

LARIMER COUNTY BOARD OF COUNTY COMMISSION AND PLANNING COMMISSION

Minutes of July 17, 2019

The Larimer County Board of County Commission and Planning Commission met on Wednesday, July 17, 2019, at 6:30 p.m. in the Hearing Room. Chairman Tom Donnelly and Commission John Kefalas were present from the Board of County Commission. Commissioner Steve Johnson was excused. Commissioners Johnson, Wallace, Miller, True, Stasiewicz, Choate, Dougherty and Chairman Jensen presided. Also present were Lesli Ellis, Community Development Director; Laurie Kadrich, Matt Lafferty, Principal Planner; Jeremy Call, Consultant ; Frank Haug, County Attorney; Lea Schneider, Health Department; Denise Ruybal, Recording Secretary and Deirdre O'Neill, Clerk to the Board.

ITEM C – ADOPTION OF THE COMPREHENSIVE PLAN: Mr. Lafferty provided a presentation on the Comprehensive Plan. The Comprehensive Plan is a policy document that will be adopted to establish long range framework principles and policies in decision making for Larimer County. It focusses primarily on regional opportunities, challenges of the unique character of the unincorporated areas of Larimer County and is intended to be a guidance for future Land Use matters and other decisions that the Land Use and the development of our community over the next 10-20 years. The planning started in 2016, at the direction of the Board of County Commissioners in 2013 to 2018 strategic plan, which they said the county should align itself and do a Comprehensive Plan. The county experienced two significant events, the fires of 2012 and the flood of 2013. Due to those events, Larimer County applied for grant opportunities with the state to help with the Comprehensive Planning effort. The grant was given and was focused on six key items. The key items listed were community, health-social, infrastructure, economy, housing and watersheds/ natural resources. The Comprehensive Plan is broken down into two different phases. Mr. Lafferty presented a slide show during his presentation regarding the Comprehensive Plan.

Overview of the Engagement Process – was the beginning of the slide show. The Overview showed the following: In-person participation, 13 Community events, 10 Open houses, 46 Personal interviews, 30 committee meetings and workshops, 21 touch points with BCC and PC; Online participation 8 Online activities, 830 Online responses, 5,159 Online participations, 51,867 Page views. Mr. Lafferty also mentioned that the county reached out heavily to the community. The slide also showed the two different phases, phase one is the mountain area of the county and phase two is the front range area of the county. The slide show continued with Mr. Lafferty's presentation explaining the four chapters of the Comprehensive Plan.

Chapter One – Foundation. Since the 1997 plan there has been almost 50% growth population. During that time there has been 19 Official FEMA disaster declaration from floods, fires, and tornados. Hazards are not uncommon to Larimer County and being resilient was the direction the county wanted to focus on and make sure that the community was strong enough to support themselves during hazard events until public agencies could help. Looking forward into the Future: The County understands that there will be at least 200,000 new residents by 2050. How does the county move the Land Use spectrum from 1997 to something more modern with today? This plan looks at how do address those issues. During the process the county found when looking at their seven municipal partners, the majority of the population will be able to be handled by the urban areas. Once the foundation was established it gave the county a direction on which way to go, the process was continued with chapter two-visioning. The County went out and worked with the community again and was able to identify a vision for the county. There are 10 areas that talk about where should the vision of the county advance in the next 20 years? Connectivity-making our community connect better between municipalities, where the county exists or even with our mountain area. How can we connect the community? Not just from a transportation perspective but from the perspective communication. Board band, health, and social networks are built into the plan. The county heard from the community that Health Guides Decision Making and how the county should think about the community health, not only from how healthy are we but how healthy is the community. Is the county going to be better in Environmental Stewardship? How are we going to maintain our rural heritage? Agriculture is a huge part of Larimer County and has been for a long time and will be for the next 20 years. The County wants to make sure that it can be protected and continues to thrive. It was identified that the citizens and the people are the Counties strength and it needs to be built off that and maintain communication to keep an open mind. Larimer County should act as a Regional Convener, for too long the County and Municipalities tend to work in their own silos and boundaries by putting walls up and work inside those. The idea is that the County will help bring some of the walls down and open up communication on regional issues and act as a leader in those areas. The County should be more resilient in the future and continue to work on how they develop the community be more resilient in the face of Economic or other hazard events. The County should maintain an economic stability and look at other opportunities other than agriculture or a certain economic opportunity and have a broader perspective. The last thing is to make sure that the County has the infostructure management in place to support the future population.

Chapter 3 – Policy Framework. This is were we came up with more of the policy framework and identified major principles under each one of those framework categories; watersheds and natural resources. We identify a principle and then on that principle we come up with a series of policies that should be considered in our decision making and future plan making as we move forward over the next 20 years. In addition to that we took our framework map from the previous Master Plan that had two Land Use categories; Urban and Rural. You would ether be in urban or you would be in rural. We maintained the urban area and identified that as growth management areas, but we also turned on some new categories and identified different areas based upon their terrain, physical characteristics, or active uses. We now have categories such as mountains, foothills, agriculture areas, and other places that are defined by what is going on in those areas and how we want to see those develop in the long run. We have defined a new map and provided new

categories that define uses and other things that are preferred in those locations. That should give us better direction in our Land Use decision making over the next 10 to 15 years.

Chapter 4 – Implementation. This is where you will find out how we proposed to implement the plan, who gets to make what decisions and where it places responsibility. Everybody has some responsibility in this plan, no matter if you are a senior citizen or a Board of County Commissioner. There are metrics and monitoring to point out are we are succeeding with this plan? If there is a component in the plan that's not doing very well and we measure it on an annual or semi annual bases and we find out that something is not working then we know there is something that we need to go back and correct and reorganize ourselves and get back on track. This plan is built to keep us aware of what's going on and make sure that we stay aligned with our Comprehensive Plan rather than making it a shelved document. Lastly it provides for plan management and for the last 20 years a lot of the internal agencies of Larimer County have adopted their own plans. Parks and Open Lands has an Open Lands plan and a natural resources plan, and we have a Solid Waste plan. Everyone was adopting these plans in isolation of each other without thinking about how one plan affects the rest of the plans. What this plan is, is to be the plan of all plans and bind them all together. If one of the plans like the transportation plan is to be amended, this plan would suggest that that plan not be amended and fully adopted until we looked at how it affects all other plans that are attached to it. It gives us some alignment on how we're supposed to be doing our work in the future.

PC/BCC Recommendations. During the month of May, we did our last public outreach and during that time we had 12 public presentations, put surveys out on the webpage, posted the draft plan allowing the public to comment on it, received 365 online reviews with 201 adding comments. We isolated the comments and made sure that they were currently addressed in the plan, if they weren't then we brought them forward on June 10 to the Planning Commission and to the Board of County Commissioners and discussed them. The key topics in June that we talked about were Accessory dwelling Units, Tiny Homes, Mineral Extraction, Local Food System, and Small-Scale Agriculture. We had a conversation with you all and direction was given to get these things fixed. They went out and made those corrections, passed them back out and to the affected interests and there have not been any comments that have been received. On July 3 we put out the current adopted draft for public viewing and there have not been any comments made. Tonight, we are asking that the Board of County Commissioners make a recommendation to the Planning Commission to adopt the Comprehensive Plan as prepared and presented by staff and will ask the same to the Planning Commission to adopt the plan once the Board is done with their deliberation.

Mr. Lafferty wanted to close by recognize two people that were key to this effort. Mr. Lafferty stated that they participated all the way through the effort as far as they could. One of the two was Commissioner Gator. He participated very heavily through this process and he had a saying that we quoted in this plan which was, "Do Good". I think that is what we did with this plan and I think he would be happy. The other person that he would like to acknowledge is Drew Davis

who just recently just passed away. Mr. Davis participated in every one of our public outreach meetings and went everywhere with me. Mr. Davis was the leader of our Broadband and the key to getting that stuff put into this plan.

Chairman Donnelly asked Commissioner Kefalas if he had any questions.

Commissioner Kefalas asked, are we going to incorporate the public comment period.

Chairman Donnelly reply Yes

Commissioner Kefalas then thanked the staff for all the hard work. He also asked, when we received those four to five topic areas, Accessory dwelling Units, Tiny Homes, Mineral Extraction, Local Food Systems and Small-scaled Agriculture, what did we decide as far as incorporating some of those provisions into the current final Comp plan in front of us?

Mr. Lafferty replied; with regards to Accessory Dwelling Units we felt that the current plan identified that Accessory Dwelling Units were a subject matter for us to continue to work on in the near future that it adequately addresses that need for us to do. There weren't any major amendments that needed to occur to that section. Tiny homes, there was a discussion about Tiny homes on wheels and not wheels and it gets to be confusing but that section of the Comprehensive Plan where Tiny Homes was discussed or housing options were discussed, Tiny Homes were identified and so were recreation vehicles. Right now we don't delineate with recreational vehicles from tiny homes on wheels and so we left that component there understanding that when we work on codes in the future it will drill down further into those issues and we will be able to talk more specifically about that. With regards to the Mineral Extraction, that was an error on our part, and we intended to carry that forward from the previous Master Plan because it was fairly good language and we failed to get it into the plan. We went back and added that into the plan and forwarded it back down to those groups and they were satisfied with the outcome. Local Food Systems and Small-scaled Agriculture, we absolutely support the continued agriculture in the community. I think the small-scaled agriculture has a lot to do with the fact that we are seeing a lot more urban farms and suburban farms that are small. How can we continue to support those activities? I know that the current cottage food act that the state of Colorado is giving us guidance on some of those things and as we move forward with the next step in this effort, which is to redo our Land Use code. We will look at those more strongly about how to align those with our zoning regulations.

Mr. Call stated; included in the packets for tonight's hearing is a matrix of all the comments received and in red where these five key topics and how each one was addressed. We identified specific sections that have been updated to respond to those comments.

Commissioner Kefalas asked; for example, the Local Food Systems and Small-scaled Agriculture, people from the Larimer County Farmers Alliance are quite engaged and provided us with a seven-page document that provided us with some good details and things we should be looking at and changing. Did any of that language get into this document or was that included in one of the appendices?

Mr. Lafferty replied; it is in there and covered. Some of the information that comes out of those comments that we are receiving is drilling down beyond the policy level and starts to align itself with code revisions.

Mr. Kefalas stated; I'm understanding that this Comprehensive Plan will ultimately replace the 1997 Master Plan and is viewed as a quite visionary document and the idea of how we want to see Larimer County in 20 years from now. It's a living document and perhaps on an annual basis we do some type of periodic review to see if there needs to be any adjustments or if we are not meeting some of the Metrics?

Mr. Lafferty replied; In the appendix there are implementation strategies that are outlined per section and category. Those are things that we can actually measure bike miles, trail miles, how many bicycle trail miles do we have and if something is falling off of our radar as being measured properly or entuned with what this plan is suggesting then it will give us credence on what we need to talk about or take on a different direction.

Commissioner Kefalas asked; what is the process on which we begin to update the Land Use code?

Mr. Lafferty stated; when we turn over from the 1997 plan to this plan, I would like to acknowledge that the 1997 plan was a good plan and a lot of the principles and policies that were

outlined were carried over into this plan. It was already married into the Land Use code, some of those this are going to be carried over into this plan.

Commissioner Kefalas stated, one thing that carried over from the 1997 plan was the idea of the fairness principles.

Ms. Ellis stated; in terms of the code, you are absolutely correct, we are going to roll right into doing that work. Next month you will have a work session with the consultant on the code and we will be sending you a scope of work and questions to answer. If you don't mind, during that time we can spend more time then so you can hear about how the whole process will work. That will be an opportunity to hear about how the public and engage, how you will be involved, staff and every body else can contribute to that and what the modules that will be worked on as we work towards the end of next year and into the year after that.

Commissioner Kefalas agreed to wait to receive the information from the consultant.

Mr. call stated; the real aspect of the plan allows you to track the incorporations of those ideas into the Land Use Plan. If it was agriculture and small-scaled agriculture, we have captured types of feedback that was submitted.

Chairman Donnelly stated; It's an interesting Comprehensive Plan and a plan is a long ridge document but at the same time it is informed by what is happening currently in a community. When the Comp Plan in 1997 was adopted it was in response to what people really felt was a rapid growth and the loss of agricultural property and open space. Following that was the Land Use code making some significant changes in how land was developed in the county. I feel this document can go a long way towards looking at agriculture and some of the changes in agriculture that we have been seeing and tries to incorporate that into a framework that will be much more encouraging for smaller acreage farms. As land becomes to be divided into smaller and smaller parcels, I think it's going to be a good thing.

COMMENTS BY THE PUBLIC REGARDING THE COMPREHENSIVE PLAN:

Ben Pfeffer stated; I am the president of the Larimer County Farmers Alliance and he didn't have any comments but wanted to thank the staff for updating all comments on the presentation.

Chairman Donnelly asked; I assume you are a small-scaled operator.

Mr. Pfeffer replied; Yes, I own Raise and Roots Farms that is about 3 acres.

Chairman Donnelly asked; you do vegetables, farming, and more intense high use of community consumption/local food production?

Mr. Pfeffer replied; Yes, high density planting, wide variety of crops. We serve the community through the Larimer County Farmers Market every Saturday. We also do a 75 member CSA program, which is a box weekly of 70% of our harvest, while raising livestock.

Chairman Donnelly asked; Do you feel like the current Land Use codes have made it difficult for you do your business?

Mr. Pfeffer replied; We have some concerns, mostly cause its complaint driven. It's important to me to keep on good terms with my neighbors. The FA1 zoning is really getting chipped away at and has been chipped away at and there is a lot of gray areas that my colleague and I aren't sure if its legal to be doing some of these things because the FA 1 zoning has been so eroded over time. A lot of the budgets we run on annually is diversified income.

Commissioner Kefalas stated; I know that one of the issues that were brought up is there are people that own small-scale poultry production and is a high priority because it is a very tedious process to get approval and be able to do that. Other Counties make it a lot easier and I know that is something we want to look at and determine if we should make any changes. Would you want to speak at all to that?

Mr. Pfeffer replied; Yes, there are several producers in Larimer County and typically in the southern part of the County close to Berthoud that have major issues. They are angry due to having a couple of complaints from neighbors and no where is poultry certified in use by right in Larimer County. These are people that have been raising poultry for a long time and have a successful business that have all of a sudden having to pivot over night and there is a lot of income stability due to not being code certified.

Mr. Lafferty stated; I want to make clear that the zoning will always remain with the County when its and unincorporated area. The areas that some of these discussions are coming up are in the Growth Management Areas and in those areas are Comprehensive Plan shuts down Land Use wise and we rely on the Comprehensive objectives of our municipal partners. That's not to say that we ignore our zoning in any way and we will always respect our zoning and it will be a good opportunity to work with us on our zoning and make sure that we stay strong on it.

Chairman Donnelly stated; it makes sense and if you are going to establish a dairy farm, which is a use by right in Larimer County inside the Growth Management Area in Fort Collins, you might want to consider that before you make that investment. We don't want to stop anyone from doing anything with their property, we hope that the Growth Management Area provides more options for people if they choose to use their property for any kind of use. We do want them to understand that in the Growth Management Area we believe that the City is going to grow around you. We want to help Land Use owners make good decisions and for being a Local Food Production with a scale like this is going to be really appropriate in the edges of the community. The other things are that you're not building a lot of stalls and barns.

Mr. Pfeffer stated; With all the local studies they show that integrating the food supply production into the edges and the boundaries of the city and county areas to avoid the food desertification of our region. It's going to be important to have small acreage production integrated. Particularly with the agricultural district idea, we love that idea, but our concern is that it paves the way to then nix all the farming outside of the agricultural districts. How do we still keep these historical farms, like mine, protected and not just do this seesaw affect where everything goes to the agriculture districts and we become a residential envelope? Can they still do what they have been doing viably for years?

Chairman Donnelly replied, Yes, it still happens and places where that happens. Once you are completely surrounded the municipality can forcefully annex you if they surround you for a period of three years.

Mr. Lafferty stated; Some positive efforts that came out of the City of Fort Collins Comprehensive Plan was that they heard some of your comments and incorporated some language in there. I think that the movement is starting to happen, and that people are starting to recommend and identify that urban agriculture is the future.

Mr. Call stated; two key words on the strategy of food security is strengthening and aligning and what I think you are suggesting is that we make sure we don't have unintended consequences.

Chairman Jensen stated; I would like to provide information that we do have an opening on the Planning Commission and is currently being advertised. The voices are heard, and we would love to have you or someone from your organization to apply to be on this board. It is critical that we hear those things and it would be awesome to have that voice on the front line.

Commissioner Dougherty stated; you mentioned something about making sure that we are able to keep the agriculture in the more urban areas. We are not the only body to be talking to, you will need to speak to the municipality because as the municipalities grow, they are going to envelope a lot of the close in agriculture property. With a proactive conversation with them there is a way to keep the agriculture working.

Chairman Donnelly closed Public Comments.

Chairman Donnelly opened for Deliberation and Motion for the Board of County Commission.

Commissioner Kefalas stated; I would like to express my genuine gratitude. I think this has been at least a three in a half year effort, especially if you go back to 2016 and the development of the Larimer County Resilience framework, which helped informed the six areas that were seeking to address in the Comprehensive Plan. A lot of amazing work and the times that you all went out of your way and the call to Mr. Calls and to his company, Logan Simpson. You were always good at providing good information. Matt Lafferty and I did a number of road shows where he would come to my community conversations and of course our Community Development Director, Lesli Ellis, who works very hard and helps to coordinate and facilitate all this work. I think this is a lot of thoughtful and hard work. I think we did the best that we could, I always think we can always do better as far as community engagement.

Chairman Donnelly stated; The staff did a tremendous amount of outreach to the community. Mr. Lafferty did 46 personal interviews, 13 community events, 10 open house sessions, 30 community meetings, 7 city town Planning Commission or council work sessions, 20 Planning Commissioner public sessions, 18 joint work sessions with the Board of County Commission and Planning Commission. He had a website page that had over 52,000-page views and provided more than 830 only responses from citizens who were engaged. Mailed over 7,000 notices about meetings to individual property owners, also did press releases, videos, Facebook and Twitter posts and made flash drive surveys for people to pick up.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners recommend to the Planning Commission approval of the Comprehensive Plan, File #19-CODE0242 as proposed .

Chairman Donnelly second the motion.

Chairman Donnelly and Commissioner Kefalas all in favor.

MOTION PASSED 2-0

Chairman Donnelly closed the Deliberation and Motion for the Board of County Commission.

Chairman Jensen opened for Discussion and Deliberation for the Planning Commission.

Commissioner Miller thanked the staff and stated; I'm really excited about this plan and I think it's moving in the right direction. I'm thrilled to vote in favor of it.

Commissioner Johnson thanked the staff and stated; I am equally excited about the potential adoption of this plan. It encourages logical and creative approaches to Land Use in the county. I believe that through the process it recognizes the current values and also balances land development in the future. It encourages preservation and what is important and also recognizes that there are challenges of affordable housing and agriculture land preservation. It's striking that balance which is very difficult especially as quickly as a growing community that Larimer County is. I'm hoping to see how we measure the implementation of what we could be adopting this evening and how you will be reporting as staff and what are we doing to meet the goals that have been established.

Commissioner True thanked the staff and stated; I think this is a great document for people that are just starting to be interested in learning about this and for also people that are moving.

Commissioner Stasiewicz thanked the staff and stated; I am very impressed and I'm very excited about moving forward with this.

Commissioner Choate stated; I think it's a great plan and that the Community Development staff have worked hard on this. One thing that I really enjoyed was the history of the 1997 plan. Matt, you did a great job over the last year teaching me and us about what was driving that at that time and how it changed the way development accord in Larimer County over the last 22 years. I agree that it was a good plan and that this one is better. Simply because it is up to date for our current expectations and looking back on it I agree with some of my Planning Commissioners that we may have had an unintended affect of ratcheting down opportunity in some compacity or it at least appears that way. By adopting this updated Comprehensive Plan it's really going to create some additional opportunities. There are a lot of communities out there in Larimer that want and need more, and I am proud to support it.

Commissioner Dougherty stated; Commissioner Johnson said everything I pretty much wanted to say. This plan I have been working on for the passed three years and I'm thrilled where it went. What I have enjoyed is when we go out and we do public meetings, people do give us comments and there are not many government agencies that incorporate all of those comments that came through. Mr. Call I thank you for being on this cause we see comments that may not be the popular ones but they get brought back and we talk about them. Mr. Lafferty, you mentioned Lew Gator and Drew Davis and showed a slide, is that going to incorporated into the paper or electronic Comprehensive Plan?

Mr. Lafferty replied; it is currently in the plan; it did not have Drew Davis's name on it. The quote does come from Lew Gator and we wanted to acknowledge him and if the we get the board's request; we can include Drew Davis on the page.

Commissioner Jensen stated; if they make this motion, he would like to have that on there.

Mr. Lafferty replied; yes

Commissioner Wallace stated; Everyone's comments are very well taken and that my community of the north and in the center agriculture of the county are very appreciative of the work that has been done. All of the staff has come out and listened to them. I have talked to many and they have been impressed with the work that is done and are looking forward to this in the future.

Chairman Jensen acknowledged Jeremy Call and Logan Simpson in all the work they put into this. He also wanted to acknowledge Mr. Lafferty for his focus and experience that he has and continues to bring. When this plan was done in 1997, it was done as a county wide document through Commissioner Gator's leadership several years ago with Commissioner Johnson and Donnelly and was decided that we really wanted to split this into a couple of areas. The Mountain Resilience Plan, the first phase of this, that really gave our mountain community a voice. I am excited that it is a living document and that it will be brought back to us to see if there is anything that needs to be added or fixed.

Commissioner Dougherty moved that the Planning Commission approve the Comprehensive Plan, File #19-CODE0242 the following Resolution:

BE IT RESOLVED that the Planning Commission approve the Comprehensive Plan, File #19-CODE0242, with the addition of the back cover.

Commissioner Miller seconded the motion.

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

MOTION PASSED 8-0.

Chairman Jensen closed the Discussion and Deliberation for the Planning Commission.

Chairman Donnelly asked the Planning Commission if they would entertain some comments from Laurie Kadrich.

Planning Commission replied yes.

Laurie Kadrich stated; I would like to congratulate the staff in the good work that they have done. I have been a participant in at least five Comprehensive Plans in my 10 years of local government and I had a chance to read the draft about six weeks ago and it was one of the best documents I have ever read. I thought that it was the perfect blend, and this could be a good book to take with us everywhere we go. I would really like to acknowledge the leadership of Lesli Ellis and Matt Lafferty in making this happen.

Ms. Ellis stated; I would like to acknowledge Matt Lafferty and Jeremy Call for the professionalism they have to listen and adapt. I want to thank you all also for all the time and input.

Mr. Lafferty stated; This is a plan that you all adopted and fostered through the process. What I spoke to with the citizens was that if they gave us their voice this was their plan. I also want to thank Mr. Call and his team.

Chairman Donnelly and Commissioner Kefalas left the board as Chairman Jensen continued the meeting with the Planning Commissioners.

ITEM D – ELECTION OF THE PLANNING COMMISSION CHIR, VICE-CHAIR AND SECRETARY:

Chairman Jensen thanked the Planning Commission for the time he has been chairman in trusting him and wanted to inform the room that he has been reappointed but not as the Chairman.

Chairman Jensen entertained nominations for the Chair from the Planning Commission.

Commissioner Miller nominated Commissioner Dougherty.

Commissioner Dougherty accepted the nomination.

All in favored. 7-0.

Chairman Jensen entertained nominations for Vice-Chair.

Commissioner Johnson nominated Commissioner Choate.

Commissioner Choate accepted the nomination.

All in favored. 7-0

Chairman Jensen entertained nominations for Secretary.

Commissioner Dougherty nominated Commissioner Wallace.

Commissioner Wallace accepted the nomination.

All in favored. 7-0

With there being no further business, the hearing adjourned at 7:41 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