

LARIMER COUNTY PLANNING COMMISSION

Minutes of April 15, 2020

The Larimer County Planning Commission met in session on Wednesday, April 15, 2020, at 6:30 p.m. in the Hearing Room as well as virtual video. Commissioners Jensen, Miller, and Dougherty physically attended with Commissioner Dougherty presiding as Chairman. Commissioner Johnson, Barnett, Wallace, Stasiewicz and True attended virtually. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager, and Christina Scrutchins, Recording Secretary. Larimer County staff that attended virtually were Rob Helmick, Senior Planner; Katie Gray, Civil Engineer I; Lea Schneider Environmental Health; Matt Lafferty, Principal Planner; and Frank Haug County Attorney.

Chairman Dougherty read the following format for the night's hearing.

The Planning Commission hearing will follow the agenda. The agenda was available online at www.Larimer.org/Boards/Planning-Commission. The Planning Commission met the requirements of posting the meeting at least 24 hours in advance with a 15-day newspaper advertisement along with notifying neighbors by email. The hearing was televised on YouTube, channel 14, FCTV, with the Comcast television provider, and is archived with Larimer County. Because of the COVID-19 emergency and social distancing requirements the hearing was conducted partly via a virtual conference. The commissioner's quorum is a combination of members in the hearing room and online.

Member of the public were noticed to register to attend the meeting by audio or to submit comments in writing and no requests were made. Staff monitored the doors of the building to admit any members of the public wanting to attend the meeting and speak. At this time staff is discouraging in person attendance and ask that the public register with staff to join by audio or email any comments.

Applicants were invited to participate via video conferencing should any questions or concerns be presented for them to address. Mr. Helmick was present via video conferencing and Mrs. Ellis moderated and invited public attendee's that wished to speak via virtual options.

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.

AMENDMENTS TO THE AGENDA:

None.

AMENDMENTS TO THE RULES AND BYLAWS OF PLANNING COMMISSION:

Mr. Threewitt gave a brief presentation regarding the amendments to the rules and bylaws of the Planning Commission. In February 2020, members of the Planning Commission asked staff to investigate moving the monthly hearing start time from 6:30 P.M. to 6:00 P.M., which would require a change to the By-laws. At the March 11, 2020 Board of County Commissioners/Planning Commission joint work session, staff presented the By-laws and any known amendment requests for discussion. The changes included the following:

1. Changing the start time from 6:30 to 6:00 p.m., as noted above.
2. Refining the quorum requirements from five members to half of the membership, plus one. This is intended to ensure that a quorum reflects any changes to overall Commission membership.
3. Adding approval of a County Master Plan (Comprehensive Plan) as a requirement for a six (6) member affirmative vote.
4. Clarifying that the annual change in Commission Officers occurs at the end of the meeting.
5. Clarifying that the Vice-Chair would preside during recusal of the Chair.
6. Amending site visits from “required” to “encouraged.”
7. Clarifying attendance expectations.
8. Clarifying the procedure for consent items—the Chair may ask for a brief staff report, and items removed from consent may be discussed in full.
9. Amending procedures for consideration of regular agenda items—removing limitations on staff reports and removing the time limitation on applicant presentations.

Two copies of the proposed amended By-laws were included in the agenda. First there is a “Summary of changes,” which clearly denotes the above-captioned amendments. Any deletions were noted with a strikethrough text, and any additions are noted in bold and underlined. The second copy was the “clean” version as proposed for adoption.

The Planning Commission makes a recommendation regarding adoption of the proposed by-laws. The recommendation and any changes will be forwarded to the Board of County Commissioners for consideration and approval.

Commissioner Jensen asked if the secretary is not present at the hearing should it be added to the by-laws for the Chair or active chair assign a representative to sign the approved minutes?

Chairman Dougherty asked if an E-signature would be acceptable.

Mr. Haug explained the minutes could be signed by the following:

- Signed at a later time
- Emailed, printed, signed, scanned, and email back
- E-signature

Mr. Haug also stated that if the minutes are approved on the record then the minutes could be signed at a later time.

Commissioner Jensen asked if remote attendance could be added to the changes to the bylaws.

Mr. Threewitt confirmed the remote attendance could be added.

Mr. Haug agreed to add remote attendance to the changes.

Commissioner Miller also agreed and wanted to add the remote attendee should only be attending if there is no other way for, he/she to attend.

Mr Haug explained if a board member is not able to attend the hearing in person, they are allowed to attend by video or telephone conference.

Chairman Dougherty asked Mr. Haug if a motion could be made at tonight's hearing or if the revision for the by-laws should be made before a motion.

Mr. Haug explained a motion could be made with an amendment to the by-laws at the following hearing with the changes.

MOTION by Commissioner Jensen to approve the minutes

Commissioner Barnett seconded the motion

This received unanimous voice approval.

Motion passed 8-0

APPROVAL OF THE MINUTES FOR THE FEBRUARY 19, 2020, MEETING:

MOTION by Commissioner Jensen to approve the minutes

Commissioner Miller seconded the motion

This received unanimous voice approval.

Motion passed 8-0

CONSENT ITEMS:

ITEM #1 – BRADLEY SUBDIVISION PRELIMINARY PLAT (REVISED), FILE #18-

LAND3781: Rob Helmick gave a brief presentation regarding the applicant's request to subdivide to 5.32 acres into two lots of approximately 2.3 and 2.8 acres each, one with an existing home. Appeals to Section 8.14.1.R not requiring connectivity and Section 8.14.1 H depth-to-width ratio. The location of the project is 5228 Lonetree Drive, located on the east side of Lonetree Drive, approximately ½ mile south of CR 14. This plan does not provide for connectivity and the lots are long and skinny so a lot width to depth ratio appeal has also been requested. The Development Services Team recommends approval of the Bradley Subdivision File #

18-LAND3781, and; the requested Appeal 8.14.1.R, connectivity; Subject to the following condition(s):

Commissioner Wallace asked what the final resolve of the roads?

Mr. Helmick explained that on the north side there is an access easement that will provide access to both parcels.

MOTION

Commissioner Jensen 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, File # 18-LAND378, and; the requested Appeal 8.14.1.R not requiring connectivity and Section 8.14.1 H depth-to-width ratio. connectivity; Subject to the ten conditions.

Commissioner Miller seconded the motion.

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

Motion passed 8-0.

ITEM #2 – BLUE WOLF SUBDIVISION, FILE #19-LAND3935: Rob Helmick gave a brief presentation regarding the applicant's request a Preliminary Plat for a subdivision of 10.37 acres (Lot 21 Bonnell Acres) into two lots of 5.01 and 5.36 acres and appeal to Section 8.14.6.c connectivity. The location of the project is on the west side of County Road 23 at 3404 South County Road 23 southwest of Loveland. The Development Services Team recommends approval of the Blue Wolf Subdivision and Preliminary Plat and Appeal to Section 8.14.6.c File #19-LAND3935 subject to the 8 conditions.

MOTION

Commissioner Jensen 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 Blue Wolf Subdivision and Preliminary Plat and Appeal to Section 8.14.6.c File #19-LAND3935 subject to the 8 conditions.

Commissioner Miller seconded the motion.

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

Motion passed 8-0.

REPORT FROM STAFF:

Mr. Lafferty gave an update regarding the Oil and Gas regulations. The Planning Commission received an email with the recommendation the Planning Commission recommended to the Board of County Commissioners along with a memo that outlines the recommendations made by the Planning Commission. The Board of County Commissioners did acknowledge and supported the changes the Planning Commission recommended. After much consideration and debate the Board of County Commission approved the regulations with all the recommended changes by the Planning Commission and with the following additional amendments:

- Section 17.1.D. Applicability: these regulations shall apply to all new and greenfield O&GFs, to be constructed on any property in all zoning districts in the unincorporated portions of Larimer County.

- Section 17.3.B.3. The Board of County Commissioners may, by request, allow a reduction of the setbacks required by 17.3.B.1. above when it has been determined that the applicant has adequately demonstrated that the setbacks prohibit access to the mineral interests being sought, ~~and/or~~ the reduced setbacks will achieve and mitigate to the extent necessary the objectives of this code or the expectations of the Board of County Commissioners.
- Section 17.3.G.3. ~~Secondary containment shall be required which is capable of holding 125% of the total capacity of on-site containment vessels and storage tanks.~~
Secondary containment shall be required and shall conform to the requirements of the COCC rules and standards."
- Section 17.7.A. No modification to an approved O&GF shall be made without obtaining appropriate land use approvals from the County. A modification is any permanent physical change not required by law that substantially increases the site footprint or air emissions.

With there being no further business, the hearing adjourned at 7:22 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.

Sean Dougherty, Chairman

Nancy Wallace, Secretary