

## **LARIMER COUNTY PLANNING COMMISSION**

### **Minutes of June 19, 2019**

The Larimer County Planning Commission met in a regular session on Wednesday, June 19, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Dougherty, Wallace, Stasiewicz, Miller, True, and Johnson were present. Commissioner Jensen presided as Chairman. Commissioners Choate and Lucas were absent. Also present were Carol Kuhn and Matt Lafferty, Principal Planners; Lesli Ellis, Community Development Director; Frank Haug, County Attorney's Office; John Kefalas, Larimer County Commissioner - District 1; Samantha Mott, Planner II; Katie Gray, Engineering Department; and Christina Scrutchins, Recording Secretary.

#### **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:**

Matt Lafferty, Principle Planner Long Range for the Community Development Division, addressed the Board regarding the June 12, 2019 work session with the Board of County Commissioners. Mr. Lafferty stated the meeting was regarding the Draft Comp Plan that is scheduled to go to hearing next month on July 17<sup>th</sup>. They discussed some issues on mineral extraction and mining that happens in the County that was not adequately address within the confines of the Comp Plan. They were asked by the Planning Commission and the Board of County Commissioners to update those portions of the document with that language. Mr. Lafferty confirmed that they had done so as well as sent an email with the new language where it is pertinent in the code. Mr. Lafferty continued that he doesn't expect they had a great deal of time to look at it but ask that if they have any comments tonight to share them, otherwise if they could give us their comments within a week we would appreciate that because they will be going forward with the final draft within the next couple of weeks. Mr. Lafferty then asked if the Planning Commissioners had any questions for him.

Chairman Jensen asked if anyone from the board had any questions. The Board didn't have any questions.

Mr. Lafferty then stated that he will send notice to anyone that was in attendance at the Work Session as well as to the group that made the comments.

**APPROVAL OF THE MINUTES FOR THE MAY 15, 2019, MEETING:**

MOTION by Commissioner Dougherty to approve the minutes, seconded by Commissioner Wallace. This received unanimous voice approval.

**AMENDMENTS TO AGENDA:**

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Chairman Jensen asked if there are any amendments to the agenda for the evening.

Commissioner Dougherty stated that he will be making a motion to postpone item number two, Amendments to the Larimer County Land Use Code, File #19-CODE0240. He would like to postpone this to a date in the future for two reasons. He would like to have another Work Session so the consultants can further explain the constraints that the Planning Commission and the Board of County Commissioners are held to when talking about this item. Also, without the consultants in attendance tonight he didn't believe they will have the answers to questions that have been brought up by the public and that is something that he felt they need to have. Commissioner Dougherty's motion is to postpone this to a point in the future.

Chairman Jensen asked if there is a discussion on the motion?

Commissioner Wallace asked if this was an appropriate time to give notice to everyone who is here tonight that there was an opportunity to fill out emails and to everyone that was at the last meeting on this issue and also that the people here tonight who cannot attend the next meeting need to send in their comments either by email to the email addresses of the Planning Commissioners or Planning Staff so they can have those for consideration at the next meeting.

Chairman Jensen wanted to add that for the people that are in the audience and watching online, who have sent them emails or given packets, they are a part of the record as well as the emails. He also stated that if they were here this evening and they see the notice of the next meeting, whenever it may be either a work session or a hearing, they can send the Planning Commissioners their comments by email. He stated that the Planning Commissioners receive and read the comment emails and become part of the public record. The public is being heard and the

Planning Commissioners appreciate the emails and they are not being ignored. They cannot respond to each email, but they are part of the public record.

Chairman Jensen asked again if there is a discussion on the motion?

**DISCUSSION:**

Commissioner Dougherty made a motion that the Planning Commission adopt the following Resolution:

**BE IT RESOLVED** that the Planning Commission postpone the Amendments to the Larimer County Land Use Code, File #19-CODE0240, to a date in the future.

Commissioner Miller seconded the motion.

Chairman Jensen took a voice vote.

Planning Commissioners were all in favor.

**MOTION PASSED 7-0.**

Chairman Jensen confirmed that item number two has been postponed and that anyone was attending tonight wanting to speak to that item they are free to go, and they will not have any public comment tonight.

Commissioner Dougherty asked Mrs. Ellis if Rebecca Westerfield, Planner I, is still outside the hearing room for anyone that may have not signed in with their email address?

Mrs. Ellis responded yes.

Commissioner Dougherty stated that if there is anyone who did not sign in with their email address tonight to please see Mrs. Westerfield. She was right at the entrance and make sure that she has their email address so that they may be properly notice for the Planning Commissioners work session and hearing.

Chairman Jensen thanked everyone for coming and apologized for postponing item number two.

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**CONSENT ITEMS:**

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Chairman Jensen asked if there was anyone in the audience that would like to remove Water's Edge Off-Site Sanitary Sewer Location and Extent, File #19-ZONE2535, from consent?

No one from the public responded.

Chairman Jensen asked if there was anyone in the Planning Commission that would like to remove Water's Edge Off-Site Sanitary Sewer Location and Extent, File #19-ZONE2535, from consent?

The Planning Commissioners responded with a no.

Commissioner Stasiewicz asked that she be excused from item because she works for the company that is part of the project and stepped down. Commissioner Stasiewicz will not be included in the vote.

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**ITEM #1 WATER'S EDGE OFF-SITE SANITARY SEWER LOCATION AND EXTENT, FILE #19-ZONE2535:**

Mrs. Mott provided a brief overview of the Water's Edge Off-Site Sanitary Sewer Location and Extent and explained the purpose of a Location and Extent is to determine if a public use structure or utility proposed in an unincorporated Larimer County conforms with the adopted Master Plan. Mrs. Mott also gave detail that Location and Extents only go through the Planning Commission, meaning tonight's Planning Commission hearing will be the only hearing for this item and, public notice is not required for a Location and Extents. The item is to request an off-site sanitary sewer project to bring public sewer to an approximate 138 lot development that has been annexed to the city of Loveland. The location is within the boundaries of 14th Street SW to the north, W County Road 16 to the south, S County Road 19 to the west, and S Taft Avenue to the east. The review criteria to approve a Location and Extent application, the Planning Commission must consider the principles of the Larimer County Master Plan. Staff looked at the Master Plan and provided examples of how the project meets the Master Plan. The applicant has also included some examples in their project description. To summarize some of those, staff does feel that this is compliance with the County Master Plan and constant with the principles. Chapter 2 – Growth Management 2.3.1 Adequate Public Facilities speaks to the requirement that adequate public facilities be available for development to occur. 2.4.1 Intergovernmental Agreements and Growth Manage Areas speaks to the joint effort of the County and the Cities of Loveland and Fort Collins to establish future urban service areas in a coordinated manner. 2.7 includes Guiding Principles and Implementation Strategies for Growth Management. Guiding Principle GM-4 states that Larimer County shall continue to allow for urban development with cities and designated urban areas. Chapter 3 – Land Use 3.1.1 Growth Management Areas speaks to reinforcing that concept that the most appropriate location for urban development is within municipal boundaries. This project was referred to numerous referral agencies. The comments that was received at the time the staff report was due are attached and included in the report. The comments are from Engineering, City of Loveland, Army Core of Engineers and you will see that before the hearing even she provided a copy of the Health and Environment comments to all the Planning Commission members. The Health and Environment comments had been received after the report was due. In summary the Health Department indicated that they support the request and provided some general comments. Mrs. Mott listed the conditions of approval in her report as well as showed them on a slide show. The conditions of approval are:

1. The applicant must obtain all the applicable county, state and federal permits.
2. The applicant must coordinate with the City of Loveland on the final design and construction.
3. Any significant changes to the alignment may result in the requirement for additional Location and Extent Review.
4. If the alignment for the sewer transmission line is located within view permanent easements greater than 30 feet or within new permanent easements greater than 20 feet that are adjacent to existing easements, than a 1041 Permit will be required.

Mrs. Mott then asked if the Planning Commissioners had any questions.

Chairman Jensen opened questioning to the Planning Commissioners.

Commissioner Johnson asked if any of the comments made by Public Health and Environment, do they need to be incorporated into a condition of approval such as a fugitive dust control and in compliance with Storm Water Management and Erosion Control?

Mrs. Mott replied that she reviewed them as well and she doesn't believe any of them arise to the level of conditions of approval. Lea Schneider, Larimer County Health and Environment, and Mrs. Mott spoke about it and there are more comments but a lot of them are addressed by the comments the City of Loveland had already provided as well as the general comment that they must obtain all of applicable permits.

Chairman Jensen addressed Mrs. Mott that the County has a 1041 purview over pipelines, tell us the size of the pipeline that we would have purview over and what the size of this pipeline is.

Mrs. Mott replied that the sanitary sewer line, because it is a sewer line, she was not sure of the size of the pipeline but there is the distinction between the easement size and that is why the condition of approval.

Commissioner Jensen stated that it says under the Development Services Team Recommendation if the final alignment for the sewer transmission line is located within new permanent easements greater than 30 feet or within new permanent easements greater than 20 feet that are adjacent to existing easements, then a 1041 Permit will be required.

Chairman Jensen stated that he understands that, but it was his understanding that the Counties 1041 regulations over pipelines. He is unsure if they are sewer pipelines, water pipelines, or gas lines. He doesn't know the distinction there, but there was a size of the pipeline that gave our delineation for a 1041 application. There for his question is, why is this not the beginning of a 1041 application if that pipeline is larger than our specified regulation for a 1041 on pipelines in Larimer County?

Mrs. Mott explained the distinction 1041 is required when the siding and development of an extended domestic water or sewer transmission line are contained within a permanent easement greater than 30 feet or within new permanent easements greater than 20 feet that are adjacent to existing easements. This speaks to the easement size but not to the pipeline size.

Commissioner Johnson asked if the code diagnostic to size of the pipe vs. easement?

Mrs. Mott replied that for this item it is. She can not speak for the other 1041's and included with Mrs. Ellis that siding and development of new pipelines designed for transmission of natural gas or other petroleum derivatives of 10-inch diameters or larger require a 1041 permit but the siding of the sewer line is based off the easement size.

Chairman Jensen stated that was the clarification that he was wanting for the record.

Chairman Jensen entertained a motion.

Commissioner Dougherty made a motion that the Planning Commission adopt the following Resolution:

**BE IT RESOLVED** that the Planning Commission approve the Water's Edge off-site Sanitary Sewer Location and Extent, File #19-ZONE2535, subject to the four conditions on page four of our packet.

Commissioner Miller seconded the motion.

Commissioner True, Johnson, Miller, Dougherty, Wallace, and Chairman Jensen all voted in favor of the motion.

**MOTION PASSED 6-0.** Commissioner Stasiewicz asked that she be excused from item because she works for the company that is part of the project and stepped down. Commissioner Stasiewicz will not be included in the vote.

**REPORT FROM STAFF:**

The Covey Special Exemption was recommended by the Planning Commission for approval on March 20. The Board of County Commissioners approved the Covey Special Exemption May 6.

The Erickson Subdivision was recommended by the Planning Commission for approval on April 17. The Board of County Commissioners approved the Erickson Subdivision on May 13.

The Garcia /Astudilla Special Review was recommended by the Planning Commission for approval on April 17. The Board of County Commissioners approved the Garcia /Astudilla Special Review on June 10.

The Fossil Creek Area Plan and Code Amendments was recommended for approval by the Planning Commission on the 15<sup>th</sup>. The Board of County Commissioners approved the Fossil Creek Area Plan and Code Amendments on June 10.

The Platte River Solar 1041 Permit was recommended by the Planning Commission for approval on May 15. The Board of County Commissioners approved the Platte River Solar 1041 Permit on June 10.

The Short-Term Rental Regulations was not recommended by the Planning Commission for approval on May 15. The Board of County Commissioners approved the Short-Term Rental Regulations on June 10.

**ADJOURNMENT:**

Chairman Jensen Thanked Carol Kuhn for her services to Larimer County. Next Hearing is scheduled for Wednesday July 10, 2019 and Planning Commission Work Session is scheduled for July 17, 2019.

There being no further business, the hearing adjourned at 6:56 pm.



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.

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Jeff Jensen, Chairman

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Nancy Wallace, Secretary