

NUTS AND BOLTS QUESTIONS:

Who can submit a Character Area Plan?

There are currently no regulations that define who can submit information such as a conceptual/character area plan or the like. However, common practice would involve a person or group of people making a request to the County (either through the Community Development Department or Board of County Commissioners) for the preparation of such a plan. Such a request would be either in writing or by submitting a conceptual plan to evoke consideration of such an idea.

When such requests are made, the Community Development Department would research the request and then advise the Board of County Commissioners as to whether a plan should be considered or not. Ultimately, the Board of County Commissioners would decide if such a plan would be added to a future work plan, with dedicated funding if needed.

What does the County do with those?

Plans submitted to the County as discussed above are used to initiate discussions as to whether a plan is warranted or not. If a plan is warranted the submitted information may be utilized to provide a starting point for the preparation of a plan. If a plan is not warranted the County would not use the information submitted. The information would be retained as public record but not utilized for any other purpose.

Process beginning to end?

The process for developing a character plan would be determined once the project has been identified as a priority and funded, if needed. The scope of the project, length of process, and type of community engagement would be determined in consultation with Community Development staff, the Board of County Commissioners, and community members. The scope and process may also be influenced by the amount of funding available.

Who decides if a Character Area Plan warrants the County's attention, assistance, and funding?

The Board of County Commissioners on an annual basis works with the Community Development Director to prioritize projects to include in the work plan for the next 1-2 years. Often the work plan is dependent upon the availability of funds for special projects, such as character area plans.

What community engagement is required (at each level/step)?

When the County engages in a project affecting a particular area, a public outreach plan is formulated. These plans outline when, how, and frequency to engage the community. A public engagement plan typically involves a variety of methods including open house meetings, workshops, written correspondence, questionnaires, and the like.

To adopt a character area plan, a public hearing process before the Planning Commission and the Board of County Commissioners would be required, which is the final step in the

process. These public hearings are noticed through the newspaper, email, and county web site and include a comment period open to the public.

If a Character Area Plan is “selected” (unsure of terminology here) how does it evolve from concept to reality?

The evolution of a character area plan will usually start with research being performed by the staff (and/or consultants) to define the plan area and gain an understanding of the area. This step generally includes gathering information regarding existing land uses, economic conditions, availability of resources and infrastructure, population statistics, and other relevant characteristics. It may also involve a public questionnaire to understand the needs and priorities of the community.

Following the research phase, the next step involves meeting with community members to establish expectations, understand how people may be involved in the process, and determine how the process will unfold. Additionally, this is an opportunity to further identify community needs and wants, or in some cases what is not desired. This phase may include small committee discussions around specific topics and questionnaires to narrow down possible ideas being formulated.

In the next phase, staff or consultants will generate an illustrative plan based upon the input received from the various informational meetings and questionnaires. This conceptual plan would include statements about the existing character of the area, desired future character, and key priorities and concerns. It may also include representative photos or illustrations that reflect the desired character for the area. The plan would be made available for the community including appointed and elected officials to review and comment on. Revisions are then made to the plan based upon what feedback was generated.

Once the plan has been properly vetted, public hearings will be scheduled. The first meeting will be with the Board of County Commissioners, who will decide to either endorse or not endorse the plan. This hearing is then followed by a hearing with the Planning Commission, who decides if the plan will be adopted or not. This process may appear “backward,” as it is usually the Planning Commission that makes a recommendation and the Board of County Commissioner that approve plans, but state statute identifies the Planning Commission as the authority for adopting such planning documents. Regardless, both hearings mentioned are open for public comment. Notice for such hearing is through various mediums (newspaper, email, and County webpage).

Who decides?

The Board of County Commissioners decides if a plan is going to be pursued. If a plan is pursued, then the Board of County Commissioners choose to either endorse or not endorse the plan, and the Planning Commission chooses to adopt or reject the plan.

What guarantees does the community have that any “development” will fall inside their “confines” (wishes)? Who approves changes/decisions along the way?

Applications for development fall into two categories, use by right and uses that require discretionary approval.

Uses by right must be a use listed by the existing zoning as such and can be implemented by securing proper permits (i.e. building permits). Uses requiring discretionary approval are listed in the zoning district as needing approval through a more in-depth review process and therefore must follow certain procedures and meet certain requirements to be considered for approval.

Some discretionary approvals are decided by the Community Development Director and others by the Board of County Commissioners. In either case, the approvals must comply with the zoning for the property. If zoning does not permit a particular land use, and an adopted plan suggests that an alternate zoning is appropriate, the applicant can request a zoning change. Such requests must be approved by the County Commissioners (after a recommendation from the Planning Commission) and should be in alignment with the Comprehensive Plan or a more specific plan if one is available.

All discretionary applications include an opportunity for public participation.

What are the current zoning protocols of land use restrictions for both the county and state parcels?

The properties owned by the County and the State are zoned O (Open) and thus are eligible to be used for the purposes of that zone district. Additionally, because these are publicly owned land, they can be used for various public purposes. This is not to say that the purpose must directly benefit those in the area but that they should be in the public interest at-large and require such a location (i.e. the County Road and Bridge facility along 74E). Finally, in accordance with state statutes related to regulatory authority, the property owned by the state may be used for purposes the State deems appropriate and necessary without the approval of the County.

If the Character Area Plan is approved, can changes be made to zoning? I.e. Would it make zoning easier to change for the developers once any sort of plan is in place? Could it be used in a way that wasn't intended in order to change zoning?

If a character plan was to be adopted for the Livermore Area, property owners could, where appropriate, propose to have the zoning for their land changed. However, there is no guarantee that such an application would be approved as they would have to demonstrate alignment with other standards and criteria outlined in the Land Use Code and the Comprehensive Plan. Still, having a plan that suggests such a change is warranted would improve the potential for a zoning change. The Board of County Commissioners would have to approve such a change, with a recommendation from the Planning Commission, and the public would have the opportunity to participate in the process.

How easy is it to alter the Character Area Plan once it is in place? Who has a say in that?

Modifying a character plan once it has been adopted is possible. Changes to such plans would require a public process to consider the change and ultimately a public hearing for

re-adoption would be required. There is no set timeframe for revisiting and updating a character area plan.

Would a Character Area Plan lead to the formation of a group similar to the Red Feather Lakes Planning Advisory Committee?

This is unlikely. Ultimately, the Board of County Commissioners determines whether to establish new appointed advisory boards, but a character area plan likely would not warrant the creation of a new advisory board.

LAND OWNED BY COUNTY/STATE:

How does the fact that some of the land is owned by the county and some of it is owned by the state come into play?

In the formulation of a character area plan, potential factors such as the existing or proposed use of publicly owned land would influence what happens on adjacent private property. Often the purpose for developing such plans is to plan around existing uses in a compatible manner to better address community priorities and minimize undesirable land use patterns.

What is the likelihood of the County or State selling the land? Who is the point person for such matters?

The selling of the County and State Lands is unpredictable. Questions regarding the future of such properties would be best addressed by the appropriate persons in each agency. For Larimer County, the Facilities Department would be the appropriate point of contact.

Would county land have to offer the sale publicly?

See response to previous question; this would be determined by the County Facilities Department.

Has anyone engaged the State?

The County has not directly engaged the State of Colorado in conversations related to future land uses in the Livermore area.

What is the likelihood of the state selling the land? Who is the point person for such matters?

This question would be best answered by the State.

Would state land have to be offered for sale publicly?

This question would be best answered by the State.

Has the county tested the well that was “contaminated” recently?

This question may be better answered by Christopher Manley with the Larimer County Department of Health and Environment: <https://www.larimer.gov/health>.

If the “contamination” of the well was caused by CODT diesel spill, why is it not the state’s responsibility to clean up remnants of the environmental spill?

This question may be better answered by Christopher Manley with the Larimer County Department of Health and Environment: <https://www.larimer.gov/health>.

LAND OWNED BY PRIVATE PARTIES:

With regards to the questions below regarding a water plan, the County is not involved in any water planning occurring in the area. Answers to some of these questions should be directed at the State of Colorado Division of Water Resources or property owners involved in proposing new water projects in the area.

Does the new water plan require taking land away from owners?

Would eminent domain take place on any properties owned by private parties?

How will the “new well” affect those who are tapped into the same aquifer?

Will it affect water rights on the rivers/canals?

If yes, who will be paying for those water rights? Livermore? Larimer County?

LOGISTICS – LIVERMORE CHARACTER AREA PLAN:

Who should be involved?

If a character area plan was to be prepared, it would be appropriate for property owners, residents, and business owners in the area to be involved, as well as various staff from the County and other relevant agencies.

What radius, or number of miles is appropriate?

Participation in the preparation of a plan would generally involve those property owners/residents living in the area being addressed, and usually includes any other persons that may be affected by the plan or have some interest in participating.

Should a committee be formed? And how would those people be decided?

Forming a committee is sometimes helpful for a project such as a character area plan, but not necessary. If a committee is needed that would be determined at the commencement of the project.

Asking for 150 different opinions is not realistic, so how can we ensure that our neighbors are all represented well?

Having a variety of opinions is typical in the development of a project like a character area plan. Often open house meetings, questionnaires and other information gathering techniques are used to identify and narrow opinions. Such plans rarely meet everyone’s

individual desires and expectations, so the intent is to come up with a plan that achieves a balance of the needs and priorities that arise during the process.

Idea? Anyone interested in being on a committee offers their name “in a hat” and be voted upon by everyone. (here too, what does “everyone” mean?)

If a committee were to be formed, how and who is selected would have to be determined at that time.

How would those candidates be shared with the public?

If a committee were to be formed, the names of the committee members would be shared publicly on a project website or by some other communication method.

MORE QUESTIONS (May not be answerable at this time):

Will the 35-acre minimum be removed for “Livermore proper” as Zach Thode calls it, or the entirety of Livermore? Or would it only apply to the specific parcel?

The requirement for a 35-acre minimum parcel size comes from state statute, which allows property owners to divide their property into parcels not less than 35-acres in area without approval by the County. Any division of property below the 35-acre limitation would require approval of the Board of County Commissioners through the land division process, and the density allowances would be based upon the zoning for the property. Most of the property in the area is zoned O (Open), which would allow up to 1 house per 10-acres if all development standards for the County are met. If a character plan were adopted that suggested a different density, then it is possible that a zoning change could be approved to permit the suggested density change. This would involve public hearings that would allow residents in the area the opportunity to voice their support or opposition to such a proposal.

Has anyone studied the impact this would have on development/subdividing?

The O (Open) zoning in the area has been in place since 1963; as such, no studies have been done to determine the impact of certain types of development on the area because this zoning is viewed as very rural in nature with minimal community impacts.

If Livermore is subdivided will there be additional police infrastructure for the additional population and likely higher crime?

Additional police infrastructure or resources would be a question best directed to the Larimer County Sheriff’s Department.

How is Northern Water involved?

Larimer County has not directly engaged Northern Water in conversations related to the Livermore area.

Where is the water report for the old and new wells?

This question may be better answered by Christopher Manley with the Larimer County Department of Health and Environment: <https://www.larimer.gov/health>.

If the project proceeds who is in charge of enforcing the “rules” for the board on this project? There is concern it will be Bob, Zach, Cheryl. The Community at large is distrustful of their motives in the situation.

The Board of County Commissioners has decided not to pursue a character area plan for the Livermore area at this time. However, if a plan were approved and adopted, administering the plan would be through the Larimer County Community Development Department and the Board of County Commissioners.