

# LARIMER COUNTY PLANNING COMMISSION

## Minutes of October 14, 2020

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The Larimer County Planning Commission met in a regular session on Wednesday, September 16, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Best-Johnson, Dougherty, Green, and Jensen physically attended. Commissioners Wallace, Pontius, and Barnett attended virtually with Commissioner Choate presiding as Chairman. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Jenn Cram, Planner II; Michael Whitley, Planner II; Tawn Hillenbrand, Planner II and Christina Scrutchins, Recording Secretary. The Larimer County staff that attended virtually were Traci Shambo, Senior Civil Engineer; Devin Traff, Civil Engineer II, Connor Sheldon, Civil Engineer I; Lea Schneider, Environmental Health Planner.

Chairman Choate made note that in future hearings the agenda item regarding public comment on the Larimer County Land Use Code and the item regarding other matters relevant to land use in Larimer County not on the agenda will not be combined as one item.

### **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 SEPTEMBER 16, 2020 MEETINGS**

Commissioner Dougherty made amendments to the minutes.

*MOTION by Commissioner Jensen to approve the minutes with the amendments.*

*Commissioner Dougherty seconded the motion.*

*This received unanimous voice approval.*

*Motion passed 8-0.*

### **AMMENDMENTS TO THE AGENDA**

None.

Commissioner Jensen wanted to mention that there were two referral comments given to the Planning Commission the day of the hearing for item number three – Pond Conservation Development Preliminary Plat, File #16-LAND3554.

## **CONSENT ITEMS:**

### **ITEM #1 - ADOPTION OF THE PROPOSED FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE STUDY (FIS) REPORT FOR LARIMER COUNTY DATED**

**JANUARY 15, 2021:** Mr. Traff gave a brief presentation regarding Federal regulations require that Larimer County's official zoning maps be consistent with FEMA's Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) which are periodically updated as a result of new development activity, changes to public infrastructure, and the availability new data. Following the flooding in September 2013, FEMA and CWCB conducted a new floodplain study along several drainages through the Colorado Hazard Mapping Program (CHAMP). As a result of this effort, FEMA completed a map revision updating the hydrologic and hydraulic data along the Little Thompson River and several of its tributaries within Larimer County. FEMA has issued the Letter of Final Determination (LFD) and the proposed FIRM and FIS must now be adopted by the County. To inform the public of the proposed floodplain map changes, Larimer County mailed individual notifications to each affected property owner in June 2019. The notifications included instructions for viewing the proposed floodplain changes to individual properties via the County's online GIS portal. Two public open houses were also held on June 18, 2019 and June 20, 2019 to provide citizens the opportunity to learn more about the changes, ask questions, and receive assistance understanding implications of the changes from County staff. The open houses were advertised on the mailed notifications, the County website, and through a press release. The open houses were attended by County, CWCB, and FEMA representatives in addition to members of the public. Staff provided availability to meet with the public following the meetings. Following public outreach by Larimer County, FEMA began the LFD implementation process. This process began with two newspaper notifications which were followed by a 90- day appeal period. During this period, property owners who believed that their property rights may be adversely affected by the revised FIRM or FIS could appeal to Larimer. County and all such appeals would be forwarded to FEMA. During this period, Larimer County staff received questions from the public but did not receive any formal appeals. The floodplain changes resulting from the proposed FIRM and FIS are varied. The proposed floodplain delineations will add 742 acres of land to the 100-yr floodplain. This will impact 52 structures. There are 147 acres of land being removed from the 100-year floodplain which will impact 13 structures. These structures may no longer be subject to flood insurance requirements and the specific land use regulations applied in floodplains. The proposed floodway delineations will add 237 acres of land, impacting 21 structures. There are about 13 acres of land being removed from the floodway which will impact 8 structures. This proposal is made to the Planning Commission to formally adopt the boundary changes in the Larimer County Floodplain Overlay Zone Districts. The proposed amendments to the Floodplain Overlay Zone District are consistent with the intent and purpose of the Land Use Code to protect the health, safety, welfare, and property of the residents of Larimer County.

Mr. Traff closed his presentation with the summary of the suggested motion.

### **PLANNING COMMISSION COMMENTS**

Commissioner Dougherty asked for confirmation that the properties with structures involved received notification.

Mr. Traff confirmed and gave information regarding the public and all properties affected being notified and how their questions and concerns could be heard.

Commissioner Dougherty asked if future property owners will have the option to appeal being in the floodplain or floodway?

Mr. Traff explained that customers would have different options to make changes.

Commissioner Jensen asked how many structures will be removed that will be involved within the 13 acres of the floodway and how did the landowners receive notification?

Mr. Traff explained that all property owners were individually notified, given information for the GIS portal to review the floodplain information, and given opportunities to attend open houses.

**ITEM #2 – COLORADO STATE UNIVERSITY FOOTHILLS CAMPUS LOCATION AND EXTENT, FILE #20-ZONE2742:** Ms. Cram gave a brief presentation regarding the applicants' request for a Location and Extent review for two projects on the CSU Foothills Campus to construct a new Chill Plant and the CIRA Commons. Colorado State University (CSU) is a land-grant based agricultural college. The Foothills Campus is situated at the base of the foothills just outside of the incorporated limits of the City of Fort Collins and east of Horsetooth Reservoir. It serves as an educational and research facility. As such, the campus supports a wide variety of research facilities including greenhouses, tree nurseries, animal holding facilities, wind tunnels, hydrological apparatus, atmospheric simulation chambers, biosafety labs, and other highly specialized research facilities. The 1,236-acre campus also includes State tenants including the Colorado Division of Wildlife, and Federal tenants including the National Wildlife Research Center and Center for Disease Control. There are two new facilities proposed as part of the Physical Master Plan for the Foothills Campus. The Chill Plant will provide low cost, sustainable cooling for the Jud Harper Complex that is also quieter than the existing system. The Cooperative Institute for Research in the Atmosphere (CIRA) Commons building will consolidate existing conference rooms and add meeting spaces with the intent of accommodating larger groups. The Chill Plant will be a one-story building at approximately 3,600 square feet. It will be in the Jud Harper Complex. It removes building specific electric chillers and consolidates cooling load into a water-cooled central facility. This will reduce energy used on campus and remove existing noisy chillers. The CIRA Commons is proposed as a two-story building at 4,500 square feet. It will be located within the Atmospheric Science Complex adjacent to LaPorte Avenue. The building will consolidate many small conference rooms into larger conference rooms and provide a reception area. The smaller conference rooms will then be repurposed for needed office space. The facility will open the opportunity to host conferences for Atmospheric Sciences for up to 100 attendees 3-5 times per year. This proposal helps to meet the goals of the University's Foothill Campus by providing space and facilities that support the University's programmatic role and mission. The proposed improvements are consistent with the Physical Master Plan for the CSU Foothills Campus. Ms. Cram explained the review criteria and closed her presentation with a summary and the Development Service Team Recommendation.

### **PLANNING COMMISSION COMMENTS**

Commissioner Jensen asked for an explanation regarding building permits not being required for CSU and how the drainage fee will be applied or forwarded to Larimer County.

Ms. Cram stated that because CSU is another government agency, CSU is exempt from the fees.

Ms. Shambo confirmed that CSU would be exempt from the normal fees.

## **PUBLIC COMMENT**

None.

### **ITEM #3 – POND CONSERVATION DEVELOPMENT PRELIMINARY PLAT,**

**FILE #16-LAND3554:** Mr. Whitley gave a brief presentation regarding the applicants' request to propose to divide a 67.64-acre parcel that is zoned FA-1 - Farming into nine (9) residential lots and one (1) residual lot with a residential building envelope and a second building envelope around an existing accessory building. The property currently contains a single-family home that was constructed in 1984. The property is located at 2501 S. County Road 21, Berthoud, which is located west of S. County Road 21 approximately 500 feet north of the intersection of E. County Road 2 and S. County Road 21. Because the property is zoned FA-1 – Farming and it is not feasible to connect to public sewer, Section 5.3.6.A of the Land Use Code requires that a minimum of 50% of the total developable land area in the Conservation Development be set aside as residual land. The new lots are identified as Lot 1 through 9. Lots 1 through 8 will be served by a new road named Windsock Way. Windsock Way will be within 70 feet of public right-of-way. Lot 9 and Residual Lot A will share an access point on S. County Road 21. The shared access point will be within a 30-foot wide shared access easement centered on the shared property line between the two lots. The majority of the property is currently used for agricultural production. Mr. Whitley explained the review criteria closed his presentation with a summary and the Development Service Team Recommendation.

## **PLANNING COMMISSION COMMENTS**

Commissioner Jensen asked how many lots were identified in the Geotechnical Investigation Report having issues with ground water?

Ms. Shambo stated that 4 lots are in the low area.

Mr. Sheldon confirmed that the lower lots had concerns with ground water and the applicant had been notified of the concerns.

Commissioner Jensen asked when the addition to the conditions of approval took place, if it was added after the public was already notified of the project and could the public still make public comments of concerns regarding the addition to the conditions of approval?

Mr. Whitley explained the public could make comments regarding any concerns and the additions could be added during the hearings.

Commissioner Wallace asked why an evaluation was completed when there was no irrigation?

Mr. Whitley explained the evaluation was completed after flood irrigation and gave more detail regarding groundwater being an issue where there is flood irrigation.

Ms. Shambo confirmed the applicant was notified to ensure future landowners will be given all notification regarding the groundwater, irrigation and the basements will not be supported for lower area lots.

Commissioner Jensen asked for the applicants to address the Engineering concerns and the addition to the conditions of approval.

Stanley Pond stated they are aware and understand the concerns and the addition to the conditions of approval.

**PUBLIC COMMENT:**

None.

**DISCUSSION**

Chairman Choate asked the Planning Commission if the addition to the conditions of approval should be added to the current conditions of approval?

**MOTION**

*Commissioner Best-Johnson moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission add the sixth addition to the conditions of approval to the Pond Conservation Development Preliminary Plat project.*

*Commissioner Pontius seconded the motion.*

*This received unanimous voice approval.*

*Motion passed 8-0.*

**MOTION**

*Commissioner Barnett moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission approve the adoption of the consent agenda provided by staff.*

*Commissioner Green seconded the motion.*

**DISCUSSION**

Commissioner Dougherty explained his concerns with combining all consent items together and that he is unclear if the Planning Commission or the Board of County Commission will be adopting the Proposed Flood Insurance Rate Map and Flood Insurance Study Report.

Chairman Choate stated his understanding and explanation regarding Commissioner Dougherty's concerns.

Commissioner Barnett gave background and feedback regarding Commissioner Dougherty's concern of the adoption for the Proposed Flood Insurance Rate Map and Flood Insurance Study Report.

## **AMENDED MOTION**

*Commissioner Best-Johnson moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission adopt the consent agenda based of staff findings, summary conclusions and support of staff recommendations for the Adoption of the Proposed Flood Insurance Rate Map and Flood Insurance Study Report or Larimer County dated January 15, 2021 with the motion to move it forward to the Board of County Commissioners for approval. Final approval for the Colorado State University Foothills Campus Location and Extent, File #20-ZONE2742. Forward approval to the Board of County Commissioners for the Pond Conservation Development Preliminary Plat, File #16-LAND3554, along with the six conditions of approval.*

*Commissioner Barnett approved the amendment to the motion.*

*Commissioner Green seconded the amendment to the motion.*

## **DISCUSSION**

Commissioner Dougherty voiced his concern that he would like for the motion to state that the Planning Commission is recommending approval to the Board of County Commission for the Pond Conservation Development Preliminary Plat.

Commissioner Jensen agreed with Commissioner Dougherty.

## **AMENDED MOTION**

*Commissioner Dougherty moved that the Planning Commission adopt the following Resolution:*

*BE IT RESOLVED that the Planning Commission adopt the consent agenda based of staff findings, summary conclusions and support of staff recommendations for the Adoption of the Proposed Flood Insurance Rate Map and Flood Insurance Study Report or Larimer County dated January 15, 2021 with the motion to recommend approval to the Board of County Commission. Final approval for the Colorado State University Foothills Campus Location and Extent, File #20-ZONE2742. Recommend approval to the Board of County Commission for the Pond Conservation Development Preliminary Plat, File #16-LAND3554 along with the six conditions of approval.*

*Commissioner Barnett approved the amendment to the amended motion.*

*Commissioner Green seconded the amendment to the amended motion.*

## **VOTE**

*Commissioners Jensen, Wallace, Dougherty, Best-Johnson, Barnett, Green, Pontius and Choate all voted in favor of the motion.*

*Motion passed 8-0.*

**REPORT FROM STAFF**

None.

**ADJOURN**

With there being no further business, the hearing adjourned at 7:04 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.

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Bob Choate, Chairman

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Nancy Wallace, Secretary