Lafferty said that it is a nuance but if you owned a duplex and lived one side, you could do a short-term rental on the other side. A property with multiple residences is a very unusual situation and would have to be looked at on a case by case basis. There are other options such as a resort lodge cabin.

Ms. Zybko also mentioned the lack of notification and would have had more time to prepare with more notice.

Mark Zigray wanted to state that a lot of people rely on these AirBNB's now and for them to be taken away can crush the business that they have had for years. If safety is the number one issue, how is Estes exempt from the fire stops and the sprinklers and things like that. People come to Colorado to enjoy the outdoors. Sure we have fire danger, but we need to educate instead of banning things. They live on site and have the booklet but nobody reads the booklet. Farming doesn't cover everything.

Christine Neeley shared that Larimer County is expensive to live in. They moved to a slightly larger house with the intention of long-term renting, which they have done. They also would like to short-term rentals in between the long-term renters. She loves that they have come to the middle ground. Some of the details greatly reduced their ability to bring in additional income. They have now stopped the

renting because she is a rule follower and feels that getting really detailed is affecting the little people. Please keep the regulations doable.

Casey Zigray asked if a house passes the initial inspection and has a building permit, and then you are coming through and doing another inspection, why waste that time and show what has already been approved. He asked what the statistics are on vacation rentals and what the deaths or causes of fires are? He wanted to echo that the one per property can be an issue, especially on acreages. They can look at the resort lodge cabins and the short notice of the meeting is a concern. Mark Zigray when the County does something, there is usually a sign. They heard about the meeting last night. If regulation is too tight, people are going to do it under the cover or they are not going to do it. He mentioned the amount of money tourism brings to the state.

Commissioner Choate asked what kind of property the Zigrays have? Are they on 500-acres?

Mr. Zigray replied yes and felt \$6,000.00 to take through a Minor Review is a lot of money. They have a cattle operation but the blizzard hit them hard this year.

Commissioner Choate asked if they were going to have to make major changes to their homes? Are they going to have to change to egress windows in their home?

Mr. Zigray stated that one is a cabin, the oldest one in Red Feather and it does have sprinklers. He wasn't sure about the egress windows. He has done a fair amount of renovation in the past and is aware of the codes.

Commissioner True asked Mr. Zigray how he found out about the meeting? Who heard about it and in what method?

Mr. Zigray stated that the 400 number is small.

Commissioner True asked him if people are renting under the table?

Mr. Zigray answered no and thinks many more people will be affected.

Commissioner True again asked how they had heard about the meeting.

Mr. Zigray shared that he received an email from the Allreds last night. They also called some people they knew and were shocked by the meeting. He admits to being a little out of touch.

Zach Weeland heard about the meeting from the Zigrays last night. He would like to see a grandfather clause.

Chair Jensen closed the hearing to public comment and provided Larimer County the opportunity for rebuttal.

Mr. Lafferty wanted to address the notice issue. This has been a year and a half process. When the process was started, the internet and Commissioners' webpage were used, notices were sent to neighbors that were in proximity to an existing short-term rental that had already gone through a process, and notification was sent to anyone that they knew had a short-term rental. Those are the limitations by which they can do notifications. When it came to this meeting, it was legally noticed in the newspaper and notices were provided back to the people that were on the list that attended those previous public hearings, they were sent direct emails with the codes attached. This was posted on the email and webpages again and has gone out in public circulation in accordance with state law. They do their best to get it out there in the formats governed by state law. Grandfathering has come many times and is a novel concept but is a concept based on something that is legally existing. In 2015, when the previous director said that a short-term rental was something else, so prior to 2015, short-term rentals weren't permitted in Larimer County. Grandfathering is a use that legally existed by zoning and you have changed the zoning such that I am not legal. Since short-term rentals didn't exist prior to 2015, it would be hard to grandfather in a majority of the short-term rentals.

Noise. The noise ordinance for Larimer County addresses noise, having the operations manual and property management is the County's preferred approach. If the neighbors had a property manager to contact, these issues could be addressed before they become a county issue. Neighbors can also call the Sheriff's office and ask for their assistance with noise issues.

With reference to Bed and Breakfast, it used to say guests under the age of 12 were not counted as a guest, it was only the adults staying in the room. It was modified to take that out but they also increased the number of people from 6 to 10. Also, the words rooms and meals were removed. It's not important that you provide a meal at a Bed and Breakfast. There will be unique properties where there will be more than one house on a property or a duplex. You cannot capture every situation with a set of code regulations.

Occupant is not defined per Land Use Code so Mr. Lafferty looked it up in the dictionary. The definition per the dictionary is somebody who resides or is present in a house, vehicle, seat or place at a given time. If they are there, they are an occupant.

Large parcels of land with multiple buildings on them, they can come in and be applied as a dude ranch.

Commissioner True asked if there was any grant money or anything available to people to apply for help in coming up to code?

Mr. Lafferty did not know of any grant money or funding like that. If the Board of County Commissioners felt there was a reason to support or finance things, there may be a way to waive fees given certain situations. There is also an appeal process where they can ask the Board to forgive them the fees for whatever reason. They would have to provide justification as to why they couldn't accommodate the fees.

Commissioner True asked Mr. Lafferty in his experience, this is a normal percentage of community members to come to a meeting because it sounds like the County did everything they were legally suppose to do as far as notifications. This seems like a big deal and we don't have that many people. And

secondly, do you ever do anything above and beyond, do you go into local radio, advertise in the local paper because this just seems like a small amount of people.

Mr. Lafferty stated there is no normal size. It really depends on who it hits and how it hits. The County is obligated by law to put it in a paper with general circulation. It's posted on the Larimer County Facebook, on our webpage, an email blast is done using the Board of County Commissioners' emails and out on Twitter.

Commissioner True asked if Nextdoor was used or if HOA's are contacted?

Mr. Lafferty appreciates that they want us to notify as many people as possible, but there are only so many things that can be done. The County does what is legally required by state law and at times they do go above and beyond. Looking out in the crowd, there are only four or five faces from previous meetings.

Commissioner Miller asked about the fire pits. As the Zigrays mentioned, why are people in campgrounds allowed to have fire pits or fires but denying people with short-term rentals? Property managers should be aware of fire danger and what the legal boundaries are. He just doesn't see how we can say you can't have fire in a short-term rental but you can at a campground. The property managers for the campgrounds are the Sheriff.

Mr. Lafferty feels that Commissioner Miller raises a valid point, if you don't think they should be regulated, that is the message you need to send forward. The Planning Commission can make a recommendation wherever it is in the code that it be excluded and should be allowed. When they did the public outreach which included the fire departments, almost all of them agreed they didn't want open fires. He owners of short-term rentals were concerned it would raise their insurance rates and that they would have potential liability issues.

Commissioner Miller then addressed the hood extinguishers and thinks they are a little bit if overkill, even though they are not that expensive. Will there be some kind of leeway or variance to that?

Mr. Fried answered yes. There is already in the Building Code authority for him as the Chief Building Official to grant modifications, if you can't meet the letter of the code but provide an equivalent in terms of life safety. The Building Department is very flexible and Mr. Fried grants a lot of modifications. Mr. Fried does have the authority to waive certain provisions of the code if someone can make a good case for it.

Commissioner Miller heard the Planning staff mention something about those that don't come in voluntarily, how are you going find them? What is going to be done to find those non-compliant people? The department is short-staffed as it is and you can't get to everyone in a timely manner. How are you going to do it?

Mrs. Ellis shared that there are companies out there that conduct that sort of research. Estes Park has a contract with a company that can do internet searches and identify who is renting properties and identifying those addresses.

Commissioner Miller asked what happens if they don't come in? Do you warn them?

Mrs. Ellis replied that likely into next year start sending out more notifications to inform people of the timeline and the need to come in. The idea is to be lenient on the front end and provide incentives and then look at penalties of some sort 2-years down the line if they haven't come in by that point.

Mr. Lafferty mentioned that a few of the parties in attendance thought the County was going to shut them down. The County is not looking to shut anyone down, but are coming up with a body of regulations that will help them seek their approvals. We always try to work with our customers and the citizens to make it as plausible as possible.

Commissioner Johnson asked if staff was willing to sit down with members of the audience in attendance tonight to discuss their individual needs to see what the best path forward would be? Maybe there is some confusion and this would be a great way to dispel some of that discomfort.

Absolutely was Mr. Lafferty's response.

Chair Jensen wanted to address the fire pits. If a fire pit exists with a lock, those fires are going to be built somewhere else. His concern is we invite that and it is a concern. Education is important and locking a fire pit may not be an appropriate response.

Commissioner Wallace spoke with a very different view. We have had the High Park Fire years ago and there have been fires all over the state and we the taxpayers pay for all of those fires. The fire people don't want the fire pits either. We should be promoting fire mitigation and saying that they will just build it somewhere else so we don't have to worry about it is not right.

Chair Jensen actual agreed with Commissioner Wallace but stated that if someone wants a fire, well then.

Commissioner Wallace continued stating that people should be aware and not start a fire if hazardous.

Chair Jensen stated that they can regulate all they want but unfortunately cannot regulate intelligence or what should happen. He feels the regulations go too far. There are regulations that they won't be able to keep up with, there is a new bureaucracy being created that they can't keep up with and he doesn't support this in this manner. There needs to be some changes done on it and he thinks it has gone too far. They can't regulate stupidity, intelligence, lack of, either side, it just proves to be true.

Chair Jensen asked for a motion to the code change, the Land Use Code.

Mr. Lafferty clarified that a motion is needed for the Land Use Code and the Building Code.

Chair Jensen asked if there should be two separate motions with Mr. Lafferty answering yes.

Mr. Lafferty made the Planning Commission aware that if they don't change what they are doing now, they will go back to the practice of what they were doing. That involves an application for a Special

Review. There will have to be a neighborhood meeting, do a sketch plan, do a neighborhood meeting, go through the Planning Commission and then to the Board of County Commissioners. The rules were a not clear and he feels this is not good practice.

Chair Jensen stated that he didn't feel there were just two options here. He feels there is a third option in that they go back to the drawing board and continue the negotiations on this listen to the folks that came tonight and they start over. Look at what is reasonable and what is expected and they take another pass at this.

Commissioner Miller agrees and at this point would vote against this for now. We're close but not close enough. There are too many things he disagrees with to vote in favor of this. He's almost there but there are too many things that are punitive and he would like to go back to the drawing board and revisit some of these issues.

Commissioner True agreed that there is a third option.

Commissioner Choate disagreed. He felt there have been fantastic compromises that the Planning staff has been working on for a long time and there have been multiple work sessions on this and respects the other Planning Commissioners opinion and those opinions have been voiced in the past and are consistent. If there were specific changes that could be discussed, he would be happy to entertain those but he is ready to enter a motion.

Chair Jensen brought up another option in that this is tabled for a few months.

Commissioner Wallace stated that they were at an impasse on those two items. She would not change her recommendation on no fire pits and Chair Jensen to go the other direction. They should make a recommendation to forward on to the County Commissioners and if they and if the Commissioners feel this is something they are going to look at, the can enforce and look at the changes. Otherwise, the next few months will be spent spinning their wheels.

Commissioner Miller stated that as an Advisory Board it may be good to send a split decision to the Board of County Commissioners.

DISCUSSION:

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Commissioner Choate moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the proposed Land Use Code amendments regarding short-term rentals and Bed and Breakfast uses as found in File #19-CODE241, Short-term Rentals and associated code amendments

along with recommends that the Larimer County Board of Commissioners adopt the proposed 2018 International Residential and Building Code amendments regulating short-term and large-term rentals outside the Estes Valley and amending the regulations for vacation homes and large vacations homes inside the Estes Valley Planning Area effective September 1, 2019, as described specifically in the materials provided to us.

Commissioner Wallace seconded the motion.

Commissioners Choate, Johnson and Wallace voted in favor of the motion with Commissioners Miller, True, Stasiwicz and Chair Jensen voting in opposition of the motion.

MOTION FAILED 4-3.

REPORT FROM STAFF:

The June work session is scheduled for June 12th. The Planning Commission Hearing is scheduled for June 19th.

ADJOURNMENT: There being no further business, the hearing adjourned at 10:50 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.

Jeff Jensen, Chairman

Nancy Wallace, Secretary