

LARIMER COUNTY PLANNING COMMISSION

Minutes of August 21, 2019

The Larimer County Planning Commission met in a regular session on Wednesday, August 21, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Jensen, Wallace, Stasiewicz, Miller, True, Barnett, Johnson, and Choate were present. Commissioner Dougherty presided as Chairman. Also present were Rob Helmick, Senior Planner; Michael Whitley, Planner II; Steve Rothwell, Engineering Department; Lea Schneider, Health Department; Matt Lafferty, Principal Planner; Eric Fried, Chief Building Official; Lesli Ellis, Community Development Director; Jenn Cram, Planner II; and Katie Beilby, Recording Secretary.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:

Mr. Lafferty shared that Larimer County is kicking off the re-writing of the Land Use Code and wanted to let people know the County website is now up and running with a survey running until the end of the month and invited the public to participate. It can be found at [larimer.org/Our County/Departments & Offices/Planning/Land Use Code 2020](http://larimer.org/OurCounty/Departments%20&%20Offices/Planning/Land%20Use%20Code%202020).

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

None.

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

Motion passed 9-0

AMMENDMENTS TO THE AGENDA; Before the Consent Items, Chair Dougherty had Mr. Haug, Larimer County Attorney, explain the two items that need to be voted on again at tonight's meeting.

Mr. Haug explained the items are #4 and #5, Supplemental Short-Term Rentals and Supplemental Fossil Creek Area Plan & Code Amendments. In order to make sure that we met the requirements of publishing in two newspapers, we did publish the notices again. This was to give people the opportunity to comment if they hadn't before and speak to the Planning Commission. If people come in and have comments, those comments could possibly change your minds about something that you all have done and could change the vote. If it does not change or there are no comments, we would simply be ratifying the previous decision.

Chairman Dougherty asked the audience if there was anyone wanting to make comments to the Supplemental Short-Term Rentals and Supplemental Fossil Creek Area Plan & Code Amendments. There was no one that wanted to make comments.

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

BE IT RESOLVED that the Planning Commission move items #4, Supplemental Short-Term Rentals and item #5, Supplemental Fossil Creek Area Plan & Code Amendments to the Consent Agenda.

Commissioner Miller second the motion.

Chairman Dougherty asked if anyone would like to speak to the motion.

Commissioner Barnett stated that he had one brief comment on the Land Use table for the Short-Term Rentals and that it has to do with the fact that the Short-Term Rentals are not being allowed in any of the higher density residential zones. He suggested the idea that should there be lot sizes of over 100,000 square feet with a single-family house on it, it might be appropriate to allow Short-Term Rentals in those situations.

Chairman Dougherty asked Mr. Haug if it would be alright with this motion and second to move this to the Consent Agenda just to ratify the votes that were earlier put forward by the Planning Commissioners. Chair Dougherty noted that both he and Commissioner Barnett, were not here in May and would not be voting on ratifying those votes.

Mr. Haug replied that the Planning Commission would only be taking the new comments made by the public and because there is none then there will be a ratification on the previous decision.

Chairman Dougherty shared that he did have some good news. The Land Use Code is being rewritten in the near future and was sure we can address those items as we go.

Commissioner Jensen asked how Commissioner Barnett would be able to put his comment into record? Will he need to attend the BOCC meetings and testify or submit via public record to be included for the BOCC at that time?

Mr. Haug replied that he could. We want to make sure that people who didn't know about it before, know that they have a chance to comment.

Mr. Lafferty agreed and stated that we can bring it up at a Work Session at any time. A brief note, we don't want to prolong this item any more than it has to be, it was a conscious decision not to allow a multi-family from levels of operations because a single-family was not a permitted. It was only allowing single-families for Dwellings. Those definitions dropped out of multi-family but if it is necessary to bring it up in the future then we can bring it up at a Work Session and that will give the staff opportunity to discuss it.

Chairman Dougherty asked if there was any more discussion on items #4 and #5.

MOTION

This received unanimous voice approval.

Motion passed 9-0

Commissioner Jensen asked Chairman Dougherty if they could do items #4 and #5 without a short presentation since we have seen them before?

Chairman Dougherty replied he was going to ask if anyone would like to make motion to ratify the presentations.

CONSENT ITEMS:

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ITEM #1 TUCKER AMENDED SPECIAL REVIEW, FILE #19-ZONE2487; Mr. Whitley gave a brief presentation of the project. There are two aspects to this application, first is an amendment to the Tucker Amended Special Review to allow an existing 5,000 square foot heavy equipment, farm equipment, truck and auto repair shop on the property to be used as a commercial vehicle repair facility open to the public. Appeals to Sections 8.1.4.G and 8.6.3.C of the Land Use Code regarding fire protection and paving. The applicant is Jerry Tucker and the property owner is Lee Tucker. This property is a 21.19-acre parcel at 11000 NE Frontage Road, Wellington located on the east side of I-25 approximately 1/2 mile south of the intersection of I-25 and County Road 70. The property is zoned O – Open. In 2015 the Board of County Commissioners approved an Amended Special Review to allow for the conversion of an existing residential accessory building to be used for commercial cold storage. The amendment also allowed three additional cold storage buildings to be constructed. This request is a second Amended Special Review to allow an existing 5,000 square foot building here on the property. It is currently used for heavy equipment, farm equipment, truck and auto repair shop to be used as a commercial vehicle repair facility open to the public. The change would only be to also allow for passenger vehicles to be brought to the site for repair. The request to the appeals Sections 8.1.4.G and 8.6.3.C of the Land Use Code require fire protection and paving. Currently, this building is not equipped with an automatic fire sprinkler system that would be a requirement of the current Land Use Code due to this being a change on a customer base rather than the use of the building. We are supporting the appeal to not require this building to be retrofitted with the fire sprinkler system and the majority of the site is unpaved. It is a compacted all-weather surface with the exception of a 50-foot paved apron from the frontage road. The Development Services Team recommends approval of the Tucker Second Amended Special Review, File #19-ZONE2487 subject to the six conditions and we also recommend approval of the appeals to Sections 8.1.4.G and 8.6.3.C of the Land Use Code, File #19-ZONE2487.

Chairman Dougherty opened the hearing for questions from the Planning Commission.

Commissioner Choate asked what is it about the new use that was not already permitted by the existing permit?

Mr. Whitley replied it was specific that it was to be used in support of the other functions on the site and not open to the public. This amendment would allow customers who are not currently doing business on the property to bring their vehicles to this site for repairs. Right now, it is used to maintain vehicles that are on the property in support of the other functions.

Commissioner Choate asked if there was no limited to the type of vehicle, the change will allow it to have additional traffic opened to the public?

Mr. Whitley replied that was correct.

Commissioner Jensen asked if that change would also include heavy equipment, tractor trailers, as well as auto mobiles? Because right now my understanding that tractor trailers are getting repaired there and you are saying that we are going to open that up to all transportation that can be repaired there.

Mr. Whitley replied that it is proposed, what would be opened to the public is what would follow under the Land Use Code.

Chairman Dougherty asked the applicant Jerry Tucker if he would like to add anything to Mr. Whitley's presentation.

Mr. Tucker replied no.

MOTION

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 Tucker Second Amended Special Review, File #19-ZONE2487, subject to the conditions listed on pages 8 of our packets. Also, recommend to the Board of County Commissioners approval of the appeals to Sections 8.1.4.G and 8.6.3.C of the Land Use Code, File #19-ZONE2487.

Commissioner Miller seconded the motion.

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

Motion passed 9-0.

ITEM #2 BIG ELK MEADOWS BROADBAND TOWER SPECIAL REVIEW, FILE # 19-ZONE2540; Ms. Cram gave a brief presentation of the project. The property is located at 1070 Big Elk Meadows Road Lyons, Colorado. The development is less than one acre within an easement on 260-acres owned by the Big Elk Meadows Association. The applicant is XBar7 with the property zoned as O-Open and outside of the Growth Management Area. The request is for a Special Review for a new 37-foot freestanding tower to provide Broadband Service for the Big Elk Meadows area. The Big Elk Association is working with XBar7 to improve wireless internet service in their area. The proposed tower would be located many feet away from the property lines. The proposed tower will include two microwave dishes at 2-feet in diameter (3-feet maximum) and antennas mounted on the tower that are 12-inches by 3-inches (not visible from a distance). The tower will be painted a green and brown camouflage on the lower section consistent with the height of existing trees in the area. The top (approximately 10-feet) will be painted a sky-blue color to blend in with the surrounding area. The tower will connect to existing power in an

existing shed on the property. A generator will also be provided that will be located in the existing shed. There is no additional equipment proposed related to the proposed tower. No fencing is proposed, as there will be anti-climb panels included on the tower. There is no lighting proposed or required based on the height of the tower. No additional landscaping is proposed, as existing vegetation will be preserved around the tower. The Development Services Team finds that the application meets both the review criteria for a Special Review as well as the sections 16 standards for a Wireless Facilities. We are recommending approval of the Special Review application.

Chairman Dougherty opened for questions from the Planning Commission. No one had any questions.

MOTION

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

BE IT RESOLVED that the Planning Commission recommend approval to the Board of County Commissioners for reasons identified in the Teams Findings and for supporting the Review Criteria for the Big Elk Meadows Broadband Tower Special Review, File # 19-ZONE2540, and along with recommendations found on page 35 of the Staff Report.

Commissioner Miller seconded the motion.

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

Motion passed 9-0.

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ITEM #3 BALD MOUNTAIN MICROWAVE TOWER LOCATION & EXTENT, FILE #19-ZONE2571; Mr. Helmick gave a brief presentation of the project. This is a Location and Extent request for Public Service Company of Colorado to extend an existing 70-foot tall tower to

add additional microwave capacity to that tower for public services to communicate to their other system within the County. The site is on Bald Mountain which is to the West of Carter Lake and there is another two-tower facility just to the North that is owned and operated by Northern Colorado Water and Bureau of Reclamation. The proposal site is a 2-acre site surrounded by Chimney Hollow Open Space and there is a 70-foot tower with two microwave dishes and two support structures. It is not manned so there are no public facilities needed. There are no identified Natural Resource impacts associated with this request. No referral comments regarding the request. The analyst is that the request is constant with the Larimer County Mater Plan and we are recommending you approve this request tonight without conditions.

Chairman Dougherty opened for questions from the Planning Commission. No one had any questions.

Chairman Dougherty did explain due to the item being a Location and Extent the Planning Commissioner will make the final decision.

MOTION

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

BE IT RESOLVED that the Planning Commission approve the Bald Mountain Microwave Tower Location & Extent, File #19-ZONE2571.

Commissioner Johnson seconded the motion.

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

Motion passed 9-0.

ITEM #4 SUPPLEMENTAL SHORT-TERM RENTALS, FILE #19-CODE0241;

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

BE IT RESOLVED that the Supplemental Short-Term Rentals, File #19-CODE0241 be ratified.

Commissioner Wallace seconded the motion.

Mr. Lafferty stated that he wanted to make a little bit of clarity, the vote that evening was in favor of adopting regulations for Short-Term Rentals. It was made by Commissioner Choate, seconded by Commissioner Wallace and the motion failed by a vote of 4-3. The Planning Commission set forward a recommendation of not supporting the Short-Term Rental regulations.

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

Motion passed 7-0

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ITEM #5 FOSSIL CREEK AREA PLAN & CODE AMENDMENTS, FILE #19

-CODE0234, 19-CODE0235, 19-CODE0236, 19-CODE0237;

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

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BE IT RESOLVED that the Supplemental Fossil Creek Area Plan & Code Amendments, Files #19-CODE -234, 19-CODE0235, 19-CODE0236 AND 19-CODE0237 to be ratified.

Commissioner Miller seconded the motion.

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

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Motion passed 7-0

REPORT FROM STAFF:

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Mr. Helmick Bradley Preliminary Plat was approved on June 17, 2019, the Platte River Power Solar Facility 1041 Permit was approved on June 10, 2019 by the Board of County Commissioners.

Chair Dougherty mentioned that there will not be a work session held in September. There will be a hearing on September 11th regarding wireless regulations.

Commissioner Choate shared that the Board of County Commissioners decision to grant the Coulson Pit Special Review was overturned by the District Court. He asked that staff provide any public information that is available about what the plan is for that. Is there going to be an appeal? He would encourage the Board to appeal it. He would appreciate an update next month.

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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