

AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Monday, January 23, 2017/3:00 P.M./Hearing Room

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC HEARING CONSENT ITEMS: *Will not be discussed unless requested by
Commissioners or members of the audience.

*1. MORENG MINOR RESIDENTIAL DEVELOPMENT PARCEL C **PAGE 1**
AMENDED PLAT/BOUNDARY LINE ADJUSTMENT
FILE #16-LAND3584

Staff Contacts: Brenda Gimeson, Planning, Clint Jones Engineering, Lea Schneider, Health

*2. COLORADO ARONIA PROJECT APPEAL **PAGE 12**
FILE #16-GNRL0408

Staff Contacts: Matt Lafferty, Planning, Clint Jones Engineering, Lea Schneider, Health

D. ADJOURN

*1. TITLE: Moreng MRD Amended Plat, Parcel C

REQUEST: Amended Plat of Parcel C, Moreng MRD to adjust the boundary with neighboring metes and bounds parcel.

LOCATION: Located within the east half of Section 11 and the northwest quarter of Section 12, Township 8 North, Range 69 West; north and east of Fort Collins and west of Wellington, north of Highway 1 on County Road 15, south of County Road 60 located at 122 and 374 Rocky Ridge Lane, Fort Collins, Colorado.

APPLICANT/OWNERS: Michael Moreng
122 Rocky Ridge Lane
Fort Collins, CO 80524

STAFF CONTACTS: Brenda Gimeson, Planning
Clint Jones, Engineering
Doug Ryan, Health

FILE #: 16-LAND3584

NOTICE GIVEN: Newspaper Publication
First Class mailing to surrounding property owners within 500 f

SITE DATA:

Parcel Numbers 9812206703

Surveyor: Coffey Engineering & Surveying

Total Development Area: 16.5 acres

Existing Number of Lots: 1

Proposed Number of Lots: 1

Number of Existing Dwelling Units: 1

Existing Land Use: Residential

Proposed Land Use: Residential

Existing Zoning: O-Open

Adjacent Zoning: O-Open

Adjacent Land Uses: Residential & Agriculture

Services:

 Access: Rocky Ridge Lane

 Water: East Larimer County Water

 Sewer: On-site septic

 Fire Protection: Poudre Fire Authority

PROJECT DESCRIPTION/BACKGROUND:

The request is for an Amended Plat of the Moreng MRD, Parcel C so a portion of the existing lot can be adjusted and combined with a neighboring metes and bounds parcel. The request is to split off about 8 acres east of an existing ditch and combine the remaining 8 acres west of the ditch with the 36 acre metes and bounds parcel. No new parcels or lots are being created with this amendment. This request will decrease the lot size from 16.394 acres to 7.96 acres. An appeal to the lot size requirement for the zoning district was previously approval by the Board of County Commissioners in December of 2015, File # 15-G0299. This request is the action that will create that separated parcel approved by the appeal. The applicant is concurrently doing a Boundary Line Adjustment with the existing legal lot.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of an amended plat if the following review criteria are met:

- A. No additional lots will be created by the amended plat.**
No additional lots will be created.
- B. The resultant lots will meet the required minimum lot size and lot width of the applicable zoning district.**
The minimum lot size in the O-Open zoning district is 10 acres. An appeal to the minimum lot size was approved in December 2015, File # 15-G0299 by the Board of County Commissioners.
- C. The Amended Plat will not create a non-conforming setback for any existing building.**
Amending this plat will not create any non-conforming setback for any existing buildings.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots can not be divided by a municipal or county boundary line, road, alley, or another lot.**
The resultant lots will not be divided by a boundary line road, alley or another lot.
- E. The Amended Plat will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.**
The plat will not adversely affect access, drainage, or utility easements and there are no objections from any of the service providers.
- F. Any covenants or deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the Final Plat:**
A note shall be added to the plat indicating that the resultant lots will be subject to the same restrictions, covenants, and regulations as set forth in the plat of record for the Moreng MRD.

OTHER REVIEW AGENCY COMMENTS:

The following agencies have provided comments or stated that they have no objections to this proposal:

- Larimer County Department of Health and Environment
- Development Review Section of the Larimer County Engineering Department
- Larimer County Addressing Section

All the affected utility companies have agreed to the request stating no conflict. The Larimer County Land Surveyor and Planning staff have made comments regarding some corrections that need to be made to the plat before recording. A condition of approval is proposed requiring the changes be made before the plat is recorded (see condition #2).

SUMMARY & CONCLUSIONS:

The proposed Amended Plat will not adversely affect any neighboring properties or any County agency. The Amended Plat will not result in any additional lots. Staff finds that with the conditions as listed below, the request meets the intent/requirements of the Larimer County Land Use Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Amended Plat of Parcel C, Moreng MRD, File # 16-LAND3584, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met and the plat is presented for signature:

1. All conditions of approval shall be met and the Final Plat recorded by July 23, 2017, or this approval shall be null and void.
 2. Prior to the recordation of the Final Plat, the applicant shall make the technical corrections required by the Planning Staff and Brian Helminiak, Land Surveyor of the Larimer County Engineering Department.
 3. The reconfiguration of the lots lines shall be finalized at such time when the plat and findings and resolution of the County Commissioners are recorded.
-

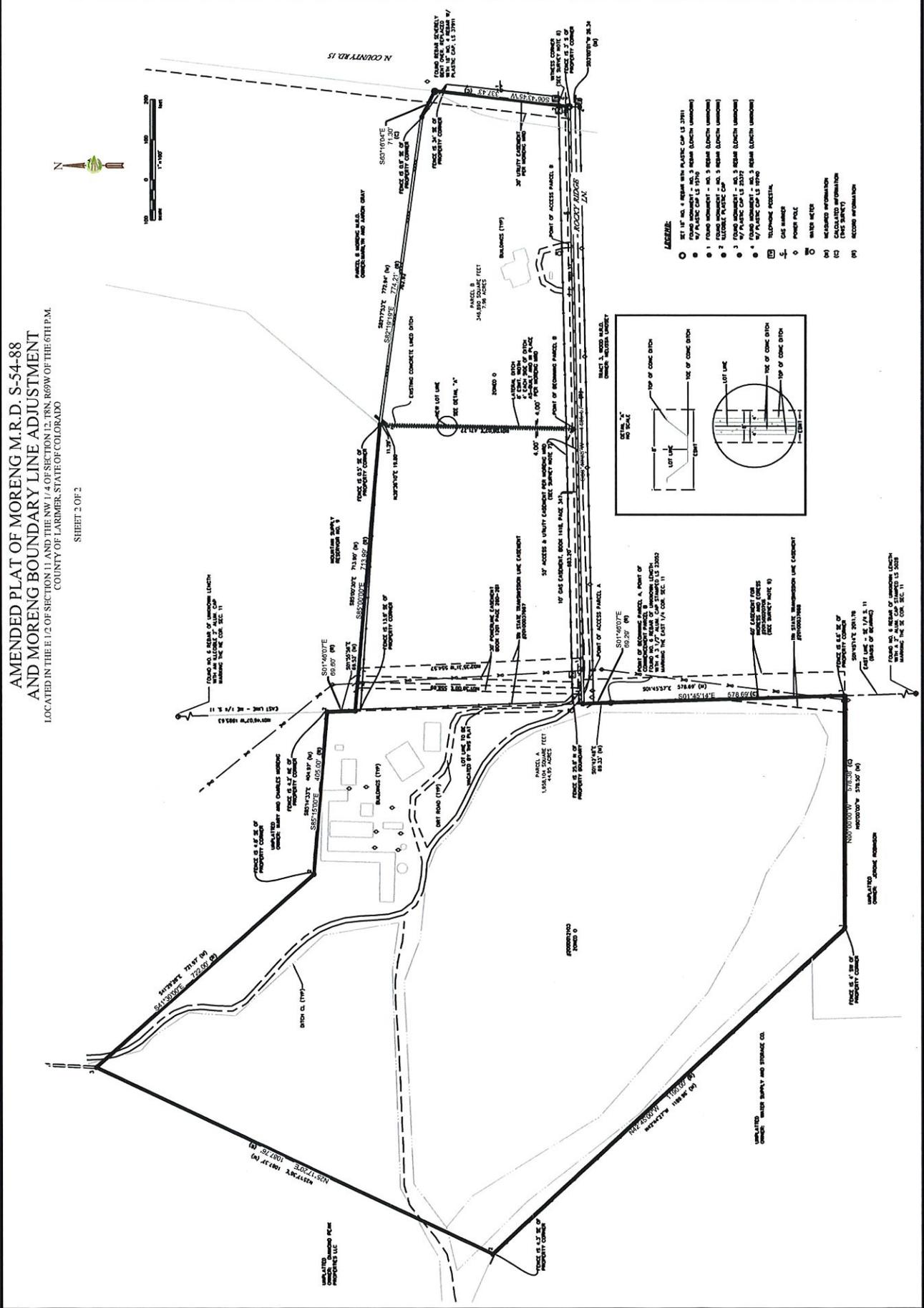
SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Amended Plat of Parcel C, Moreng MRD, File # 16-LAND3584, subject to the conditions listed above.

VICINITY MAP
(1"=2,000')



NO.	DATE	BY	REVISION
1	11/14/17	PLM	PLAT
2	05/18/18	PLM	DRYED
3	05/18/18	PLM	RECORDED
4	05/18/18	PLM	RECORDED
5	05/18/18	PLM	RECORDED
6	05/18/18	PLM	RECORDED
7	05/18/18	PLM	RECORDED
8	05/18/18	PLM	RECORDED
9	05/18/18	PLM	RECORDED
10	05/18/18	PLM	RECORDED



AMENDED PLAT OF MORENG M.R.D. S-54-88
 AND MORENG BOUNDARY LINE ADJUSTMENT
 LOCATED IN THE E 1/2 OF SECTION 11 AND THE NW 1/4 OF SECTION 12, T8N, R69W OF THE 6TH P.M.
 COUNTY OF LARIMER, STATE OF COLORADO
 SHEET 2 OF 2

Dear County Commissioner's,

October 23, 16

Project Description:

I currently own two parcels: One parcel is part of the Moreng M.R.D. and is currently about 16 acres in size. The other parcel approximately 36 acres in size and is a metes and bounds parcel. My request is to split off about 8 acres which is east of an existing ditch and combine the 8 acres west of the ditch with my 36 acre parcel to make that parcel about 44. An appeal to the lot size requirement was previously approved in December 2015 (File # 15-G0299). This request is the action that will create the separated parcel.

The 8-acre parcel contains an existing 3600 square foot dwelling, yard area with watered landscaping, area fencing with a 14' by 30' loafing shed and 2 small 10' by 8' storage sheds. The 36-acre parcel contains a 4000 square foot home and support buildings and structures for an approved business, farming, hunting dog training and boarding kennels and poultry/game bird production which was previously approved by special review in the early 90's. This additional land won't change that use. Existing structures include an office (25' by 30'), poultry and game bird production building (415' long by 18' wide), a hay storage barn (40' wide by 140' long), a hatchery (25' wide by 25' long), shop and equipment storage (60' long by 41' wide), and equipment storage building, (120' by 18' wide), used for business operations.

The entire property is fenced with irrigated pasture and hay production ground. The boundary/property line was chosen due to the existing centrally located fencing and existing historical irrigation ditch easement.

The intent of the boundary adjustment is to add additional hay/crop production to my existing operation on the 36 acre parcel. No additional building site will be created.

Thankyou Mike Moreng

M.A. Moreng

Cell 222-8252



Brenda Gimeson <gimesobl@co.larimer.co.us>

Moreng MRD Parcel C AP/BLA

1 message

Brian Helminiak <bhelminiak@larimer.org>

Thu, Dec 29, 2016 at 3:06 PM

To: Brenda Gimeson <gimesobl@co.larimer.co.us>, mmoreng@aol.com, Reade Roselles <rroselles@coffey-engineering.com>

Brenda, Reade and Michael,

My comments are as follows:

1. Please remove existing features such as buildings, utilities etc...
2. If you are calling out monuments at the end of each call in the legal description, shouldn't your calls in the legal description match the measured bearings and distances between said monuments and not just the record calls from the deed?

--

Sincerely,

Brian M. Helminiak, PLS
Larimer County Engineering

Direct: 970-498-5704

Cell: 970-215-5298

bhelminiak@larimer.org



DEPARTMENT OF HEALTH AND ENVIRONMENT

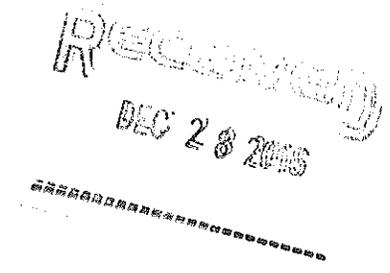
1525 Blue Spruce Drive
Fort Collins, Colorado 80524-2004
General Health (970) 498-6700
Environmental Health (970) 498-6775
Fax (970) 498-6772

To: Brenda Gimeson
Larimer County Planning Department

From: Lea Schneider 

Date: December 23, 2016

Subject: Moreng MRD Parcel C Amended Plat



The Moreng AP amended plat is a proposal to adjust the common lot line between two adjacent parcels.

I have reviewed the information provided and have no objections so long as utility providers have adequate access for their needs. As is the case with all rural area lots, permits to install new or replacement on-site sewer systems must be obtained from our Department prior to construction.

Thank you for the opportunity to comment on this proposal. I can be reached at 498-6777 if there are questions about any of these concerns.



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

(970) 498-5700
FAX (970) 498-7986

MEMORANDUM

TO: Brenda Gimeson, Larimer County Planning Department

FROM: Clint Jones, Larimer County Engineering Department *CS*

DATE: December 21, 2016

SUBJECT: Moreng MRD Parcel C - Amended Plat/BLA
File # 16-LAND3584

Project Description/Background:

This is an Amended Plat and Boundary Line Adjustment between Parcel C of the Moreng MRD and a metes and bounds parcel. The new lot line will be along the existing ditch east of the current lot line. The parcels are located at 122 and 374 Rocky Ridge Lane, west of CR 15.

Review Criteria:

Larimer County Engineering Department has reviewed the materials submitted per the applicable criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSDS) and pertinent Intergovernmental Agreements.

Comments:

1. It does not appear that any existing access points will be impacted due to this proposed request.
2. We expect that any new construction will be completed in such a way that the existing drainage patterns in the area will not be altered. If drainage patterns are going to be changed, a drainage plan should to be submitted for review and approval.
3. The utility authorities should be given a chance to comment on this proposal if any utility easements are being modified in association with the proposal.

Recommendation:

As long at the comments listed above are noted, our department has no objections to the approval of this amended plat. Please feel free to contact me at (970) 498-5727 or e-mail me at cdjones@larimer.org if you have any questions. Thank you.

cc: Michael Moreng, 122 Rocky Ridge Lane, Fort Collins CO 80524
file



COMMUNITY DEVELOPMENT DIVISION

P.O. Box 1190
 Fort Collins, CO 80522-1190
 Planning (970) 498-7683 Planning Fax (970) 498-7711
 Building (970) 498-7700 Building Fax (970) 498-7667
<http://www.larimer.org/building>

ADDRESSING REVIEW COMMENTS

PROJECT NAME: Moreng MRD Parcel C AP/BLA

CASE NUMBER: 16-LAND3584

DATE: 12/14/2016

Project Scope: Amended Plat and Boundary Line Adjustment between Parcel C of the Moreng MRD and a metes and bounds parcel. Parcel C of the Moreng MRD will be divided at the ditch and the amended parcel will be 7.96 acres in size and be located east of the ditch. The acreage on the west side of the ditch, 8.434 acres, will be combined with a 36 acre metes and bounds parcel to the west. A lot size appeal was granted by the Board of County Commissioners on 12/14/2015, File # 15-G0299.

Staff Comments on Addressing: If this Amended Plat and Boundary Line Adjustment is approved by Larimer County, no site addresses will be affected.

Addressing submittal requirements: None.

Sent to: Brenda Gimeson-Rural Land Planner, Jill Wilson-Citizen Resources Technician

Respectfully submitted,

Dan Kunis
 Geographic Information Specialist/Addressing
 Larimer County Community Development Division
 (970) 498-7680
dkunis@larimer.org

UTILITIES CHECK SHEET

PLEASE NOTE THAT YOU WILL BE ASKED TO PROVIDE THE UTILITY COMPANIES WITH A SITE PLAN AND A PROJECT DESCRIPTION.

Applicant Name & Address: Michael Q. Moreng (970) 222-8252
mikemoreng@gmail.com

Landowner's Name & Address: 122 Roddy Ridge Lane F.C. 80524

Engineer/Surveyor Name & Address: Reade Roseller Colby Engineering (970) 631-79

→ WATER DISTRICT: ELCO 2 See A/B/C

Comments: East Larimer County Water District has no issue with the boundary adjustment. An existing ELCO waterline along the southern boundary of a portion of the property is within an existing access and utility easement as shown on Moreng MRD S-54-88.

Signed: [Signature] Date: 11/18/16

SANITATION DISTRICT: on-lot septic

NOTE: This is for lots which are served by public sewer only. If on-lot sewage disposal is proposed, this blank is not applicable. DO NOT CONTACT THE HEALTH DEPARTMENT.
Comments:

Signed: _____ Date: _____

→ CENTURYLINK: Contact Business Office for the service area in which the property is located (See next page for info).

Comments: NO ISSUES

Signed: [Signature] Date: 12-7-16

→ POUDDRE VALLEY REA: Contact the Engineering Department, 7649 REA Parkway, Fort Collins

Comments: Poudre Valley REA requires any existing facilities (overhead or underground) to have a 10 feet easement on both sides of the facilities. The facilities or the easement boundaries must be shown on the plat. Platting is subject to the rights of the existing facilities.

Signed: [Signature] Date: November 29, 2016

→ XCEL ENERGY: 1901 East Horsetooth Road, Fort Collins
Comments:

Signed: [Signature] Date: 12/6/16

→ DITCH COMPANY: ~~XXXXXXXXXXXXXXXXXXXX~~ N/A
Comments:

Signed: _____ Date: _____

*2. TITLE: Colorado Aronia Project Appeal

REQUEST: An Appeal to Section 4.3.10.3.a.3 of the Larimer County Land Use Code to allow an existing building to be used for value added agricultural processing to be 30 feet from an adjacent property line where 100 feet is required.

LOCATION: 32-08-69; situated on the north side of Bingham Hill Road, approximately 1/2 mile west of Overland Trail.

APPLICANT/OWNER: Randall Pope
3924 Bingham Hill Road
Fort Collins, CO 80521

STAFF CONTACTS: Matt Lafferty, Planning Dept.
Clint Jones, Engineering Dept.
Leah Schneider, Health Dept.

FILE #: 16-GNRL0408

NOTICE GIVEN: Newspaper Publication
First Class mailing to surrounding property owners within 500 feet

SITE DATA:

Parcel Number: 98322-11-702

Total Development Area: 10 acres

Existing Land Uses: Residential, Aronia Berry Farm, Seasonal Camp and Community Hall

Proposed Land Uses: Residential, Aronia Berry Farm, Seasonal Camp and Community Hall.

Existing Zoning: FA - Farming

Adjacent Zoning: FA - Farming

Adjacent Land Uses: Rural Residential and Agricultural

Services:

Access: Bingham Hill Rd via a shared private drive

Water: City of Fort Collins

Sewer: On-Lot Septic

Fire Protection: Poudre Fire Authority

DISCUSSION:

The subject appeal is to consider allowing the use of an existing building at the site of the approved Colorado Aronia Project for value added agricultural processing. The criteria that is being appeal is part of the Value Added Agricultural criteria found at Section 4.3.10 of the Land Use Code, which criteria states:

“Any processing operation will be located at least 100 feet from the property lines unless a greater setback is required by another section of this code.”

On October 19, 2015 the Colorado Aronia Project Value Added Agricultural application was approved by the Board of County Commissioners. At that time the applicant proposed to construct a new 4000 square foot building for the processing activities associated with the use. This proposed building was situated well within the boundaries of the property and satisfied the requirements of the code.

Since the approval in 2015, the applicant has determine that it would desirable to expand and utilize an existing building on the property, rather than build a new building. However, the existing building is situated within 30 feet of an adjoining property and cannot meet the minimum Code requirement of 100 feet. Therefore, the applicant is appealing the 100 foot requirement so that the existing building can be used.

The applicant has provided a letter (attached) from the neighboring property indicating that they do not object to the deviation from the standard. The applicant further comments that the use of the building for the processing of berries and fruits will not be any greater impact to the adjacent property than would be the existing agricultural uses allowed in that building as a use by right.

REVIEW CRITERIA:

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

A. Approval of the appeal will not subvert the purpose of the standard or requirement.

The purpose of the separation requirement for value added agricultural processing activities was to minimize the impact of noise and odors of such activities on adjacent properties. The Development Services Team has observed several winery and similar processing operations, and have not witnessed any odors or noises that would have impacts on the neighboring property beyond those of the allowed use of the existing building. Therefore, it is believed that this appeal will not subvert the purpose of the standard.

B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.

The Development Services Team believes that approval of the subject appeal would not be a detriment to the public health, safety or property values in the neighborhood. This belief stems from observations of other similar uses in the county such as wineries that process grapes and fruit into drink and foods without adverse impacts such a noise or odors on the adjacent neighborhoods or properties. Additionally, a letter by the property owner directly affected by this request indicates that they do not have concerns with the location of proposed processing activities.

C. Approval of the appeal is the minimum action necessary.

If the existing accessory building, with proposed expansion, is to be used for the processing of agricultural berries and or fruits then this action would be the minimum action necessary.

Therefore, if not approved the applicant would have to construct a new building elsewhere on the property in a manner that is conforming with the code standards.

D. Approval of the appeal will not result in increased costs to the general public.

If approved, this appeal will not result in any additional or increased costs to the general public.

E. Approval of the appeal is consistent with the intent and purpose of the Code.

If approved the appeal of this standard is consistent with the purpose of the Code in that impacts from the proposed activity will not cause adverse impacts on the adjacent property.

DEVELOPMENT SERVICES TEAM FINDINGS:

- A. The Development Services Team finds that the proposed appeal will not subvert the purpose of the standard or requirement.
- B. The Development Services Team finds that the proposed appeal will not be detrimental to the public health, safety or property values in the neighborhood.
- C. The Development Services Team finds that the proposed appeal is the minimum action necessary if the existing building is to be allowed to be used for value added agricultural processing.
- D. The Development Services Team finds that the proposed appeal will not result in increased costs to the general public.
- E. The Development Services Team finds that the proposed appeal is consistent with the intent and purpose of the Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Colorado Aronia Project Appeal to Section 4.3.10.3.a.3 of the Larimer County Land Use Code subject to the following condition:

1. All conditions of the approved Colorado Aronia Project Special Review, File #15-Z1970 shall remain in full force and effect.

SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Colorado Aronia Project Appeal to Section 4.3.10.3.a.3 of the Larimer County Land Use Code subject to the condition as outlined above.

A. *Approval of the appeal will not subvert the purpose of the standard or requirement.*

- We believe the purpose of the 100' setback in the Code was to address the potential issues for noise and odors. The uses of producing wine and other products will not create excessive noise or any odors that would demand such a setback. Therefore we believe that the current setbacks meet the intent of the Code.

B. *Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.*

- Given that the VAAP use has already been approved, modifying the setback will not be detrimental to the public health, safety or property values of the neighborhood

C. *Approval of the appeal is the minimum action necessary.*

- The building that we intend to use already exists and cannot be moved. Therefore approving the appeal is the minimum action necessary without building an entirely new building, resulting in unnecessary development on the property.

D. *Approval of the appeal will not result in increased costs to the general public.*

- There will not be any increased costs to the general public by approving the appeal.

E. *Approval of the appeal is consistent with the intent and purpose of the Code.*

- It is our understanding that the purpose of this section of the Code was to address excessive noise, odors and other issues that may affect adjacent property owners. Given that the uses intended for the building will take place mostly indoors, the use will not create excessive noise, any odors or other issues that affect the sensitivities of ordinary people.

Respectfully,

Randy Pope

November 29, 2016

Larimer County Commissioners
200 West Oak
Fort Collins, CO 80521

To whom it may concern,

My name is Matt Dubitzky and I own the property at 3920 Bingham Hill Road. My property adjoins the Popes property on their southern boundary.

Randy has informed me that the Larimer County Land Use Code requires that the Value Added Agricultural Processing Use requires a 100 foot setback from any adjacent property for any processing facilities. My house is located approximately 270 feet from the northwest corner of my property and the northwest corner is located approximately another 80 feet from the existing shop building that Randy and Sheryl would like to use for Value Added Processing. Due to existing landscaping and the property contours, I cannot even see the building unless I go to the corner of my lot.

Due to the distances and other reasons, I do not have any objection to Randy and Sheryl using the existing building, including the addition they are proposing, for Value Added Processing. I spoke at the recent hearing for the events center and, to be clear, I also do not object to the events center.

Sincerely,

Matt Dubitzky



November 28, 2016

Larimer County Commissioners
200 West Oak 3rd Floor
Fort Collins, CO 80521

Dear Commissioners,

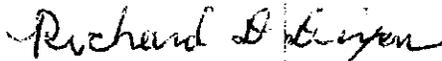
My name is Richard Dixon and I own the vacant property legally described as: **Tract 3, Pope MRD 96-EX0850, Amended 20090073363.**

My southern boundary borders Bingham Hill Road, my west boundary includes the shared easement for both Randy and Sheryl's property and Reid Pope's property, and my north boundary divides my property from the Popes.

Randy has explained to me that the Land Use Code states that the Value Added Agricultural Processing Use requires a 100 foot setback from adjacent property for any processing facilities. He has further explained that rather than building a new 4,000 square foot building that was approved, he and Sheryl would like to repurpose the existing 1,152 square foot shop building that is located +/- 30 ft. from my northern boundary.

Please accept that I have no objection to the Popes using the existing building, including the 1,152 square foot addition they are proposing, for their Value Added Processing Use.

Respectfully,



Richard D. Dixon

SPECIAL REVIEW

FINDINGS AND RESOLUTION APPROVING THE COLORADO ARONIA PROJECT

The Petition for a Special Review for the Colorado Aronia Project at Bingham Hill Farm to include: Value-Added Agricultural Processing associated with farming aronia berries, grapes, and other similar fruit, Agritourism Enterprise associated with farming aronia berries, grapes, and other similar fruits, A Bed & Breakfast accommodating up to 6 guests, and an Appeal to Section 10.10.A.3. of the Larimer County Land Use Code to allow an off-premise sign, upon the property described on Exhibit "A" attached hereto has been filed with the Board of County Commissioners of the County of Larimer.

On August 19, 2015, the Larimer County Planning Commission conducted a public hearing on the Special Review and recommended that it be approved subject to certain conditions.

On October 19, 2015, in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners conducted a public hearing on the Special Review. The Board of County Commissioners, having heard the testimony and evidence adduced at said hearing and having considered and carefully weighed the same, now makes the following findings:

1. The Special Review request upon the property described on Exhibit "A" was advertised in a local newspaper of general circulation. Written notice of the hearing was delivered or mailed, first class, postage prepaid, to adjoining landowners of the proposed Special Review.
2. The general characteristics of the property are as follows:
 - a. Parcel Numbers: 98322-11-702
 - b. Total Development Area: 10.54 Acres
 - c. Existing Land Use: Tree Farm/Nursery, Single Family Home, Event Center and Seasonal Camp
 - d. Proposed Land Use: Value-Added Agriculture Processing and Agritourism associated with a farm use, Bed and Breakfast for up to 6 guests.
 - e. Existing Zoning: FA-Farming
 - f. Adjacent Zoning: FA-Farming
 - g. Adjacent Land Uses: Agricultural, residential
 - h. Services:

Access:	Bingham Hill Road
Water:	West Fort Collins
Sewer:	septic
Fire Protection:	Poudre Valley Fire

Findings and Resolution
Colorado Aronia SR
Page 2

No. Trips Generated by Use: 40 VTD

3. Applicant seeks Special Review to allow Value-Added Agriculture Processing and Agritourism. Cultivation and packaging of the berries is a use by right in the FA-Farming zoning district. The aronia cultivation will take place in the areas currently being used for the existing Tree Farm and Nursery. The project will work at determining best practices for production and also developing and testing value added products. In addition, the applicant is requesting approval of a Bed & Breakfast for up to 6 guests, to be located in the existing single family residence.

4. *Value-Added Agriculture Processing:* The Value-Added Agriculture Processing (VAAP) includes production of products from aronia berries including dried fruit, juices, wine, jams & jellies, flavored chocolates and powdered aronia for use in health supplements, nutrition bars, cosmetics and for coloring. Applicant has also stated that grapes will also be grown and processed. The VAAP will take place in a new proposed 4000 sq. ft. building that will also be used for packaging of the product. Some processing may also be done in the existing kitchen located in the existing multi-purpose building.

Proposed operations for the VAAP are described as:

- Operated by the owner of the property.
- Seasonal operation.
- Will operate 5 days a week (Monday – Friday) from 7 a.m. to 9 p.m.
- 1 additional employee in addition to the 4 that will be employed by the farming and packing operation.
- The uses together (i.e., the VAAP and Agritourism) are anticipated to create an additional 22 trips per day during peak season (June-August).
- Processing will be located 225 feet from the nearest property line.
- Processing and sales facility, all outdoor storage and on-site parking will be screened from dwellings within 500 feet.
- Virtually all activities associated with the VAAP will take place indoors.
- Less than 50% of the product to be processed will be grown onsite.

Findings and Resolution
Colorado Aronia SR
Page 3

5. *Agritourism:* Also part of the Special Review request is Agritourism associated with the farm use. The project description states that the Agritourism activities will include educational classes for producing and using aronia, family outings for “u-pick” opportunities, community workdays, sponsorship of charitable events and other community outreach, wine tastings, aronia themed gatherings, school field trips, farm tours and other similar activities related to aronia. Applicant has stated that additional weddings will not be conducted on the property under the guise of agritourism.

Proposed operations are described as:

- Operated by the owner of the property.
- Year round, with seasonal focus of June through August.
- 6 days a week from 7 a.m. to 9 p.m.
- 1-2 employees during the tourist season.
- All activities will take place more than 100 feet from a property line.

Traffic generation is anticipated to be approximately 18 vehicle trips/ day on weekends and 5 vehicle trips/ day during the week. The uses together (i.e., the VAAP and Agritourism) are anticipated to create an additional 22 trips per day during peak season (June-August).

6. *Bed and Breakfast:* Typically this type of Bed & Breakfast requires Minor Special Review (no hearing before the Planning Commission). The request has been incorporated into the Special Review request so that only one application was required.

Proposed operations are described as:

- Seasonal use with peak during tourist season (June-August). 7 days a week during tourist season (June-August) & Friday through Sunday off-season.
- No additional employees needed.
- Will utilize existing parking areas for the residence.
- Traffic will be consistent with that of a single family residence.

7. *Appeal:* The request also includes an appeal to Section 10.10.A.3. (sign code) to allow an off-premise sign. Two Transit Oriented Directional Signs (TODS) to notify vendors and guests of the project location are allowed without County approval.

8. The applicable Special Review criteria have been met as follows:

Section 4.5 Special Review

Section 4.5.3 Review Criteria: The following review criteria as applicable have been met as follows:

Findings and Resolution
Colorado Aronia SR
Page 4

A. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood. Several neighbors have expressed concern with the proposed uses early in the process (Sketch Plan). A neighborhood meeting was required and held by the applicant. The Neighborhood Meeting Report was included in the Agenda. Questions at that meeting included details on the growing operation, the proposed building, traffic, and potential expansion of the facilities. It is anticipated that the low level of activity proposed will be compatible with neighboring residences and agricultural uses. The additional Bed & Breakfast use and the agricultural related activities proposed will have a few days and some hours of overlap with the previously approved Community Hall (Events Center) and Seasonal Camp. The property has adequate area, parking and other services to accommodate the proposed uses along with the existing approved uses. The Board has determined that the cumulative effect of this proposal together with activities previously approved for this property does not result in incompatibility with the surrounding area.

B. Outside a GMA district, the proposed use is consistent with the County Master Plan. The Larimer County Master Plan provides the general framework for land use within the County. The guiding principals of the Master Plan are implemented through the use of the zoning districts and regulations as well as through the application of development standards of the Larimer County Land Use Code (LUC). According to the FA (Farming) zone district of the LUC, a farm use is a use by right. Accessory agricultural uses are allowed if they can meet the standards listed in the LUC. One of the Master Plan Themes is "Agriculture will remain a viable long-term segment of Larimer County's economic, cultural and social fabric." Value Added Agriculture Processing and Agritourism were added as potential uses in an effort to achieve this goal.

C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this Code. The applicant has provided information to demonstrate that the proposal has the ability to comply with the applicable regulations including the standards of Section 8 (Standards for All Development) of the Larimer County Land Use Code as follows:

Section 8.1 Adequate Public Facilities The purpose of this section is to ensure that all development is served by utilities and other facilities needed for a development are in place or will be installed by the developer before they are needed.

Sub-Section 8.1.1 Sewage Disposal Level of Service Standards: Sewer services are currently provided by the use of on-site septic systems. There is a system for the existing residence and another for the approved Event Center/Camp facility. The Department of Health and Environment (memo from Doug Ryan dated April 23, 2015) indicated the addition of food and beverage processing will involve the need to evaluate wastewater treatment capacity. An additional system is proposed to serve the VAAP and Agritourism enterprise. The applicant has provided information to Doug Ryan to demonstrate feasibility for this stage of the process. Additional information and permitting will be required at later stages in the process.

Findings and Resolution
Colorado Aronia SR
Page 5

Sub-Section 8.1.2 Domestic Water Level of Service Standards: The Department of Health and Environment (memo from Doug Ryan dated April 23, 2015) indicated that the June 10, 2015 letter from the City of Fort Collins is adequate to demonstrate that there is sufficient water capacity for the proposed activities.

Sub-Section 8.1.3 Drainage Level of Service Standards: The Engineering Department (memo from Traci Shambo dated July 9, 2015) indicates that the nature and size of the proposed improvements are not expected to have any off-site drainage or erosion impacts.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards: The Poudre Fire Authority provides fire protection services to the site. Comments from the Fire Department memo from Jim Lynxwiler dated July 10, 2015) indicate that fire access is satisfactory. The water supply available to the proposed building is out of compliance with the Department's standards; however, the Department is agreeable to the application moving forward with the understanding that any additional development will likely trigger the installation of a fire hydrant. Construction of the tasting room and processing building will need further review and approval. Comments from Stan Griep, Building Department dated June 12, 2015 indicate there are also building code requirements which will need to be addressed at the Building Permit phase of the project.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards: The standards in this section help to ensure that a development will have safe and adequate access to public roads and transportation related services and that the development does not create a demand for additional public improvements or services that cannot be met with existing public resources. Comments from Engineering (memo from Tracy Shambo dated July 9, 2015) identify no issues or concerns at this time.

Section 8.2 Wetland Areas: County maps indicated there may be potential wetland areas along the ditch. However, the farm use is allowed by right and the proposed structures are located in previously disturbed areas so no additional impacts are anticipated.

Section 8.3 Hazard Areas: Geologic hazards are mapped as low in this area of the County.

Section 8.4 Wildlife: No wildlife concerns have been identified at this time. Colorado Parks and Wildlife (letter from Mark Leslie, dated April 10, 2015) provided suggestions with regard to deer and bear interactions.

Section 8.5 Landscaping: The site has existing landscaping. Additional screening is not required.

Findings and Resolution
Colorado Aronia SR
Page 6

Section 8.6 Private Local Access Road and Parking Standards: Comments from Engineering (memo from Tracy Shambo dated July 9, 2015) identify no issues or concerns at this time. Ms. Shambo provided comments with regard to the parking area and scheduled deliveries.

Section 8.8 Irrigation Facilities: Comments were received from the Pleasant Valley and Lake Canal Company (letter from Alden V. Hill dated June 26, 2015). The Company has no objections to this project.

Section 8.11 Air Quality Standards: Not applicable.

Section 8.12 Water Quality Management Standards: Comments from Engineering (memo from Tracy Shambo dated July 9, 2015) identify no issues or concerns at this time.

Section 8.15 Site Lighting: No lighting is proposed at this time.

Section 8.16 Fences: No fencing is proposed with this application. All fencing must meet the requirements of this section of the Land Use Code. Any fence over 6' high will require a building permit.

D. The proposed use will not result in a substantial adverse impact on property in the vicinity of the subject property. It is not anticipated that the proposed uses would have substantial adverse impacts in the neighborhood.

E. The recommendations of referral agencies have been considered. The request has been sent to a variety of referral agencies and departments and the comments received from these agencies have been considered and addressed as appropriate.

F. The applicant has demonstrated that this project can meet applicable additional criteria listed in the section 4.3 use descriptions. The use descriptions for the proposed uses as described in Section 4.3 of the Land Use Code include standards for both VAAP and Agritourism can be met as follows:

Additional LUC Section 4.3 criteria:

Section 4.3.10.A.3.b. Value Added Agricultural Processing and sales of value added agricultural products produced on the site must meet the following criteria:

Findings and Resolution
Colorado Aronia SR
Page 7

1. *The agricultural processing or sales facility must be clearly incidental to and supportive of the dominant agricultural use of the site.* The agricultural use will include the cultivation and packing of aronia berries and grapes. Processing is directly related to the agricultural use because those fruits will be transformed into other products. Additional product will be transported to the site for processing. The processing activity will need to remain accessory to the agricultural use. If processing becomes the dominant activity at some point in the future, the business will need to relocate to an appropriately zoned area.
2. *The agricultural processing and sales facility must be operated by the owner or lessee of the agricultural use.* The property owner will operate the use.
3. *Any processing operation will be located at least 100 feet from property lines unless a greater setback is required by another section of this code.* The processing area in the new proposed structure is located 225 feet from property lines. Processing done in the kitchen area of the multi-purpose room will also be located more than 100 feet from property lines.
4. *The processing and/or sales facility, any outdoor storage in connection with the facility, and on-site parking will be effectively screened from existing dwellings within 500 feet.* There is existing landscaping in place to screen the proposed VAAP.
5. *The hours of operation are limited to the hours between 7:00 am and 9:00 pm.*
6. *Noise, fumes, dust, odors, vibration or light generated as a result of the agricultural processing or sales will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.* According to the application materials virtually all of the activities associated with the VAAP will take place indoors. The "by right" agricultural and packaging operations are not subject to this standard.
7. *The facility or operation will serve to preserve or enhance the rural character of the neighborhood or vicinity.* The proposed facility will be constructed of materials similar to those used currently on the site. The operation will preserve an existing agricultural use on the property. The Board of County Commissioners finds that the proposed use will preserve or enhance rural character.
8. *The agricultural processing or sales facility will not significantly change the character of the neighborhood.* As proposed the VAAP should not significantly change the character of the neighborhood.

Findings and Resolution**Colorado Aronia SR****Page 8**

9. *The processing facility will not be classified as a hazardous waste generator under state or federal regulations. According to the application materials the facility will not produce or have hazardous waste.*
10. *Sales of products in addition to those grown or processed on the site will be limited to those clearly incidental, secondary and ancillary to those farm products or as declared and approved as a part of the Minor Special Review or Special Review process. The products produced may be sold on site.*

Section 4.3.10.A.4.b. The agritourism enterprises must meet the following criteria:

1. *The agritourism enterprise will be clearly incidental to and supportive of the dominant agricultural use of the site. The agritourism activities proposed will be supportive of the agricultural use.*
2. *The agritourism enterprise will be operated by the agricultural facility owner or lessee. The property owner will operate the use.*
3. *Any outdoor activity will be located at least 100 feet from property lines. Application materials indicate that proposed activities will take place at least 100 feet from property lines.*
4. *The hours of operation are limited to the hours between 7:00 am and 9:00 pm. Hours are proposed from 7 a.m. to 9 p.m.*
5. *Noise, fumes, dust, odors, vibration or light generated as a result of the agritourism enterprise will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits. According to the application materials there will be no fumes, dust, odors, vibration generated by the activities. Noise and light will be commensurate with the proposed outdoor activities and are not anticipated to interfere with enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.*
6. *The agritourism enterprise and operation will serve to preserve or enhance the rural character of the neighborhood or vicinity. The proposed Agritourism activities are consistent with the Master Plan theme for agriculture to remain a viable long-term segment of Larimer County's economic, cultural and social fabric. Ultimately the Board of County Commissioners will need to determine whether the proposed use will preserve or enhance rural character.*

Findings and Resolution
Colorado Aronia SR
Page 9

7. *The agritourism enterprise and facilities will not significantly change the character of the neighborhood.* The activities and facilities proposed will likely have a minimal impact on the neighborhood due to the low level of activity proposed.
8. *The scale and intensity of the agritourism enterprise and facilities must be consistent with the character of the area.* The area and property contain a mixture of uses. At the activity level proposed the agritourism activities will likely be of a scale and intensity that has minimal impacts.
9. With respect to Applicant's Appeal to Section 10.10.A.3 (Sign Code), the applicant has submitted a request for an off-premise sign to identify the premises at Bingham Hill Road. They have identified safety concerns associated with lack of property identification (currently the mailbox is the only identification for the property). The applicant has identified 4 options for signage. Two of the options identified (Rural Property Identification Sign & Agricultural Product Signs) are not applicable since the signs would need to be located on the property, not Bingham Hill Road as the property does not have frontage on Bingham Hill. The other options are an Off-Premise Sign or a Tourist Oriented Direction Sign (TODS). The Engineering Department has indicated that the uses identified may meet the criteria for allowance of a TODS sign. If the uses are approved the applicant can apply for a TODS sign.
10. Review Criteria for Appeals from section 10 (signs) have been met/not met as follows:
 - A. *Approval of the appeal is consistent with the purpose and intent of this code;* Approval of the appeal would be inconsistent with the purpose and intent of this code because Billboards, Off-Premise signs are specifically prohibited from all zoning districts.
 - B. *There are extraordinary or exceptional conditions on the site which would result in a peculiar or undue hardship on the property owner if section 10 of this code is strictly enforced;* There are no extraordinary or exceptional conditions that would result in a hardship. If no sign is erected there may be undesirable impacts on neighboring properties from deliveries or visitors going to the wrong property. In addition, it appears that the TODS sign option provides an acceptable alternative.
 - C. *Approval of the appeal would not result in an economic or marketing advantage over other businesses which have signs which comply with section 10 of this code.* It is not anticipated that approval of the appeal would result in an economic or marketing advantage over other businesses.

Findings and Resolution
Colorado Aronia SR
Page 10

RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the petition and upon the recommendation of the Larimer County Planning Commission, which findings precede this resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the petition, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED that the petition for approval of the Colorado Aronia Special Review to include: Value-Added Agricultural Processing associated with farming aronia berries, grapes, and other similar fruit, Agritourism Enterprise associated with farming aronia berries, grapes, and other similar fruit, and a Bed & Breakfast accommodating up to 6 guests upon the property described on Exhibit "A" be and the same hereby is granted upon the following conditions:

1. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
2. The Site shall be developed consistent with the approved plan and with the information contained in the Colorado Aronia Project Special Review, File #15-Z1970 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Colorado Aronia Project Special Review.
3. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners
4. This application is approved without the requirement for a Development Agreement.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees.

Findings and Resolution
Colorado Aronia SR
Page 11

6. County may conduct periodic inspections to the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. This Findings and Resolution shall be a servitude running with the Property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.
8. The applicant shall pay the Transportation Capital Expansion Fees (TCEF) to the Larimer County Engineering Department before the use commences, or within 120 days of the recordation of the Findings and Resolution approving the Special Review, whichever occurs first.
9. Expansion of the proposed Value Added Agricultural Processing, Agritourism or Bed & Breakfast uses will require additional Special Review approval.
10. The applicant shall comply with the requirements of the Poudre Fire Authority as outlined in the memo from Jim Lynxwiler, dated July 10, 2015. Construction of the tasting room and processing building will need further review and approval.
11. The applicant shall comply with the requirements of the Health Department as outlined in the memo from Doug Ryan, dated April 23, 2015.
12. This Special Review Approval shall permit applicant to grow, package and process aronia berries as well as grapes and other similar fruits.
13. Applicant shall not be permitted to have weddings exceeding the 22 approved by a prior Special Review in the guise of an agritourism event.

BE IT FURTHER RESOLVED that the Appeal to Section 10.10.A.3 of the Larimer County Land Use Code shall be and is hereby denied.

**Findings and Resolution
Colorado Aronia SR
Page 12**

Commissioners Johnson, Donnelly and Gaiter voted in favor of the Findings and Resolution, and the same were duly adopted.

DATED this 3 day of November, 2015.

BOARD OF COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: [Signature]
Chair

(SEAL)

ATTEST:

[Signature]
Deputy Clerk



DATE: 10-20-15
APPROVED AS TO FORM:
[Signature]
COUNTY ATTORNEY

13

2

3

Exhibit A

LEGAL DESCRIPTION

Tract 2, Pope MRD 96-EX0850, Amended 20090073363



DEPARTMENT OF HEALTH AND ENVIRONMENT

1525 Blue Spruce Drive
 Fort Collins, Colorado 80524-2004
 General Health (970) 498-6700
 Environmental Health (970) 498-6775
 Fax (970) 498-6772

To: Matt Lafferty
 Larimer County Planning Department

From: Lea Schneider 

Date: January 6, 2017

Subject: Colorado Aronia Project Appeal

The Colorado Aronia Project appeal is a proposal to allow value-added agricultural in a building to be located 30 feet from the property line where 100 feet is normally required. This is a modification from the aronia processing facility originally proposed in the Special Review from 2015. We understand that the reason for the setback applies in part to compatibility issues such as noise and odors, and that it is the responsibility of the applicant to address those issues to the satisfaction of the County Commissioners.

Our comments from the previous Special Review outlined requirements for plan review, sewer, and water. If the appeal is granted, those provisions as outlined below would need to be addressed as part of the building permit process.

Licensing/Plan Review. If an appeal is granted, plans for the aronia food and beverage/winery facilities will need to be reviewed and approved by our Department for compliance with state requirements related to food and beverage processing and sales. Those state regulations are the *Colorado Wholesale Food Regulations Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food* and the *Colorado Retail Food Establishment Rules and Regulations*. Links to both the food manufacturing and retail food regulations are available at: <https://www.colorado.gov/pacific/cdphe/food-regulations>.

Sewer. If the appeal is granted, a permit to install an on-site sewer system will need to be obtained from our Department prior to issuance of building permits. That permit application will need to detail expected wastewater flows as part of the design.

Water. Water for domestic and food or beverage processing uses is to be supplied through the City of Fort Collins. In their letter dated June 10, 2015, the City indicated that there is sufficient water capacity for the proposed activity. This satisfies our concerns regarding water availability.

Conclusion. Our office is available to work with the applicant and his consultants as they progress through the public hearing, plan review, sewer permit, and building permit phases. I am available to help with specific contacts in our office for each of these phases.

cc: Randy Pope via email



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

(970) 498-5700
FAX (970) 498-7986

MEMORANDUM

TO: Matt Lafferty, Larimer County Planning Department

FROM: Clint Jones, Larimer County Engineering Department *CS*

DATE: December 29, 2016

SUBJECT: Colorado Aronia Project Appeal

Project Description/Background:

This is an appeal to allow a value added agriculture building to be 30' from the adjacent property line, where 100' is required. The property is located at 3924 Bingham Hill Road.

Review Criteria:

Larimer County Engineering Department has reviewed the materials submitted per the applicable criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSDS) and pertinent Intergovernmental Agreements.

Staff Recommendation:

Larimer County Engineering Department offers no specific recommendation regarding the approval or disapproval of this appeal since there is not specific drainage or transportation related issues pertinent to this request.

Please feel free to contact me at (970) 498-5727 or e-mail me at cdjones@larimer.org if you have any questions. Thank you.

cc: Randall Pope, 3924 Bingham Hill Road, Fort Collins CO 80521
file