

AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Monday, February 8, 2016/3:00 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. SHAFFER – DRAKE CAMPGROUND SPECIAL REVIEW **PAGE 1**
FILE #12-Z1899

Staff Contacts: Karin Madson, Planning, Eric Tracy Engineering, Doug Ryan, Health

*2. GARDNER SUBDIVISION PRELIMINARY PLAT **PAGE 251**
FILE #14-S3262

Staff Contacts: Michael Whitley, Planning, Clint Jones, Engineering, Doug Ryan, Health

D. ADJOURN

- *1. TITLE: Shaffer – Drake Campground Special Review
- REQUEST:
- A.** Special Review for a Recreation Vehicle (RV) Park with 12 sites and campground with 40 tent sites. Additional structures to be included include the “guest house”, the office/cabin, and 2 cabins.
- B.** Appeals to Land Use Code (LUC):
- #1-Sec. 8.1.3.2.** to waive the requirement for a drainage and erosion control plan & report requirement.
- #2-Sec. 8.5** regarding the requirement for a Landscape plan
- #3-Sec. 8.6.3.C.1.** regarding the requirement for paved parking
- #4-Sec. 9.7** regarding the requirement for right-of-way dedication for Hwy 34 and County Rd. 43
- #5-Sec. 18.3.** Recreational Vehicle (RV) Parks
- 18.3.2.** Sites, comfort stations, water stations and sanitary stations.
- 18.3.3.** Density, road, setbacks requirements, signs and outdoor recreation areas.
- #6-Sec. 18.4** Campgrounds
- 18.4.2.** Campsites.
- 18.4.3.** Road and setback requirements.
- 18.4.4.** Comfort Stations.
- 18.4.5.** Water and sanitary stations.
- C.** Appeal to not pay the required application fee of \$5800.
- LOCATION: 03-05-71; located northwest of the Highway 34 and County Road 43 intersection at Drake, CO.
- APPLICANT: Jeff and Lori Shaffer
PO Box 255
Drake, CO 80515
- PROPERTY OWNER: Doris, Jerry, Jon and Lacy Shaffer
1601 Big Thompson Canyon
Drake, CO 80515
- STAFF CONTACTS: Karin Madson, Planning
Doug Ryan, Health
Eric Tracy, Engineering
- FILE #: 12-Z1899
- NOTICE GIVEN: Newspaper Publication
First Class Mailing to surrounding property owners within 500 feet
- LCPC HEARING DATE: January 20, 2016

LCPC RECOMMENDATION:

Approval of the project, motion passed by unanimous vote.

Denial of the Appeal to Section 18.4.2., motion passed by unanimous vote.

Denial of the \$5800 fee appeal, motion passed 6-1.

DISCUSSION:

The item was on the Planning Commission Discussion Agenda. Staff presented the history of the project, but did not provide a specific recommendation for the application due to its location within the floodway. Potential conditions of approval were provided for consideration. There were no neighbor comments. Please refer to the attached minutes for details.

There was discussion regarding the history of the property, requested appeals, the plans for provision of water and sanitary services, parking for the tent campground area, the flood warning system and evacuation plan, and variances that will be needed from the Board of Adjustment for the unpermitted structures to remain in their current location.

The fee appeal was discussed. The applicant has not paid any portion of the application fee to date. The possibility of a payment plan was discussed, but not included in the recommendation.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission recommends Approval of Shaffer-Drake Campground Special Review and associated appeals except for the appeal to Section 18.4.2, file #12-Z1899 subject to the following condition(s):

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 **Shaffer/Drake Campground Special Review, File #12-Z1899** 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 **Shaffer/Drake Campground 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.

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. The 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. Prior to operation of the RV Park and campground in 2016 the applicant shall submit a site plan that includes information regarding parking for the proposed campground along with plans for the construction of the new internal road.
9. Prior to operation of the RV Park and campground in 2016 and no later than June 30, 2016, the applicant shall have installed out of the floodway:
 - a. two vaulted privies, each containing a men's and women's toilet, and
 - b. one RV dump station.
10. Prior to operation of the RV Park and campground in 2016 the applicant shall submit evidence to Planning Staff that demonstrates:
 - a. The water source has been approved by the Division of Water Resources,
 - b. Registration and approval of the water treatment and distribution system as a public non-commodity supply, in accordance with State requirements.
11. No permanent structures shall be built within the projected right-of-way for Hwy 34, which is 75 feet of the highway centerline.
12. The applicant shall obtain Setback Variance approvals for structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) prior to Building Permit application.
13. Within 60 days of Special Review approval the applicant shall obtain all required building permits and inspection approvals for Structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) as identified on the Plot Plan dated 2-20-2015.
14. The application fee of \$5,800 shall be paid by Feb. 29, 2016 if the appeal is not granted.

The Larimer County Planning Commission recommends denial of the Shaffer-Drake Campground Special Review fee appeal, file #12-Z1899.

SUGGESTED MOTION FOR BOARD OF COUNTY COMMISSIONERS:

I move that the Board of County Commissioners **Approve** the Shaffer-Drake Campground Special Review and associated appeals except for the appeal to Section 18.4.2, file #12-Z1899 subject to the condition(s) as outlined above.

I move that the Board of County Commissioners **Deny** the Shaffer-Drake Campground Special Review fee appeal, file #12-Z1899

**PLANNING COMMISSION
MINUTES
FROM
January 20, 2016**

LARIMER COUNTY PLANNING COMMISSION

Minutes of January 20, 2016

The Larimer County Planning Commission met in a regular session on Wednesday, January 20, 2016, at 6:30 p.m. in the Hearing Room. Commissioners' Christman, Couch, Cox, Gerrard, Miller, and Wallace were present. Commissioner Glick and Jensen were absent. Commissioner Dougherty presided as Chairman. Also present were Matt Lafferty, Principal Planner, Karin Madson, Planner II, Michael Whitley, Planner II, Eric Tracy, Engineering Department, Doug Ryan, Health Department and Jill Wilson, Recording Secretary.

ITEM #2 SHAFFER/DRAKE CAMPGROUND SPECIAL REVIEW #12-Z1899: Ms.

Madson provided background information on the request for a Special Review for a Recreation Vehicle (RV) Park with 12 sites and campground with 40 tent sites on the site located northwest of Highway 34 and County Road 43 intersection at Drake, CO. Additional structures to be included include the "guest house", the cabin/office, 2 cabins and an RV that was occupied by family members. She noted the following appeals to the Larimer County Land Use Code:

- Section 18.3.2. Sites, comfort stations, water stations and sanitary stations to waive the requirement for a drainage and erosion control plan and report requirement.
- Section 18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.
- Section 18.4 Campgrounds
- Section 18.4.2. Campsites.
- Section 18.4.3. Road and setback requirements.
- Section 18.4.4. Comfort Stations.
- Section 18.4.5. Water and sanitary stations
- Section 8.5 regarding the requirement for a landscape plan.
- Section 8.6.3.C.1 regarding the requirement for paved parking.
- Section 9.7 regarding the requirement for right-of-way dedication for Highway 34 and County Road 43.
- And an appeal to not pay the required Special Review application fee.

Ms. Madson noted that the campground was within the floodway and flood fringe and also referred to the history of the site, and the processes that had occurred to bring the site into compliance thus far. She noted that in 2012, the Board of County Commissioners entered into an 'agreement' with the applicants which allowed the campground to operate while in the process of a Special Review and Flood Plain Special Review applications. A Flood Plain Special Review was completed, and the Flood Board recommended denial. In 2013, the Board of County Commissioners then approved the Flood Plain Special Review. In 2015, there was a request for an extension of the 'agreement' between the applicant and the Board of County Commissioners. The extension allowed continued operation of the campground with additional conditions. She stated that the project was previously heard by the Planning Commission in April 2015 where a recommendation of denial was made with a vote of 6-2. Since that time the applicants had made other submittals and updated their project description to include two vaulted privies and a RV dump station and were working to obtain legal water source for the campground, cabin office, main house and guest house. They had also committed to obtain the required State and County drinking water system permits. She explained that the cabin office, main house and cabins had been determined to be outside of the floodway but were still within the flood fringe. She also pointed out that parking for the tent camping and the internal road access would need to be analyzed, a legal water source obtained, and a setback variance needed for some of

the buildings on the site. She went over the review criteria for the Special Review use and for the appeals.

PUBLIC TESTIMONY:

Sean Rutledge, attorney for the applicant, stated that there would be no new adverse impacts as there was nothing new proposed at the site as the campground had been in existence since at least the 1950's. He explained that on August 31, 1981 the predecessors of the land subdivided the property into 2 lots. A condition was put on that subdivision that the subject parcel could only be used for residential uses; however, that was not disclosed to the new owners. The owners bought the property with the intention of running the property as a campground as it had been in the past. In the 2000's a judgment was made against the owners, and the campground was shut down. An agreement was then made between the County and owners, which allowed the campground to operate. The agreement also stipulated that the site go through Special Review and Flood Plain Special Review processes. He stated that the Board of County Commissioners ultimately approved the Flood Plain Special Review. He felt that there were two considerations that help with that decision of approval, which were that the early warning flood protection system was adequate and substantially above anything else that was within the canyon, and the minimal impact the facility had on the hydrology in the area. He felt that they also notice the minimal extent the facility had on the infrastructure demand but also the long historical use of the site.

He acknowledged the long history of the site operation being rustic but mentioned that it had worked, and the customers liked it that way. He stated that in regards to the water supply, there was a decreed water supply on the property, and five wells that were part of that decree. The decree use was for domestic water. He stated that there was not a well permit, which process they were currently undergoing to obtain.

Jerry Shaffer, co-owner of the site, noted that they had tried over the years to rectify the site. A grandfathered status was denied, and they had spent thousands of dollars on submittals, surveying, etc. He noted that during the flood they were able to evacuate people

Commissioner Gerrard asked why the grandfathered status was denied.

Mr. Shaffer stated that the property had been divided and a residential use placed on the property. It then made the campground illegal.

Commissioner Gerrard asked if the sewage disposal would be adequate.

Doug Ryan, Health Department, stated that the department did not have a problem appealing having a comfort station as long as two vaulted privies were placed outside the floodway and RV dump stations were available.

Commissioner Miller asked if the well permit would allow public use for potable water.

Mr. Rutlege replied yes.

Commissioner Dougherty asked if the well permit was a large enough quantity to supply all the campsites.

Mr. Rutlege replied yes, there would be sufficient water.

Commissioner Couch asked about the evacuation plan.

Mr. Shaffer stated that there was a loud speaker system, a flashing strobe light, and loud siren. There was also an evacuation map handed out to the campers and posted at the site entrance.

Commissioner Couch asked if the 12 RV sites proposed would be the maximum number of RVs allowed on the site.

Mr. Shaffer replied yes.

Commissioner Wallace asked how there could be any basis to deny the application based on the site being in a floodplain if the Flood Plain Special Review was approved.

Eric Tracy, Engineering Department, explained that the Flood Plain Special Review went to the Flood Review Board where they recommended denial but then the County Commissioners approved it. He explained that what was approved was for the campground use to be located within a floodway overlay zone. It did not necessarily approve it in regards to the Master Plan aspect.

Commissioner Cox asked if any fees had been paid by the applicant.

Ms. Madson replied no.

Commissioner Miller asked about obtaining a setback variance for the cabins.

Ms. Madson explained that the variances would be for the county roads. The cabins had not obtained any permits and thus had not historically been looked at.

Commissioner Dougherty asked about the lack of roadway and parking spaces for the tent sites.

Ms. Madson stated that adequate roadway and access had not yet been analyzed.

Mr. Lafferty stated that overnight parking was not allowed in a floodway.

Commissioner Dougherty confirmed that if a parking plan was put in place then the parking for the tent sites would have to occur outside of the floodway.

Mr. Lafferty replied yes, if it occurred overnight.

Commissioner Gerrard asked if there had been many complaints about the site.

Ms. Madson stated that the code compliance department received one complaint regarding the septic system.

Commissioner Wallace asked if there was any part of the property that would be acceptable to have overnight parking.

Mr. Tracy showed the areas on the floodplain map that were not within the floodway. He did not believe that it was clear within the Flood Plain Special Review approved by the County Commissioners whether parking was assumed to be part of the campground use or not but he did not believe that the RVs would have to be moved out of the floodway at night.

Mr. Shaffer stated that engineers were hired to dispute the floodplain map because the map was not correct. He stated that he assumed that parking could be allowed by the tent and did not realize that the parking could not be in those spots.

Commissioner Gerrard asked about the fees.

Mr. Shaffer stated that they had paid fees for the previous processes but not for the current process. He explained that it was a small business and their cash flow was small.

Commissioner Christman asked if the campground was open in the winter.

Mr. Shaffer explained that they sometimes would allow hunters to come in but the business was usually from May to August.

DISCUSSION:

Commissioner Wallace acknowledged that the Flood Plain Special Review was approved but she had a hard time approving the use when the property was in an area that could be of great danger to people. She thought that if the water situation was resolved, the sanitation requirements completed, and the parking was analyzed so access in and out of property along with parking at the campsites was adequate then it would be more acceptable to approve. She stated that she did not believe that the fee should be waived.

Commissioner Miller understood the avoidance of development in hazard areas but pointed out that the site had been a serviceable campground for 50 years. He felt that the site should have been grandfathered in, and he was in favor of approval. He believed that a waiver of the fee should not be given.

Commissioner Christman stated that there had been an effort to meet the requirements since the application was last heard. She supported the application subject to the conditions outlined. She stated that the fee could be paid possibly in payments or paid at a reduced fee.

Commissioner Couch agreed with the previous comments. His major concern was the safety for the campers on the site. He trusted Mr. Shaffer's comments regarding his evacuation plan. The conditions proposed were good for the applicant and the county with the date specific conditions.

Commissioner Gerrard supported the approval. He acknowledged that the process could be daunting to small businesses and empathized with the applicant in that respect. He believed that the site should have been grandfathered and believed that the fee should be waived.

Commissioner Cox wondered if the appeal to Section 18.4.2.B-Campgrounds would be needed if analysis could be completed to identify adequate parking spacing at the tent sites, adequate parking signage, and adequate evacuation routes. She stated that she did not want to grant the appeal until the work regarding the parking had been completed.

Mr. Lafferty explained that a site plan illustrating campsite spots designed to not interfere with the flow of traffic along the drive could be part of an adequate parking analysis for the site.

Mr. Tracy reiterated that he did not believe it was at all clear within the County Commissioners approval for the Flood Plain Special Review whether the cars could or could not be within the floodway and until tonight, he had been under the impression that having the car next to the tent was a part of the use. It was true that overnight parking was not allowed within the floodway; however, the Commissioners had approved an overnight use within the floodway against our recommendations.

Commissioner Dougherty was troubled that the site was within the floodway; however, there had been a long history on the site. He would not support the fee appeal and would ask that it be received by the deadlines set forth.

Commissioner Cox 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 Shaffer-Drake Campground Special Review and associated appeals except for the appeal to Section 18.4.2, file #12-Z1899, for the property described on “Exhibit B” to the minutes, subject to 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 **Shaffer/Drake Campground Special Review, File #12-Z1899** 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 **Shaffer/Drake Campground 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.
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. The 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. Prior to operation of the RV Park and campground in 2016 the applicant shall submit a site plan that includes information regarding parking for the proposed campground along with plans for the construction of the new internal road.
9. Prior to operation of the RV Park and campground in 2016 and no later than June 30, 2016, the applicant shall have installed out of the floodway:
 - a. two vaulted privies, each containing a men’s and women’s toilet, and
 - b. one RV dump station.
10. Prior to operation of the RV Park and campground in 2016 the applicant shall submit evidence to Planning Staff that demonstrates:
 - a. The water source has been approved by the Division of Water Resources,
 - b. Registration and approval of the water treatment and distribution system as a public non-commodity supply, in accordance with State requirements.
11. No permanent structures shall be built within the projected right-of-way for Hwy 34, which is 75 feet of the highway centerline.

12. The applicant shall obtain Setback Variance approvals for structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) prior to Building Permit application.
13. Within 60 days of Special Review approval the applicant shall obtain all required building permits and inspection approvals for Structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) as identified on the Plot Plan dated 2-20-2015.
14. The application fee of \$5,800 shall be paid by Feb. 29, 2016 if the appeal is not granted.

Commissioner Miller seconded the Motion.

Commissioners' Christman, Couch, Cox, Gerrard, Miller, Wallace, and Vice-Chairman Dougherty voted in favor of the Motion.

MOTION PASSED: 7-0

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners denial of the Shaffer-Drake Campground Special Review fee appeal, file #12-Z1899.

Commissioner Miller seconded the Motion.

Commissioners' Christman, Couch, Cox, Miller, Wallace, and Vice-Chairman Dougherty voted in favor of the Motion.

Commissioner Gerrard voted against the Motion.

MOTION PASSED: 6-1

**PLANNING COMMISSION
STAFF REPORT
FROM
January 20, 2016**

TITLE:

Shaffer – Drake Campground Special Review

REQUEST:

A. Special Review for a Recreation Vehicle (RV) Park with 12 sites and campground with 40 tent sites. Additional structures to be included include the “guest house”, the office/cabin, and 2 cabins.

B. Appeals to Land Use Code (LUC):

#1-Sec. 8.1.3.2. to waive the requirement for a drainage and erosion control plan & report requirement.

#2-Sec. 8.5 regarding the requirement for a Landscape plan

#3-Sec. 8.6.3.C.1. regarding the requirement for paved parking

#4-Sec. 9.7 regarding the requirement for right-of-way dedication for Hwy 34 and County Rd. 43

#5-Sec. 18.3. Recreational Vehicle (RV) Parks

18.3.2. Sites, comfort stations, water stations and sanitary stations.

18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.

#6-Sec. 18.4 Campgrounds

18.4.2. Campsites.

18.4.3. Road and setback requirements.

18.4.4. Comfort Stations.

18.4.5. Water and sanitary stations.

C. Appeal to not pay the required application fee of \$5800.

LOCATION:

03-05-71; located northwest of the Highway 34 and County Road 43 intersection at Drake, CO.

APPLICANT/ PROPERTY OWNER:

Jeff and Lori Shaffer
PO Box 255
Drake, CO 80515

ADDITIONAL PROPERTY OWNERS:

Doris, Jerry, Jon and Lacy Shaffer
1601 Big Thompson Canyon
Drake, CO 80515

STAFF CONTACTS:

Karin Madson, Planning
Doug Ryan, Health
Eric Tracy, Engineering

FILE #: 12-Z1899

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

SITE DATA:

Parcel Number(s) 15032-00-038
 Total Development Area: 36.84 acres
 Existing Land Use: 2 Single family residences, 1 office/cabin, 2 guest cabins, RV Park and campground
 Proposed Land Use: 2 Single family residences, 1 office/cabin, 2 guest cabins, RV Park and campground
 Existing Zoning: O-Open
 Adjacent Zoning: O-Open
 Adjacent Land Uses: Residential, commercial businesses
 Services:
 Access: Highway 34
 Water: well
 Sewer: septic
 Fire Protection: Loveland
 No. Trips Generated by Use: not determined

PROJECT DESCRIPTION/BACKGROUND:**1998 Concept Technical Review for recreational Campground:**

In 1988 Jerry Shaffer submitted an application for Concept Technical Review (CTR), file #Z-24-88, for a recreational campground facility on two properties, the adjacent parcel with the restaurant 15032-00-007 and this parcel 15032-00-038. The request states that they “would like to build up our business by adding on as financial conditions allow. Presently we can accommodate self-contained RVs and tents. Four cabins are currently on the property that can be used for overnight lodging with no water or electric.” There is no site plan in the file. The staff report for the CTR states:

“Application for approval must be made prior to construction or use of the property as a campground. The parcel is now being used illegally as a campground, which may influence the final decision on approval or denial of the plan” and

“The illegal uses that have occurred, or are occurring, will not be permitted to continue, i.e. mobile home uses, construction of buildings, lumber processing, cabin sales, illegal signage, etc.”

In addition, the CTR report identified water and sanitation concerns and states that “campgrounds are permitted in the floodway zone only by Special Permit.” Upon completion of the CTR review it appears that no further action was taken by the applicant to obtain Special Review approval for the campground.

1996 Zoning Violation found, legal action authorized:

On June 3, 1996 the Board of County Commissioners held a zoning/building code violation hearing on the Shaffer property at 1601 Big Thompson Canyon. The alleged violation was for operating a travel trailer park, campground, and resort cabins without special review approval and constructing cabins, single family dwellings for rent and habitation without obtaining building permits.

The Staff findings at this hearing were:

- The subject property is in the O-Open Zoning District;
- The O-Open Zone allows travel trailer parks and campgrounds by Special Review;

- Only one principal building is allowed on each lot;
- Continued use of the property, inconsistent with the zoning, will affect property values in the area;
- Two CTR applications for development of the property as a campground have been submitted and dropped or withdrawn before final review or approval;
- Violations of the zoning and building regulations have been on-going on the property for more than 8 years.

The staff recommendation was to find that the violations exist, require compliance within 30 days, and authorize legal action if the deadline is not met. The Board found the property to be in violation, required compliance and authorized legal action if a plan to resolve the violations did not move forward in a reasonable fashion.

2010 Code Compliance Case initiated:

Code Compliance initiated a file in response to complaint of campground in floodway. On October 6, 2011 the County obtained a court order and judgment by District Court requiring the property owner to cease using the property as a RV park and campground. The RV Park and Campground were closed down in the fall of 2011. Refer to the attached memo from Candace Phippen, dated October 29, 2012 for zoning violation and building permit information.

2011 “Residential Use Only” condition removed:

Dec. 5, 2011 the Board of County Commissioners approved the removal of a plat note and condition restricting the use of the property to residential use.

2012 Three Year Agreement for continued use of property as campground:

On May 29th, 2012 the Board of County Commissioners and the Shaffer’s entered into an agreement (“Agreement”) to allow the use of the property as a campground through and including May 31, 2015 provided that the Owner submits an application for Special Review and Flood Plain Special Review on or before September 28, 2012. The agreement (copy attached) gave the Shaffer’s 3 years to obtain Flood Plain Special Review and Special Review approval. The campground re-opened.

2012 Floodplain Special Review application:

The applicant submitted their application for Floodplain Special Review at the same time as their Special Review application. The Flood Plain Review Board recommended denial of the application. The Board of County Commissioners held 2 hearings on the application on Feb. 25, 2013 and May 6, 2013. The Flood Plain Special was approved on May 6, 2013 (copy of the Findings & Resolution attached). The campground re-opened.

2012 Special Review application submitted for review (current application):

On September 27, 2012 Jeff and Lori Shaffer submitted a Special Review application for a Recreation Vehicle Park consisting of 12 RV sites and a Campground consisting of 40 tent sites. The application materials submitted were minimal due to the fact that the Shaffer’s waited until the last minute to request a pre-application conference for the application and were not prepared to submit the required application materials. At the time of application the Shaffer’s did not pay the required application fee of \$5800 and have asked that the Board waive (appeal) their application fee. Several items noted on the submittal checklist were not submitted and were marked as “N/A” by the applicant. Those include:

- Drainage and erosion control report and plan
- Fire mitigation plan
- Hazard mitigation plan (evidence of Floodplain Special Review approval). *This has since been completed.*
- Sewage disposal report

- Soils report
- Site lighting photometric plan
- Water supply report

The Planning Director at the time agreed to accept the application so that the Shaffer's could meet the submittal deadline as required by their "Agreement" with the Board. To date these items have not been submitted or adequately addressed.

The application materials also indicate that the Shaffer's have "no plans and will not change anything about the campground." The application materials state that the entrance to the campground has a turn lane, the water in the campground comes from a "well-n-spring" and is just fine, the septic and trash are serviced by Waste Management and include a vault (destroyed in 2013 flood) and porta-potties. They indicate they have no plans to expand.

The site plan submitted with the application indicates there are 2 houses, a guest house, a barn, a well house, a cabin office, and outhouse, a cabin, 2 water spigots, 40 tent sites and 12 electric RV sites. A revised site plan submitted March 2015 redefines these features to include a main house (*legal non-conforming, damaged by 2013 flood*), a guest house (*legal non-conforming mobile home, no building permit located, damaged by 2013 flood*), a barn, a well house (*has since been replaced with 2 sheds*), an cabin/office (*3rd residence, no building permit located*), and cabins 1 and 2 (*no building permits located*). Previously there was an RV on the property that was used as a residence, but this was destroyed by the 2013 flood. The layout of the property has also changed since the 2013 flood, but has been substantially reclaimed and re-graded by some entity.

Application materials indicated that the cabin/office is served by the campground spring fed well and a sealed vault, the septic system for the main house and guest house was destroyed in the 2013 flood and both residences sustained damage that has yet to be repaired. The applicant has since replaced the electrical for the RV sites, which were damaged in the 2013 flood.

The application was heard by the Planning Commission on April 15, 2015. Please refer to the attached minutes for full details. The Planning Commission voted to recommend to the Board of County Commissioners denial of the Shaffer-Drake Campground Special Review, file #12-Z1899. The motion for denial passed 6-2.

2015 Agreement Extension: Spring 2015 the Shaffer's requested an extension to their "Agreement" with the Board of County Commissions that allowed operation of the campground until May 31, 2015, while Flood Plain Special Review and Zoning Special Review applications were in process. The "Agreement" was amended, allowing the continued operation of the campground with additional conditions and requirements. Please refer to the attached agreements for full details.

Since the time the "Agreement" was extended the applicant has been working to resolve the issues associated with the applicant and has submitted 2 additional revised submittals. In addition, Staff was directed to re-evaluate the previously requested submittal materials as determined that the following will not be required at this time:

- Drainage and erosion control report and plan (as long as appeal is approved)
- Information to review access spacing, sight distance, legal access, paving, road maintenance etc.
- Traffic impact Study
- Landscape Plan (as long as appeal is approved)
- Soils report
- Site construction plans

- Geotechnical report
- Site lighting photometric plan

REVIEW CRITERIA AND ANALYSIS:

- A. **SPECIAL REVIEW:** To approve a Special Review application, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:
- 1. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood;** Although the RV Park and Campground have been operating illegally for a number of years, the neighboring property owner has indicated concern with the lack of services (water and sewer) provided for campers. Without the provision of basic sanitary and water facilities the use is not likely compatible with surrounding uses or properties.
 - 2. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the County Master Plan or county adopted sub-area plan;** This project is not located within a Growth Management Area. The County's Master Plan indicates the area in which this proposal is located is rural. Uses anticipated in a rural area include tourist-related businesses adjacent to major highways or tourist routes.
 - 3. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code;**

Section 8 Standards for All Development

Section 8.1 Adequate Public Facilities

Sub-Section 8.1.1 Sewage Disposal Level of Service Standards: Infrastructure for campground use included a small outhouse along with portable toilets. Staff understands that the outhouse was destroyed in the 2013 flood. Comments from Doug Ryan dated November 6, 2012, March 26, 2015, September 17, 2015, September 28, 2015 and December 23, 2015 address the requirements noted in Section 18 for campground and RV park facility comfort stations, water stations and sanitary stations. The applicant has submitted an appeal to these Section 18.3 and 18.4 requirements, and instead proposes a more rustic type of facility. Doug Ryan's most recent comments indicate that the applicants most recent proposal to provide a minimum of two vaulted privies each containing a men's and women's toilet, and one RV dump station, located out of the floodway, are part of a compromise needed to move forward with the Special Review. The facilities will need Building and Health Department permits and will need to be regularly pumped and serviced.

Sub-Section 8.1.2 Domestic Water Level of Service Standards: Application materials indicated that water is supplied by a "well-n-spring." A well house and well are shown on the most recent site plan. The existing well on the property is currently decreed for domestic use.

Comments from Doug Ryan (dated November 6, 2012, March 26, 2015, September 17, 2015, September 28, 2015 and December 23, 2015) provide information on requirements for this water system. Doug's most recent comments identify two important issues which need to be considered regarding water service, including water availability and water quality.

Additionally, the Colorado Division of Water Resources (letter from Joanna Williams dated October 23, 2012, letter from Tracy L. Kosloff dated March 24, 2015, September 23, 2015 and December 22, 2015) most recent comments indicate that there is an application in process to register a well on the property for commercial use at the Campground/RV Park with associated office space and employee residences. That application is currently pending. They further comment that the ability of their office to register the existing well will be completed upon completion of their evaluation.

The Division of Water Resources further commented that the applicant may decide develop an augmentation plan to allow for additional use. This would require Water Court approval of an augmentation plan.

Sub-Section 8.1.3 Drainage Level of Service Standards: The Engineering Department (refer to the memo from Eric Tracy, dated November 9, 2012, email dated Mar. 27, 2015 and Oct. 14, 2015) originally required a drainage and erosion control plan & report. The most recent comments state that the report is no longer required without any site improvements. This is *Appeal #1*.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards: The Loveland Fire Rescue Authority provides fire protection services to the site. The district provided comments (refer to email from Carrie Dann dated Nov. 1, 2012, memo dated Oct. 7, 2015, email dated Nov. 15, 2015, memo dated Dec. 24, 2015 and an email from Allen Cravey dated Dec. 31, 2015). Comments were received regarding signage, bridges, gates, fire extinguisher requirements for a guest house, and a required inspection. There are no outstanding comments and an inspection was completed Dec. 30, 2015.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards: A traffic impact study was originally required for staff review. The Engineering Department (refer to the memos from Eric Tracy, dated November 9, 2012, email dated Mar. 27, 2015 and Oct. 14, 2015) provided comments regarding the contents of this report. The most recent comments state that the report is no longer required without any site improvements.

Section 8.2 Wetland Areas: Comments from Rob Helmick, dated Oct. 22, 2012, indicate that there are no significant environmental issues associated with the site. No additional information is required.

Section 8.3 Hazard Areas: County maps do not identify geologic hazards in this area. The does contain flood plain. The applicant received Flood Plain approval for the proposed RV Park and Campground in 2013. Since that approval the property flooded in September 2013 and a large portion of the property was disturbed. Much of the area was reclaimed and re-graded by the entities that have been working to reconstruct the river. At this time the current floodplain has not been mapped.

Section 8.4 Wildlife: No areas of wildlife concern were identified in this review. No comments were received from the Colorado Division of Wildlife.

Section 8.5 Landscaping: Landscaping is being done as part of the river restoration. No additional landscaping is proposed. The applicant is appealing this requirement. This is *Appeal #2*

Section 8.6 Private Local Access Road and Parking Standards: The Engineering Department (refer to the memo from Eric Tracy, dated November 9, 2012, email dated Mar. 27, 2015 and Oct.

14, 2015) provided comments the requirement for detailed access and parking information. The most recent comments indicate:

- Dead end length – *“standards have changed since my comments in 2012. No longer applicable.”*
- Parking- *“Parking has not been analyzed, but based on historic use appears to be adequate.”*
- Paving – *“With current and ongoing conversations regarding this topic, we can support a variance to this standard.”*
- Emergency access and circulation – *“We will defer to any comments or requests from the emergency service providers.”*

There is no evidence that some of the area in which tent camping is proposed was previously used for tent camping. Some of the area was previously fenced for livestock. Staff does not support the parking appeal since no parking for the tent camping has been identified. In addition, a new road to serve this area is proposed. This will need to be further analyzed if this use is approved.

Section 8.15 Site Lighting: There are a total of six lights for safety. In addition, the buildings will have motion activated lighting. The applicant has indicated that all lighting will be shielded, aimed, located and maintained to prevent glare and light trespass.

Sec. 9.7 Dedications required. 9.7.3. Sufficient right-of-way for all county roads must be dedicated by the property owner(s) for each development proposal to meet the minimum right-of-way standards cited in the Larimer County Rural Area Road Standards or the Larimer County Urban Area Street Standards, as appropriate. Sufficient right-of-way for all state and federal highways must be dedicated by the property owner(s) for each development proposal consistent with the recommendations of the Colorado Department of Transportation. Comments from Engineering (refer to the email from Eric Tracy dated Oct. 14, 2015 state the following: *“We will defer to CDOT for any ROW dedication along Highway 34. We are not pursuing ROW acquisition along County Road 43 for the permanent post-flood repairs so we could support a variance to this standard”*. CDOT has commented that they request that no permanent structures be built within the projected right-of-way for Hwy 34, which is 75 feet from the highway centerline.

4. The proposed use will not result in a substantial adverse impact on property in the vicinity of the subject property; The uses proposed on the property have the potential to negatively affect adjacent properties if adequate measures are not taken to mitigate the impacts of the proposed uses. Although the Floodplain Special Review was approved, the 2013 flood destroyed a significant portion of the campground. Flash flooding episodes continue to present a life safety issue. Of continued concern are safety in the event the RV Park and campground are not evacuated, the provision of adequate public facilities outside flood plain area and potential impacts from dislodged RV’s or other materials within the floodway. In addition, there are unpermitted (no building permit) cabins located within the floodplain area.

5. The recommendations of referral agencies have been considered. Comments from the referral agencies are attached to this report and have been considered in the review of this application.

6. The Applicant has demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions. Section 18 of the Land Use Code is applicable for both RV Parks and Campgrounds. There are a number of standards in that the applicant was requested an appeal from, as noted below.

B. APPEALS:

#1-Appeal to Sec. 8.1.3.2. to waive the requirement for a drainage and erosion control plan & report requirement. Refer to **Sub-Section 8.1.3** above.

#2-Appeal to Sec. 8.5 regarding the requirement for a Landscape plan. Refer to **Section 8.5** above.

#3- Appeal to Sec. Sec. 8.6.3.C.1. regarding the requirement for paved parking. Refer to **Section 8.6** above.

#4- Appeal to Sec. Sec. 9.7 regarding the requirement for right-of-way dedication for Hwy 34 and County Rd. 43

#5 – Appeal to Sec. 18.3. Recreational Vehicle Parks: This is *Appeal #5*.

18.3.2. Sites, comfort stations, water stations and sanitary stations. The applicant has submitted an appeal to the following requirements outlined in this section. They propose to continue with a more rustic type of campground, similar to a traditional Forest Service campground.

Table 18.3.2.1. requires the following for up to 15 sites: 1 male and 2 female toilets, 1 urinal, 1 male and 1 female lavatory, and 1 male and 1 female shower. The recent proposal includes two vaulted privies each containing a men's and women's toilet, and one RV dump station, all of which would be located out of the floodway. No showers are proposed.

I. Every water station must be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control rate of water flow; and flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station must be constructed to allow good drainage and prevent freezing. A single water outlet is shown on the site plan.

18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas. The applicant has submitted an appeal to the following requirements:

F. Sites in a recreational vehicle park have the following recreational vehicle minimum setback requirements:

- **From the boundary of a public right-of-way - 200 feet.** RV sites are proposed in an area approximately 85 feet from the road right-of-way.

#6 - Appeal to Sec. 18.4 Campgrounds.

18.4.2. Campsites. The applicant has submitted an appeal to the following requirements outlined in this section.

- B. Each campsite must be equipped with a numbered and color-coded sign indicator of at least four square inches and attached to a post or tree on or near the campsite, indicating the type of recreational vehicle that may be parked on the campsite.** No signage is proposed.
- C. Each campsite must include a parking space of at least 200 square feet for one vehicle other than a recreational vehicle. That parking space must be constructed so no portion of the vehicle extends onto any roadway within the campground.** No parking is identified or proposed. Staff does not support the parking appeal since no parking for the tent camping has been identified.

18.4.3. Road and setback requirements. The applicant has submitted an appeal to the following requirements outlined in this section.

D. Campsites within a campground and recreational vehicles parked within a campground must comply with these minimum setback requirements:

- **From the perimeter of the campground – 75 feet.** Tent sites are proposed approximately 40-45 feet from the perimeter.
- **From the boundary of a public right-of-way - 200 feet.** Tent sites are proposed approximately 40-45 feet from the right-of-way.

18.4.4. Comfort Stations (table). The applicant has submitted an appeal to the requirements outlined in this section.

For campgrounds with 31-45 sites the following are required: 2 male and 3 female toilets, 1 urinal, 3 male and 3 female lavatories, 1 male and 1 female shower. The recent proposal includes two vaulted privies each containing a men’s and women’s toilet, both of which would be located out of the floodway. No showers are proposed.

18.4.5. Water and sanitary stations. The applicant has submitted an appeal to the requirements outlined in this section.

B. Every water station must be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control water flow rate; and a flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station must be constructed to allow good drainage and prevent freezing. A single water outlet is shown on the site plan.

C. FEE APPEAL: The applicant has requested that the \$5800 application fee be waived since that can’t afford that much. As an alternative they have proposed to pay a reduced fee or monthly payments.

OTHER REVIEW AGENCY COMMENTS:

- Code Compliance provided comments regarding the status of building permits for the property. Refer to the memo from Candace Phippen, dated October 29, 2012 for full details.
- Rob Helmick, Environmental Coordinator had no comments (emails from Oct. 22, 2012 and Oct. 22, 2015) from an environmental perspective. This is already a disturbed site.
- The Building Department (refer to email from Stan Griep, dated Oct. 12, 2012, Mar. 9, 2015, Sept. 11, 2015 and Dec. 7, 2015) commented on building permit requirements, remodels, change of occupancy, and the use of tent structures for more than 180 days.
- Road and Bridge (email from Jim Frick, dated Sept. 17, 2015) identified no conflicts.
- The Army Corps of Engineers (refer to letter from Timothy T. Carey, dated October 16, 2012) commented that any work in wetlands areas will require a permit.
- The U.S. Fish and Wildlife Service (dated Oct. 27, 2015) had no concerns.

MAJOR ISSUES AND CONCERNS:

1. The camping areas are located within a floodway. The layout of the campground has changed and been revised since the time of the Flood Plain Special Review and now includes additional area for tent camping and a new internal access road.
2. Parking for tent camping and the internal access road has not been analyzed. Parking needs to be identified. Approval of an appeal that requires no parking areas is inconsistent with the requirements of the Land Use Code.

3. At this time the applicant has not demonstrated that there is a legal source of water for the campground. If their well permit is not approved they will likely need to go to Water Court to gain approval for a commercial water source.
4. It is likely that some of the buildings requiring Building Permit will need approval of a Setback Variance as they do not appear to meet required setbacks. County Road 43 (major collector) requires a 100 foot setback from the right-of-way centerline. Cabin #1 appears to be 63 feet from the right-of-way centerline. Cabin #2 appears to be 43 feet from the right-of-way centerline. The Office/Cabin appears to be approximately 81 feet from right-of-way centerline. Prior to submitting for a building permit, each of these structures will need to have approval of a Setback Variance.
5. Neighbor comments. Comments for and against the campground are included in this packet.

DEVELOPMENT SERVICES TEAM FINDINGS:

- A. SPECIAL REVIEW:** The Development Services Team suggests following findings with respect to this requested Special Review:
- 1. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood;** The RV Park and Campground have been operating illegally for a number of years. With the proposed basic sanitary and water facilities the use is likely compatible with surrounding uses or properties.
 - 2. Within the Fort Collins GMA district, the proposed use is not consistent with the applicable supplementary regulations to the GMA district, or if none, with the county master plan or county adopted sub-area plan;** This project is not located within a Growth Management Area. The County's Master Plan indicates the area in which this proposal is located is rural. Uses anticipated in a rural area include tourist-related businesses adjacent to major highways or tourist routes.
 - 3. The applicant has not demonstrated that this project can and will comply with all applicable requirements of this code.** The applicant has not provided all the information or plans to demonstrate that the project can and will comply with all the applicable requirements of the Land Use Code. In some instances an assumptions have been made that since the facility has been operating over the years that no changes or further evaluation is needed. This is not the same as meeting the LUC requirements.
 - 4. The proposed use has the potential to result in a substantial adverse impact on property in the vicinity of the subject property.** Although the Floodplain Special Review was approved, the 2013 flood destroyed a significant portion of the campground. Flash flooding episodes present a life safety issue. Continued concerns include the safety of campers in the event the RV Park and campground are not evacuated, the provision of adequate public facilities outside flood plain area and potential impacts from dislodged RV's. It is staff's assessment that this proposed use does not meet this criterion.
 - 5. The recommendations of referral agencies have been considered.** Referral agency recommendations have been considered and are attached to this staff report.
 - 6. The Applicant has demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions.** Section 18 of the Land Use Code contains standards for RV Parks and campground. The applicant has requested the approval of appeals to the many of these standards. See below.

B. APPEALS TO STANDARDS: The criteria for appeals are as follows:

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:

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

#1-Sec. 8.1.3.2. to waive the requirement for a drainage and erosion control plan & report requirement. Due to the fact there are no changes proposed, Staff supports this appeal.

#2-Sec. 8.5 regarding the requirement for a Landscape plan. Due to the nature of the location, Staff supports this appeal.

#3-Sec. 8.6.3.C.1. regarding the requirement for paved parking. Due to the nature of the location and use, Staff supports this appeal.

#4-Sec. 9.7 regarding the requirement for right-of-way dedication for Hwy 34 and County Rd. 43. Due to the nature of the use and its location, Staff supports this appeal.

#5-Sec. 18.3. Recreational Vehicle (RV) Parks

18.3.2.1 (table) and 18.3.2.I. Sites, comfort stations, water stations and sanitary stations. Due to the nature of the location and use, Staff supports this appeal.

18.3.3. F. Density, road, setbacks requirements, signs and outdoor recreation areas. Due to the nature of the location and use, Staff supports this appeal.

#6-Sec. 18.4 Campgrounds

18.4.2.B. and C. Campsites. No parking or campsite signage is identified or proposed. Staff does not support these appeals since no parking for the individual tent sites or signage has been identified.

18.4.3.D. Road and setback requirements. Due to the nature of the location and use, Staff supports this appeal.

18.4.4. (table) Comfort Stations. Due to the nature of the location and use, Staff supports this appeal.

18.4.5.B. Water and sanitary stations. Due to the nature of the location and use, Staff supports this appeal.

2. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood. Approval of a more rustic type campground may not have a negative impact on the surrounding neighborhood if the improvements are completed property and well maintained.

3. Approval of the appeal is the minimum action necessary. Approval of the appeals is not the minimum action necessary for this particular proposal. The applicant could choose to meet with requirements and provide additional improvements.

4. Approval of the appeal will not result in increased costs to the general public. Approval of the appeals should not result in increased costs to the public.

5. Approval of the appeal is consistent with the intent and purpose of the Code. Because so many standards are being appealed, approval of the appeals is not consistent with the intent and purposed of the code.

C. FEE APPEAL:

Approval of the fee appeal would mean the taxpayers would be paying for Staff time to review the application rather than the portion generally covered by the applicant. Staff has spent numerous hours over 3 ½ years working with the applicant, reviewing the project and preparing hearing materials etc. Even if the application fee is paid, the costs to review and process this particular application are much more than a typical Special Review application.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

- A.** Due to the location of the property and proposed camping areas within the floodway, the Development Services Team offers no specific recommendation with regard to the Special Review.

However, if the Planning Commission is considering a recommendation for approval the following conditions should be considered at a minimum:

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 **Shaffer/Drake Campground Special Review, File #12-Z1899** 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 **Shaffer/Drake Campground 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.
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. The 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. Prior to operation of the RV Park and campground in 2016 the applicant shall submit a site plan that includes information regarding parking for the proposed campground along with plans for the construction of the new internal road.
9. Prior to operation of the RV Park and campground in 2016 and no later than June 30, 2016, the applicant shall have installed out of the floodway:
 - a. two vaulted privies, each containing a men's and women's toilet, and

- b. one RV dump station.
 - 10. Prior to operation of the RV Park and campground in 2016 the applicant shall submit evidence to Planning Staff that demonstrates:
 - a. The water source has been approved by the Division of Water Resources,
 - b. Registration and approval of the water treatment and distribution system as a public non-commodity supply, in accordance with State requirements.
 - 11. No permanent structures shall be built within the projected right-of-way for Hwy 34, which is 75 feet of the highway centerline.
 - 12. The applicant shall obtain Setback Variance approvals for structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) prior to Building Permit application.
 - 13. Within 60 days of Special Review approval the applicant shall obtain all required building permits and inspection approvals for Structures #E (office/cabin), #G (cabin 1) and #H (cabin 2) as identified on the Plot Plan dated 2-20-2015.
 - 14. The application fee of \$5,800 shall be paid by Feb. 29, 2016 if the appeal is not granted.
- B.** The Development Services Team makes no specific recommendation on the following Shaffer-Drake Campground Appeals:
- #1-**Sec. 8.1.3.2.** to waive the requirement for a drainage and erosion control plan & report.
 - #2-**Sec. 8.5** regarding the requirement for a Landscape plan.
 - #3-**Sec. 8.6.3.C.1.** regarding the requirement for paved parking.
 - #4-**Sec. 9.7** regarding the requirement for right-of-way dedication for Hwy 34 and County Rd 43.
 - #5-**Sec. 18.3.** Recreational Vehicle (RV) Parks.
 - 18.3.2. Sites, comfort stations, water stations and sanitary stations.
 - 18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.
 - #6-**Sec. 18.4** Campgrounds.
 - 18.4.2. Campsites.
 - 18.4.3. Road and setback requirements.
 - 18.4.4. Comfort Stations.
 - 18.4.5. Water and sanitary stations.
- C.** The Development Services Team recommends **Denial** of the \$5800 fee appeal for the **Shaffer-Drake Campground Special Review File #12-Z1899**.

SPECIAL REVIEW
 DRAKE CAMPGROUND
 1609 US HWY 34 DRAKE CO

4th Submittal

UPDATED PROJECT DESCRIPTION

11-20-2015

Our campground consists of 12 RV sites and 40 tent sites. The campground has been in existence since 1927. It has been owned by the Shaffer's since 1983. The Special Review is a proposal to authorize an existing campground through the County's land use permitting process.

Our existing campground is rustic with limited service and additional improvements are not planned other than the construction of the two privies and one RV dump station suggested by Doug Ryan with the Larimer County Health Department. We wish to appeal the standards for campgrounds and RV parks contained in Chapter 18 of the Larimer County Land Use Code for both comfort stations and RV water and sewer hookups. Our current clientele is fine with the rustic nature of our site.

We are proposing to develop two vaulted privies, each with a men's and women's toilet and one RV dump station for the campground. The privies and dump station will be located outside the mapped floodway. We have submitted an updated site plan which shows the proposed placement of the two privies and one RV dump station. The updated site plan also shows the line which designates the boundary of the Floodway within our campground.

Our attorney, Sean Rutledge, is working with the Colorado Division of Water Resources to make sure our wells have legal permits and we commit to obtain approval of the drinking water system as a Public Non-community System and will submit plans to the Colorado Department of Public Health and Environment for approval. He also addresses the water supply and sewer for the "Main House", the "Guest House" and the "Campground Office".

As per Larimer County's requirement, as part of the terms of our Special Review, we brought our 12 RV sites up to the state electric code at a cost of approximately \$18,000. We have hired Cornerstone Engineering to show the design of our interior roads and assuring they meet the county's requirements. We have also submitted a plan for safety lighting in the campground.

On May 6, 2013 the Flood Plain Special Review was approved by the Board of County Commissioners allowing the Drake Campground to be authorized in the Floodplain. We have established an early warning system, which includes a siren and flashing lights that can be heard throughout the campground. We have also created an emergency evacuation plan showing the best routes to take in the event of flood or fires, which are given as individual handouts to the campers. We have also posted a sign at the campground entrance stating that part of our campground is located in the floodway.

We have also submitted letters requesting a variance for the Right of Way for County Road 43, a variance for the Larimer County Land Use Code concerning Paving and the Larimer County Land Use Code concerning Connectivity to Adjacent Parcels. Each of these variance requests are supported by Eric Tracy from Larimer County Engineering.

We are currently in the process of applying for "As is permits" for the Campground Office and 2 Cabins. Larimer County's Floodway maps showed these structures to be located within the Floodway. We hired Cornerstone Engineering to survey each structure and we have submitted a letter from our engineer stating they are not located within the Floodway. Eric Tracy has accepted the letter and the structures are now documented as being out of the Floodway.

SPECIAL REVIEW
DRAKE CAMPGROUND
1609 US HWY 34 DRAKE CO

11-20-15

APPEALS and VARIANCES

We are asking for appeals on the following items concerning the Drake Campground. These appeals are supported by Larimer County.

We wish to appeal the standards for campground and RV parks contained in Chapter 18 of the Larimer County Land Use Code for both comfort stations and RV water and sewer hookups. We wish to keep our rustic environment and apply for two vaulted privies (each containing a Men's and a Women's toilet and one RV dump station). The privies and the RV dump station will be located outside the mapped floodway.

We are asking for a variance on the following items concerning the Drake Campground. These variances are supported by Larimer County.

We wish to seek a variance for the Right of Way acquisition along County Road 43 for the permanent post-flood repairs.

We wish to seek a variance for Paving – Larimer County Land Use Code

We wish to seek a variance for Larimer County Land Use Code on Connectivity to adjacent parcels.

Thank You
Jerry Shaffer

Eric Tracy
Larimer County Engineering Department
P.O Box 1190
Fort Collins, CO 80522
(970) 498-5700

November 20, 2015

Eric,

Thank you for the recent correspondence, dated Oct. 14, 2015, concerning your comments for the Shaffer/Drake Campground SR-12-Z1899. The items you listed in your letter have been addressed below.

Access spacing, sight distance, legal access, Access Permit, Traffic impact study - I have attached the email I received from Gloria Hice-Idler, Region 4 Permits Manager-CDOT which states they have no objection to the access location and traffic using the access is historical.

Right-of-way dedication - Karin Madson received an email from Gloria Hice-Idler, Region 4 Permits Manager-CDOT concerning ROW for US Hwy 34. Her email has been included in our follow up comments. We understand there is a 75' ROW from the center line and no permanent structures will be placed in the ROW. I have written a letter requesting a variance for the Row for County Road 43. We appreciate the county's support of this variance.

Dead end length – No longer applicable

Parking – Appears to be adequate based on historic use

Paving – I have written a letter requesting a variance for this standard. We appreciate the county's support of this variance.

Emergency Access and Circulation – We have contacted the emergency service providers for our area and have addressed those issues with them.

Connectivity to adjacent parcels - I have written a letter requesting a variance for this standard. We appreciate the county's support of this variance.

Road maintenance agreements, Drainage...etc. – Not required without site improvements.

Sincerely,

Jerry Shaffer - Drake Campground - (970) 402-4240

Doug Ryan
Department of Health and Environment
1525 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6777

November 20, 2015

Doug,

Thank you for your recent correspondence, dated Sept. 17, 2015, recommending that we modify our project description and site plan, for the Shaffer/Drake Campground SR-12-Z1899, to incorporate the items you listed in your letter.

We have updated our project description to indicate that a minimum of two vaulted privies each containing a men's and women's toilet and an RV dump station will be provided for the campground and that those facilities will be located outside of the mapped floodway.

We have updated our project description to indicate that we will commit to obtain approval of the drinking water system as a Public Non-community System and will submit plans to the Colorado Department of Public Health and Environment for approval.

We have provided an updated scaled site plan that shows the existing and planned improvements, the mapped floodplain, and includes the location of the proposed vaulted privies and RV dump station.

Our attorney, Sean Rutledge, has submitted our letter about water rights as part of the public hearing submittal and the County's updated referral to the Colorado Division of Water Resources.

We have updated the project description to outline the Flood Plain Special Review approval so that the record will reflect how the campground can be authorized in the floodplain.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

To: Tracy L. Kosloff, P. E.
Water Resource Engineer
Colorado Division of Water Resources
1313 Sherman Street, Room 821
Denver, CO 80203
303-866-3581
www.water.state.co.us

November 20, 2015

Tracy ,

Our attorney, Sean Rutledge is addressing this issue.

Rutledge Law Office, LLC
4412 W. Eisenhower Blvd.
Loveland, CO 80537
Office: 970 669-2864

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152



Karin Madson <madsonkc@co.larimer.co.us>

Drake Campground

Jennifer Eighmy <jenneighmy@rdloveland.com>
To: Karin Madson <kmadson@larimer.org>

Wed, Nov 25, 2015 at 11:25 AM

Hi Karin,

I'm forwarding you the packet that I mailed out today to Colorado Division of Water Resources for your records, just an FYI.

Thank You,

—
Jennifer Eighmy
Rutledge Law Office, LLC

 Packet mailed to Co. Div. of Water-signed apps.pdf
518K

Sean D. Rutledge
Linda Preslan Bower
Eric Rothaus, OC

Seanrutledgelaw@aol.com
Lindabowerlaw@comcast.net
Ericrothaus@gmail.com

RUTLEDGE LAW OFFICE, LLC.

4412 W. Eisenhower Blvd.
Loveland, CO 80537
(970)669-2864

Date: November 25, 2015

Colorado Division of Water Resources
Department of Natural Resources
1313 Sherman St., Ste 821
Denver, CO 80203

To Whom It May Concern;

Please find attached the registration of existing well, statement of historical use, commercial drinking and sanitary well worksheet, copy of the quitclaim deed, the affidavit of Jeff Shaffer and a check for \$100.00 for the processing fees for Drake Campground.

Please call our office with any questions.

Thank You,



Sean D. Rutledge

Form No. GWS-12 6/2012	STATE OF COLORADO OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 821, Denver, CO 80203 Main: (303) 866-3581 Fax (303) 866-3589 DWR Website: www.water.state.co.us Email to: dwrpermitsonline@state.co.us	For Office Use Only
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REGISTRATION OF EXISTING WELL
Review form instructions prior to completing form

NAME & CONTACT INFORMATION OF WELL OWNER:

Name(s) Shaffer/ Drake Campground

Mailing Address
P.O. Box 255

City: <u>Drake</u>	State: <u>CO</u>	Zip Code: <u>80515</u>
-----------------------	---------------------	---------------------------

Phone No. with area code <u>970 663-9018</u>	Email <u>ejshaffer@gmail.com</u>
---	-------------------------------------

WELL LOCATION County: Larimer Well Name(optional): Hayden Well No. 1- 82879

1607 W. US Highway 34 Drake, CO 80515
(Address) (City) (State) (Zip)

SE 1/4 of the NW 1/4, Sec 3 Twp 5 N. or S., Range 71 E. or W., 6th P.M.

Distance from Section Lines 1366 Ft. N. or S. Line, 1983 Ft. E. or W. Line.

ATTACH A COPY OF A CURRENT DEED FOR THE SUBJECT PARCEL

Subdivision Name _____ Lot _____ Block _____ Filing/Unit _____

Optional: GPS well location information in UTM format. The following GPS settings are required: Easting _____
Format must be UTM. Units must be in meters. Datum must be NAD83. Unit must be set to true North. Zone 12 or Zone 13 Northing _____

Was GPS unit checked for above items? YES NO

The well has historically been used for the following purpose(s): Indoor use in three buildings, including office, and campground
consisting of 12 RV and 40 tent sites

Water first used beneficially by the original owner for the above described purposes on (mm/dd/yyyy) 12/31/1959

The total depth of this well is 5 feet.

The pumping rate of this well is approx. 1 gallons per minute.

The average annual amount of water diverted is .5 acre-feet.

The lawn and garden irrigated (watered) by water from this well is 0 Acre or Square feet.
Number

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 23-3-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.

Sign or enter name of Well Owner(s) 	Print Name and Title of Well Owner(s) <u>JEFF SHAFFER</u>	Date (mm/dd/yyyy) <u>11-25-15</u>
--	--	--------------------------------------

For Office Use Only

WE _____
WR _____
CWCB _____
AQUA _____
MYLAR _____

Div _____ WD _____ Basin _____ MD _____

Form No. GWS-12-A 10/2011	COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 SHERMAN ST., Ste 821, DENVER, CO 80203 Phone: (303) 866-3581 Fax: (303) 866-3589	For Office Use Only
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STATEMENT OF HISTORICAL USE
 Review form instructions prior to completing form
 This form is to be submitted with the Registration form, GWS-12

I, Jeff Shaffer do state as follows: I am the owner of a well located in the
 (print name of well owner)

~~SE~~ SE 1/4 of the NW 1/4, Sec. 3, Township 5 N. or S., Range 71 E. or W, 16th P.M.
 Water Court case no. W-3072 (if applicable), Owner's well designation (well name) Hayden Well No. 1
 Location of well (street address - if applicable): 1607 W. U.S. Hwy. 34, Drake, CO 80515
 Location of well (subdivision name/lot/block/filing - if applicable): _____

Is historical use on same parcel as where well is located? Yes/ No. If no, provide location where well is used
 (address/subdivision name/lot/block/filing): ~~1607 W. U.S. Hwy. 34, Drake, CO 80515~~
 Size of parcel where well is located 36.24 acres. Will this be the only well on the parcel? Yes/ No. If no, list permit number(s) or water court decree case number(s) for other well(s) _____
 Will future use be on same parcel as historical? Yes/ No. If no, provide new location (address/subdivision name /lot/block/filing) _____

Existing well location and visual conditions: If stating no, must include an explanation of the circumstances.
 Type of existing well (circle one): drilled; hand dug; Spring well; gallery well; gravel pit; other _____
 Distance to nearest septic tank/sewer line (approximate) 800 feet. Distance to nearest leach field (approx.) N/A feet.
 Is the well in a clean and sanitary location? yes
 Is the ground at the surface surrounding the well firm and stable and sloped away from the well for proper drainage? yes
 Is the well situated in a well house or vault? yes If so, is the well house or vault in good repair and condition? yes

Existing well construction and materials: If stating no, must include an explanation of the circumstances.
 Is the well equipped with a sanitary well seal/cap? yes; outgoing pipe is connected directly to the storage tank
 Is the well constructed with steel casing that extends at least one (1) foot above the ground surface? yes
 Casing size (diameter) unknown inches.
 Who constructed well? unknown Who installed pump? unknown

Historical use initiated prior to May 8, 1972
 The well identified above has been used since prior to May 8, 1972 as the water supply for the following exempt uses listed in § 37-92-602, C.R.S. (or § 37-90-105, C.R.S., in a Designated Ground Water Basin):
 a) Ordinary household use inside _____ single-family dwelling(s) (maximum of 3 single family dwellings);
 b) The irrigation of _____ acre/square feet (circle one) of home gardens and lawns (maximum of one acre - one acre is equivalent to 43,560 square feet);
 c) The watering of domestic animals/poultry _____ yes/ _____ no; livestock on a farm or ranch _____ yes/ _____ no
 OR (above uses cannot be combined with commercial uses)
 d) Drinking and sanitary facilities inside an individual commercial business yes/ no (If commercial use claimed, Form GWS-57, Commercial drinking and sanitary well worksheet, must also be completed and submitted.)
 (Note: Commercial wells in a Designated Ground Water Basin may also include outside uses.)

Have the above claimed uses been in continuous use since May 8, 1972? Yes/ No. If no, for each claimed use, list dates when this well supplied the above claimed uses: _____

I understand that uses that were not initiated prior to May 8, 1972 are not eligible for registration and any expansion of use that occurred after May 8, 1972 is not eligible for registration. Additionally, I understand that if the well has not been operational or has not existed for a period of at least ten (10) years, the well is not eligible for registration.

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to § 23-3-104(13)(a), C.R.S. I have read the statements herein, know the contents thereof, and state they are true to my knowledge.

Print Name & Title (Well Owner(s)) <u>JEFF SHAFFER</u> <u>OWNER</u>	Signature of Well Owner(s) <u>Jeff Shaffer</u>	Date <u>11-25-15</u>
---	---	-------------------------

INSTRUCTIONS FOR COMMERCIAL DRINKING AND SANITARY WELLS OUTSIDE A DESIGNATED GROUNDWATER BASIN

For all commercial drinking and sanitary wells:

1. The use of the water diverted is limited to inside drinking and sanitary facilities in an individual commercial business. No uses outside of the building are permitted.
2. The pumping rate shall not exceed 15 gallons per minute.
3. The return flow from the use of the water must be discharged to the same stream system in a location so as to not injure any vested water right.

In addition:

For commercial wells put to beneficial use for drinking and sanitary purposes on or after May 8, 1972 (See State Engineer Policy dated April 9, 1985 for additional information):

4. The proposed well must be the only source of water for the property. No other water supply source or system can be available to serve the property. An affidavit or statement by the applicant affirming this situation must accompany the well permit application. In addition, for property located within the boundaries of a water service area (water district, municipality, water company, etc.), an affidavit or statement from the supplier affirming that the property cannot be or will not be supplied water by that entity, must also be submitted with the well permit application.
5. The well must be the only well on the parcel.
6. The parcel on which the well would be located, must be:
 - a) Thirty-five (35) acres or more in size. A legal description, in the form of a metes and bounds description or a surveyor's map of the parcel must accompany the well permit application.
 - b) If less than 35 acres, the parcel must have been established prior to June 1, 1972 or must be exempt from the definition of a subdivision pursuant to Section 30-28-101 (10)(c) and (d), C.R.S. A copy of a deed describing the parcel and dated before June 1, 1972, or a copy of the signed county resolution exempting the parcel, must accompany the well permit application.

For lots in subdivisions approved on and after June 1, 1972, the recommendations made by this office in the water supply review process will be honored.
7. The amount of ground water diverted shall not exceed 1/3 acre-foot annually (108,600 gallons). The applicant must support the well permit application with evidence that the proposed use will not create a demand greater than 1/3 acre-foot/year.
8. The consumptive use of the water shall not exceed 10% of the volume of ground water diverted. An approved septic tank and non-evaporative leach field is an acceptable discharge method. Other types of disposal systems must be evaluated to determine the amount and location of the return flow.
9. A totalizing flow meter must be installed on the well. Permanent annual diversion records must be maintained by the well owner and submitted to the Division of Water Resources annually or upon request.
10. Submit this form in conjunction with a general purpose application (form GWS-45).

For existing commercial wells put to beneficial use for drinking and sanitary purposes prior to May 8, 1972 (See State Engineer Policy 90-1, dated January 18, 1990 for additional information):

4. The well must be the only commercial well serving the business.
5. The amount of ground water diverted shall not exceed one (1) acre-foot annually (325,900 gallons). The applicant must support the well permit application with evidence that the proposed use will not create a demand greater than one (1) acre-foot/year.
6. A written field inspection report prepared by personnel from the Division of Water Resources may be required to support the claimed date of first use and type of use. See form GWS-12, *Registration of Existing Well*, and form GWS-12A, *Statement of Historical Use*, for further information.
7. A totalizing flow meter must be installed on the well. Permanent annual diversion records must be maintained by the well owner and submitted to the Division of Water Resources annually or upon request.
8. Submit this form in conjunction with a registration of existing well (form GWS-12 [may also require GWS-12A]).

CONDITIONS VARY STATEWIDE

MEETING THE ABOVE CONDITIONS DOES NOT GUARANTEE THE ISSUANCE OF A PERMIT

COLORADO DIVISION OF WATER RESOURCES DEPARTMENT OF NATURAL RESOURCES 1313 SHERMAN ST., STE 821, DENVER, CO 80203 main: (303) 868-3581 http://water.state.co.us fax: (303) 866-3589	Form GWS-57 (10/2013) Application Receipt No. _____ Applicant's Name: _____
---	---

COMMERCIAL DRINKING AND SANITARY WELL WORKSHEET

Review Instructions on reverse side prior to completing form. The form must be completed in black or blue ink or typed.

1. Name and Type of Business: Shaffer / Drake Campground

2. Is this application for a new well?
 Yes
 No If no, is this application for a change of use for an existing well?
 Yes Permit Number of well (if applicable) _____
 No For wells used for drinking and sanitary purposes prior to May 8, 1972, a field inspection of the well to verify historical uses may be required. See form GWS-12 Registration of Existing Well and form GWS-12A Statement of Historical Use for further information.

3. Is the parcel the well is located on (or will be located on) within the boundaries of a water service area (water district, municipality, water company, etc.) or is water available from another source (such as a well)?
 Yes If yes, indicate what this other source is _____
 No (name of water district/supplier, or well permit number)

4. Proposed type of disposal system to be used:
 Septic tank / absorption leach field
 Central System (district name:) _____
 Vault (location sewage hauled to:) _____
 Other (attach copy of engineering design)

5. Water Demand Calculations (for average factors for water demand see below)

Employees

Number of Employees	X	Number of Gallons per Employee per Day	X	Number of Days Employee Works per Year	=	Gallons per Year
3	X	80	X	365	=	87,600 A

Customers

Number of Customers per Day	X	Number of Gallons per Customer	X	Number of Days Business is Open per Year	=	Gallons per Year
10	X	50	X	130	=	65,000 B

Other Uses (Note: No uses outside of the building would be permitted for this type of well.)

Type of Use	X	Gallons per Use per Day	X	Days per Year	=	Gallons per Year
N/A	X	.	X		=	

Total amount of water required:

=	Gallons per Year (A + B + C)
=	152,600

For wells used for commercial drinking and sanitary purposes on or after May 8, 1972, the total water demand cannot exceed 108,600 gallons (1/3 of an acre-foot) per year.

For wells used for commercial drinking and sanitary purposes prior to May 8, 1972, the total water demand cannot exceed 325,900 gallons (1 acre-foot) per year.

General Guidelines for Water Demand in Gallons per Day

- Day Workers at Offices – 15 gallons/person/day
- Food Service Establishments (with toilet and kitchen wastes) – 10 gallons/patron/day
- Churches (does not include food service) – 5 gallons/seat/day
- Overnight Lodging – 50 gallons/customer/day
- On-Site Proprietor of Overnight Lodging (i.e. on-site owner of a Bed & Breakfast) – 80 gallons/person/day

Additional water demand figures may be obtained from a private water consultant or from a technical reference on this subject.

STATE DOCUMENTARY FEE
EXEMPT

Above Space Reserved for Recording

[If required by your jurisdiction, list above the name & address of: 1) where to return this form; 2) preparer; 3) party requesting recording.]

Quitclaim Deed

Date of this Document: 11-19-07

Reference Number of Any Related Documents: EXHIBIT-A

Grantor:

Name DORIS M SHAFFER
Street Address 1607 W HIGHWAY 34
City/State/Zip DRAKE, CO 80515

Grantee: COLLECTIVELY

Name	<u>JON L. SHAFFER</u>	<u>DORIS M. SHAFFER</u>	<u>LACY J SHAFFER</u>
Street Address	<u>1607 W HIGHWAY 34</u>	<u>1607 W HIGHWAY 34</u>	<u>1607 W HIGHWAY 34</u>
City/State/Zip	<u>DRAKE, CO 80515</u>	<u>DRAKE, CO 80515</u>	<u>DRAKE, CO 80515</u>

Abbreviated Legal Description (i.e., lot, block, plat or section, township, range, quarter/quarter or unit, building and condo name): SEE ATTACHED EXHIBIT-A

Assessor's Property Tax Parcel/Account Number(s): 15032-00-038

THIS QUITCLAIM DEED, executed this 19th day of NOVEMBER, 2007, by first party, Grantor, DORIS M SHAFFER, whose mailing address is P.O. BOX 305 DRAKE CO 80515, to second party, Grantee, (COLLECTIVELY) JON L SHAFFER DORIS M SHAFFER LACY J SHAFFER whose mailing address is P.O. BOX 305 DRAKE CO 80515.

WITNESSETH that the said first party, for good consideration and for the sum of TEN Dollars (\$ 10.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim,

✓
P.O. Box 305
Drake CO 80515

which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of LARIMER, State of COLORADO to wit:

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first written above. Signed, sealed and delivered in the presence of:

Signature of Witness _____

Print Name of Witness _____

Signature of Witness _____

Print Name of Witness _____

Signature of Grantor Doris Shaffer

Print Name of Grantor _____

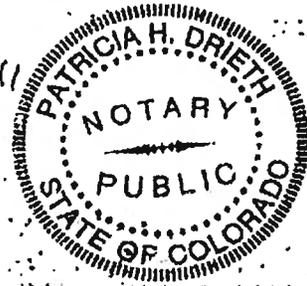
State of Colorado

County of Larimer

On November 19, 2007, before me, Patricia H. Drieth, appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Patricia H. Drieth
Signature of Notary my commission expires 4/29/2011



Affiant Known Produced ID

Type of ID DL
(Seal)

Subdivision #: 030571 - S3 T05 R71

EXHIBIT A

Neighborhood #: 591

COM AT N 1/4 COR 3-5-71, TH N 89 32' 50" W 1021.44 FT TPOB, TH S 972.25 FT, W 38 FT, S 100 FT, S 48 51' E 42 FT; TH S 9 28' E 167 FT; TH S 60 32' W 123.10 FT, TH ALG CUR L, RAD 398.1 FT, L/C S 54 1' 40" W 90.21 FT, 90.4 FT, TH N 57 10' 30" W 183.35 FT, TH ALG CUR L, RAD 603 FT, L/C N 66 27" W 194.37 FT, 195.23 FT, TH N 75 43' 30" W 202.2 FT, TH ALG CUR R, RAD 935 FT, L/C N 73 2' W 186.62 FT, 187.67 FT, TH N 64 13' 30" W 292.7 FT, TH ALG CUR L, RAD 593, L/C N 71 50' W 157.04 FT, 162.84 FT, TH N 79 57' 30" W 352.52 FT, N 1 14' 20" W 16.96 FT TO C/L N FORK BIG THOMPSON RIVER, TH S 79 48' 30" E 254.95 FT, N 1 14' 20" W 898.49 FT TO PT ON N LN OF NW 1/4, TH S 89 32' 50" E 1394.61 FT TPOB CONT 36.411 AC M/L; LESS 97048980

Jeff Shaffer

Jeff Shaffer

Subscribed and sworn to before me this 25th day of November, 2015, in the County of Larimer,
State of Colorado, by Jeff Shaffer .

Witness my hand and official seal.

My Commission expires: August 12, 2017

Jennifer Eighmy

Notary Public

JENNIFER A EIGHMY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134044877
MY COMMISSION EXPIRES AUGUST 12, 2017

To: Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Fort Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667
sgriep@larimer.org

November 20, 2015

Stan,

Thank you for your letter, dated Sept. 11, 2015, concerning the 3rd round comments for the Shaffer/Drake Campground SR-12-Z1899.

I am working with Mike Todd from Cornerstone Engineering and Eric Tracy from Larimer County Engineering Department to obtain the floodplain permit for our well houses and I have contacted Eric Fried concerning obtaining the proper and required permits for the other structures on our site.

I have contacted Carie Dann from Loveland Fire Rescue Authority to make sure we meet all the fire code requirements for the site and structures on our property.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

To: Jim Frick
Road and Bridge
frickj@co.larimer.co.us

November 20, 2015

Jim,

We understand that Road & Bridge has no conflict with this proposal.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

To: Carie Dann
Deputy Fire Marshall
Loveland Fire and Rescue
410 East Fifth St
Loveland CO 80537
970-962-2518
carie.dann@cityofloveland.org

November 20, 2015

Carie ,

Thank you for responding to my email concerning the 3rd round comments for the Shaffer/Drake Campground SR-12-Z1899.

We are ready for the LFRA inspection of the Drake Campground.

As requested we have attached a letter from Mike Todd from Cornerstone Engineering attesting that the roadway will be 24 foot wide and composed of granular material no greater than 1-1/4 -inch grade with an all-weather surface, capable of supporting at least 20 tons. We will also maintain the roadway in this manner and keep a minimum 24-foot unobstructed travel path at all times.

I have submitted an updated site map which shows the approximate location of the floodway within our campground. I have also included the written procedures we have developed to alert and evacuate guests in the event of an emergency.

We have attached a letter outlining the procedures and placement of our fire pits.

We have placed a sign at the campground entrance which is visible from both directions of traffic on Hwy 34. The sign has Drake Campground on it, as well as the address, 1609 US HWY 34.

We have no gates or intentions of future gates on the property.

We have fire extinguishers with a minimum rating of 2A-10BC in all of our structures.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

Drake Campground
1609 US Hwy 34
Drake CO, 80515
Jeff Shaffer - Jerry Shaffer

11-20-2015

Date: Nov. 5, 2015
RE: Drake Campground Special Review
Subject: Carie Dann Comments
Dated: October 7, 2015
Loveland Fire Rescue Authority Community Safety Division

Carie,

We will ensure that all fire pits in our campground will meet the LFRA regulations for recreational burning. The following are some of the regulations we will adhere to. Please let us know if we have missed any of the required regulations.

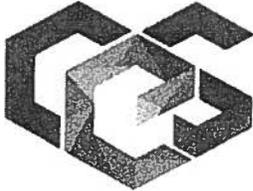
Clearance from structures and fencing shall be at least 25 feet; distances to property lines shall be at least 15 feet. Size of the wood pile is limited to 3 feet in diameter by 2 feet in height. The ground within 5 feet of the base of the fire shall be cleared of all combustible materials, such as grass or weeds.

The length of burn time of the fire must be reasonable so as not to disturb neighbors. Operators shall not allow the fire to produce noxious smoke.

A responsible, non-impaired adult shall be present and shall monitor the burning until the fire is extinguished (i.e. out cold) and shall provide a means for rapid fire extinguishment such as a portable fire extinguisher, water from a garden hose, or a shovel and dirt or sand.

Burning is not allowed when expected winds or wind gusts are above 10 miles per hour or during prolonged periods of low, relative humidity as determined by the Fire Marshal or a Community Safety Division representative.

Thank you
Jerry Shaffer



CORNERSTONE
ENGINEERING & SURVEYING, INC.

PHONE 970.366.0416
FAX 970.366.0416
E-MAIL info@ces-inc.com
WEB www.ces-inc.com

1070 E. Thompson Ave., 100
Loveland, CO 80537

November 24, 2015

Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, CO 80537

RE: Shaffer/Drake Campground SR (12-Z1899) 1601 W. US Highway, Drake, Colorado
Parcel # 15032-00-038,

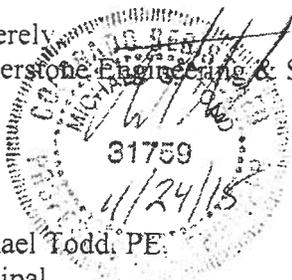
Dear Sir:

Cornerstone Engineering & Surveying, Inc. (CES) evaluated the subgrade material around the above noted campground area. The subgrade material generally consist of a silty sand mixed with hard river cobble. Based on the subgrade conditions observed, we feel that the proposed roadway is capable of supporting a 20 ton vehicle load with an all-weather surface of 6" of CDOT Class 6 aggregate base course.

After grading and before placement of the all-weather surface material, the engineer is to be notified for a proof role inspection or the proposed roadway alignment.

Sincerely,
Cornerstone Engineering & Surveying, Inc.

Michael Todd, PE
Principal



To: Jim Frick
Road and Bridge
frickj@co.larimer.co.us

November 20, 2015

Jim,

We understand that Road & Bridge has no conflict with this proposal.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152



Karin Madson <madsonkc@co.larimer.co.us>

Fwd: Road Letter - Shaffer

1 message

Jerry Shaffer <ejshaffer@gmail.com>

Tue, Nov 24, 2015 at 10:27 PM

To: Karin Madson <kmadson@larimer.org>

Karin this is the road letter from Mike Todd.

Thanks again Jerry

Sent from my iPhone

Begin forwarded message:

From: "Mike Todd" <mtodd@ces-ccc.com>
Date: November 24, 2015, 6:20:06 PM MST
To: "Jerry Shaffer" <ejshaffer@gmail.com>
Subject: Road Letter

Jerry,

Attached is a letter for your road. Let me know if you have any questions.

Sincerely,

Cornerstone Engineering & Surveying, Inc.

Michael S. Todd, P.E.

Principal

970-586-2458

**ROAD LETTER.pdf**

661K

To: Gloria Hice-Idler
Region 4 Permits Manager
Greeley Office
C-DOT
gloria.hice-idler@state.co.us

November 20, 2015

Gloria,

This letter is in response to your emails concerning the 3rd round comments for the Shaffer/Drake Campground SR-12-Z1899.

Thank you for addressing the concerns of Larimer County for the specific items listed in the comments from Eric Tracy from Larimer County Engineering and your email to Karin Madson about the Right of Way. We greatly appreciate your understanding of our situation and your help in moving forward with our Special Review for the Drake Campground.

I received the email dated Nov. 13, 2015 stating CDOT has no objection to the access location and you agree that the traffic using the access is historical.

Karin Madson forwarded the email concerning ROW for US Hwy 34. We understand there is a 75' ROW from the center line and no permanent structures will be placed in the ROW.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

Karin,

The Shaffer have contacted CDOT regarding this proposal and they mention that in their comments, but I'm not sure that I said it quite like that.

It went more like this:

Projected ROW in this area is 75 feet on either side of the highway centerline. CDOT asks that the 75 feet be protected for future expansion but we recognize that in certain canyons there is not sufficient ROW to allow that. We then request that no permanent structures be built within that 75 feet. But we also recognize that sometimes that's not possible either. So CDOT defers to the County in these situations.

I just didn't want you to think that we don't care. We do. Very much. We just recognize that some of these areas require special consideration.

if you have any questions, please contact me.

Gloria Hice-Idler
Region 4 Permits Manager
Region 4 Permits Unit - Traffic

P 970.350.2148 | C 970.381.2475 | F 970.350.2198
1420 2nd Street, Greeley, CO 80631
gloria.hice-idler@state.co.us | www.coloradodot.info | www.cotrip.org

Jerry Shaffer <ejshaffer@gmail.com>

Nov 12
2015

to Gloria

Gloria, I am following up with some of the items concerning our Special Review for the Drake Campground. I previously sent you an email on 8-27-15 with attachments showing an aerial photo of our property entrance and a plot plan of the entrance. I received a copy of the email you sent to Karin Madson with Larimer County Planning on Sept. 28, 2015 concerning the ROW for Highway 34 in Drake Colorado. We understand there is a 75' ROW from the center line and no permanent structures will be placed in the ROW.

There are two other items that Eric Tracy from Larimer County Engineering has deferred to CDOT. The first item is "Access spacing, sight distance, legal access and access permit". If CDOT will allow the access point to remain where it is the County will defer to CDOT comments regarding these issues. The email I sent you on 8-27-15 explains the circumstances of the existing access point, which has been in use since before the 1970's. I am hoping CDOT will allow the access point to remain where it is also. We share this access point with the adjacent property (River Forks Inn)

The second item address's a Traffic Impact Study. The County considers the traffic generated by this use to be existing and they do not require a TIS. Would CDOT also consider it as an existing use and therefore not require a TIS also.

The following are comments from Eric Tracy-Larimer County Engineering Department

Access spacing, sight distance, legal access, Access Permit - If CDOT will allow the access point to remain where it is, we will defer to CDOT for comments regarding these issues.

Traffic impact study - the application is not proposing to increase the amount of traffic, so we will consider the traffic generated by this use to be existing. No TIS is required by Larimer County. CDOT may require a TIS.

Thank you Jerry Shaffer
Drake Campground
11-12-15

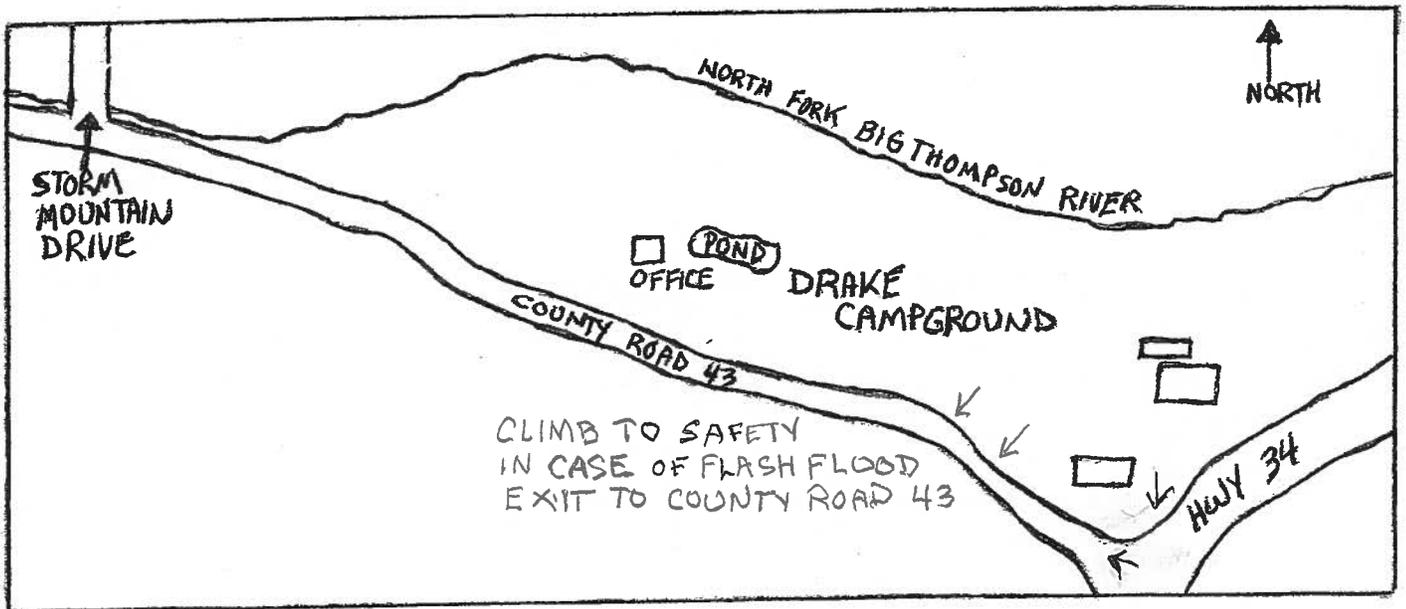
DRAKE CAMPGROUND FLOOD EVACUATION PLAN

THIS SERVES AS NOTIFICATION THAT YOU WILL BE CAMPING WITHIN THE FLOODPLAIN OF THE NORTH FORK OF THE BIG THOMPSON RIVER. BECAUSE OF THIS THE DRAKE CAMPGROUND HAS INSTITUTED A FLOOD EARLY WARNING SYSTEM. IN THE EVENT OF A FLOOD WARNING A SIREN WILL SOUND WITH FLASHING LIGHTS. YOU MUST IMMEDIATELY EVACUATE TO STORM MOUNTAIN DRIVE AS SHOWN ON THE MAP BELOW.

NAMES OF ALL CAMPERS _____

CELL PHONE NUMBERS _____

LICENSE NUMBERS FOR ALL VEHICLES AT THE CAMPGROUND _____



EVACUATION ROUTE

SIGNATURE (BY SIGNING, I ACKNOWLEDGE RECEIPT OF FLOOD RISK WARNING AND AGREE TO EVACUATE IF WARNING SOUNDS.)

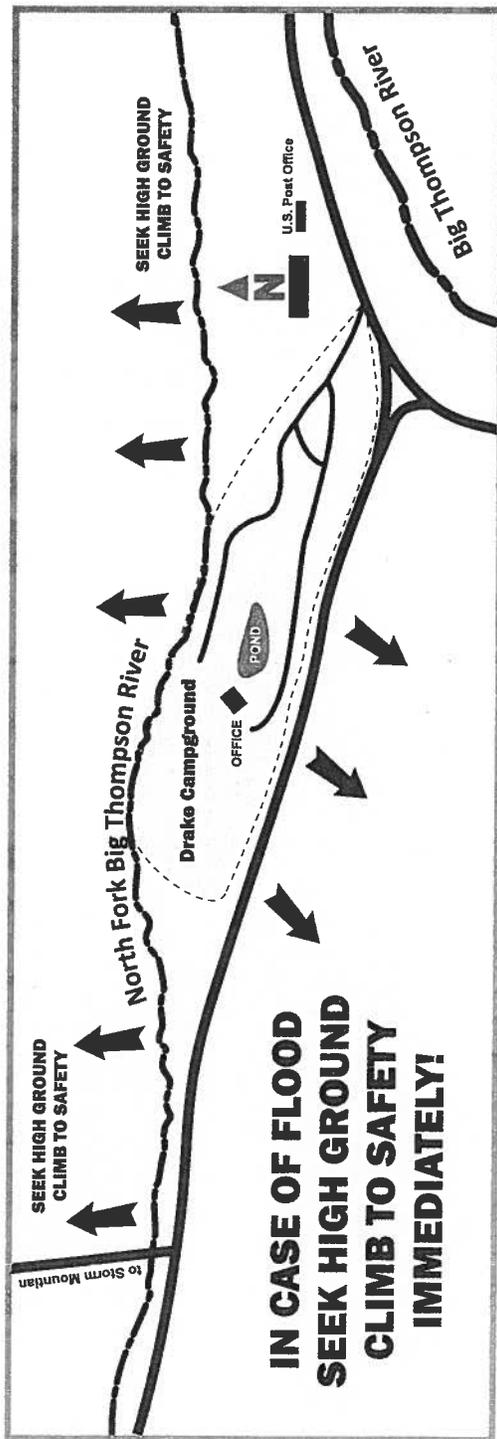
THIS PROPERTY IS LOCATED IN THE LARIMER COUNTY FLOODWAY

This area is subject to sudden and severe flooding that may result in injury or loss of life.

IN CASE OF FLOOD

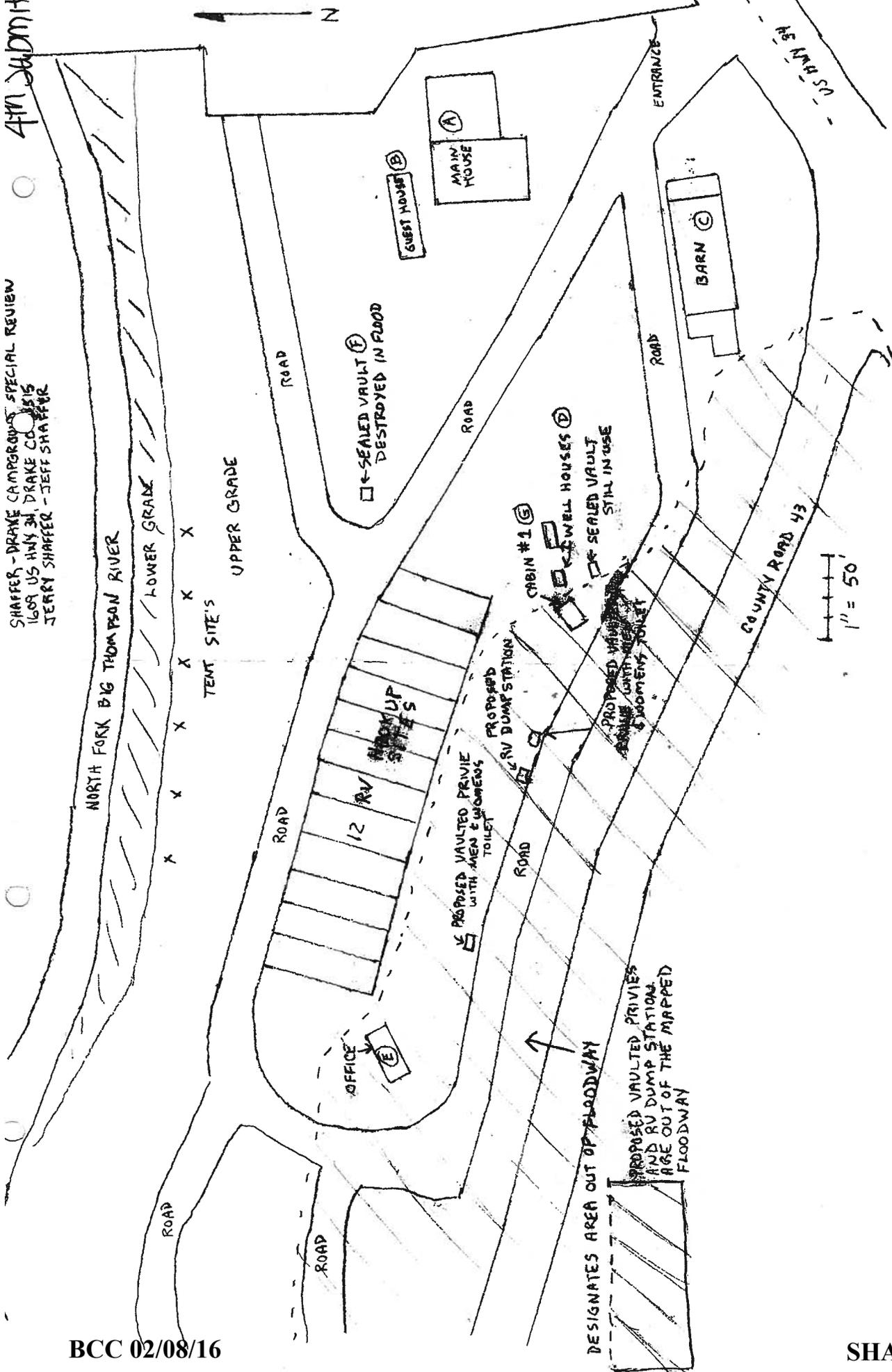
be prepared to evacuate and

SEEK HIGH GROUND IMMEDIATELY



SHAFER - DRAKE CAMPGROUND SPECIAL REVIEW
1609 US HWY 31, DRAKE CO, MISS
TERRY SHAFER - JEFF SHAFER

4M Submittal



BCC 02/08/16

SHAFER-DRAKE
CAMPGROUND SR

Sean D. Rutledge
Linda Preslan Bower
Eric Rothaus

3rd Submittal

RUTLEDGE LAW OFFICE, LLC.

4412 W. Eisenhower Blvd.
Loveland, CO 80537
(970)669-2864

Seanrutledgelaw@aol.com / Lindabowerlaw@comcast.net / Ericrothaus@gmail.com

Date: August 28, 2015

Karin Madsen
Larimer County Planning and Building Services
PO Box 1190
Fort Collins, CO 80522-1190

RE: Shaffer/Drake Campground SR

Dear Ms. Madsen:

Thank you for meeting with me and my clients earlier this month. Your assistance in this matter has been greatly appreciated. Set forth herein is our attempt to furnish that information requested for the Special Review application by the deadline imposed.

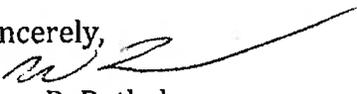
As described below, we have not supplied the County with every item requested in your correspondence of May 13, 2013. Furthermore, several appeal or waivers have been requested. Items appealed, including requirements for geotechnical analysis and traffic study would require extensive technical analysis. The requested appeals reflect the fact that no significant change in operation is anticipated as a result of the approval.

Admittedly, this is a rustic campsite without significant infrastructure or amenities. The Shaffers desire to keep it as such. We hope the County views this as entirely consistent with the area, its history, and the fact the property is partly located in a flood-way.

Still, we have gone through and addressed every item set forth in your letter referenced above. The attached also includes revised maps and a memo drafted by me regarding the water rights. The Shaffers ("Applicants") are also willing to supply more materials if the same would be helpful. However, we believe that the attached correspondence, along with the previous submittals, sufficiently demonstrate that the facility can continue to safely operate in harmony with its surrounding environment. After all, it has done so for over fifty years.

Thanks again for your cooperation and I look forward to working with you.

Sincerely,


Sean D. Rutledge

Attached:

(1) Applicant's Responses to Section 8

(2) Maps

(3) Letter from Sean Rutledge re: water supply and rights.

(1)

REVIEW CRITERIA AND ANALYSIS

A. BILL JONES HAS WRITTEN A RETRACTION OF HIS LETTER TO LARIMER COUNTY PLANNING DEPARTMENT, DATED OCTOBER 18, 2012. HE ALSO WROTE A LETTER IN FAVOR OF OUR CAMPGROUND BEING LEGALIZED AS LONG AS THE WATER AND SEWER ARE APPROVED BY THE COUNTY.

B. N/A

C. **Section 8 Standards for All Development**
Section 8.1 Adequate Public Facilities

SUB-SECTION 8.1.1 SEWAGE DISPOSAL LEVEL OF SERVICE STANDARDS

As stated by Doug Ryan in his comments concerning our Special Review our existing campground is rustic with limited services and our project description notes that additional improvements are not planned.

We wish to appeal the standards for both comfort stations and RV water and sewer hookups. The factors that might support such an appeal were included in Doug Ryan's report. Our facility has a current clientele that is fine with rustic nature of our campground, and development of additional infrastructure in the floodway is not in our plans nor is it an option because of county codes. Our campground would operate similar to the Forest Service campground with outhouse and water spigot improvements.

We will follow Doug Ryan's recommendation to seek permits to provide the equivalent of at least two vaulted privies each containing a men's and women's toilet and to provide a vaulted dump station for RV's. These vaults will be installed out of the floodway.

The "Main House" and the "Guest House" were both connected to a septic system that was damaged by the Flood of 2013. We are currently work with our engineer, Mike Todd from Cornerstone Engineering, to turn in a plan to rebuild the septic system.

The issues with our water supply are addressed separately, by our attorney, Sean Rutledge.

SUB-SECTION 8.1.2 DOMESTIC WATER LEVEL OF SERVICE STANDARDS

HAYDEN WILL NO. 1 CAMPGROUND 82879-A
 DECREE FOR DOMESTIC USE IN DIVISION 1 WATER COURT CASE #W-3072

HAYDEN WILL NO. 3 RESIDENTIAL 82881-A
ALSO DECREED FOR DOMESTIC USE
DESTROYED IN 1976 FLOOD
(SEE ATTACHED)

SUB-SECTION 8.1.3 DRAINAGE LEVEL OF SERVICE STANDARDS

The Engineering Department commented that a drainage and erosion control report is required. (Memo from Eric Tracy, dated Nov. 9th, 2012)

We would like to appeal the Drainage and Erosion Report. Even though the Special Review considers the campground to be a new development, it has been in existence since 1927. The Shaffer's have ran the campground since 1983. There are no improvements scheduled for the campground. Drainage on the property will not be affected. The grade of the property was brought back to pre-flood levels by Kiewit Construction Company when they moved the North Fork of the Big Thompson River back to its original position before the Flood of Sept. 2013.

The Big Thompson River Restoration group has plans to restore the river bank, grass, shrubs and trees in the Big Thompson Canyon. Our property is included in their restoration plan. Their goal is to establish growth and habitat along the river corridor and surrounding areas, which will in turn help prevent erosion.

Our development plans do not include any addition of pavement or any change in the surface of the campground area which would affect the drainage or natural absorption of water runoff.

SUB-SECTION 8.1.4 FIRE PROTECTION & EMERGENCY MEDICAL LEVEL OF SERVICE STANDARDS.

This letter is to address the memo from Carie Dann, dated Nov. 1, 2012.

1. Comments pertain to a Special Review for a campground in existence since 1927.
2. Sign with Name and address was built to specifications and installed at entrance.
3. No bridges over the North Fork on our property.
4. No gates are proposed.
5. A fire extinguisher is in the guest house. It will be mounted when the construction is completed.
6. An inspection has not been scheduled because the Main House and the Guest House are still under re-construction from the Flood of 2013.

SUB-SECTION 8.1.5 ROAD CAPACITY AND LEVEL OF SERVICES STANDARDS

We would like to appeal the Traffic Impact Study. Even though the Special Review considers the campground to be a new development, it has been in existence since 1927. The Shaffer's have operated the campground since 1983. There are no improvements scheduled for the campground that will affect the traffic on Highway 34.

Because the campground has been in existence for several decades and the same entrance has been used continually, there will be no new impact on the traffic on Highway 34. The traffic in and out of the campground has remained constant since the Shaffer's purchased the property in 1983.

SECTION 8.2 WETLANDS AREAS – N/A

SECTION 8.3 HAZARD AREAS

Received approval for camping within floodway 5/6/13.

SECTION 8.4 WILDLIFE – N/A

SECTION 8.5 LANDSCAPING

Part of river restoration.

SECTION 8.6 PRIVATE LOCAL ACCESS ROAD

I contacted Gloria Hice-Idler from CDOT. She said CDOT does not have setbacks. Setbacks are county codes. The right of way for US Highway 34 is 75 feet from the center line of the highway. She said they are not strict with the setback except for permanent structures.

SECTION 8.7 ROAD SURFACING REQUIREMENTS

Section 8.7 RESERVED

On the AGENDA FOR LARIMER COUNTY COMMISSIONERS

Dated April 15, 2015 it shows

Section 8.7 Road Surfacing Requirements: Not Applicable

Our roads are shown on the plot plan for the campground. They will comply with Sub-Section 18.4.3 – Roads and Setback Requirements.

Access roads to the campground are for two way traffic. They will be 24 feet wide and the surface will be a granular material of no greater than 1 ¼ - inch grade.

SECTION 8.12 WATER QUALITY MANAGEMENT STANDARDS

Chris Manely from the Larimer County Health Department has approved our chlorinator for temporary use. If our Special Review is approved we have agreed to install a commercial chlorinator that will meet the standards set by the health department.

Our well houses have been approved by Eric Tracy after being engineered by Mike Todd from Cornerstone Engineering from Estes Park. Once he has received all of the stamped blue prints he will issue the application for the Flood Plain Development Permit.

SECTION 8.15 SITE LIGHTING

See attached map showing location of on-site lighting. Lights are located to give maximum security and safety within the campground. Our plans show a total of six 201SA Unit Pack Roadway Luminaire – SAM GE Roadway Lighting Systems.

Each of these lighting units will be placed on a 20 foot treated – 8” pole. The Units will be spaced throughout the campground to give maximum lighting for the safety of our campers. Each building in our campground will be equipped with motion activated lights to give additional lighting at strategic placements.

All lighting will be shielded, aimed, located and maintained to prevent glare and light trespass on abutting properties and the vicinity.

SECTION 8.16 FENCES

No fences are planned unless required.

D. THE PURPOSE USE WILL NOT RESULT IN A SUBSTANTIAL ADVERSE IMPACT ON PROPERTY IN THE VICINITY OF THE SUBJECT PROPERTY.

All unpermitted structures located within the floodplain area have been removed.

New vaults and a dump station will be installed out of floodplain area.

County says it continues to have the potential to impact properties in vicinity.

E. RECOMMENDATIONS OF REFERRAL AGENCIES

Some require additional information.

F. 18.3 RECREATIONAL VEHICLE PARKS

18.3.2 SITES, COMFORT, WATER AND SANITARY STATIONS

Submitted and appeal to the requirements outlined in this section

18.3.3 DENSITY, ROAD, SETBACK REQUIREMENTS, SIGNS AND OUTDOOR RECREATION AREAS

* Road systems – Don't need to appeal – can do if approved.

- * Access roads
- * Entrances
- * Setbacks – which is it 200 feet or 100 ft.?
- * Roads and pedestrian walkways
- * Minimum 8% outdoor recreational area

(2)

2-20-2015

ZONING DISTRICT OPEN

PARCEL NO. 15038-00-038

SCHEDULE NO. 0612758

OWNER JERRY SHAFFER - JEFF SHAFFER

P.O. BOX 305

1607-1609 U.S. HWY 34

DRAKE CO 80515

(970) 402-4240



RESIDENTIAL PROPERTY

1027'

972'

RESIDENTIAL PROPERTY

898'

COMMERCIAL PROPERTY

NORTH FORK BIG THOMPSON RIVER

STORM MT ROAD

CABIN 2

COUNTY ROAD 43

36.84 ACRES

OFFICE

GUEST HOUSE

MAIN HOUSE

DOG WALK HOUSE
CARNEL

BARN

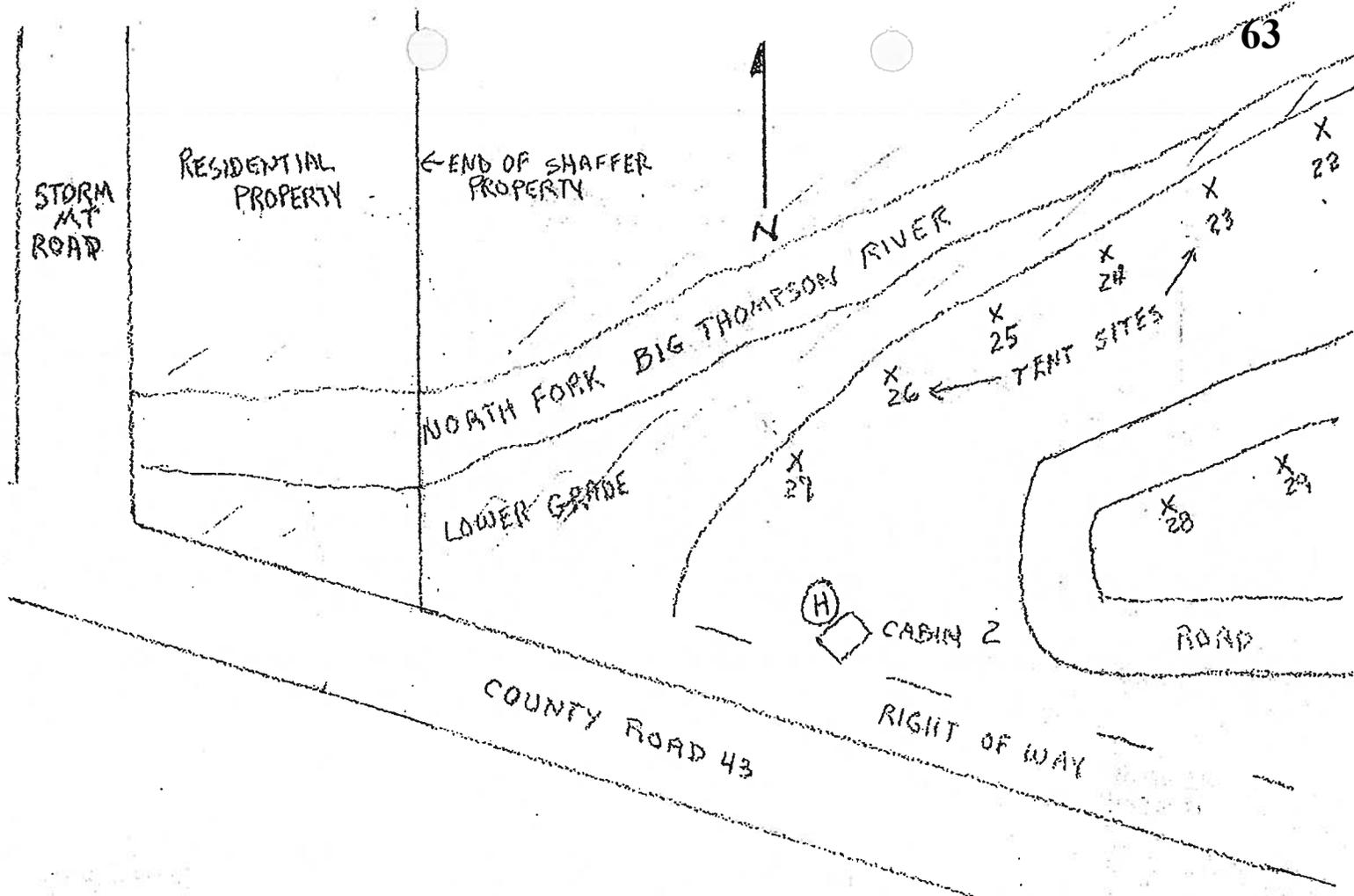
US HWY 34

RIVER FORKS RESTAURANT

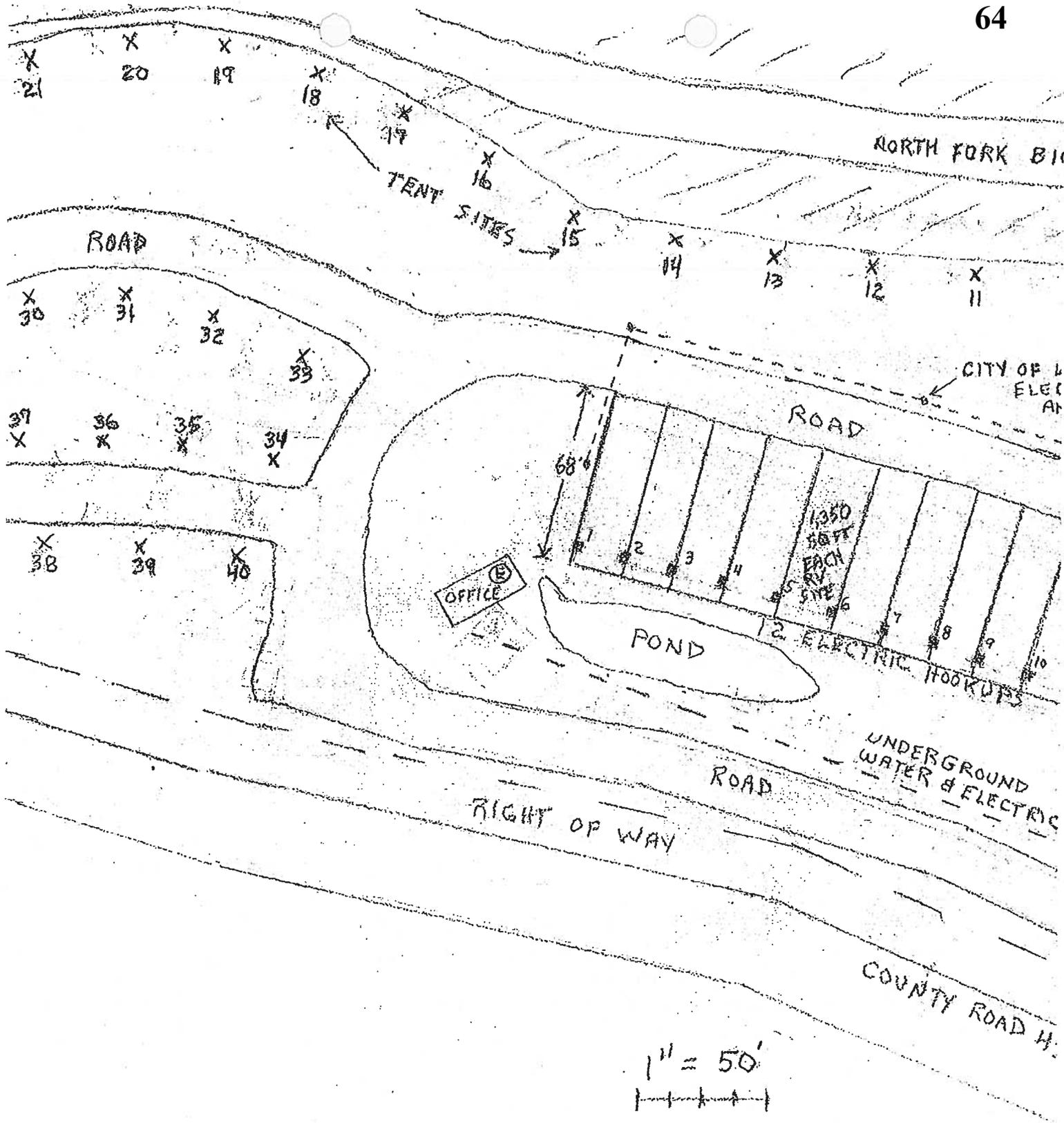
JONES PROPERTY

PLOT PLAN

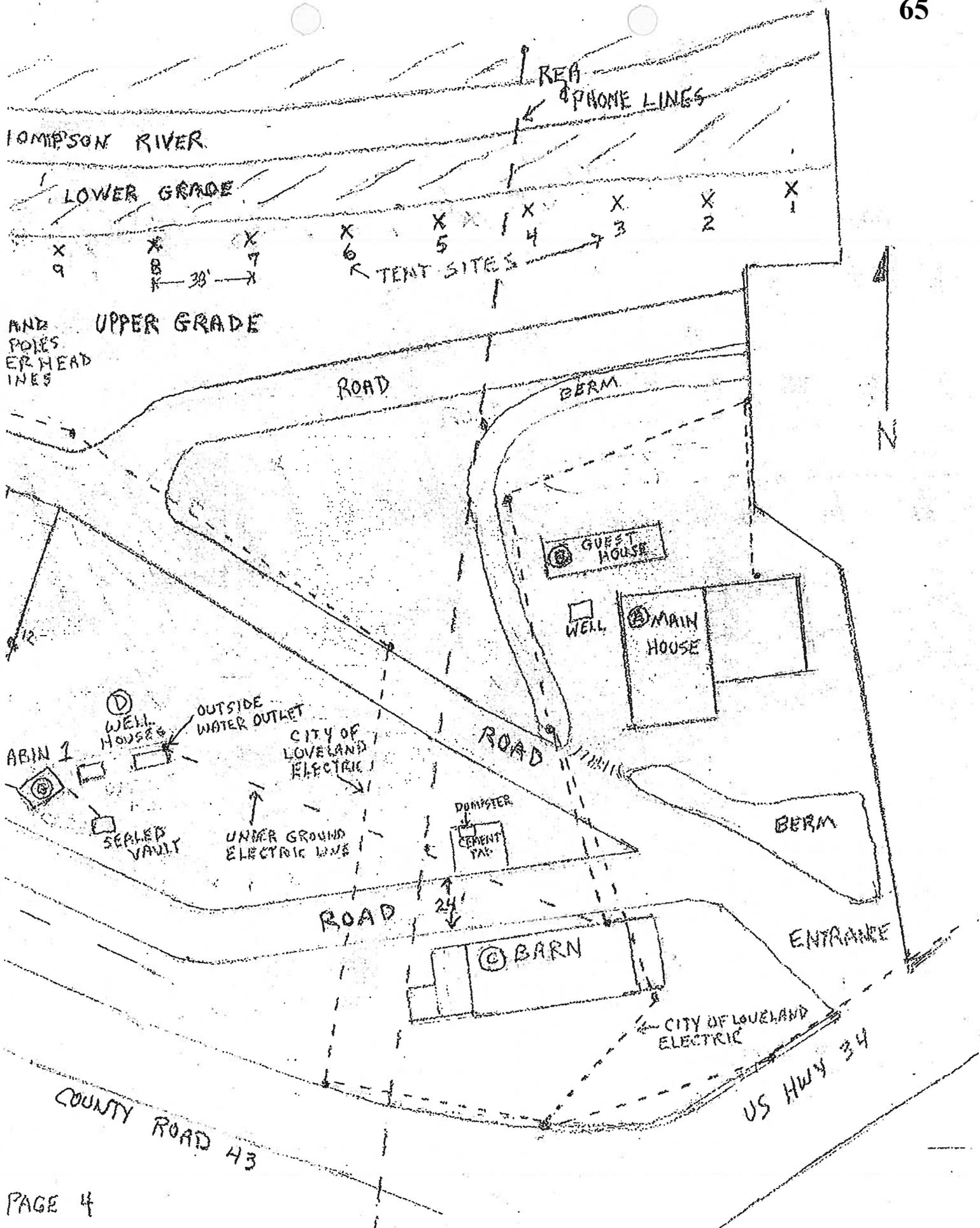
SCALE 1" = 200'



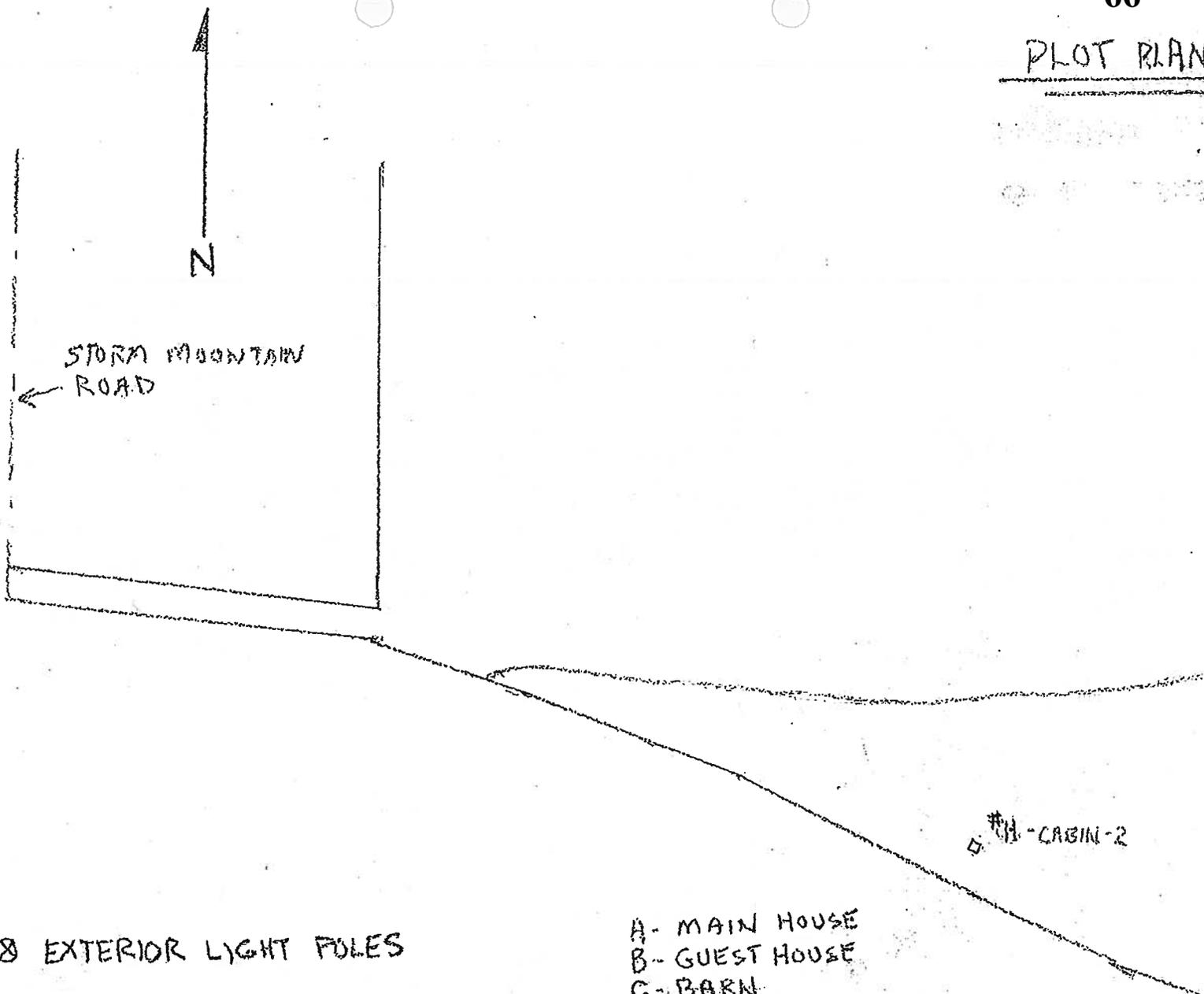
BUILDING'S	SQUARE FEET	DISTANCE FROM ROAD
A. MAIN HOUSE	2,609 SQ FT	156 FT FROM US HWY 34
B. GUEST HOUSE	805 SQ FT	216 FT FROM US HWY 34
C. BARN	1,435 SQ FT	53 FT FROM CTY RD 43
D. WELL HOUSES	① 50 SQ FT ② 80 SQ FT	82 FT FROM CTY RD 43
E. OFFICE	384 SQ FT	81 FT FROM CTY RD 43
G. CABIN 1	168 SQ FT	63 FT FROM CTY RD 43
H. CABIN 2	120 SQ FT	43 FT FROM CTY RD 43



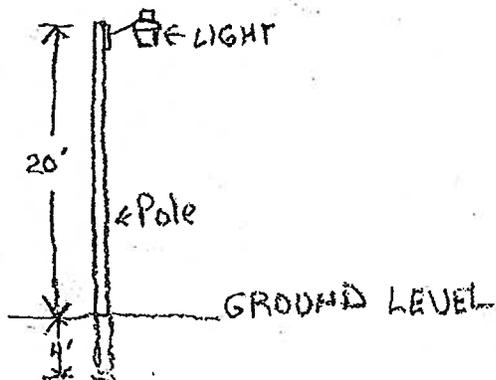
JERRY SHAFFER
 JEFF SHAFFER
 DRAKE CAMPGROUND
 970 402 4240



PLOT PLAN



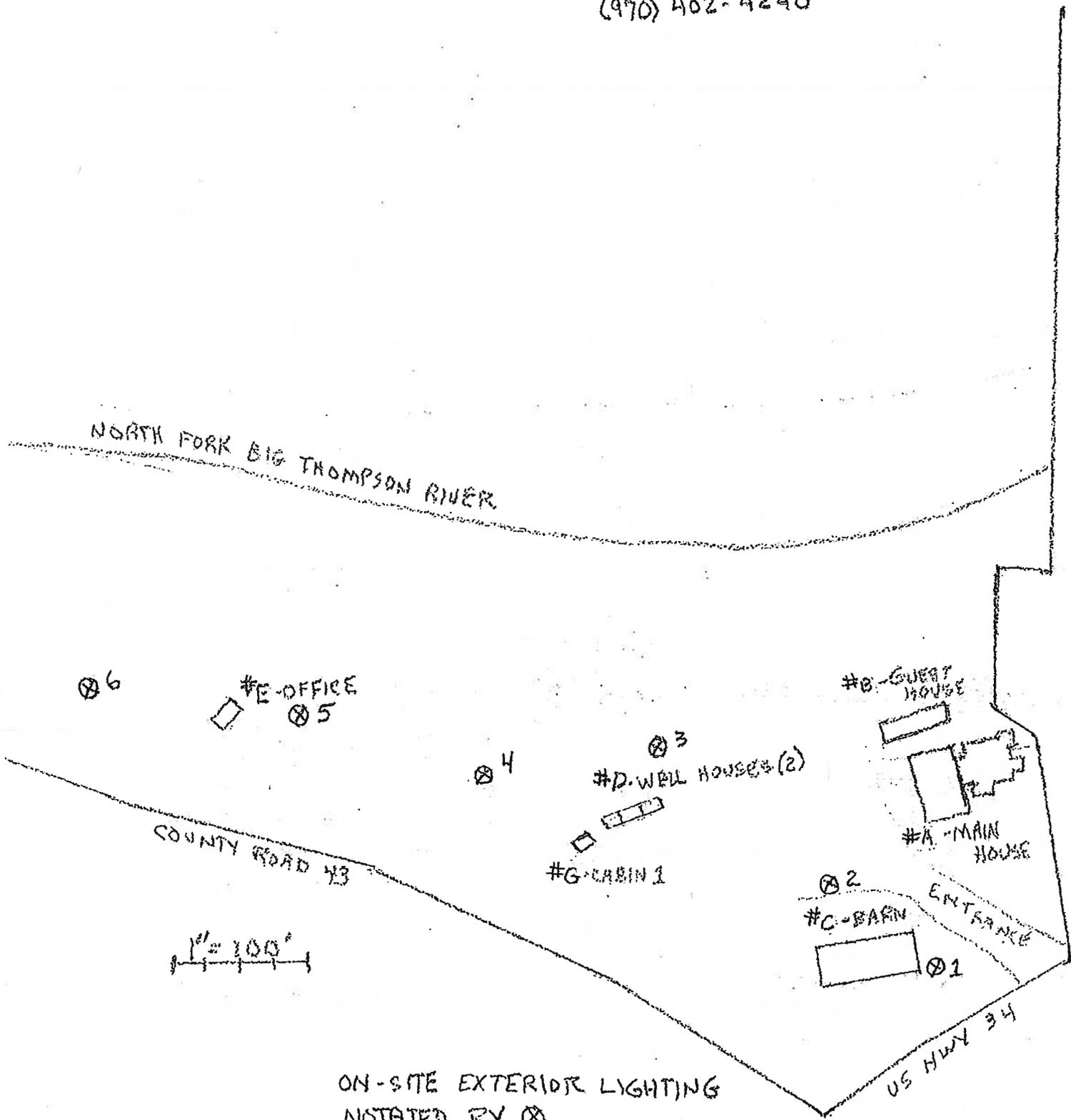
⊗ EXTERIOR LIGHT POLES



- A - MAIN HOUSE
- B - GUEST HOUSE
- G - BARN
- D - WELL HOUSES (2)
- E - OFFICE - 384 SQ FT
- F - DUTHOUSE - HAS BEEN REMOVED
- G - CABIN 1 - 168 SQ FT
- H - CABIN 2 - 120 SQ FT

ON-SIGHT EXTERIOR LIGHTING NOTATED BY ⊗

JERRY SHAFFER
JEFF SHAFFER
1607-1609 US HWY 34
DRAKE, CO 80515
(970) 402-4240

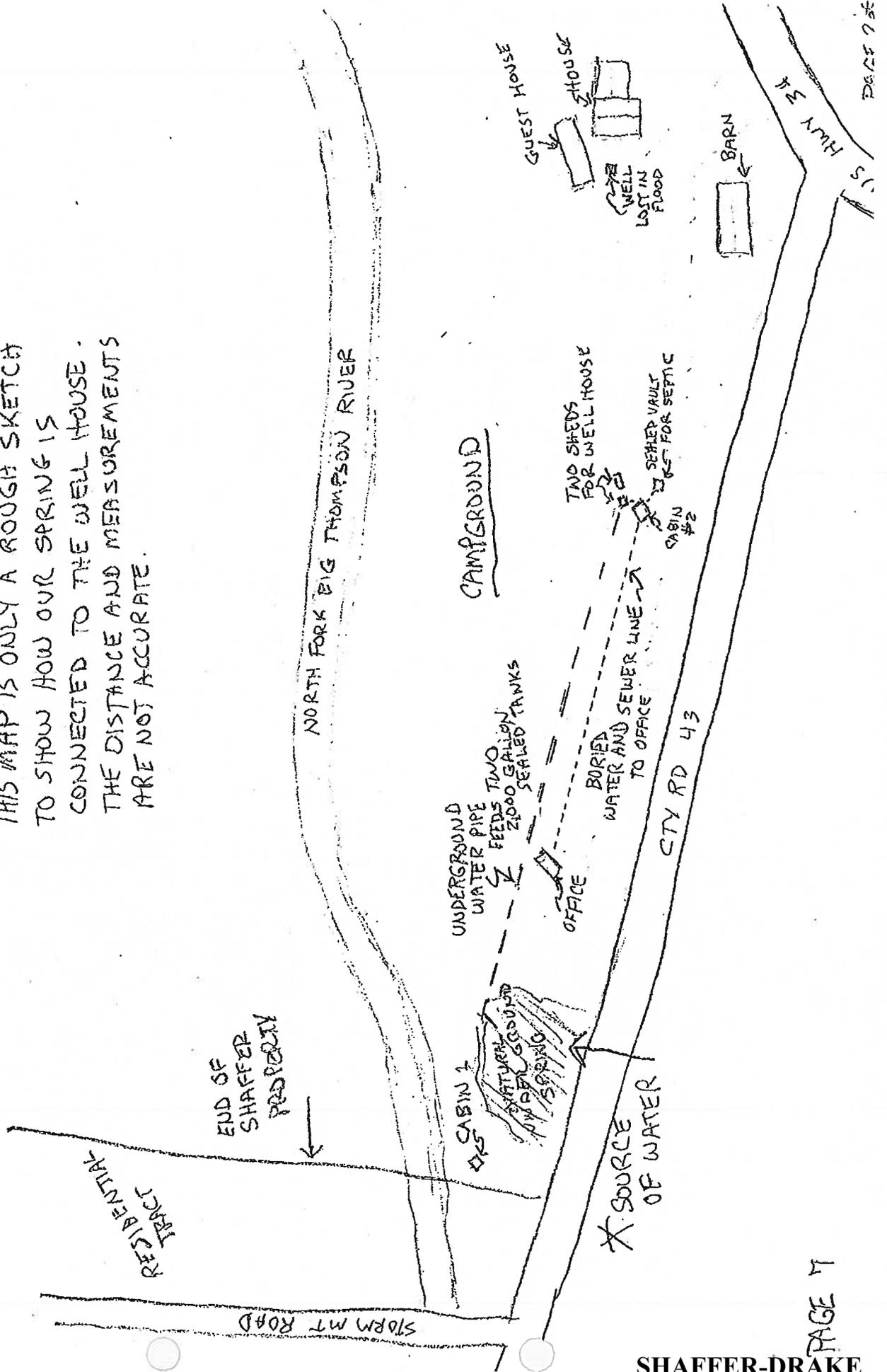


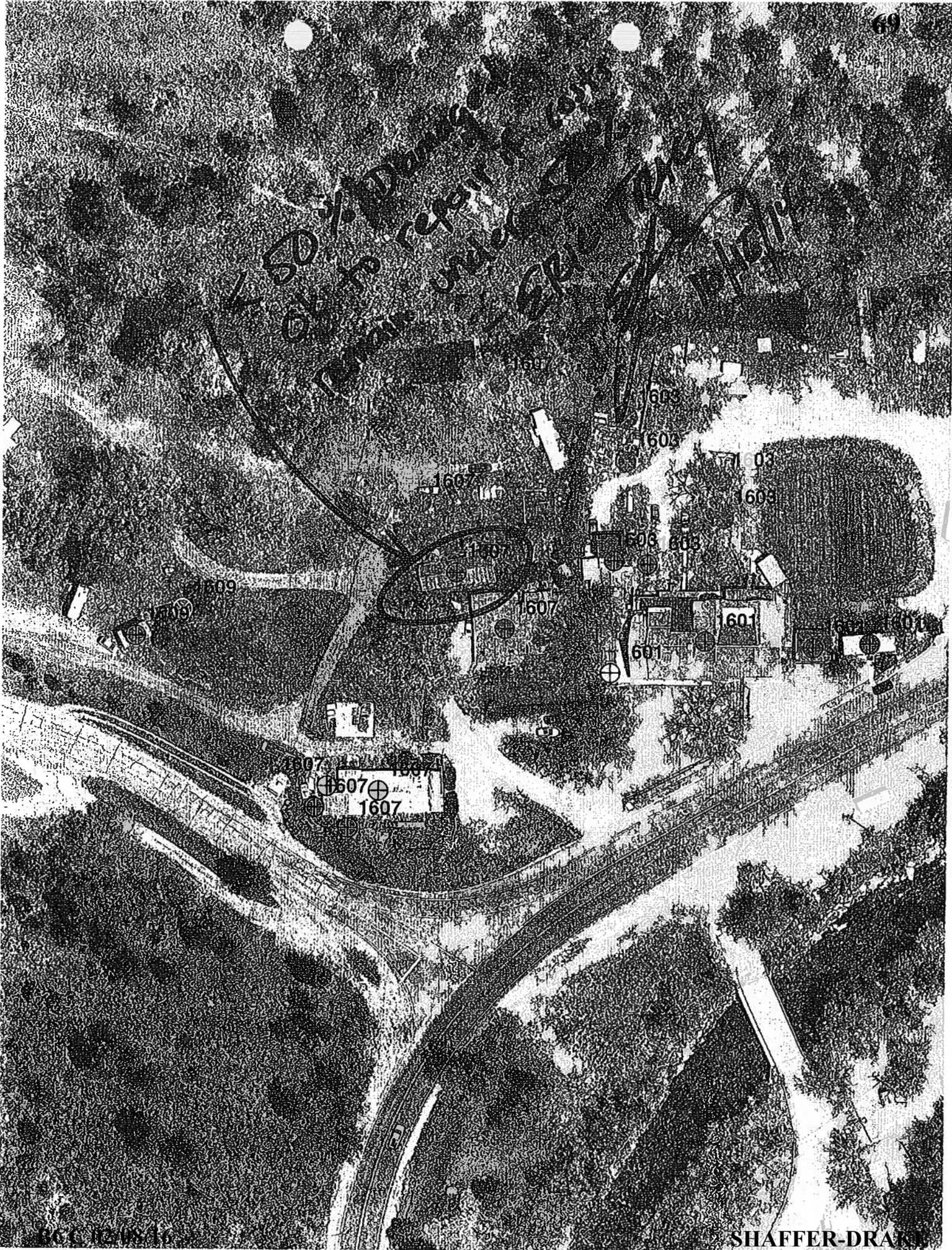
ON-SITE EXTERIOR LIGHTING
NOTATED BY ⊗

JERRY/JEFF SHAFFER
DRAKE CAMPGROUND
(970) 402 4240
ejshaffer@gmail.com

BCC 02/08/16

* THIS MAP IS ONLY A ROUGH SKETCH
TO SHOW HOW OUR SPRING IS
CONNECTED TO THE WELL HOUSE.
THE DISTANCE AND MEASUREMENTS
ARE NOT ACCURATE.





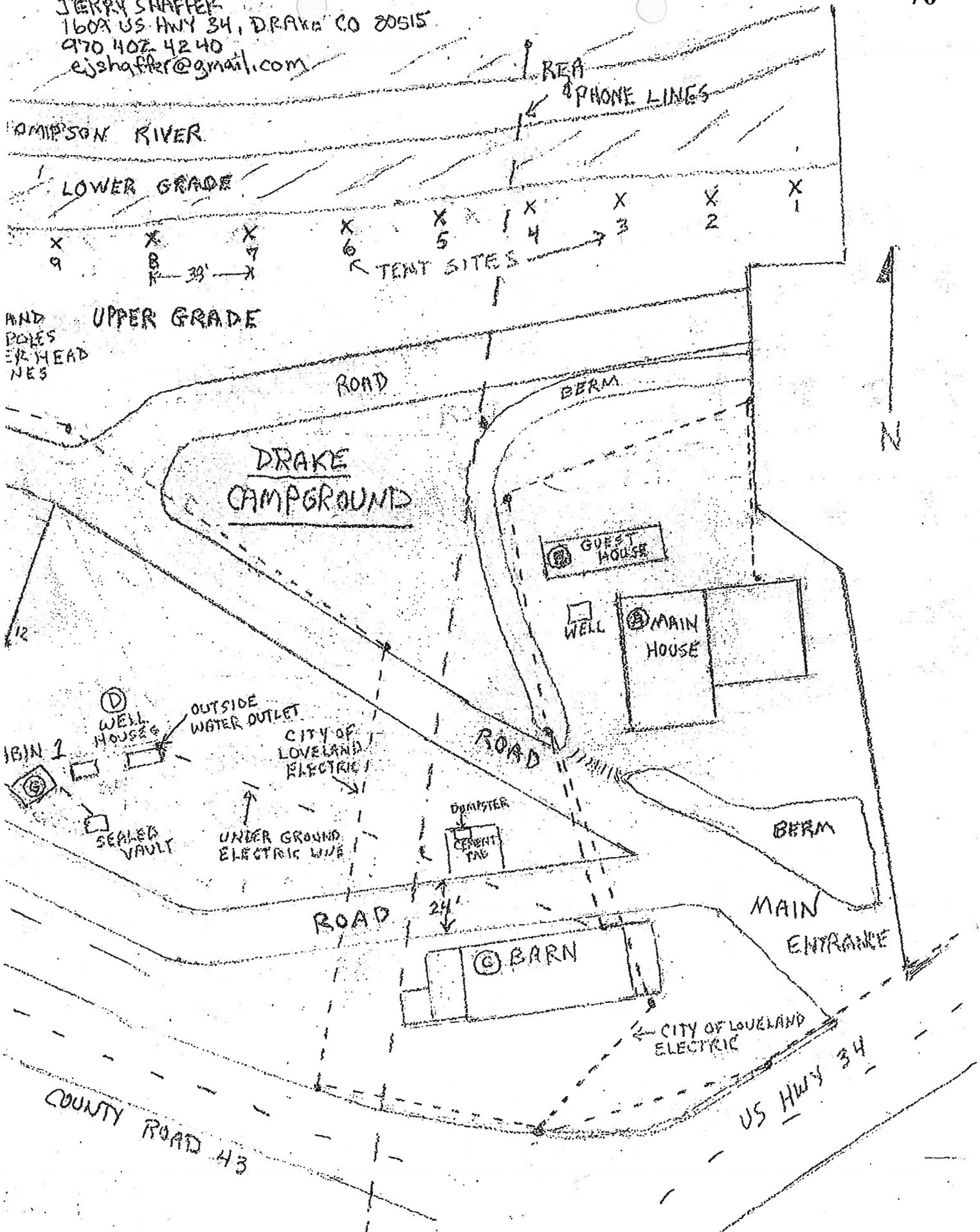
SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW

JERRY SHAFFER

1602 US HWY 34, DRAKE CO 80515

970 402 4240

ejshaffer@gmail.com



AND
POLES
EYE HEAD
NES

UPPER GRADE

DRAKE
CAMPGROUND

GUEST
HOUSE

MAIN
HOUSE

WELL
HOUSE

OUTSIDE
WATER OUTLET

CITY OF
LOVELAND
ELECTRIC

UNDER GROUND
ELECTRIC WIRE

DUMPSTER
CEMENT
TAP

BARN

MAIN
ENTRANCE

CITY OF LOVELAND
ELECTRIC

COUNTY ROAD 43

US HWY 34

SEAN D. RUTLEDGE
4412 W EISENHOWER BLVD.
LOVELAND, CO 80537

P: 970.669.2864
F: 970.669.2865
E: seanrutledgelaw@aol.com

AUGUST 28, 2015

Dear Ms. Madson,

This Memo will address water right concerns as they relate to the Shaffer/Drake Campground SR.

A. Water Requirements:

The site consists of three houses, which are referred to by the Applicants as "Jeff and Laurie's House", the "Guest House" and "Jerry's House". As the names suggest, these structures serve as residences for the Owners when they aren't otherwise being leased to customers. They also serve as office space for the operation which requires 24 hour management. As such, the houses are considered part of the commercial operation for the purposes of this Special Review. This has implications for the classification of necessary well permits as will be discussed below.

In addition to the houses, the campground has historically serviced for over fifty years, 12 RV and 40 tent sites located the 36.84 acre parcel. As explained in other parts of this submittal, the camping is rustic and the facilities are much what would be expected at a national park. All landscape is natural and there is no outdoor use. Total estimated use for the entire facility, including houses is less than 1 AF a year.

B. Water Rights:

The Applicants purchased the property after it was split into two separate lots in 1981. Prior to the split, the Owner, Raymon Hayden, decreed water rights to Hayden Wells No. 1-3 in Case No. W-3072. The water rights were decreed for "domestic" purposes which included camp side uses as those occurring inside the cabins that existed at that time. The wells location, appropriation date and decreed pumping rates are set forth in the decree, attached to this memo. As a result of the 1981 subdivision, the Shaffers ended up with Hayden Wells No. 1 and 3 on their property. However, Hayden Well No. 3 was lost in the 2013 flood. Therefore, the only well still serving the campsite is Hayden Well No. 1 which is connected to a cistern and is accessible to all other users of the camp site. Hayden Well No. 1 was drilled pursuant to permit 82879. A new well permit was issued after the 1976 flood which authorized construction of current Hayden Well No.1. However, the permit expired in 1978 presumably because the property owner never demonstrated well completion to the State Office.

Finally, there is an unadjudicated storage water right associated with a pond on the property which was largely destroyed during the 2013 flood but could be restored if necessary.

C. Compliance/Policy 90-1:

As part of this special review, the Applicants will comply with water use restrictions required of them by Larimer County and the State of Colorado. Under the assumption that the County allows the Applicants to continue to operate the campground in the rustic manner it has historically, Hayden Well No. 1 can physically and lawfully supply the entire campground. However, application for a new permit pursuant to Policy 90-1 should be made in the near term.

Requirements for Policy 90-1 as set and evidence of Well No.1 conformance is set forth as follows:

1. Water from an existing commercial well must have been applied to the beneficial uses claimed prior to may 8, 1972.
RESPONSE: The appropriation date for Hayden Well No.1 is December 31, 1959 and has supplied water to the campsite since that time.
2. The claimed and actual pumping rate shall not exceed 15 g.p.m.
RESPONSE: Paragraph number six sets forth that the decreed amount for Hayden Well No. 1 was .033 c.f.s. which is less than 15 g.p.m. The well does not yield that much now, however. Applicant estimates that current production is approximately one g.p.m.
3. The use of the water diverted must be limited to drinking and sanitary facilities required for the commercial use. No outside uses are permitted. RESPONSE: Such use restrictions are acknowledged and are consistent with current practice. Most campers bring bottled water and those campers that use well water do so primarily to wash their dishes and hands. There is no irrigation use at all.
4. The well must be the only commercial well serving the business. RESPONSE: As described above, Hayden well No.1 is the only remaining well on applicant's property. None of the wells were ever permitted for "commercial" use, although they would be classified as such now.
5. The return flow from the use of the water must be discharged to the same stream system in which the well is located. RESPONSE: The property is adjacent to the Big Thompson River and all return flows would be discharged to the same stream system.
6. The annual amount of ground water diverted shall not exceed 1 acre-foot (325,900 gallons) and include evidence of historic diversions and use prior to may 8. 1972. RESPONSE: Applicant's intended use is less than an acre-foot and will install totalizing flow meters to ensure compliance with this restriction. Applicant has submitted to the

State Office a Statement of Beneficial Use. The decree sets forth the date of appropriation as December 31, 1959 for the purposes claimed. The decree was entered in W-3072 after appropriate findings by the Water Court as required by statute.

Applicants are therefore in compliance with the provisions stated in Policy Memorandum 90-1 as set forth on January 18, 1990, by the Office of the State Engineer. They will also comply with any additional reasonable requirements to further ensure the standards for issuance of an exempt well permit under § 37-92-602 (5). Upon issuance of the permit by the State they would be lawfully entitled to operate Hayden Well No. 1 without further action.

D. Augmentation Plan

Applicants may decide in the future to further develop the business such that additional water use may become necessary. Under such conditions, they will no longer be able to exclusively rely on Wagner Well No. 1 for their supply. They will also lose their eligibility under § 37-92-602. Therefore, an augmentation plan will be necessary assuming no other supply can be furnished. Fortunately, the property is located just a few miles from the Loveland Water Treatment Plant. I am familiar with the City's policies and water rights. I am confident the Applicants could develop an augmentation plan using fully consumable effluent to off-set whatever extremely small depletions might otherwise occur. There is no time frame under which this would occur and augmentation is not being considered as part of this Special Review under the assumption the well can be administered as exempt. However, it is useful to know the option of augmenting is available if circumstances required it.

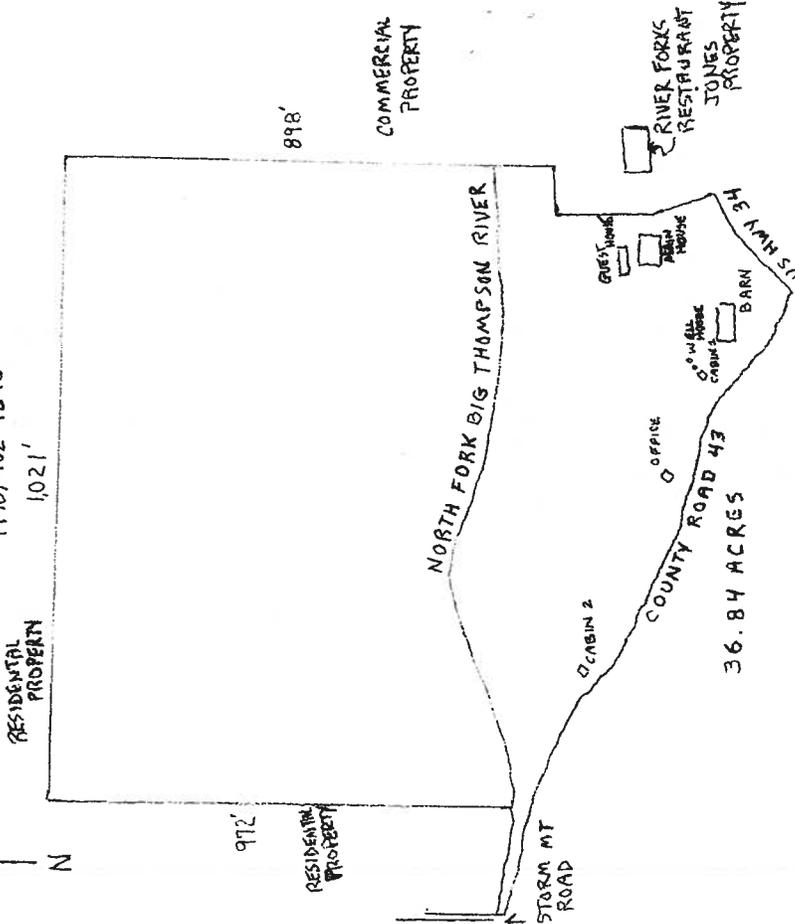
E. Water Quality

Water Quality in Colorado is governed by the Colorado Department of Public Health and Environment. Applicant agrees with Doug Ryan of Larimer County that the water system is likely a "public non-community water system" and commit to obtain the required state review and approval. In anticipation of such, Applicants have met with representatives CDPHE at their property and been advised of conformance requirements including necessary technology that will be required. Fortunately, no substantial infrastructure improvements will be necessary and compliance can be readily achieved. In fact, the Applicants have already installed a temporary chlorinator which has been approved by the State.

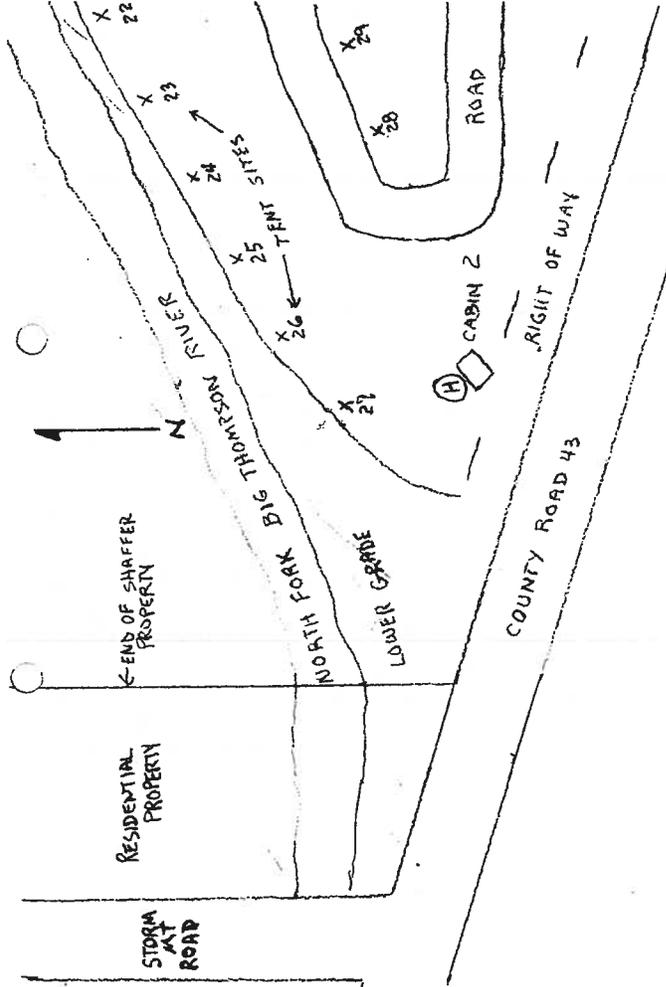
Sincerely,
Sean D. Rutledge

2-20-2015

ZONING DISTRICT OPEN
PARCEL NO. 15038-00-038
SCHEDULE NO. 061275B
OWNER JERRY SHAFER - JEFF SHAFER
P.O. BOX 305
1607-1609 U.S. HWY 34
DRAKE CO 80515
(970) 402-4240



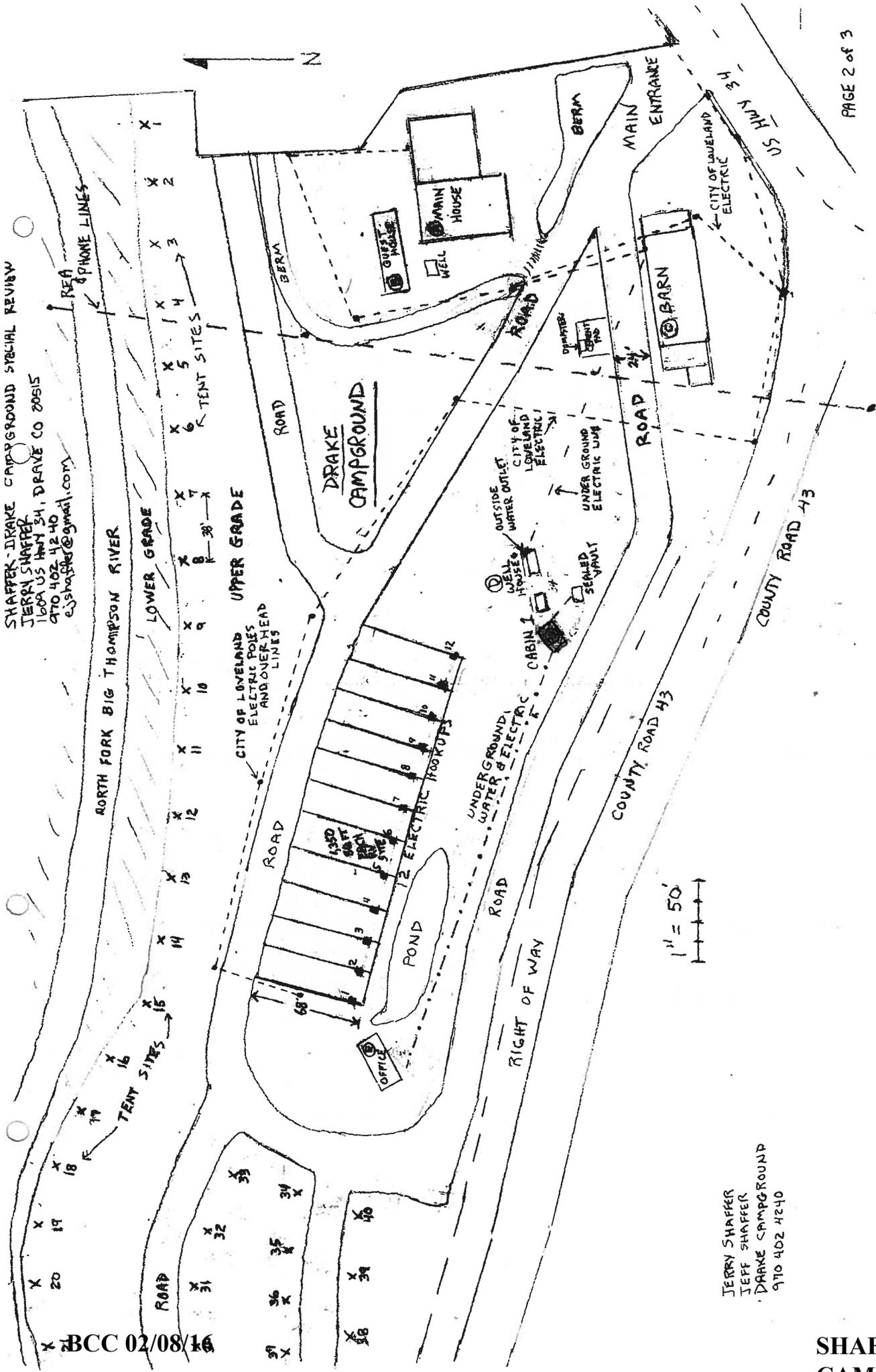
PLOT PLAN
SCALE 1" = 200'



BUILDING'S	SQUARE FEET	DISTANCE FROM ROAD
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H. CABIN 2	120 SQFT	43 FT FROM CTY RD 43

And Submitted

SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW
 JERRY SHAFFER
 1600 US HWY 34, DRAKE CO 20515
 910 402 4240
 e.j.shaffer@gmail.com



1" = 50'

JERRY SHAFFER
 JEFF SHAFFER
 DRAKE CAMPGROUND
 910 402 4240

BCC 02/08/16

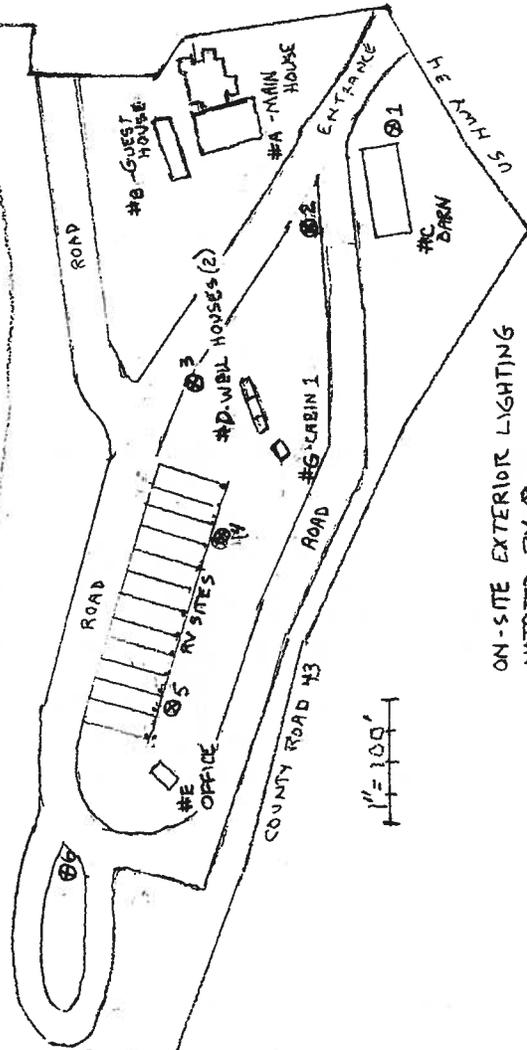
PLOT PLAN

JERRY SHAFFER
 JEFF SHAFFER
 1607-1609 US HWY 34
 DRAKE, CO 80515
 (970) 402-4240

BCC.02/08/16

STORM MOUNTAIN
 ROAD

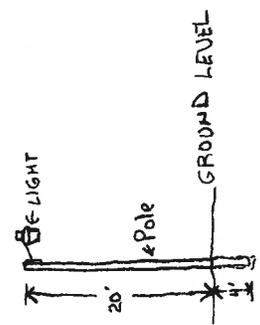
NORTH FORK BIG THOMPSON RIVER



- A- MAIN HOUSE
- B- GUEST HOUSE
- C- BARN
- D- WELL HOUSES (2)
- E- OFFICE - 384 SQ FT
- F- DUTCH HOUSE - HAS BEEN REMOVED
- G- CABIN 1 - 168 SQ FT
- H- CABIN 2 - 120 SQ FT

ON-SITE EXTERIOR LIGHTING
 NOTATED BY 10 THRU 60

⊗ EXTERIOR LIGHT POLES



ON-SITE EXTERIOR LIGHTING
 NOTATED BY ⊗

PAGE 1 of 3



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: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: December 23, 2015

Subject: Shaffer/Drake Campground SR

RECEIVED
 DEC 28 2015

The Shaffer/Drake Special Review is a proposal to authorize an existing campground/recreational vehicle (RV) park through the County's land use permitting process. It is our understanding that the campground is currently operating seasonally under the terms of a short-term agreement with the County Commissioners pending the formal land use special review process. My comments here are in response to the updated project information and recent referral request from the Planning Department.

As I noted in previous referral comments about this application, a substantial portion of the campground is located within the mapped floodway of the North Fork of the Big Thompson River. The September 2013 flood damaged a significant portion of the campground. Because the river is subject to flash flooding episodes, this presents an important life safety issue. This topic is relevant because the County's land use code does not allow campgrounds in the floodway. In order to address that prohibition, the applicant applied for and received a Floodplain Special Review. As part of that process, the Commissioners mandated specific conditions that relate to safety and warning systems. The fact that the Floodplain Special Review has been obtained allows the application to move forward for consideration of other technical issues in the Land Use Code that pertain to campgrounds.

Standards for campgrounds and RV parks are contained in Chapter of 18 the Larimer County Land Use Code. Those standards anticipate a fairly full range of services; including comfort stations, a potable water supply, and wastewater facilities for RVs that can range from individual hookups to a centralized dump station. In the past the campground has operated as a rustic facility with limited services.

Given this situation, the applicant is appealing the Land Use Code requirements that a campground or RV park include at least one comfort station. A comfort station is a modern restroom containing toilets, lavatories, urinals and showers. The applicant has listed several factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint. If this appeal were approved, the Shaffer/Drake campground could operate similar to a traditional Forest Service campground with outhouse and water spigot improvements. Considering the location and type of operation, we concur that a modern comfort station is probably not necessary in this case.

The updated project description, dated November 20, 2015, commits to providing a minimum of two vaulted privies each containing a men's and women's toilet, and one RV dump station. These facilities are shown

on the most recent site plan and are outside of the mapped floodway as shown on that drawing. Locating these facilities outside the floodway is a requirement of the technical standards for on-site sewer systems that our Department administers. Those standards are intended to protect water quality when a flood does occur, in addition to protecting the wastewater facilities from flood damage. Given that the RV and tent sites themselves are in the floodway, the privies located above them are not as convenient to the campers as would be desired. We see this as part of the compromise needed to move forward on the Special Review.

Note that the vaulted privies and RV dump station need to be permitted by our Department, and installed and approved for use prior to operations under the Special Review. The dump station will require pumping by a licensed service for offsite delivery to a sewage treatment facility each time it fills.

The Shaffer/Drake Campground currently provides a water supply for the use of tent and RV campers. As we noted in previous comments, there are two important issues that need to be considered regarding water service. The first pertains to water availability, and to the use of the well for the campground/RV park. This topic relates to the need to demonstrate that adequate water rights are available to support the campground use. The Colorado Division of Water Resources has provided written comments to the County on this issue – most recently on December 22, 2015. Those comments indicate that there are outstanding issues related to approval of the well for a campground/RV park commercial use. Water availability is an important feasibility issue that needs to be resolved prior to operation of the campground/RV park under the Special Review.

The second issue relates to water quality, and the classification of the water system under Colorado drinking water regulations. Small water systems that serve 25 or more people for 60 or more days per year are classified as a public non-community water system. These systems require registration at the state level as a public water system, technical plan review, treatment and disinfection, and routine water quality testing. Guidance on Colorado's water system requirements is available on the state's website at <http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287>. The old campground was not licensed under these provisions. It is our view that the capacity of the campground meets the threshold for a public non-community water system. The applicant has committed, as part of the updated project description, to comply with these standards. The compliance requirements above need to be completed prior to operating under the special review. Our Department is available to consult with the Shaffers on this issue.

This memo outlines three specific areas where improvements will be required under the terms of a land use Special Review; installation of the vaulted privies and dump station, approval of the water source by the Division of Water Resources, and registration and approval of the water treatment and distribution system as a public non-community supply. Our office recommends that specific dates for those improvements be coordinated with other conditions of approval if the Special Review is approved by the County Commissioners.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these recommendations.

cc: Jeff and Lori Shaffer
Sean D Rutledge



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: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: September 17, 2015

Subject: Shaffer/Drake Campground SR

The Shaffer/Drake Special Review is a proposal to authorize an existing campground through the County's land use permitting process. My comments below are in response to the recent referral request from the Planning Department pursuant to the August 28, 2015 letter from Sean D. Rutledge at the Rutledge Law Office, LLC.

My previous memo dated March 28, 2015 outlined our Department's position concerning the Special Review, with emphasis on the water and sewer systems. The letter and supporting materials from Mr. Rutledge include a discussion of those issues. My recommendation for moving forward on those specific topics would be to ask the applicant to modify their formal project description and site plan to incorporate the following items so that they will be contained as a unified proposal for the public hearings:

- Update the project description to indicate that a minimum of two vaulted privies each containing a men's and women's toilet and an RV dump station will be provided for the campground and that those facilities will be located outside of the mapped floodway.
- Update the project description to indicate that the applicant commits to obtain approval of the drinking water system as a Public Non-community System and will submit plans to the Colorado Department of Public Health and Environment for approval.
- Provide an updated scaled site plan that shows the existing and planned improvements, the mapped floodplain, and includes the location of the proposed vaulted privies and RV dump station.
- Include the applicant's letter about water rights as part of the public hearing submittal and the County's updated referral to the Colorado Division of Water Resources.
- Update the project description to outline the Flood Plain Special Review approval so that the record will reflect how the campground can be authorized in the floodplain.

Thank you for the opportunity to comment. The requested information will allow our office to complete its formal comments on the Special Review public hearing referral. I can be reached at (970) 498-6777 if there are questions about any of these recommendations.

cc: Jeff and Lori Shaffer
 Sean D Rutledge



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR

Doug Ryan <ryandl@co.larimer.co.us>

Mon, Sep 28, 2015 at 9:09 AM

To: "Madson, Karin" <madsonkc@co.larimer.co.us>, ejshaffer@gmail.com, seanrutledgelaw@aol.com

Karin,

Thanks for forwarding the September 23, 2015 letter from the Colorado Division of Water Resources regarding their comments on the Shaffer/Drake Campground Special Review.

In my most recent referral memo dated September 17, 2015 I noted that the applicant's information on water rights should be sent to the Division of Water Resources for their review. Based on the Division's letter that has already happened and the conclusion is that the Hayden Well No. 1 needs to be either permitted as an exempt commercial well under Policy 90-1 if it can comply with that policy, or a new well permit supported by an augmentation plan needs to be obtained. The Division does note that they are concerned that a 1-acre foot limit on an exempt commercial permit may not provide an adequate water supply based on the capacity of the campground.

Because water supply is one of the core issues that needs to be considered as part of the County's land use special review process, it will be important for the applicant to respond to the Division's letter and indicate very clearly in their revised updated project description for the public hearing how they intend to address those issues.

I will copy this to the Shaffers and Sean Rutledge so that we all have the same information for moving forward.

Doug Ryan
Larimer County Department of Health and Environment
1525 Blue Spruce Drive
Fort Collins CO 80524

(970) 498-6777
ryandl@co.larimer.co.us
[Quoted text hidden]

2 attachments

 **Shaffer.pdf**
69K

 **ShafferDrakeCampgroundSR3.pdf**
112K



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: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: March 26, 2015

Subject: Shaffer/Drake Campground SR – Response to Additional Materials

RECEIVED
 MAR 30 2015

The Shaffer/Drake special review is a proposal to authorize the continued use of an existing campground through the County's land use permitting process. The special review application has been prepared as required through a written agreement between the property owners and the county.

Our Department submitted comments in November of 2012 for the initial sketch plan submittal. Those comments discussed the floodplain issue as it relates to safety and to the location of outhouses or other sewer facilities, as well as standards in the Land Use Code related to water and sewer facilities and comfort stations. My comments here address the additional materials submitted by the Shaffers.

A substantial portion of the campground is located within the mapped floodplain of the North Fork of the Big Thompson River. The September 2013 flood damaged a significant portion of the campground. Because the river is subject to flash flooding episodes, this presents an important life safety issue. A Floodplain Special Review has been authorized for the property, and the Commissioners have included specific conditions that relate to safety and warning systems.

As I noted in my previous comments, standards for campgrounds and RV parks are contained in Chapter 18 the Larimer County Land Use Code. Those standards anticipate a fairly full range of services, including comfort stations with restrooms and showers, a potable water supply, and sewer facilities for RVs that can range from individual hookups to a centralized dump station. In this case the campground has operated in the past as a rustic facility with limited services.

Given this situation, the applicant is appealing the Land Use Code requirements for both comfort stations and RV water and sewer hookups. The applicant has listed several factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint. If these appeals were approved, the Shaffer/Drake campground could operate similar to the traditional Forest Service campground with outhouse and water spigot improvements. Considering the location and type of operation, we concur that a modern comfort station and providing individual water and sewer hookups for the RVs is probably not necessary.

We would encourage the operator to install a sanitary dump station for RV wastewater. These stations are basically a large sealed vault that is pumped out by a licensed hauler when full. It is our experience that many times RV units arrive at a campground with full waste tanks. A dump station allows the RV users to empty their tanks before setting up. Our observation is that this greatly reduces the problem of discharge of gray water tanks onto the surface during campground stays. Most campground users also want to dump their toilet and gray water tanks as they are leaving.

During operations prior to the 2013 flood, the campground provided one outhouse, a few portable chemical toilets, and two water spigots. As I noted previously, our Department has taken the position that permanent vaulted privies are needed in campgrounds, and that portable chemical toilets are not appropriate for regular use. The project description notes that the campground provides 40 tent spaces and 12 RV hookups. Based on that level of use it is our recommendation that the campground needs to provide the equivalent of at least two vaulted privies each containing a men's and women's toilet. A permit to install the vaulted privies needs to be obtained from our Department. Note that the sewer system regulations that we administer require the privies be locations outside the mapped floodway. The application materials states that the applicant intends to work with our Department to obtain those permits.

Water delivered to the campground spigots is supplied by a well. There are two important issues that need to be considered regarding the water supply. The first relates to the use of the well for the campground/RV park as outlined in the October 23, 2012 letter from the Colorado Division of Water Resources. This topic relates to the need to demonstrate that adequate water rights are available to support the campground use. Any concerns about this issue would be addressed if the Division of Water Resources indicates in their referral that the well permit authorizes this use.

The second issue relates to water quality, and the classification of the water system under Colorado drinking water regulations. Small water systems that serve 25 or more people for 60 or more days per year are classified as a public non-community water system. These systems require plan review, treatment and disinfection, and routine water quality testing. Guidance on Colorado's water system requirements is available on the state's website at <http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287>. The old campground was not licensed under these provisions. It is our view that the capacity of the campground meets the threshold of a public non-community water system. With regard to this land use special review, we recommend that the applicant commit to obtain the required state review and approval of the water system. Our Department is available to consult with the Shaffers on this issue.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about our recommendations concerning any of these issues.

cc: Jeff and Jerry Shaffer



DEPARTMENT OF HEALTH AND ENVIRONMENT

1525 Blue Spruce Drive
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RECEIVED NOV 08 2012

To: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: November 6, 2012

Subject: Shaffer/Drake Campground SR

The Shaffer/Drake special review is a proposal to authorize an existing campground through the County's land use permitting process. The special review application has been prepared as required through a written agreement between the property owners and the county.

A substantial portion of the campground is located within the mapped floodway of the North Fork of the Big Thompson River. Because the River is subject to potential flash flooding, this presents a life safety issue that in our view should be considered the main review item. The Engineering Department manages the County's flood plain regulations, and we understand that their review will be crucial in determining how this application proceeds.

If the issue of the flood plain location can be resolved, the primary review topics for our Department would relate to the provisions of water and sewer. Standards for campgrounds and RV parks are contained in Chapter 18 the Larimer County Land Use Code. Those standards anticipate a fairly full range of services, including comfort stations with restrooms and showers, water supply, and sewer facilities for RVs that can range from individual hookups to a single dump station. In this case the existing campground is rustic with limited services. The project description notes that additional improvements are not planned.

Given this situation, the applicant may wish to consider appealing the standards for both comfort stations and RV water and sewer hookups. There are several factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint.

If those appeals were authorized, the Shaffer/Drake campground could operate similar to the familiar Forest Service campground with outhouse and water spigot improvements. The current operation provides one outhouse, a few temporary chemical toilets, and two water spigots. No sewer connections are provided for the RV sites. Our Department has taken a consistent position that permanent vaulted privies are needed in these campgrounds, and that portable chemical toilets are not appropriate for regular use. The project description notes that the campground provides 40 tent spaces and 12 electric RV hookups. It is our recommendation that the applicant

commit to provide the equivalent of at least two vaulted privies each containing a men's and women's toilet. A permit to install the additional units needs to be obtained from our Department.

Water is supplied by a well. There are two important issues that need to be considered regarding the water supply. The first relates to the use of the onsite well for the campground/RV park as outlined in the October 23, 2012 letter from the Colorado Division of Water Resources. The second issue relates to water quality, and the classification of the water system under Colorado drinking water regulations. Small water systems that serve 25 or more people for 60 or more days per year are classified as a public non-community water system. These systems require plan review and routine water quality testing. Guidance on Colorado's water system requirements is available on the state's website at <http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287>. With regard to the special review, we recommend that the applicant commit to obtain the required state review and approval of the water system. Our Department is also available to consult with the Shaffers on this issues.

In addition to the campground facilities, there are several other residential uses on the property. It would be helpful if the next submittal included detail on the water and sewer provisions for those uses.

In conclusion, the important review items for our Department relate to the floodway, and to water and sewer service. While the floodway is probably the major feasibility issue, water and sewer are technical concerns that need to show compliance with state and local standards.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these issues.

cc: Jeff and Lori Shaffer



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer Comments

Eric Tracy <tracyel@co.larimer.co.us>
To: Karin Madson <kmadson@larimer.org>

Wed, Oct 14, 2015 at 10:46 AM

Karin,

I had prepared comments for the application before our servers went down last month. I still do not have access to them, so I will summarize my comments....

The following items were noted in my comments from November 9, 2012 -

Access spacing, sight distance, legal access, Access Permit - *If CDOT will allow the access point to remain where it is, we will defer to CDOT for comments regarding these issues.*

Right-of-way dedication - *We will defer to CDOT for any ROW dedication along Highway 34. We are not pursuing ROW acquisition along County Road 43 for the permanent post-flood repairs so we could support a variance to this standard.*

Dead end length - *standards have changed since my comments in 2012. No longer applicable.*

Parking- *Parking has not been analyzed, but based on historic use appears to be adequate.*

Paving - *With current and ongoing conversations regarding this topic, we can support a variance to this standard.*

Emergency access and circulation - *We will defer to any comments or requests from the emergency service providers.*

Connectivity to adjacent parcels - *site topography and the river and road would make connectivity difficult. We can support a variance to this standard.*

Road maintenance agreements, Drainage/Floodplain issues, erosion control measures, drainage agreements, geotechnical report, Site/construction plans, drainage and erosion control report, Development Construction Permit, ROW-Construction Permit, Transportation Capital Expansion Fees, Drainage Fees, State Stormwater Construction Permit, 404 Permit through the Army Corps of Engineers - *Not required without any site improvements.*

Traffic impact study - *the application is not proposing to increase the amount of traffic, so we will consider the traffic generated by this use to be existing. No TIS is required by Larimer County. CDOT may require a TIS.*

Floodplain - *A recommendation of denial from Larimer County Staff and the Larimer County Flood Review Board were presented to the BCC during a hearing for the Floodplain Special Review required per the agreement between the BCC and the applicant. The BCC approved the Floodplain Special Review to allow the commercial campground use within the Floodway Overlay Zone of the North Fork of the Big Thompson River.*

Eric Tracy
Larimer County Engineering Department



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer-Drake Campground

Eric Tracy <tracyel@co.larimer.co.us>

Fri, Mar 27, 2015 at 12:30 PM

To: Karin Madson <kmadson@larimer.org>

Karin,

We have not received the technical documentation required as outlined in my November 9, 2012 comments and therefore would support a recommendation denial of this project.

Eric Tracy
Larimer County Engineering



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

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

MEMORANDUM

TO: Karin Madson, Larimer County Planning Department

FROM: Eric Tracy, Larimer County Engineering Department *ET*

DATE: November 9, 2012

SUBJECT: Shaffer/Drake Campground – Special Review

Project Description/Background:

This is a Special Review approval for an RV Park/Campground with 12 RV sites and 40 tent sites. The property is located northwest of Highway 34 and County Road 43 intersection at Drake, CO.

Review Criteria:

The materials submitted need to provide adequate information to accurately assess the drainage and transportation aspects for the entire site. Larimer County Engineering Department staff has reviewed the materials that were submitted to our office under these guidelines and per the 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.

Transportation/Access Issues:

1. Engineering Department is providing comments to the citizen without substantial information. The application did not include adequate information to address the required standards. As more detailed information is provided, the engineering department will make more detailed comments, recommendations and requirements.
2. The site design must comply with all the requirements set forth in the Larimer County Land Use Code, Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSDS) and the agreement that was formed between the Shaffer's and Larimer County.
3. Once more information is submitted, the Engineering Department will review site design including but not limited to access spacing, sight distance, right-of-way dedication, dead end length, legal access, road maintenance agreements, parking, pavement requirements, emergency access points/circulation, connectivity to adjacent parcels, drainage/floodplain issues, erosion control, and drainage agreements. This information should be adequately addressed in the next submittal.
4. Typical required engineering documents include site/construction plans, drainage and erosion control report, traffic impact study, and a geotechnical report. These must be prepared, stamped and signed by a Colorado licensed professional engineer.
5. This proposal is running concurrent with a Floodplain Special Review. The majority of the site is located within the FEMA designated 100-year floodplain and must comply with Section 4.2.2 of the Larimer County Land Use Code. A recommendation of denial of the Floodplain Special Review from the Larimer County Flood Review Board would likely result in a recommendation of denial for this

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2012.11.09.doc

application from the Larimer County Engineering Department. As agreed upon at the time of application, the applicant has until November 22, 2012 to submit technical information to support the Floodplain Special Review application.

6. Engineering Fees and permits may include a Development Construction Permit, Access Permit, Right-of-way Construction Permit, Transportation Capital Expansion Fees, Drainage Fees, Stormwater Construction Permit from the Colorado Department of Health and Environment, and a 404 Permit from the Army Corps of Engineers, etc.
7. The access to the site is from Highway 34 and therefore requires review and approval by the Colorado Department of Transportation (CDOT). The applicant will need to contact Gloria Hice-Idler Region 4 Access Manager, at (970) 350-2148 of the Greeley office of CDOT for setbacks, right-of-way needs, drainage concerns, and general access questions for this proposal.
8. The applicant should contact Loveland Rural Fire Protection to ensure that the building and internal layout is adequate for their purposes.

Staff Recommendation:

The Larimer County Engineering Department can not recommend approval of this proposal until the above comments have been addressed and our department has reviewed and approved the additional information. In addition, the applicant shall provide written responses to the above comments on the next submittal. The applicant should be aware that our department has based the comments on the submitted information and once the additional information has been submitted, we may have additional comments.

Please feel free to contact me at (970) 498-5729 or e-mail me at etracy@larimer.org if you have any questions. Thank you.

cc: Jeff & Lori Shaffer, PO Box 305, Drake CO 80515
 Gloria Hice-Idler, Access Manager, Colorado Dept of Transportation, 1420 2nd Street, Greeley, CO 80631
 reading file
 file



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

**CODE COMPLIANCE SECTION
LARIMER COUNTY PLANNING & BUILDING SERVICES DIVISION**

STAFF REPORT

Date: October 29, 2012
From: Candace Phippen, Building & Code Compliance Supervisor
To: Karin Madson, Planner II
Planning File No: 12-Z1899
Name of Review: Shaffer Drake Campground SR
Parcel No: 1503200038—1607 W. Highway 34, Drake, Colorado

This is a request for special review approval for an RV park and campground with 12 RV sites and 40 tent sites. This staff report addresses existing structures on the property the applicant intends to include in the RV park and campground.

The applicant identifies the following structures currently on the property (see attached aerial for reference):

- Structure A Main House
- Structure B Guest House
- Structure C Barn
- Structure D Well house
- Structure E Cabin/office
- Structure F Log outhouse
- Structure G Cabin

Based on the historical information attached, including review of the Assessor's records and Building Department records, legal nonconforming structures on the property are the main house (A), the guest house (B)¹, the well house (D) and the larger wood structure (barn) without any utilities (C). The cabins do not appear on the property until after 1986. I could not locate any building permits of record for the cabins or to add utilities to the barn or to change the use of the barn from storage to another use like an office, retail sales, etc.

STAFF COMMENTS: There are two outstanding building permits of record highlighted in yellow on the attached summary of building permits. Final inspection approvals must be obtained.

¹ Although the guest house was determined to be legal, nonconforming via a staff report prepared for File 96-SU0975, the guesthouse does not appear in aerials until after 1986. I could locate no building permit of record for this dwelling.

If approved through the special review process, I suggest Code Compliance Officer Eric Fried conduct a site inspection to confirm the location, size and use of all structures on the property and to determine whether or not building permits and inspection approvals are required for the structures.

Unless the owners can provide proof of building permits issued, it is certain building permits and inspection approvals are required for the cabins.

Will existing structures not permitted or grandfathered be allowed to remain on the property?

If the answer to this question is no, I suggest a condition of approval of the special review be that all existing structures not permitted or grandfathered be removed from the property within sixty (60) days from date of final determination on the special review application.

If the answer to this questions is yes, I suggest the following issues be addressed as part of the special review process:

- a. An accurate, scaled plot plan showing all existing structures, distances to property lines, roadways and waterways be submitted by the applicant. The plot plan should identify sizes and uses of all structures. Copies of this plot plan can be used by the owner when later submitting applications for building permits for all unpermitted structures that are not considered grandfathered. The plot plan can also be used by Code Compliance Officer Eric Fried when conducting his site inspection to confirm location, size and use of all structures on the property.
- b. Pre-approval for all setbacks from property lines, roadways and waterways be obtained from the Planning Department for all existing, non-permitted structures.
- c. Pre-approval from the Larimer County Engineering Department be obtained allowing all existing unpermitted structures to remain in FEMA-designated flood areas.
- c. Pre-approval from the Larimer County Department of Health & Environment be obtained for adequate sewage disposal systems for the unpermitted cabins.
- d. The amount of TCEF (transportation capital expansion fees) be determined by the Larimer County Engineering Department for existing cabins and any change of occupancy permit required for the barn.

cc: Jeff and Lori Shaffer
P.O. Box 305
Drake, CO 80515

Shaffer Drake Campground SR
Parcel No: 1503200038—1607 W. Highway 34, Drake, Colorado

Historical Background

- 1981 Pursuant to File 81-94 (application for DeJesus exemption), the only structures on this parcel in 1981 were a wood structure without sewer and water, which was used at the time to sell curios in the summer, and a well house (see attached plot plan submitted with File 81-94).
- 1986 Pursuant to File S-37-86 (amendment to lot lines), the purpose of the amended lot lines was to sell the commercial operation separately. The house now on this parcel was incorporated into the property by virtue of the amended lot lines. The only other structures shown on the site plan and described in the application materials are the wood structure and well house identified in 1981 above (see attached plot plan submitted with File S-37-86).
- 1988 Pursuant to a staff report for a 9/1/1988 hearing on a special review application to operate a campground (File Z-24-88):
- a. The cabins [pursuant to application materials, there were four cabins on the property at the time with no water or electric] were not permitted by the Resolution, and would require approval of a variance by the Board of Appeals. The cabins were to be designed and built in conformance with Uniform Building Codes, and were to receive a building permit for each unit.
 - b. If the "cabins" were permitted, Planning staff would recommend they be used only for short-term occupancy, not for longer term rentals.
 - c. The "storage barn" was not be used for any commercial or residential uses.

Summary

- 1973—aerial shows main house, barn, well house and three outbuildings on property.
- 1976—aerial (just after flood) shows main house, barn and two outbuildings on the property.
- 1981—the only structure on the property was a storage building/barn with no sewer or water (Structure #C) constructed in 1952 and a well house (Structure #D).
- 1986—the boundary line changed so the main dwelling (Structure #A) on Tract B was placed on Tract A (Shaffer property)
- 1988—cabins (Structures #E and #G) and guesthouse (Structure #B) first appear.
- 1996—Planning Dept. declared "the existing residence (Structure #A) and mobile home (Structure #B) to be legal, non-conforming uses and allowed to remain.

Assessor's Office

- Ranch residence originally constructed in 1900, remodeled in 2002, containing 2609 sq.ft., three bedrooms, 2-1/2 baths with a 280 sq.ft. attached garage.
- Modular residence, 1960, containing 805 sq.ft., one bedroom, one bath.
- Storage warehouse constructed in 1952 containing 1435 sq.ft.

Building Permits of Record

1. 83-2311 issued on 12/05/1983 for an alteration to a single-family home—inside plumbing, sheetrock, new roof & siding. No inspections of record. The only approver for this permit was the Building Department—no approvals by Health or Engineering. Prior to 1988, some residences and cabins (including additions and remodels to these structures) were issued a building permit but not fully inspected at the time by the County ("Pre-1988 permits"). The lack of inspection records for Pre-1988 building permits is not considered a violation of the Building Code. The Larimer County Building Department cannot, however, guarantee the structures were constructed pursuant to minimum Building Code requirements.
2. 86-1255 issued on 02/25/1986 for residing. Permit voided.
3. 99-M0346 issued on 03/30/1999 for a reroof. Permit finalized.
4. 99-M0698 issued on 06/24/1999 for replacing the siding, fascia and soffits. Permit finalized.
5. 02-B0613 issued on 05/17/2002 for an addition (884 sq. ft.)to a single-family home (main home) containing a bedroom, bath, decks (172 sq. ft.) and 1-car garage (336 sq. ft.). Permit finalized, Letter of Completion issued. This permit was not reviewed by the Health Dept. as no additional bedrooms were being created (three bedrooms total). This permit was issued on the following condition from the Engineering Dept:

This is in the flood fringe of the North Fork of the Big Thompson. The finished floor elevation of the addition needs to be at 6163.90 or higher. An elevation certificate must be performed and a copy returned to Ed in Engineering before a CO can be issued. No final field flood inspection needed. [NOTE: Elevation certificate received].

6. 12-B0439 issued 6/8/2012 for a 196 sq.ft. loafing shed. Final building inspection required.
7. 12-M0605 issued on 5/17/2012 for metal re-roof to residence. No inspections requested to date. This permit expires on 11/13/2012. Final inspection approval must be obtained on or before this date.

Code Compliance Files of Record:

1. ZV-495 initiated on 11/01/1994 for an illegal business. File closed.
2. 06-CC0432 initiated on 10/09/2006 for expired permit 02-B0613. Permit finalized, file closed.
3. 10-CC0004 initiated on 01/11/2010—prior approval required through the Larimer County Planning Department to operate an RV park and campground in the O-Open zoning district.

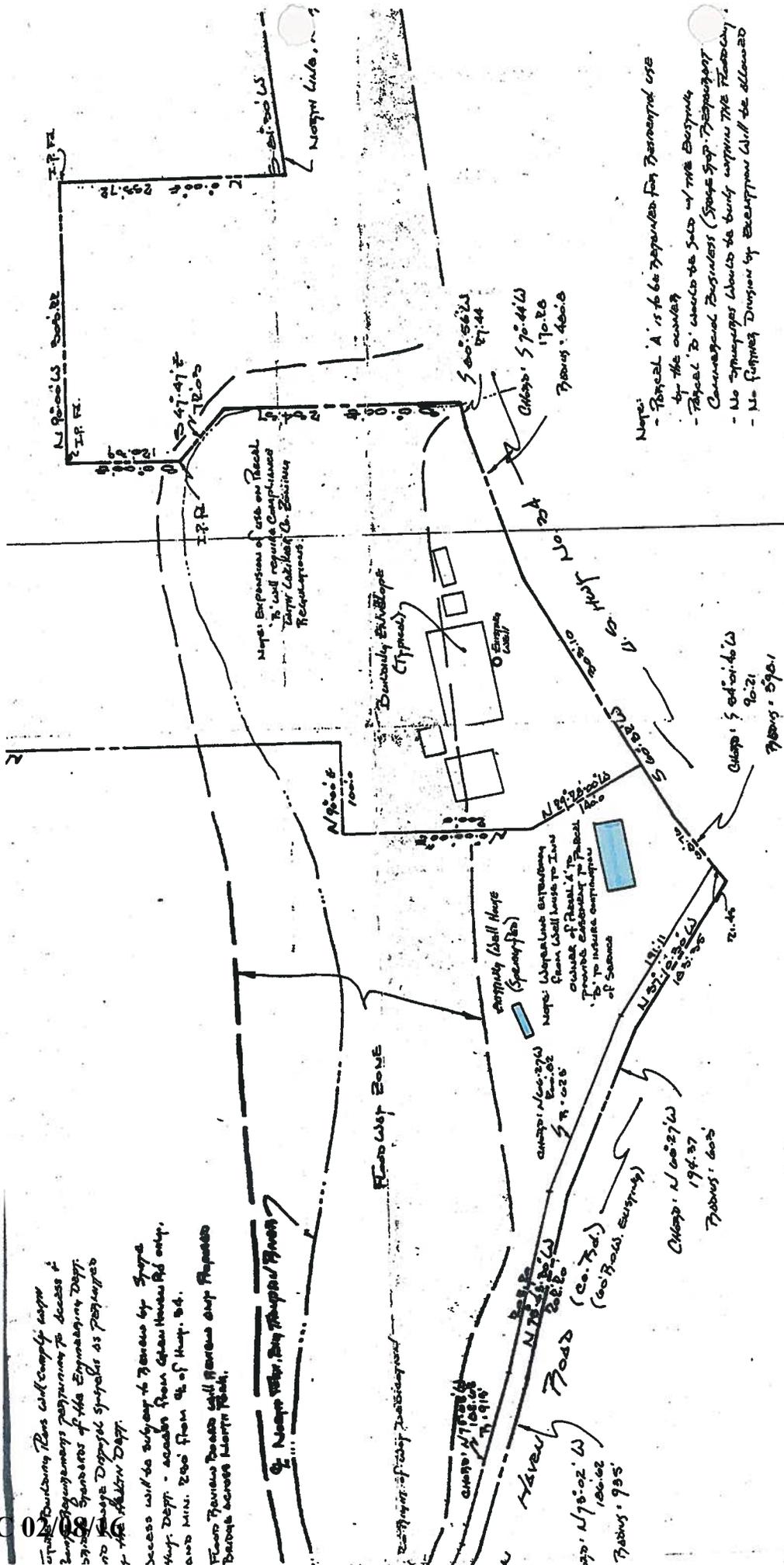


BCC 0

These boundary lines will comply with
 all requirements pertaining to access &
 easements of the Engineering Dept.
 no survey details symbols as per
 the Station Dept.

Access will be subject to review by State
 Hwy Dept - access from other than Rd only,
 and min. 200' from 1/2 of Hwy. 24.

Flats Review Board will review any proposed
 access across Martin Park.

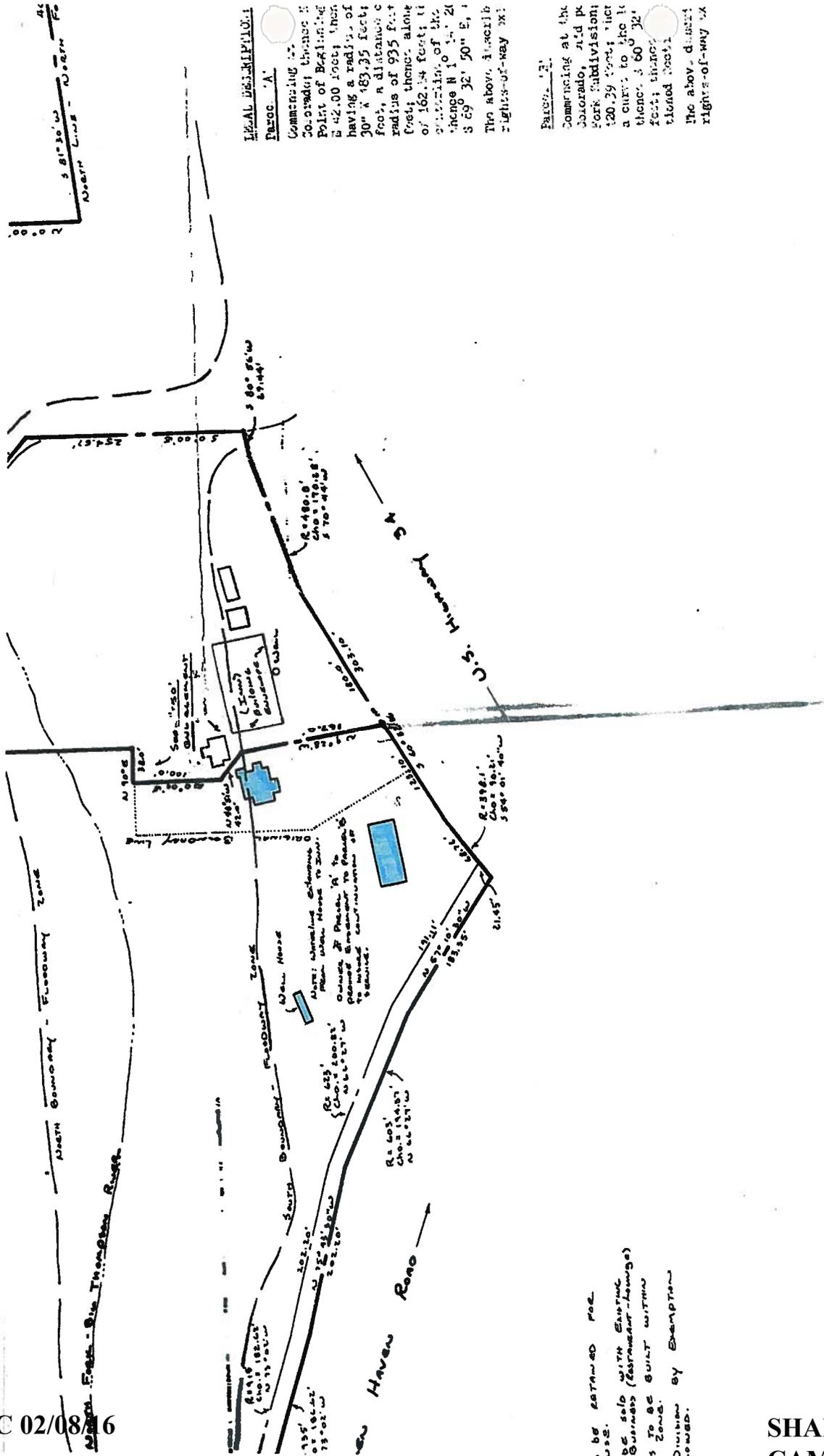


Notes:
 - Parcel A is to be prepared for residential use by the owner
 - Parcel B is under the jurisdiction of the Engineering Department
 - No structures should be built within the Floodway
 - No former Division by Easement will be allowed

APPROVED by the Larimer County Board of County Commissioners this 22 day of ~~Jan~~ 1988. All dedications as public highways of the streets, highways and roads as set on the within plat are hereby accepted pursuant to Colorado Revised Statutes, 1973, 43-2-201(4)(a). The acceptance of the dedications made herein are as public highway only. This acceptance does not constitute adding the roads, streets and highways as part of the Larimer County road system, and the County

File 5-37-86

BCC 02/08/86



LEGAL DESCRIPTION:
Parcel A:
 Commencing at the
 Corner of the
 Point of Beginning
 a 42.00 foot; then
 having a radius of
 30° x 183.35 feet;
 feet, a distance of
 feet; then along
 of 162.34 feet; the
 centerline of the
 bearing N 10° 14' 21
 S 89° 32' 50" E, to
 The above described
 rights-of-way etc.

Parcel B:
 Commencing at the
 Colorado, old Pl
 Park Subdivision
 120.29 feet; then
 a curve to the le
 then; 3 60° 32'
 feet; then
 162.34 feet
 The above describ
 rights-of-way etc

to be returned for
 use.
 to be sold with existing
 business (restaurant-housing)
 to be built within
 Zone.
 Division by Exemption
 would.

SHAFFER-DRAKE
 CAMPGROUND SR

Shaffer Campground Property

Parcel 1503200038
Jon/Dorris/Lacy Shaffer
1607 W Highway 34
Drake, CO 80515

Background

See aerial attached identifying structures on the property by number

- 1976 The Division of Water Resources provided a letter to the Larimer County Planning Department in 2011 confirming, to the best of their knowledge:
- “Well Permit No. 82881A is the well used to supply this parcel. The permit was issued in 1976 based on the historical use claimed by the applicant as “domestic” dating back to 1939. “
- 08/31/1981 Board of Commissioners approved the DeJesus Exemption for residential use only on this parcel. The storage building (#3) and well house (#5) were the only structures on the property when the DeJesus Exemption file was processed. ***No mention of camping or an RV campground in application materials or on site plan submitted with land-use application.***
- 04/12/1983 The Shaffers bought the property.
- 11/10/1986 Board of Commissioners approved the Amended DeJesus Exemption with condition that parcel be used for “residential use only.” The purpose of the amended lot lines was to sell the commercial operation separately. The main house (#1) now on the parcel was incorporated into the property by virtue of amended lot lines completed under the Amended DeJesus Exemption process. ***No mention of camping or an RV campground in application materials or on site plan submitted with land-use application.***
- July 1988 Owner submitted a Concept Technical Review (File Z-24-88) for campground use on Parcels A and B. Staff report states “application for approval must be made prior to construction or use of the property as a campground. The parcel is now being used illegally as a campground.” No further application for approval followed the Concept Technical Review.
- This is the first time cabins or camping were identified by the owners/applicants as existing on the property***—they identified four cabins with no water or electric. Staff noted at the time these cabins were not permitted or allowed. Staff also noted the “storage barn” was not to be used for any commercial or residential use.
- 04/12/1995 Letter from John Pedas, Code Enforcement Officer, concludes property does not have legal nonconforming status as a campground/RV park.
- 06/03/1996 Board of County Commissioners finds a violation and authorizes legal action if plan to resolve violation does not move forward in a “reasonable fashion.”
- 10/22/1996 Sketch Plan application submitted (File 96-SU0975) to subdivide property into three lots for single family-residential use. Staff report indicates existing residence and mobile home are considered legal non-conforming and would be allowed to remain.
- 10/15/2009 Received complaint of RV’s and campground in floodplain of Big Thompson River.
- 05/23/2011 After extensive meetings with attorneys for property owners and notification of the Board of

- County Commissioners, Planning Director Linda Hoffmann directs that file be turned over to County Attorney to proceed with legal action.
- 10/06/2011 County obtained court order and judgment from Larimer County District Court requiring the property owner cease using the property as an RV park and campground.
- Dec. 2011 Board of County Commissioners approved removal of a plat note and condition restricting the use of the property to residential use only.
- May 29, 2012 The Commissioners and the Shaffers entered into an agreement to allow the use of the property as a campground through and including May 31, 2015 provided the owners submitted an application for special review and flood plain review on or before September 28, 2012 (the "Agreement").
- 05/06/2013 The Flood Review Board recommended denial of a proposed floodplain special review for an RV park and campground. The Board of County Commissioners approved the flood plain special review on May 6, 2013 (existing structures were not part of the Flood Review Board's recommendation or the Board of County Commissioners' approval).
- 04/15/2015 Planning Commission hearing on special review for RV park and campground vacated.
- 05/14/2015 First Amendment to Agreement entered into between the owners and the County. Commissioners grant extension to Shaffers to submit required documents for special Review approval, etc.
- 08/28/2015 Deadline for owners to resubmit special review materials. Materials not submitted.
- 09/08/2015 Legal matters meeting with Commissioners (Johnson not present). The following deadlines contained in the First Amendment to Agreement dated 05/14/2015 to be extended again by Commissioners depending on owners' progress towards submitting at least life-safety materials like sewage disposal, water supply, etc. The following deadlines will more than likely be extended by the Commissioners and a new amended agreement prepared by the County Attorney's Office.
- | | |
|---------------|--|
| 09/30/215 | Deadline to receive comments back from referral agencies |
| 11/30/2015 | Deadline for owners to respond to referral agency comments |
| 12/31/2015 | Deadline for staff report for Planning Commission hearing |
| January 2016 | Planning Commission hearing |
| February 2016 | County Commissioner hearing |

Structures

Based on a review of historical information, including review of the Assessor's records, Planning Department records and Building Department records, legal nonconforming structures on the property are the main house (A), the guest house (B)¹, the well house (D) and the larger wood structure (barn) without any utilities (C).

¹ Although the guest house was determined to be legal, nonconforming via a staff report prepared for File 96-SU0975, the guesthouse does not appear in aerials until after 1986. I could locate no building permit of record for this dwelling.

In 1988, all cabins and the guest house (B) first appear on a site plan for the property. Staff could locate no building permits of record for any cabins or to add utilities to the barn or to change the use of the barn from storage to another use like an office, retail sales, etc.

Pursuant to a Planning staff report for a concept technical review to operate a campground (File Z-24-88) on the property:

- a. Pursuant to application materials, there were four cabins on the property at the time with no water or electric. The cabins were not permitted and required land-use approval. If approval for the cabins was granted, the cabins were to be designed and built in conformance with Uniform Building Codes, and were to receive a building permit for each unit. No building permits were ever obtained.
- b. The "storage barn" could not be used for any commercial or residential uses.

Pursuant to a staff report prepared by Larimer County Planner Michael Michels on December 5, 1996 for a concept technical review for a proposed three-lot subdivision of the subject property:

"The existing residence and mobile home are considered legal, non-conforming uses and will be allowed to remain. However, any additional residences or uses would not be allowed without a subdivision, PUD or some other type of planning process depending on the use proposed."

In 2011, although then Planning Director Linda Hoffmann believed Ms. Michels' statements concerning the nonconformity of the guest house (modular home) were made in error, Ms. Hoffmann determined the written staff report constituted a nonconforming determination which would be honored by the County. The guest house (modular home) is, therefore, allowed to remain on the property without the need to go through a land-use approval or building permit/inspection process except for flood-related repairs.



Karin Madson <madsonkc@co.larimer.co.us>

12-Z1899 Shaffer/Drake Campground SR

1 message

Rob Helmick <helmicrp@co.larimer.co.us>

Thu, Oct 22, 2015 at 9:29 AM

To: "Madson, Karin" <kmadson@larimer.org>

Karin,

I have no comments on this proposal, from an environmental perspective.

—
Robert Helmick, AICP
Larimer County Community Development Division
Development Planning
PO Box 1190
Fort Collins CO 80524
rhelmick@larimer.org
970-498-7682



Karin Madson <kmadson@co.larimer.co.us>

12-Z1899 Shaffer/Drake campground

1 message

Rob Helmick <helmicrp@co.larimer.co.us>
To: "Madson, Karin" <kmadson@larimer.org>

Mon, Oct 22, 2012 at 10:29 AM

Karin,

With respect to the above referenced application. There are no significant environmental issues associated with this site. As an already disturbed site not proposing significant expansion I do not foresee any issues with natural resources. There are no critical habitat or T & E species issues that I can determine. There are of course the natural hazard issues associated with development adjacent to the river at this location.

—
Robert Helmick, AICP
Larimer County Planning
PO Box 1190
Fort Collins CO 80524
rhelmick@larimer.org
970-498-7682



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR - 12-Z1899 - Comments IV

Stan Griep <sgriep@larimer.org>

Mon, Dec 7, 2015 at 11:07 AM

To: Karin Madson <kmadson@larimer.org>

Cc: Tony Brooks <tbrooks@larimer.org>, Eric Fried <efried@larimer.org>

Hello Karin,

I have read over the Updated project description submitted for review. Building permits are required as previously stated for the privy structures and any other new or altered structures on the property. Plans for such structures shall be wet stamped by a Colorado Registered Engineer.

No other comments at this time.

I did not send any comments to the owner or applicant on this re-review.

Respectfully submitted,

Stan

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*

>



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR - 12-Z1899

Stan Griep <sgriep@larimer.org>
To: Karin Madson <kmadson@larimer.org>
Cc: Tony Brooks <tbrooks@larimer.org>

Fri, Sep 11, 2015 at 11:18 AM

Hi Karin,

The applicant/owners need to work with our Codes Compliance Staff to get the proper and required permits for the structures on the site.

The owner/applicant needs to contact the Fire Department having jurisdiction and discuss all fire code requirements for the site and structures on the site as well.

Stan

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR - 12-Z1899

1 message

Stan Griep <sgriep@larimer.org>
To: Karin Madson <kmadson@larimer.org>
Cc: Eric Fried <efried@larimer.org>

Mon, Mar 9, 2015 at 7:47 AM

Karin,

Concerning the proposed Tent Sites on the property, tents/membrane structures erected for a time period of less than 180 days shall comply with the Fire Code. Thus they would need to contact the Fire Department having jurisdiction for comments as to concerns and requirements. Tents/membrane structures erected for a time period of 180 days and longer would be required to comply with the 2012 International Building Code (IBC) - sections 3103 & 3102 along with complying with local fire department requirements. The longer time frame tents/membrane structures would require a Building Permit through Larimer County Building Department.

The RV sites would need to have any electrical connection points permitted, inspected and approved by the State of Colorado Electrical Board Electrical Inspectors. RV sanitation dump sites would require the approval of the Larimer County Health Department. Plumbing permits are required for all site plumbing associated with the RV sites.

I am copying this email to Chief Building Official Eric Fried in case he would like to add any comments. As he may be more familiar with past and present site concerns.

I did not send any comments on to the applicant. Please include the comments in your reports on this proposed project. Thank you.

Respectfully submitted,

Stan

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*



Karin Madson <kmadson@larimer.org>

Shaffer/Drake Campground SR - 12-Z1899

Messages

Stan Griep <sgriep@larimer.org>

Fri, Oct 12, 2012 at 8:27 AM

To: Karin Madson <kmadson@larimer.org>

Karin,

All new or remodeled structures, change of occupancy structures and additions to existing structures on this project will require building permits. All plans for such structures shall be wet stamped/sealed by a Colorado Registered Engineer. In some cases a Colorado Licensed Architect's stamp may be required as well, such as; for Offices or Retail Sales Stores/Shops. Tents erected for a period of 180 days or longer will require a building permit and would need to provide information on the tent(s) membrane/fabric that it complies with the Wildfire Hazard Area requirements (Class B rated roofing material and a minimum class III flame spread on walls). The Health Department will need to be consulted on any RV Waste Dump Sites and site septic systems.

I have not sent the above comments to the applicants. Please include them in your reports on this project. Thank you.

Respectfully Submitted,

Stan

—

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR (Case # 12-Z1899)

Jim Frick <frickj@co.larimer.co.us>
To: Karin Madson <kmadson@larimer.org>

Thu, Sep 17, 2015 at 2:35 PM

Karin,

Road & Bridge has no conflict with this proposal.

Thanks,

Jim

—
Jim Frick
Non-Paved Roads Group Manager
Road and Bridge Department
2643 Midpoint Drive, Suite C
P.O. Box 1190
Fort Collins, CO 80522-1190
970-498-5663
970-498-5678 Fax



Karin Madson <madsonkc@co.larimer.co.us>

Drake Campground

Allen Cravey <Allen.Cravey@lfra.org>

Thu, Dec 31, 2015 at 10:06 AM

To: "kmadson@larimer.org" <kmadson@larimer.org>, "kjames@larimer.org" <kjames@larimer.org>

To All

I conducted a final site visit/inspection of the Drake Campground on Tuesday, December 30, 2015, and confirmed that they have met all of the LFRA conditions for this approval.

Thanks

Allen Cravey

Inspector

Loveland Fire Rescue Authority

Community Safety Division



(970) 962-2762 Office

(970) 800-1293 Cell

(970) 962-2762- Office

(970)800-1293 Cell



Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, Colorado 80537
Phone (970) 962-2537

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire and Rescue, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Shaffer/Drake Campground SR (12-Z1899), 1609 W. US Highway 34, Drake

CC: Lori and Jeff Shaffer

DATE: December 24, 2015

CONDITIONS

1. Loveland Fire Rescue Authority has no additional comments or conditions to this Special Review or the requested variances, but will conduct a site visit/inspection of the campground with the owners to verify previous comments and conditions were completed.



Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, Colorado 80537
Phone (970) 962-2537

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire and Rescue, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Shaffer/Drake Campground SR (12-Z1899), 1601 W. US Highway 34, Drake

CC: Lori and Jeff Shaffer

DATE: October 7, 2015

I have reviewed the above project and have the following conditions:

CONDITIONS

1. These comments pertain to a Special Review request for an RV park/campground with 12 RV sites and 40 tents sites. The campground has been in existence since 1927.
2. **AN INSPECTION OF THE CAMPGROUND CONDUCTED BY LOVELAND FIRE RESCUE AUTHORITY (LFRA) COMMUNITY SAFETY DIVISION IS REQUIRED TO CONFIRM CONDITIONS OF THIS APPROVAL HAVE BEEN MET. SCHEDULE AT LEAST 48 HOURS IN ADVANCE BY CALLING 970.962.2537.**
3. The application states the roadway will be 24 feet wide and composed of granular material no greater than 1-1/4-inch grade. **The applicant is required to provide a letter from a professional civil engineer (wet stamped) attesting that the roadway will be an all-weather surface capable of supporting at least 20 tons. The owner is required to maintain the roadway in this manner and to keep a minimum 24-foot unobstructed travel path at all times.**
4. The applicant's information states that the property is located partly in a flood way; however, the submitted drawings do not show the location of the flood way on the site. **To ensure the safety of campground guests, the owner shall develop written procedures to alert and evacuate guests in the event of an emergency (including but not limited to flooding, fire and hazardous materials**

incident) and to provide these written procedures to LFRA prior to approval of the Special Review. Contact Carie Dann (information provided in this letter) for assistance, if necessary.

5. The owner shall ensure that all fire pits meet LFRA regulation for recreational burning (distance from structures, distance from combustible materials, attendance and extinguishment).
6. A "Drake Campground" sign and the address ("1601 W. US 34") shall be visible from the entrance to the campground at US Highway 34. The sign must be visible to motorists from both travel directions. Address numerals and letters must be at least 8 inches in height, and the color must contrast with the background color on the sign.
7. If any gates are proposed, now or in the future, their design and operation must be approved by Loveland Fire Rescue Authority prior to installation.
8. One portable fire extinguisher is required to be mounted 4-5 feet above the finished floor in the kitchen of the following permanent structures: the office, guest house, main house and two cabins. If there is not a kitchen, the extinguisher shall be mounted near the exit. Minimum rating of the extinguishers is required to be 2A:10BC.



Karin Madson <madsonkc@co.larimer.co.us>

Drake Campground Special Review

Carie Dann <Carie.Dann@cityofloveland.org>

Sun, Nov 15, 2015 at 10:40 AM

To: Jerry Shaffer <ejshaffer@gmail.com>

Cc: Carie Dann <Carie.Dann@cityofloveland.org>, "kmadson@larimer.org" <kmadson@larimer.org>, Allen Cravey <Allen.Cravey@cityofloveland.org>

Hi, Jerry.

Thanks for your follow-up!

Are you going to send a letter to Larimer County addressing everyone's comments (like what you did in your email, except that it includes all the reviewers' comments and your responses)? I just want to make sure I'm in line with the county's procedure. I'm copying Karin on this to make sure I'm meeting the needs of their process.

In instances where letters are required from you, please send them all at the same time as it's easier to track.

Let me know if you have questions.

Carie

My responses:

2. Inspection of the Campground conducted by Loveland Fire Rescue Authority.

I would like to visit with you and cover all the things which would be included in the inspection and when it should be scheduled.

Happy to talk with you. I'll be looking at ensuring all your conditions/comments are met - address, fire extinguishers, evac plan, etc. When you're all wrapped up, call us at least 48 hours in advance and I'll get an inspector out there.

3. Roadway

Mike Todd from Cornerstone Engineering in Estes Park is working on the letter for the campground roads. I will forward a copy of the letter as soon as he completes it.

Thank you.

4. Property located partly in a flood way.

We have the written procedures to alert and evacuate guests in the event of an emergency. I will submit the package containing those materials to you. If you feel we need additional information we will be happy to put that into our emergency package also. Please email them to me so I can review and comment.

5. Fire pits

Do you need a letter from us outlining the procedures and placement of our firepits. Yes, please. If any changes to need be made, I'll let you know.

6. Drake Campground Sign

We have our sign in place and I believe it meets the requirements. I would be happy to send you pictures of the sign from both directions on Hwy 34. Would you also require a letter from us describing our signs.

We can confirm at time of inspection.

BCC 02/08/16

7. We have no gates now and we are not proposing any gates in the future. I will write a letter addressing this if you require one.

Please send a letter to Karin and me.

8. Portable fire extinguishers

We will have fire extinguishers in all of our structures. Is this something that can be addressed in the LFRA inspection?

Yes.

From: Jerry Shaffer <ejshaffer@gmail.com>
Sent: Thursday, November 12, 2015 11:53 PM
To: Carie Dann
Subject: Drake Campground Special Review

Carie, I am addressing your comments concerning the Drake Campground Special Review which you sent to Karin Madson at Larimer County Planning on October 7, 2015. There were 8 conditions you noted in your email and I would like to address them.

2. Inspection of the Campground conducted by Loveland Fire Rescue Authority.

I would like to visit with you and cover all the things which would be included in the inspection and when it should be scheduled.

3. Roadway

Mike Todd from Cornerstone Engineering in Estes Park is working on the letter for the campground roads. I will forward a copy of the letter as soon as he completes it.

4. Property located partly in a flood way.

We have the written procedures to alert and evacuate guests in the event of an emergency. I will submit the package containing those materials to you. If you feel we need additional information we will be happy to put that into our emergency package also.

5. Fire pits

Do you need a letter from us outlining the procedures and placement of our firepits.

6. Drake Campground Sign

We have our sign in place and I believe it meets the requirements. I would be happy to send you pictures of the sign from both directions on Hwy 34. Would you also require a letter from us describing our signs.

7. We have no gates now and we are not proposing any gates in the future. I will write a letter addressing this if you require one.

8. Portable fire extinguishers

We will have fire extinguishers in all of our structures. Is this something that can be addressed in the LFRA inspection?

Stan Griep from Larimer County wanted to make sure we address all fire code requirements for the site and all structures.

Thank you for your time. I would like to visit with you to make sure we are covering all the concerns of the Loveland Fire Rescue Authority

Jerry Shaffer
Drake Campground

11/16/2015

co.larimer.co.us Mail - Drake Campground Special Review

112

970-402-4240
11-12-15



Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, Colorado 80537
Phone (970) 962-2537

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire Rescue Authority, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Shaffer/Drake Campground Special Review (12-Z1899)

CC: Jeff and Jerry.Shaffer

DATE: April 1, 2015

I have reviewed the above project and have the following comments:

1. These comments pertain to a Special Review request for an RV park/campground with 12 RV sites and 40 tent sites.
2. Loveland Fire Rescue Authority (LFRA) originally reviewed this proposal Nov. 1, 2012. The applicant responded to all six comments that were made for that review.
3. The applicant noted the address of the property is now 1609 W. US Highway 34; it was changed from the previous address of 1601 W. US Highway 34.
4. The applicant is responsible for a final inspection conducted by LFRA Community Safety Division upon completion of construction of the guest house. All comments made during the 2012 review must be completed prior to this final inspection. Please schedule by calling 970-962-2537 at least 48 hours in advance.



**Loveland Fire Rescue Authority
Community Safety Division**

410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2497 • FAX (970) 962-2912 • TDD (970) 663-5144
www.cityofloveland.org

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire and Rescue, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Shaffer/Drake Campground SR (12-Z1899), 1601 US Highway 34, Drake

CC: Lori and Jeff Shaffer

DATE: Nov. 1, 2012

I have reviewed the above project and have the following conditions and corrections:

CONDITIONS

1. These comments pertain to a Special Review request for an RV park/campground with 12 RV sites and 40 tents sites. The campground has been in existence since 1927.
2. A Drake Campground sign and the address shall be visible from the entrance to the campground at US Highway 34. The sign must be visible to motorists from both travel directions. Address numerals must be at least 8 inches in height.
3. If there are any bridges over the creek, the GVW limit must be posted at each bridge.
4. If any gates are proposed, now or in the future, they must be approved by Loveland Fire Rescue Authority.
5. In the guest house, one portable fire extinguisher is required to be mounted 4-5 feet above the finished floor in the kitchen. If there is not a kitchen, the extinguisher shall be mounted near the exit. Minimum rating of the extinguisher is 2A:10BC.
6. AN INSPECTION CONDUCTED BY LFRA COMMUNITY SAFETY DIVISION IS REQUIRED. SCHEDULE AT LEAST 48 HOURS IN ADVANCE BY CALLING 970.962.2537.



COLORADO

Division of Water Resources

Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

December 22, 2015

Karin Madson, Planner II
Larimer County Community Development Division
Transmission via email: kmadson@larimer.org

Re: Shaffer/Drake Campground SR
Case No. 12-Z1899
Pt. NW ¼ Sec. 3, T5N, R71W, 6th P.M.
Water Division 1, Water District 4

Dear Ms. Madson:

We have reviewed the above referenced proposal for a Special Review that has been resubmitted. Our office has previously provided comments regarding this case in letters dated October 23, 2012, March 24, 2015, and September 23, 2015.

The submitted material does not appear to qualify as a "subdivision" as defined in C.R.S. § 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The application is seeking special review approval for an RV park/campground with 12 RV sites and 40 tent sites located on a parcel of 36.84 acres. The application also includes appeals to Larimer County Land Use Code Section 8.5 regarding landscaping; Sections 18.3.2, 18.4.4, and 18.4.5 regarding comfort stations, water stations, and sanitary stations; and Sections 18.3 and 18.4.3 regarding campground road setbacks.

The site contains three existing houses that serve as residences for the owners when they are not being leased to customers. They also serve as office space for the campground and as such are considered to be part of the commercial operation for the purposes of the Special Review. There is no landscape irrigation or other outside use of water. The applicant has estimated water usage at the site to total approximately 152,600 gallons per year. Water use by three (3) employees who live on-site was estimated at 87,600 gallons per year based on a water demand of 80 gallons per person per day for 365 days per year. The campground and RV park are primarily in use from May to August with an average of 20 guests per day on weekend and 6 guests per day during the week. Water use by campground/RV park visitors was therefore estimated at 65,000 gallons per year based on an average of ten (10) customers per day, 50 gallons per customer per day, for 130 days per year.



Water for the campground is currently provided by an existing well identified as Hayden Well No. 1/well permit no. 82879-A ("campground well") that is supplied by a spring-fed system originating on the western end of the property. A second well, identified as Hayden Well No. 3/well permit no. 82881-A, previously supplied water to the campground but was destroyed in the 2013 flood. Hayden Well No. 2/well permit no. 274285 (formerly permit no. 82880) appears to be located on the adjacent Jones property and serves the River Forks Restaurant. At this time, the applicant proposes to use the only well remaining on the property, Hayden Well No. 1, to supply the entire operation.

Hayden Well No. 1 was decreed for domestic use in Division 1 Water Court case no. W-3072 and well permit no. 82879 was issued for this well pursuant to the decree. The original well was destroyed in the Big Thompson flood of July 31, 1976. Replacement well permit no. 82879-A was issued on December 15, 1976. Permit no. 82879-A was expired on December 15, 1978 due to lack of evidence of well construction, but it appears that the existing campground well was actually constructed under this permit. The applicant has submitted an application to late register this well for commercial use at the campground/RV park and associated office spaces and employee residences. The application is currently pending in this office under receipt number 3672471. The location identified on the application does not place the well on the applicant's property and must be corrected prior to further evaluation of the permit application. The ability of this office to register the existing well for its current use will be determined upon completion of our evaluation.

The applicant may decide in the future to develop an augmentation plan to allow for additional water use as they further develop the business. The ability of the applicant to obtain an augmentation plan will be determined by the Division 1 Water Court. The ability of the applicant to obtain new well permit(s) and the allowed uses of the well(s) will be determined by this office upon application for well permit(s) and subsequent to approval of the plan for augmentation.

If you or the applicant have any questions, please contact Sarah Brucker of this office for assistance.

Sincerely,



Tracy L. Kosloff, P.E.
Water Resource Engineer

Cc: Applicant (Jeff & Lori Shaffer, PO Box 255, Drake CO 80515)





COLORADO

Division of Water Resources

Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

September 23, 2015

Karin Madson, Planner II
Larimer County Community Development Division
Transmission via email: kmadson@larimer.org

Re: Shaffer/Drake Campground SR
Case No. 12-Z1899
Pt. NW ¼ Sec. 3, T5N, R71W, 6th P.M.
Water Division 1, Water District 4

Dear Ms. Madson:

We have reviewed the above referenced proposal for a Special Review that has been resubmitted. Our office has previously provided comments regarding this case in letters dated October 23, 2012 and March 24, 2015.

The submitted material does not appear to qualify as a "subdivision" as defined in C.R.S. § 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The application is seeking special review approval for an RV park/campground with 12 RV sites and 40 tent sites located on a parcel of 36.84 acres. The application also includes appeals to Larimer County Land Use Code Section 8.5 regarding landscaping; Sections 18.3.2, 18.4.4, and 18.4.5 regarding comfort stations, water stations, and sanitary stations; and Sections 18.3 and 18.4.3 regarding campground road setbacks.

The site contains three existing houses that serve as residences for the owners when they are not being leased to customers. They also serve as office space for the campground and as such are considered to be part of the commercial operation for the purposes of the Special Review. There is no landscape irrigation or other outside use of water. The applicant has estimated total water demands for the houses and campground to be less than 1 acre-foot per year, although no calculations were provided to substantiate this estimate.

Water for the campground is currently provided by an existing well identified as Hayden Well No. 1/well permit no. 82879-A ("campground well") that is supplied by a spring-fed system originating on the western end of the property. A second well, identified as Hayden Well No. 3/well permit no. 82881-A, previously supplied water to the campground but was destroyed in the 2013 flood. Hayden Well No. 2/well permit no. 274285 (formerly permit



Shaffer/Drake Campground SR
Case No. 12- Z1899

September 23, 2015
Page 2 of 2

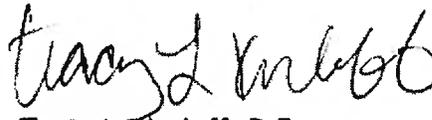
no. 82880) appears to be located on the adjacent Jones property and serves the River Forks Restaurant. At this time, the applicant proposes to use the only well remaining on the property, Hayden Well No. 1, to supply the entire operation.

Hayden Well No. 1 was decreed for domestic use in Division 1 Water Court case no. W-3072 and well permit no. 82879 was issued for this well pursuant to the decree. The original well was destroyed in the Big Thompson flood of July 31, 1976. Replacement well permit no. 82879-A was issued on December 15, 1976. Permit no. 82879-A was expired on December 15, 1978 due to lack of evidence of well construction, but it appears that the existing campground well was actually constructed under this permit. This office would consider the use of a well to serve a campground/RV park to be a commercial use. Therefore, the applicant must obtain a new commercial permit for the campground well. If the applicants believe that the well qualifies for recording and permitting under Policy 90-1, then they should apply to late register the well for its historic commercial use (use form nos. GWS-12 & 12A). The applicants may contact this office for additional information about the permitting process for this well. Such an application would require substantiation that the annual water use at the site would be less than 1 acre-foot per year. This office is concerned that the site would use more than 1 acre-foot per year to serve the number of people potentially using the site within several homes, cabins, RV sites, and camp sites.

The applicants may decide in the future to develop an augmentation plan to allow for additional water use as they further develop the business. The ability of the applicants to obtain an augmentation plan will be determined by the Division 1 Water Court. The ability of the applicants to obtain new well permit(s) and the allowed uses of the well(s) will be determined by this office upon application for well permit(s) and subsequent to approval of the plan for augmentation.

If you or the applicants have any questions, please contact Sarah Brucker of this office for assistance.

Sincerely,



Tracy L. Kosloff, P.E.
Water Resource Engineer

Cc: Applicants (Jeff & Lori Shaffer, PO Box 255, Drake CO 80515)
Well permit file nos. 82879-A & 82881-A





DIVISION OF WATER RESOURCES

John W. Hickenlooper
GovernorMike King
Executive DirectorDick Wolfe, P.E.
Director

October 23, 2012

Karin Madson
Larimer County Planning and Building Services
PO Box 1190
Fort Collins, CO 80522-1190RE: Shaffer/Drake Campground SR
Case No. 12-Z1899
Section 3, T5N, R71W
Water Division 1, Water District 4

Dear Ms. Madson:

This referral does not appear to qualify as a "subdivision" as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The application seeks special review approval for an RV park/campground with 12 RV sites and 40 tent sites on a 36.84-acre parcel. According to the submittal, the water supply for the property is a well/spring. No further information regarding the water source was provided.

According to information available in this office, there are three existing wells located on or near the subject property, all of which were permitted and decreed in Division 1 Water Court case no. W-3072 for domestic use. Hayden Well No. 1 (permit no. 82879) is reported to have historically served eight cabins and a campground. Hayden Well No. 2 (permit no. 82880) was re-permitted for commercial exempt use under permit no. 274285 and reportedly served a commercial building, and possibly an associated single-family dwelling and twelve campsites. Hayden Well No. 3 (permit no. 82881) is reported to have historically supplied two houses and four trailers. It is unclear from the submittal which, if either, of these two wells is currently being used to serve the RV park and campground. The Applicant needs to identify the specific well or spring used to serve the RV park and campground. Wells used for commercial uses typically require a plan for augmentation in order to operate. If the use of the well or spring qualifies under Policy 90-1 (copy attached), a plan for augmentation may not be required if a commercial exempt well permit is obtained for the use of the well or spring as a water supply for the existing commercial operation.

If you or the Applicant has any questions concerning this matter, please contact Sarah Brucker of this office for assistance.

Sincerely,

Joanna Williams, P.E.
Water Resource EngineerEnclosures: Policy 90-1
Cc: Applicant (Jeff & Lori Shaffer)

JD/srb: Shaffer/Drake Campground 12-Z1899

Office of the State Engineer

ROY ROMER
Governor



JERIS A. DANIELSON
State Engineer

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

January 18, 1990

POLICY MEMORANDUM 90-1

SUBJECT: Recording and permitting of existing commercial wells pursuant to subsection 37-92-602(5), C.R.S., outside of Designated Basins

The following policy is adopted to provide a standard for the evaluation of applications submitted pursuant to subsection 37-92-602(5), C.R.S. for the recording of existing wells used for drinking and sanitary facilities in individual commercial businesses. This policy becomes effective immediately and shall be modified or revoked in writing only.

1. Water from an existing commercial well must have been applied to the beneficial uses claimed prior to May 8, 1972.
2. The claimed and actual pumping rate shall not exceed 15 gallons per minute.
3. The use of the water diverted must be limited to drinking and sanitary facilities required for the commercial use. No outside uses of water shall be permitted.
4. The well must be the only commercial well serving the business.
5. The annual amount of ground water diverted shall not exceed 1 acre-foot (325,900 gallons). The application must be supported with evidence of the historic diversions and use prior to May 8, 1972.
6. The return flow from the use of the water must be discharged to the same stream system in which the well is located.
7. The applicant's claimed date and use must be supported by a written field inspection report prepared by personnel from the State Engineer's Office.
8. The State Engineer may require that a totalizing flow meter be installed on the well and that records of all diversions be submitted to the Division Engineer upon request.
9. Wells not meeting the above criteria cannot be considered pursuant to this policy.

Policy Memo 90-1
January 18, 1990

Page 2

10. Variances to this policy may be granted by the State Engineer upon written request by the applicant.



Teris A. Danielson
State Engineer

JAD/RGH/CQ:7391I

Policy Memo 90-1
January 18, 1990

Page 3

CONSIDERATIONS & BACKGROUND FOR POLICY MEMO #90-1

PROBLEM

Subsection 37-92-602(5) provides for the recording and permitting of wells exempted by section 37-92-602(1)(c) which were put to use prior to May 8, 1972. Production from such wells must not exceed 15 gpm with the use limited to drinking and sanitary facilities in individual commercial businesses. The statutes do not define drinking and sanitary facilities or the types of businesses, nor do they provide a limit on the annual diversion. These shortcomings leave the staff without clear guidelines as to whether a well qualifies for recording and has resulted in inconsistent application of the statutes.

DISCUSSION

The apparent intent of the referenced statute is to recognize certain existing uses of ground water as having a minimal effect on other water rights and to exempt those uses from administration in the priority system. Many wells may fit the statutory definition of 37-92-602(1)(c), but the actual use of the water does not fall within the legislative intent of minimal effect on water rights. The size of the business and the number of people served must be considered in evaluating these applications. The adoption of a volumetric standard seems appropriate to implement the statute.

Similarly, it is unclear what uses were intended to be included in the definition of drinking and sanitary facilities. Drinking fountains and restrooms in an office building clearly meet the definitions. It is less certain whether the use of water for cooking and dishwashing in restaurants, for motels, for lodge and convention complexes, and for veterinary and kennel facilities falls under the statutory intent of drinking and sanitary facilities.

The number of businesses to be served by one exempt commercial well has also been questioned. The statute is unclear whether the use is limited to one business and whether the businesses must be located in one building. Placing a limit on the amount of water diverted should remove these questions. It should not matter whether 10 people work in one business or two and whether the businesses are located in one building or not.

Another issue needing to be addressed is whether a well historically used for non-exempt purposes can be recorded for a lesser amount meeting the definition of an exempt well. If this claimed exempt use was a portion of the historic use of the well, the effect of the well on other water rights would be lessened and would not differ from that of any other well meeting the standards established in this policy. Therefore, only the claimed and future use of the well and not the total historic use, needs to be considered in evaluating applications to record exempt commercial wells.

Policy Memo 90-1
January 18, 1990

Page 4

On occasion, the question is asked if more than one exempt well can be used to serve the same business. The use of more than one well serving the same commercial property would create the potential for greatly increasing the diversion of ground water. This would be contrary to the intent of section 37-92-602, C.R.S. which pertains only to certain small uses of ground water. To qualify for recording or permitting of an existing well, the well must be the only well serving the business for drinking and sanitary purposes.

SOLUTION

In order to minimize individual interpretations and to facilitate the timely evaluation of applications, two options are available.

1. Follow a strict interpretation of the law and limit exempt commercial wells to drinking fountains and bathroom facilities for human purposes only. The pumping rate must not exceed 15 gpm with no specific limit on the annual diversion. Applications for other uses would be denied.

The anticipated outcome of this approach is more denials and hearings before the State Engineer and additional engineering and legal work needed for the approval and administration of any required small augmentation plans.

2. Establish a volumetric limit on annual diversions which can be allowed for a well to qualify as exempt commercial. This would have the effect of broadening the interpretation of the statute. Little or no opposition from applicants is anticipated using this approach. It would also reduce the number of denials, hearings and the associated staff time.

RECOMMENDATION

The second of the two available options appears to be the most workable. A numeric limit is more definite thus making it easier to evaluate and administer. It also reduces the uncertainties of interpreting whether the uses qualify as drinking and sanitary facilities. On April 9, 1985, a policy was adopted which establishes the 1/3 acre-foot diversion limit for new exempt commercial wells evaluated pursuant to 37-92-602(3)(b)(I), C.R.S. This 1/3 acre-foot appears to be too restrictive for wells which have been in operation since before May 8, 1972. Since the statutes distinguish between existing "domestic uses" and new "household only" uses, it appears that existing "exempt commercial" uses should be allowed a larger annual diversion than a new "exempt commercial" use.

The policy providing for the recording of existing commercial wells based on a volumetric standard instead of an interpretation of drinking and sanitary facilities by the staff is suggested. A volumetric diversion of 1 acre-foot shall apply for the recording of commercial wells pursuant to 37-92-602(5), C.R.S.

In order to standardize the evaluation of applications, the above criteria are applicable to all areas of the state outside of the boundaries of designated ground water basins whether the stream system is overappropriated or not. Any well which does not meet these standards may be considered pursuant to 37-90-137, C.R.S. as a new appropriation.

cq/7391I

BCC 02/08/16

SHAFFER-DRAKE
CAMPGROUND SR



Karin Madson <madsonkc@co.larimer.co.us>

15-BOA12-Z1899 / Shaffer/Drake Campground

Hice-Idler, Gloria <gloria.hice-idler@state.co.us>

Mon, Sep 28, 2015 at 12:41 PM

To: Karin Madson <kmadson@larimer.org>

Karin,

The Shaffer have contacted CDOT regarding this proposal and they mention that in their comments, but I'm not sure that I said it quite like that.

It went more like this:

Projected ROW in this area is 75 feet on either side of the highway centerline. CDOT asks that the 75 feet be protected for future expansion but we recognize that in certain canyons there is not sufficient ROW to allow that. We then request that no permanent structures be built within that 75 feet. But we also recognize that sometimes that's not possible either. So CDOT defers to the County in these situations.

I just didn't want you to think that we don't care. We do. Very much. We just recognize that some of these areas require special consideration.

if you have any questions, please contact me.

Gloria Hice-Idler
Region 4 Permits Manager
Region 4 Permits Unit - Traffic



COLORADO
Department of Transportation
Region 4

P 970.350.2148 | C 970.381.2475 | F 970.350.2198
1420 2nd Street, Greeley, CO 80631
gloria.hice-idler@state.co.us | www.coloradodot.info | www.cotrip.org





Karin Madson <madsonkc@co.larimer.co.us>

Fwd: Shaffer-Drake Campground Special Review

Jerry Shaffer <ejshaffer@gmail.com>
To: Karin Madson <kmadson@larimer.org>

Sat, Nov 14, 2015 at 10:51 AM

Hello Karin, I am forwarding this email from Gloria Hice-Idler of CDOT. It is in response to the comments from Eric Tracy. thanks Jerry Shaffer

——— Forwarded message ———

From: **Hice-Idler, Gloria** <gloria.hice-idler@state.co.us>
Date: Fri, Nov 13, 2015 at 8:16 AM
Subject: Re: Shaffer-Drake Campground Special Review
To: Jerry Shaffer <ejshaffer@gmail.com>
Cc: Eric Tracy <tracyel@co.larimer.co.us>

Jerry,

CDOT has no objection to the access location and we agree that the traffic using the access is historical. It is not our desire to use the flood event as a way to get accesses into conformance. We feel that you've been through enough.

If you have any questions, please contact me.

Gloria Hice-Idler
Region 4 Permits Manager
Region 4 Permits Unit - Traffic



COLORADO
Department of Transportation
Region 4

P 970.350.2148 | C 970.381.2475 | F 970.350.2198

PLEASE NOTE ADDRESS CHANGE EFFECTIVE NOV 9, 2015

10601 W. 10th Street, Greeley, CO 80634
gloria.hice-idler@state.co.us | www.coloradodot.info | www.cotrip.org



On Thu, Nov 12, 2015 at 11:16 PM, Jerry Shaffer <ejshaffer@gmail.com> wrote:

Gloria, I am following up with some of the items concerning our Special Review for the Drake Campground. I previously sent you an email on 8-27-15 with attachments showing an aerial photo of our property entrance and a plot plan of the entrance. I received a copy of the email you sent to Karin Madson with Larimer County Planning on Sept. 28, 2015 concerning the ROW for Highway 34 in Drake Colorado. We understand there is a 75' ROW from the center line and no permanent structures will be placed in the ROW.

There are two other items that Eric Tracy from Larimer County Engineering has deferred to CDOT. The first item is "Access spacing, sight distance, legal access and access permit". If CDOT will allow the access point to remain where it is the County will defer to CDOT comments regarding these issues. The email I sent

BCC 02/08/16

<https://mail.google.com/mail/u/0/?ui=2&ik=1deb3bfe2b&view=pt&search=inbox&msg=151071ff4cbe15f4&siml=151071ff4cbe15f4>

SHAFFER-DRAKE
CAMPGROUND SR

you on 8-27-15 explains the circumstances of the existing access point, which has been in use since before the 1970's. I am hoping CDOT will allow the access point to remain where it is also. We share this access point with the adjacent property (River Forks Inn)

The second item address's a Traffic Impact Study. The County considers the traffic generated by this use to be existing and they do not require a TIS. Would CDOT also consider it as an existing use and therefore not require a TIS also.

The following are comments from Eric Tracy-Larimer County Engineering Department

Access spacing, sight distance, legal access, Access Permit - If CDOT will allow the access point to remain where it is, we will defer to CDOT for comments regarding these issues.

Traffic impact study - the application is not proposing to increase the amount of traffic, so we will consider the traffic generated by this use to be existing. No TIS is required by Larimer County. CDOT may require a TIS.

Thank you Jerry Shaffer

Drake Campground

11-12-15

On Thu, Aug 27, 2015 at 10:07 PM, Jerry Shaffer <ejshaffer@gmail.com> wrote:

Gloria,

We talked on the phone a couple days ago about the Drake campground special review, and here is the information you requested.

I've attached a letter to you, an aerial map of Drake and a plot plan of the campground entrance.

Thank you,
Jerry Shaffer



RECEIVED
SEP 1 2015

127
COMMUNITY DEVELOPMENT DIVISION

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

September 10, 2015

U.S. FISH & WILDLIFE SERVICE - SUSAN L
COLORADO FIELD OFFICE
PO BOX 25486, DFC (MS 65412)
DENVER CO 80225-0486

2015711023 C. K. Madson

U.S. FISH AND WILDLIFE SERVICE	
<input checked="" type="checkbox"/> NO CONCERNS	
<input type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT	
<input type="checkbox"/> NO COMMENT	
<i>[Signature]</i>	OCT 27 2015
DRUE L DEBERRY ACTING	DATE
COLORADO FIELD SUPERVISOR	

Enclosed is a proposal for a Special Review that has been resubmitted to the Planning Department for review. Please review and comment as applicable.

PROPOSAL ENCLOSED: SHAFFER/DRAKE CAMPGROUND SR

CASE NUMBER: 12-Z1899

COMMENTS DUE BY: September 30, 2015

NOTE: As recipient of this referral, the Planning Department asks that you please respond to this mailing within 21 days. If comments are not received within 21 days, the Planning Department will assume that you or your agency have no conflict or comment on the submitted plan. If additional time is needed to respond to this mailing please advise the staff planner within 21 days with a request for additional time and an estimated time for the response. Please note that the comments received after the 21 day deadline may not be able to be incorporated into the staff recommendations.

Please send a copy of your comments to the applicant and staff planner listed below:

Jeff/Lori Shaffer
PO Box 225
Drake, CO 80515

Karin Madson
Planner II
970-498-7692
kmadson@larimer.org

RECEIVED OCT 17 2012



DEPARTMENT OF THE ARMY
 CORPS OF ENGINEERS, OMAHA DISTRICT
 DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
 LITTLETON, COLORADO 80128-69

October 16, 2012

Ms. Karin Madson
 Larimer County
 Planning and Building Services Division
 PO Box 1190
 Fort Collins, CO 80522-1190

RE: Shaffer/Drake Campground SR, Case No. 12-Z1899

Dear Ms. Madson:

If any work requires the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in an aquatic site, which may include ephemeral and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches, this office should be notified by a proponent of the project for Department of the Army permits, changes in permit requirements or jurisdictional determinations pursuant to Section 404 of the Clean Water Act.

Work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County or Latitude and Longitude, Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If there are any questions call **Mr. Terry McKee** of my office at 303-979-4120.

Sincerely,

Timothy T. Carey
 Chief, Denver Regulatory Office

tm

CC:

Shaffer, Jeff/Lori
 PO Box 305
 Drake, CO 80515

William E Jones
River Forks Inn, 1601 W Highway 34, Drake, Colorado

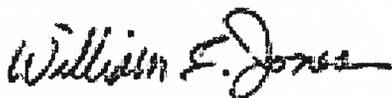
Karin Madson,

I would like to write this letter to let you know my updated position regarding the Special Review application SR-Z1899. A lot has happened in our neighborhood since the 2013 flood. One positive that has come from the aftermath of the flood is that the Larimer County Health Department has secured some grant funding from the State that provides up to \$12,500 in grants to repair flood damaged septic systems. I have been in contact with the neighbor, Jerry Shaffer, and it is my understanding that his intent is to improve the septic system on the property to county standards and will have the ability to do so because of this grant money that is available. Back in 2012, my main concern was that the application proposed no septic improvements, but now that they are planning on that, I fully support their request to allow camping on their site, as they propose.

Another potential positive that our neighborhood might experience as a result of the 2013 flood is that the NRCS, together with the State and County included our reach of the North Fork of the Big Thompson in a construction project that widened and deepened the channel of the North Fork across ours and the Shaffer's back yards, likely enough to take much of our property and the Shaffer's out of the flood plain. Into the future, I'm going to have my son take over the operation of our property, and he tells me it is his intent within the next year to hire a surveyor and an engineer to figure out where the new floodplain is, and once that information is known, it is very likely that the camping proposed by the Shaffers will be entirely out of the floodplain. I ask that you at least let my neighbors operate their campground long enough to find out. My son Troy will be writing you a more detailed letter on this topic.

Thank you for your consideration in this matter.

Yours truly,



William E. Jones



Karin Madson <madsonkc@co.larimer.co.us>

support for Drake Campground

1 message

Troy Jones <troy@architex.com>

Tue, Apr 14, 2015 at 10:40 PM

To: Karin Madson <kmadson@larimer.org>

Karin,

I wanted to write this email to you in hopes that you would share it with the Planning Commission on April 15th, and the County Commissioners on May 4th when the hearings take place for the Shaffer / Drake Campground Special Review. My family has owned the property next door for about 11 years. I am in the process of taking over operations of that property (the River Forks Inn at 1601 Highway 34), and I will be the owner of the property into the future. As the representative of the next generation of owners on the property immediately adjacent to the proposed Special Review, I want to write you this letter in hopes that it will make its way to the decision makers as I express my support for the Shaffer's request.

I wanted to speak about a few items that are mentioned in the staff report, and give my input from the perspective of the most immediate and adjacent neighbor:

1. Compatibility. I feel strongly that the Shaffer / Drake RV and tent campground is entirely compatible within the context of the neighborhood, and specifically, I feel like their proposed use complements the uses on our property (bed & breakfast, bar & grill, and campground), quite well. We intend to open our bar & grill back up later this summer, including indoor and outdoor live music events, and we welcome having a neighbor nearby that can help us provide adequate overnight accommodations to attendees of our future shows. We have camping on our site too, and feel like the Shaffer's proposed location for camping within the canyon is a very compatible with it's surroundings.

2. Septic Issues. Additionally, because the 2013 flood destroyed many of the septic systems up and down the canyon, there is now grant money available (administered by the Larimer County Health Department) to rebuild flood-damaged and destroyed septic systems, and thus there is now a funding source for the Shaffers to make the necessary improvements to their septic situation. In the event that the county feels that the septic situation would be a reason to deny the project, I would like to suggest rather that the Shaffer's be granted an approval possibly with a condition that would allow their proposed use subject to eventually satisfying Doug Ryan's March 24th, 2015 comments regarding septic, which they should easily be able to accomplish with the available grant funds earmarked specifically for flood damaged septic improvements.

3. Floodplain Issues. Both the Shaffer property and my family's property experienced substantial changes in the lay of the land in our back yards, first from the 2013 flood, and the following spring, with the NRCS project that cut out a new channel across both our back yards that is much deeper and wider than it ever was before the flood. To that end, until a new topographic survey is done for the channel, and floodplain modeling is conducted, the actual floodplain in reality is yet to be determined. I have been involved as a Reach Rep for the Steering Committee for the Thompson River Restoration Coalition, and have been involved in much of the discussions among that group about possible grant funding for design work for River Restoration along this area. It may be that a grant may become available in the next year to perform the necessary analysis to determine where the new actual floodplain is across our back yards. If that doesn't pan out, I am considering hiring the services of a surveyor to map out the new existing contours, and the services of a civil engineer to do the necessary mapping to determine where the new actual floodplain is. This would necessarily include surveying across both my property and the Shaffer's property. I truly feel, with as wide and deep as the newly constructed channel is, there is a good chance that the area where the Shaffer's are proposing their RV spaces will actually be able to be shown to no longer be in the floodplain. In the event that the county feels that the floodplain situation would be a reason to deny the project, I would like to suggest that the Shaffer's be granted an extension be allowed to operate their campground long enough to determine the results of these upcoming surveying and floodplain analyses, and in the event that it can be determined that their RV spaces are now out of the floodplain, that they be allowed to have a permanent approval for their proposed RV and tent camping uses.

Additionally, please see the attached letter from my father addressing his revised opinion of their request.

Sincerely,

Troy W. Jones
Member/Manager
River Forks Inn Restaurant & Stage Stop LLC
1601 Hwy 34
Drake, CO 80515

 **Drake campground letter-william jones.pdf**
286K



Karin Madson karin@co.larimer.co.us

Special review approval for an RVPark campground SR 12-Z1899

William Jones <wej@docjonesdvm.com>
To: kmadson@larimer.org

Thu, Oct 18, 2012 at 11:17 AM

To Karin Madson

Larimer County Planning Department

Re: Special Review Approval for an RV Park/Campground SR 12-Z1899

I received a "Neighbor Notification" of the above Special Review. Since I own the property next door and have a now legal RV park, I have some concerns about the proposal next door. I disagree that "Drake campground offers most everything that state and county parks do." If the Shaffers want to continue business without making any changes, I believe their request for special approval should be denied.

For the past eight years I have worked to improve my 12-space RV park with adequate electricity, water, sewer and waste disposal in a sewage vault—all with permit. We have a permitted septic tank and leach field for our building and a campground bathroom hooked to it providing a clean coin-op shower, toilet and sink. As you can imagine, these improvements have incurred considerable cost. Several years ago I was forced to put in a new well for commercial purposes at a cost of approximately \$40,000. I would like to know for sure that their well is sealed properly to avoid ground water contamination, and what kind of tests have been made on the water.

Over the years we have had RV and camping guests come over from the Drake Campground, complaining about the poor sanitary conditions next door, asking to use our facilities, sometimes asking to use our phone to call the health department to complain. As a neighbor to the Shaffers, I have refrained from complaining to them or any county authorities. Both their park and mine were cited a year ago for operating illegally. I complied with inspections and improvements as requested by the County Commissioners, but the Shaffers did not. It seems only fair, since we are competitors that they should be required to make necessary improvements also before continuing business.

The major complaint from campers next door has been that they have very poor toilet facilities. The porta-potties get full and start smelling terribly. People have no place to wash their hands or shower. I feel sorry for the camper families who come over to us, dirty and tired, wanting to use our facilities. The RV campers drive over to use our dump station and are angry when we have to charge them for it.

In addition to the health danger to campers, I have a concern about the effects that may be occurring to our common ground water from contamination by camper waste not properly taken care of. I don't believe there has ever been a permit issued for a septic system on the Shaffer property, yet they have houses and cabins dumping sewage somewhere. I know that without proper toilet and wash facilities some campers will use the river, and their waste flows down to us.

The Shaffers have a beautiful piece of property with plenty of room for 12 RV spaces and maybe 40 tent sites, however their current facilities are completely inadequate to handle that kind of population. The tent sites have an average of six people and the RVs average three. When full, that would be over 250 people washing and dumping in the river.

My wife and I are trying to be good neighbors to the Shaffers. We don't want to cause them trouble, but as a good citizen I have told you what I know and see over there. Please keep my remarks confidential, but use them in determining the disposition of their Special Approval.

If you have any questions please feel free to call me at 970-669-2380.
William E Jones

[Drake Campground

Objections and concerns

As local residents we are affected by most everything that takes place in the campgrounds and NEVER to our benefit and always puts us at odd's because we do very much like our privacy much as all of our neighbors, but always have to deal with campground people roaming all over the place.

As I sit here composing this I look out my front window and what do I see ? Some guy on a bicycle with a dog (though RARE this one was on lease) riding 5' by a (POSTED PRIVATE PROPERTY SIGN) Many times we see several in a group with dogs mostly unleashed running all over and naturally they can't go anywhere without crapping on our properties left for guess who to pick up . We also see many with a Beer can in hand and a cigarette in another which we find along the way after they have left. The trespass issues go on and on and we are tired of it .

THERE IS NO REASON WHY WE SHOULD HAVE TO DEFEND OUR PRIVATE PROPERTIES FROM ROAMING CAMPERS !!!!!!!

WE have BEAR'S and we want to keep them at bay and ALIVE.. ANY campground should be REQUIRED to have throughout the whole property including the owners BEAR PROOF TRASH CONTAINERS and DUMPSTER picked up on weekly basis.

We have FLOODPLAIN property that sit's 10 feet above the River and we as everyone who has these properties would love to be able to use a bit.

We would like to park a couple of licensed vehicles/ utility trailer and let the kid's pitch a tent and have a nice picnic area / fire pit to use .

If they are allowed to use FLOODPLAIN property that sits right on the river then I'm sure the County won't have any issues with us as all others being able to use and enjoy our properties.

We certainly hope the County REJECTS this campground in it's entirety.

Dallas Maurer
116 River Fork Road
Drake Co.



Karin Madson <madsonkc@co.larimer.co.us>

WEB: Re: Shaffer/Drake Campground Special Review

1 message

lilbeusan@aol.com <lilbeusan@aol.com>

Tue, Apr 7, 2015 at 4:46 PM

To: kmadson@larimer.org

This message was sent by a visitor to the Virtual Courthouse.

Name: Lilly-Anne
Email: lilbeusan@aol.com
Phone: 970-667-7620

As a longtime Drake resident I feel it necessary to comment on the project proposal for the Drake Campground: The Shaffer family have been fantastic stewards of the land in Drake for MANY years. From the first time I saw the property in 1981 I have been in awe of the beauty. All of the Shaffer family over the years have kept this property beautiful as well as welcoming and useful. I feel this is just an extension of this families fine values. The Shaffer's do a great deal of good for our little community. Allowing them to continue to do business will not devalue my land. In fact I feel it adds value. I have lived nearby since 1981. Currently I own property @ 36 Sly Fox Rd, from my living room I overlook the campground and we always enjoy the view. I always recommend them to visitors who camp. I do not want a "big box" campground, many folks enjoy the rustic charm of the Drake campground. We even chose it as our wedding spot! The natural beauty and neighborly charm attracts many people to our canyon. I am proud to say I live near the Shaffer's campground. Please believe that the Drake campground under the watchful eyes of the Shaffer's will not have any adverse impact on the land or the neighborhood. Sincerely, Lilly-Anne & Rodney Bise

Page sent from: http://www.larimer.org/planning/planning/current_applications.cfm

Date/time: 04/07/2015 - 4:45 PM
User located at: 199.3.246.231

RECEPTION#: 20150033673, 06/02/2015 at
03:41:29 PM, 1 OF 7, R \$0.00 TD Pgs: 0
Angela Myers, Clerk & Recorder, Larimer
County, CO

**FIRST AMENDMENT TO
AGREEMENT CONCERNING USE OF PROPERTY**

THIS AGREEMENT is entered into this ____ day of _____, 2015, between Jon L. Shaffer, Doris M. Shaffer, Lacy J. Shaffer, Jeff Shaffer, Jerry Shaffer and Lori Shaffer (collectively "Owner") of 1607 W. Highway 34, Drake, CO 80515, and the Board of County Commissioners of Larimer County, 200 W. Oak Street, Fort Collins, CO 80521 ("County").

- A. WHEREAS, Owner and County entered into an Agreement Concerning Use of Property dated May 29, 2012, and recorded in the records of the Larimer County Clerk and Recorder on June 1, 2012 at Reception Number 20120034930 ("Agreement"); and
- B. WHEREAS, the Agreement pertains to allowed uses for the property described on Exhibit "A" attached hereto, more commonly known as 1607 W. Highway 34, Drake, CO ("Property"); and
- C. WHEREAS, the Agreement references certain deadlines for submittal of special review application materials for allowed uses on the property; and
- D. WHEREAS, on September 27, 2012 a special review application for a recreation vehicle park consisting of 12 RV sites and a campground consisting of 40 tent sites was submitted to the Larimer County Planning Department, however, the materials submitted were minimal and inadequate, with no information provided for several items noted on the submittal checklist, including, but not limited to, the following:
 - Drainage and erosion control report and plan
 - Fire mitigation plan
 - Landscape plan
 - Sewage disposal report
 - Water supply report; and
- E. WHEREAS, Section 14 of the Agreement requires any modification to be in writing and executed by Owner and County; and
- F. WHEREAS, Owner and County wish to modify certain terms and conditions of the Agreement; and
- G. WHEREAS, this First Amendment sets out such agreed upon modifications.

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between Owner and County that the Owner may use the Property for a Campground through and including February 29, 2016, provided that:

- 1. The Owner must resubmit required application materials for Special Review File No. 12-Z1899 on or before August 28, 2015. Required application materials include, but are not limited to, those items summarized below. County staff will meet with Owner and provide the Owner with a complete list of information required for Special Review File No. 12-Z1899 on or before May 15, 2015.

After recording, please return to: Larimer County Attorney's Office
P.O. Box 1606, Fort Collins, CO 80521

This document is being re-recorded to correct the reception number of the original agreement to 20120035930

Resubmittal materials shall include the following and such other materials as determined to be needed by County staff members:

- a. Materials noted on the pre-application checklist dated October 3, 2012 not submitted with the initial application;
- b. Materials and information identified in the letter from Karin Madson dated December 3, 2012 (to address referral comments);
- c. Materials and information to address the requirements and comments as noted in the letter from Karin Madson dated May 15, 2013;
- d. Materials and information to address the comments and concerns noted in the letter from Karin Madson dated January 4, 2015;
- e. Materials and information to address the referral comments received from the Owner's February 2015 resubmittal;
- f. Information to demonstrate compliance with the standards contained in Section 18 of the Land Use Code or information to justify approval of the requested appeals.

Appeals to Sections:

- 18.3. Recreational Vehicle (RV) Parks
 - 18.3.2. Sites, comfort stations, water stations and sanitary stations.
 - 18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.
- 18.4 Campgrounds
 - 18.4.2. Campsites.
 - 18.4.3. Road and setback requirements.
 - 18.4.4. Comfort Stations.
 - 18.4.5. Water and sanitary stations.

- 2. Deadlines for submission of information, review and comments on new material submitted in order to schedule Planning Commission and County Commissioner hearings on Special Review File No. 12-Z1899 are:

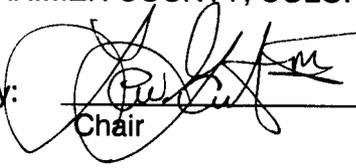
08/28/2015	Deadline for Owner to resubmit materials
09/30/2015	Deadline to receive comments back from referral agencies
11/30/2015	Deadline for Owner to respond to referral agency comments
12/31/2015	Deadline for staff report to be prepared for Planning Commission hearing
Jan 2016	Planning Commission hearing
Feb 2016	County Commissioner hearing

- 3. If the Commissioners do not approve Special Review File No. 12-Z1899 in February 2016, the RV park and campground uses on the property must cease immediately.
- 4. If the Owner's request to have the special review application fee of \$5,800 waived is not granted in part or in full, payment of all fees due and owing for the special review application must be paid on or before February 29, 2016.

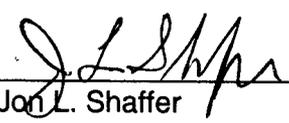
5. The Owner must obtain on or before June 30, 2015, a floodplain development permit and approvals from the Larimer County Engineering Department for the well and water distribution system structures Owner placed on the Property after the September 2013 flood without prior County approval. If not obtained by the deadline indicated, the well and water distribution system structures must be removed from the Property no later than August 31, 2015.
6. The Owner must remove on or before June 30, 2015 the stage structure Owner placed on the Property after the September 2013 flood without County approval.
7. Dwelling units #A and #B identified on the attached plot plan are considered non-conforming dwellings. The structures have not been habitable since the flood. The structures cannot be expanded or enlarged but may be repaired under valid building permits. The Owner has until September 12, 2016 to re-establish the use of these dwellings pursuant to:
 - a. Section 4.8.6. of the Land Use Code regarding discontinuance or reduction in intensity of a nonconforming use; and
 - b. The three-year rebuild program adopted by the Commissioners:

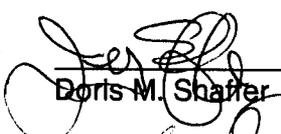
“Reestablishing a nonconforming use. The timeframe to reestablish a nonconforming use destroyed or affected by a disaster is hereby extended to the program ending date.” [September 12, 2016].
8. The cabins identified as Structures #E, #F and #G on the attached plot plan were constructed sometime after 1986 without Flood Review Board approval, Special Review approval and without building permits.
 - a. In order to remain on the property, these structures must be approved by the Flood Review Board by July 23, 2015 (deadline to submit the application for the Flood Review Board is June 25, 2015). If approved by the Flood Review Board, additional Special Review approval through File No. 12-Z1899 is required as well as building permits and inspection approvals for the structures. If not approved by the Flood Review Board, the structures must be removed from the Property within ninety (90) days from the date of the Flood Review Board decision.
 - b. If Flood Review Board approval and Special Review approval under File No. 12-Z1899 is obtained for the continued use of Structures #E, #F and #G, the Owner must obtain the required building permits and inspection approvals for Structures #E, #F and #G within sixty (60) days from the date of Special Review approval under File 12-Z1899.
9. Except as modified herein, all terms and conditions of the Agreement remain effective and in full force and effect.
10. The Agreement and this First Amendment shall be construed to give full force and effect to both documents. In the event of an inconsistency between the Agreement and this First Amendment, this First amendment shall control.

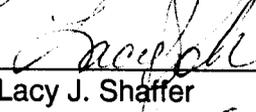
BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: 
Chair

OWNER:

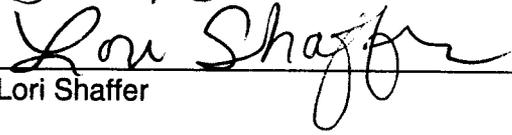
By: 
Jon L. Shaffer

By:  AS POA FOR DORIS SHAFFER
Doris M. Shaffer

By: 
Lacy J. Shaffer

By: 
Jeff Shaffer

By: 
Jerry Shaffer

By: 
Lori Shaffer

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 26th day of May, ²⁰¹⁵ ~~2012~~, by
~~LeW Gater III~~ Chair of the Board of County Commissioners of Larimer
County, Colorado



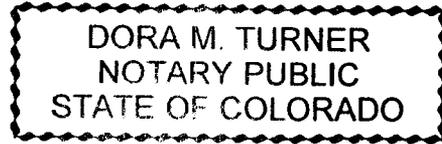
Dana Stealey
Notary Public
My commission expires: 2/7/19

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14th day of May, ²⁰¹⁵ ~~2012~~, by
Jon L. Shaffer.

Jon L. Shaffer

Dora M. Turner
Notary Public
My commission expires: 11-14-15



My Commission Expires 11/14/2015

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14th day of May, ²⁰¹⁵ ~~2012~~, by
Doris M. Shaffer.

Jay Sh AS POA
FOR DORIS M SHAFER

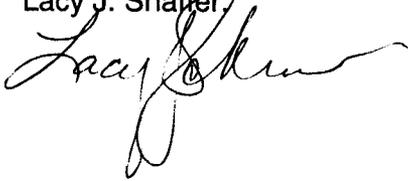
Dora M. Turner
Notary Public
My commission expires: 11-14-15

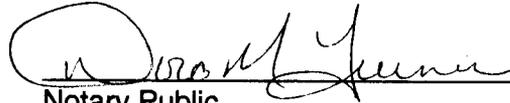


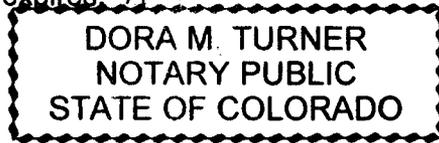
My Commission Expires 11/14/2015

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14th day of May, ²⁰¹⁵2012, by
Lacy J. Shaffer




Notary Public
My commission expires: 11-14-15

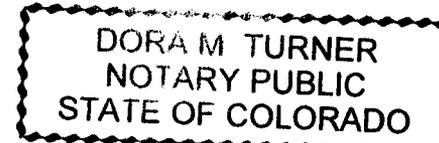


STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14 day of May, ²⁰¹⁵2012, by
Jeff Shaffer

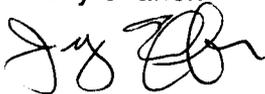



Notary Public
My commission expires: 11-14-15

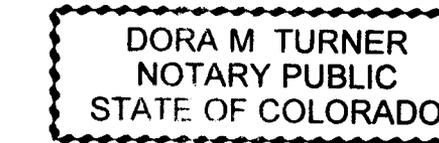


STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14 day of May, ²⁰¹⁵2012, by
Jerry Shaffer

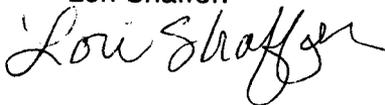



Notary Public
My commission expires: 11-14-15

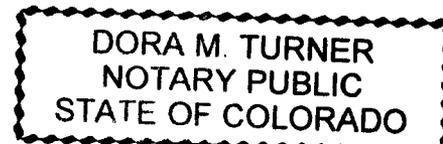


STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 14 day of May, ²⁰¹⁵2012, by
Lori Shaffer

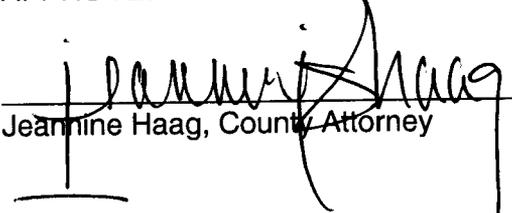



Notary Public
My commission expires: 11-14-15



My Commission Expires 11/14/2015

APPROVED AS TO FORM:

 5-18-15
Jeannine Haag, County Attorney

Attorney for Owner

Shaffer Application & Agreement Timeline (updated):

5/29/12	Shaffer agreement with Board of County Commissioners
9/26/12	Russ Legg left message for Lori Shaffer re: submittal deadline
9/27/12	Meeting with Jeff & Lori Shaffer
9/28/12	Deadline for Special Review and Flood Plain Special Review submittal (agreement)
10/17/12	Call from Lori Shaffer
10/23/12	Russ Legg meeting with Lori Shaffer (cancelled)
10/31/12	Call to Lori Shaffer re: site visit
11/1/12	Site visit
11/30/12	Letter and copy of referral comments to Shaffer
12/5/12	Left voicemail for Shaffer
1/24/13	Floodplain Special Review (FPSR) hearing
2/25/13	Floodplain Special Review (FPSR) hearing with BCC
5/6/13	Floodplain Special Review (FPSR) hearing with BCC - approved
5/15/13	Letter re: SR requirements sent to Shaffer
7/25/13	Left voicemail for Shaffer
9/13/13	2013 Flood
9/25/13 or 10/3/13	Disaster Recovery Center – spoke w/ Shaffer
12/11/13	Spoke with Jerry Shaffer
3/18/14	Left voicemail for Shaffer
7/10/14	Left voicemail for Shaffer
9/15/14	Discuss next steps (internal) & left voicemail for Shaffer
12/5/14	Discuss application status with Jerry Shaffer
12/17/14	Call from Jerry Shaffer
12/30/14	Met with Jeff and Jerry Shaffer
1/12/15	Call from Jerry Shaffer
1/13/15	Letter to Shaffer re: re-submittal deadlines and agreement extension request
1/20/15	Code Compliance, Health and Building site visit
2/5/15	Letter from County Attorney to Shaffer re: status of Agreement
2/10/15	Call from Jerry Shaffer
2/19/15	Call from Jerry Shaffer
2/24/15	Met with Jeff and Jerry Shaffer
2/26/15	Shaffer application re-submittal & Agreement extension request
3/3/15	Call from Jerry Shaffer
3/17/15	Call from Jerry Shaffer to discuss dropping off additional re-submittal items
4/15/2015	Planning Commission Hearing
5/4/2015	Board of County Commissioner Hearing – cancelled
5/18/2015	First Amendment to Agreement Concerning Use of Property signed by owners and Board of County Commissioners. This agreement contained specific performance deadlines.
6/24/2015	Flood Review Board variance application submitted for well house

	structures.
7/21/2015	Flood Review Board variance determined not needed based on elevation certificates submitted by applicant.
8/28/2015	Resubmittal deadline. Applicant provided some, but not all required materials per letter from their lawyer. Materials sent out for referral.
9/14/2015	Worksession with Board of County Commissioners regarding status of Agreement and incomplete resubmittal materials. Staff directed to re-evaluate those materials.
9/30/2015	Referral comments response deadline (per Amended Agreement)
10/19/2015	Worksession with Board of County Commissioners regarding update of status of Agreement and incomplete resubmittal materials. Board requested list of items required and waived (included with 2016 staff report)
11/30/2015	Deadline for 4 th resubmittal. Materials submitted.
1/20/2016	Planning Commission hearing scheduled.
2/8/2016	Board of County Commissioners hearing scheduled.

LARIMER COUNTY PLANNING COMMISSION Minutes of April 15, 2015

The Larimer County Planning Commission met in a regular session on Wednesday, April 15, 2015, at 6:30 p.m. in the Hearing Room. Commissioners' Christman, Dougherty, Gerrard, Glick, Jensen, Miller, and Zitti were present. Commissioner Cox was absent. Commissioner Wallace presided as Chairman. Also present were Terry Gilbert, Community Development Division Director, Matt Lafferty, Principle Planner, Karin Madson, Planner II, Eric Tracy, Engineering Department, Doug Ryan, Health Department, and Jill Wilson, Recording Secretary.

The Planning Commission went on a site visit to Shaffer-Drake Campground Special Review.

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 MARCH 18, 2015 MEETING: MOTION by Commissioner Glick to approve the minutes, seconded by Commissioner Gerrard. This received unanimous voice approval.

AMENDMENTS TO THE AGENDA:

None.

ITEM:

ITEM #3 SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW #12-Z1899: Ms. Madson provided background information on the request for a Special Review for a Recreation Vehicle (RV) Park with 12 sites and campground with 40 tent sites. Additional structures to be included include the "guest house", the cabin/office, 2 cabins and an RV that was occupied by family members. The subject property was located northwest of the Highway 34 and County Road 43 intersection at Drake, CO. She stated that the request also included appeals to the following sections of the Land Use Code (LUC):

18.3. Recreational Vehicle (RV) Parks

18.3.2. Sites, comfort stations, water stations and sanitary stations.

18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.

18.4 Campgrounds

18.4.2. Campsites.

18.4.3. Road and setback requirements.

18.4.4. Comfort Stations.

18.4.5. Water and sanitary stations.

She gave the history of the property and noted that there were no plans by the applicants to expand the campground. She mentioned that after the 2013 flood the applicants did submit a revised site plan of the project due to the changes in the site from the flood. She noted that the electrical hookups to the RV sites had been replaced since the flood. She stated that Staff's assessment of the project was that the site was not compatible due to the lack of services as there was a lack of information provided to Staff regarding water supply, sanitary services, traffic, drainage and erosion control, etc.. She also mentioned that the property was located within the floodplain and floodway. She stated that the appeal requests would not meet the criteria for the appeals due to adequate public facilities requirements along with the public health, safety and welfare considerations. She stated that the Development Services Team was recommending denial of the proposal and appeals.

Commissioner Miller asked if the non-permitted buildings were constructed after the 1976 flood and also asked if they withstood the 2013 flood.

Ms. Madson stated that they were built after the 1976 flood and had been on site for years. She stated that there were structures not permitted that did survive the 2013 flood.

Commissioner Glick asked if the electrical RV hookups required a permit.

Ms. Madson stated that an electrical permit was required through the State.

Eric Tracy, Engineering Department, also mentioned that a floodplain development permit was required through the Engineering Department for the hookups, which were not issued.

Commissioner Glick asked if the site was currently operating.

Ms. Madson stated that the Board of County Commissioners had given the applicants 3 years to obtain appropriate approvals and also operate during that time. She stated that the approval was until May 31, 2015. The applicants were asking for an extension of that date to November 2015, which would be heard before the Board of County Commissioners.

Commissioner Miller asked why the State issued a permit for the RV hookups if the flood plain permit was not obtained.

Mr. Lafferty explained that it was a State issued permit and was not processed through county.

PUBLIC TESTIMONY:

Jerry Shaffer, owner, stated that they bought the property in 1983 at which time it was a campground. He explained more history of the site. He stated that most of the buildings had been on site since 1986 and stated that they were in process of obtaining a permit for the guest house. He stated that the RV hookups were permitted through the State because it was a stipulation of the Special Review that they were trying to abide by. He explained that they were asking for an extension because their lives had been turned upside down since the flood, they had endured financial hardships, and they had not had enough time to acquire some of the materials/requirements for the submittal. He stated that they did not need all of the appeals but

were asking for them because they had not had enough time to get all of the materials in order. He mentioned that the buildings did make it through the 2013 flood. He understood that the property was within the floodway and that was why Staff was recommending denial.

Commissioner Miller asked if they were informed in 1986 that they property was not in compliance and the buildings were not permitted.

Mr. Shaffer replied yes. He explained the history of the buildings and permits on the site. He stated that they had been trying to legalize the campground since 1986 and wanted the extension to get the campground legalized.

James Baranobic, motel owner in Estes Park, stated that he had known the Shaffer's for 45 years. He stated that they were changing the area for the better and that the property was a benefit to the community. He also mentioned that they were outstanding community members. He wondered about the fairness and mentioned that they were one of the only sites that survived the flood. He mentioned other sites that were rebuilding since the flood and did not understand why the Shafer's could not rebuild. He felt that it was the right thing to do to allow them to rebuild.

Raymond Beck, Dillmann's Custom Concrete, stated that the Shaffer's had done so much for the community. He stated that no rules were trying to be broken, and the applicant's wanted to be in compliance. He felt that the property should be approved and not be shut down.

Lori Shaffer, owner, stated that an evacuation plan was in place and had been used in the past. She pointed out that during the 2013 flood they had everyone evacuated before the evacuation orders were in place. She mentioned how the site had helped the community throughout the years and since the flood. She felt that it would be a detriment to the area to close down the campground. She also pointed out the other sites in the canyon that were rebuilding. She mentioned that the port-a-potties along with the trash were emptied every week. She stated that they needed the business but also wanted to continue to help the community and volunteers trying to rebuild.

Don Knox, Colorado Campground Association, stated that Colorado needed more campgrounds not less campgrounds. He stated that most were terribly devastated in the flood and felt that some lenience was appropriate in this situation.

Jerry Shaffer stated that the campground had been in existence since 1927, and the previous owner changed the zoning which affected the conformity of the site.

Commissioner Gerrard mentioned that there was an agreement signed by the owner stating that the site was not grandfathered.

DISCUSSION:

Commissioner Dougherty asked if buildings could be rebuilt in that area.

Mr. Tracy explained that if the structure was not substantially damaged (damaged less than 50% damaged) then the structure could be rebuilt. He explained that several sites in the canyon were legal, nonconforming uses, which allowed those uses to continue. He stated that a new campground was not allowed in the flood overlay areas and pointed out that the Shaffer Campground was being treated as a new campground.

Ms. Madson explained that there was no proof that the site was a legal, nonconforming campground. As a result, the remedy was to gain approval through Special Review.

Mr. Tracy stated that a Floodplain Special Review along with the Flood Review Board voted unanimously to not allow that use in the area; however, the Board of County Commissioners went into agreement with the applicant for the past 3 years to allow them to operate.

Commissioner Jensen asked how much information submitted by the applicant was satisfactory.

Ms. Madson stated that no technical information had been submitted such as reports regarding traffic, drainage, water supply, etc.

Commissioner Jensen asked about the septic on the site.

Doug Ryan, Health Department, explained that there were a series of septic systems for the site. He stated that the tent and RV sites were served by outhouses and during the last 3 years had been served by chemical toilets. The applicants were asking for an appeal to not have a comfort station, which had toilets, showers, etc as they wanted to operate more rustically. He stated that 2 vaulted privies would be required and would need to be located outside of the floodway. He stated that no site plan had been received showing where those privies would be located. He understood that the applicants were willing to work towards that but at the current time he could not determine if the standards could be met for the site.

Commissioner Jensen asked if there was anywhere on site that could house those sanitary systems.

Mr. Tracy stated that the site did have areas in the flood fringe or completely out of the floodway where those sanitary systems could possibly be located.

Commissioner Miller asked why the old systems could not be replaced.

Mr. Ryan stated that it might be possible for the residential structures; however, there were no records for permits for privies on the site that served the campground. He stated that generally permanent campgrounds needed permanent toilet facilities, which would need to serve the RV and campground sites. He explained that the applicants were asking to appeal the requirement of the comfort station and use privies instead. In that case, the Health Department would require 2 privies on the site. He also mentioned that the RV's would need sanitary hookups or dump stations, which was also being appealed by the applicant. He stated that the Health Department historically found that dump stations were needed for campgrounds because when those were not supplied the gray water, etc. ended up being dumped onto the ground.

Commissioner Zitti asked what had been completed during the time of the Special Review submittal in 2012 and the flood in 2013.

Ms. Madson stated that little had been submitted. She stated that in December 2014 another meeting was completed with the applicants to go over requirements. She stated that some additional information was received in March 2015 but no technical information was received.

Commissioner Dougherty stated that he could not see that anything was completed from May 2012 to the flood of 2013 that furthered the process. He did not feel that there was a good faith effort prior to the flood to get things completed.

Commissioner Miller agreed but felt that corrections could be made to the site. He stated that he was for giving an extension to the applicants with them knowing that it was their last chance to get things accomplished. He felt that the site could work as a campground and would like to see the use continue. He understood the applicants' hardships and felt that they could use an extension.

Commissioner Wallace had sympathy and empathy for the applicants; however, the lack of information made it difficult to move forward and grant approval.

Commissioner Christman supported an extension given to the applicants because she felt that if more information was received then the Planning Commission would be able to make a better decision regarding the Special Review.

Commissioner Gerrard empathized with the applicants. He stated that since 1988 nothing had been done and/or nothing had been brought into compliance. There was also a time from 2012 to 2013 where not a lot of effort was made to move forward with the process. He hoped the Board of County Commissioners would allow an extension to their agreement with the applicants due to the flood and the circumstances that stemmed from that. He stated that he would have to vote in denial of the application due to the lack of information received as it was needed to determine if the use could be compatible and meet the required standards.

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 denial of the Shaffer-Drake Campground Special Review, file #12-Z1899, for the property described on "Exhibit B" to the minutes.

Commissioner Dougherty seconded the Motion.

Commissioners' Christman, Dougherty, Gerrard, Glick, Jensen and Chairman Wallace voted in favor of the Motion.

Commissioners' Miller and Zitti voted against the Motion.

MOTION PASSED: 6-2

2. TITLE: Shaffer – Drake Campground Special Review
- REQUEST:
- A. Special Review for a Recreation Vehicle (RV) Park with 12 sites and campground with 40 tent sites. Additional structures to be included include the “guest house”, the cabin/office, 2 cabins and an RV that was occupied by family members.
- B. Appeals to Land Use Code (LUC) Sections:
- 18.3. Recreational Vehicle (RV) Parks
- 18.3.2. Sites, comfort stations, water stations and sanitary stations.
- 18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.
- 18.4 Campgrounds
- 18.4.2. Campsites.
- 18.4.3. Road and setback requirements.
- 18.4.4. Comfort Stations.
- 18.4.5. Water and sanitary stations.
- LOCATION: 03-05-71; located northwest of the Highway 34 and County Road 43 intersection at Drake, CO.
- APPLICANT/ PROPERTY OWNER: Jeff and Lori Shaffer
PO Box 255
Drake, CO 80515
- ADDITIONAL PROPERTY OWNERS: Doris, Jerry, Jon and Lacy Shaffer
1601 Big Thompson Canyon
Drake, CO 80515
- STAFF CONTACTS: Karin Madson, Planning
Doug Ryan, Health
Eric Tracy, Engineering
- FILE #: 12-Z1899
- NOTICE GIVEN: Posting in the officially designated area of the Larimer County Courthouse Offices no less than twenty-four hours in advance of the hearing.

SITE DATA:

Parcel Number(s)	15032-00-038
Total Development Area:	36.84 acres
Existing Land Use:	Single family residences and RV Park/campground
Proposed Land Use:	Single family residences, 2 guest cabins, RV Park and campground
Existing Zoning:	O-Open
Adjacent Zoning:	O-Open
Adjacent Land Uses:	residential, commercial businesses
Services:	
Access:	Highway 34
Water:	well
Sewer:	septic
Fire Protection:	Loveland
No. Trips Generated by Use:	not determined

PROJECT DESCRIPTION/BACKGROUND:**1998 Concept Technical Review for Recreational Campground:**

In 1988 Jerry Shaffer submitted an application for Concept Technical Review (CTR), file #Z-24-88, for a recreational campground facility on two properties, the adjacent parcel with the restaurant 15032-00-007 and this parcel 15032-00-038. The request states that they “would like to build up our business by adding on as financial conditions allow. Presently we can accommodate self-contained RVs and tents. Four cabins are currently on the property that can be used for overnight lodging with no water or electric.” There is no site plan in the file. The staff report for the CTR states:

“Application for approval must be made prior to construction or use of the property as a campground. The parcel is now being used illegally as a campground, which may influence the final decision on approval or denial of the plan” and

“The illegal uses that have occurred, or are occurring, will not be permitted to continue, i.e. mobile home uses, construction of buildings, lumber processing, cabin sales, illegal signage, etc.”

In addition, the CTR report identified water and sanitation concerns and states that “campgrounds are permitted in the floodway zone only by Special Permit.” Upon completion of the CTR review it appears that no further action was taken to obtain Special Review approval for the campground.

1996 Zoning Violation found, legal action authorized:

On June 3, 1996 the Board of County Commissioners held a zoning/building code violation hearing on the Shaffer property at 1601 Big Thompson Canyon. The alleged violation was for operating a travel trailer park, campground, and resort cabins without special review approval and constructing cabins, single family dwellings for rent and habitation without obtaining building permits.

The Staff findings at this hearing were:

- The subject property is in the O-Open Zoning District;
- The O-Open Zone allows travel trailer parks and campgrounds by Special Review;
- Only one principal building is allowed on each lot;

- Continued use of the property, inconsistent with the zoning, will affect property values in the area;
- Two CTR applications for development of the property as a campground have been submitted and dropped or withdrawn before final review or approval;
- Violations of the zoning and building regulations have been on-going on the property for more than 8 years.

The staff recommendation was to find that the violations exist, require compliance within 30 days, and authorize legal action if the deadline is not met. The Board found the property to be in violation, required compliance and authorized legal action if a plan to resolve the violations did not move forward in a reasonable fashion.

2010 Code Compliance Case initiated:

Code Compliance initiated a file in response to complaint of campground in floodway. On October 6, 2011 the County obtained a court order and judgment by District Court requiring the property owner to cease using the property as a RV park and campground. The RV Park and Campground were closed down in the fall of 2011. Refer to the memo from Candace Phippen, dated October 29, 2012 for zoning violation and building permit information.

2011 “Residential Use Only” condition removed:

Dec. 5, 2011 the Board of County Commissioners approved the removal of a plat note and condition restricting the use of the property to residential use.

2012 Three Year Agreement for continued use of property as campground:

On May 29th, 2012 the Board of County Commissioners and the Shaffer’s entered into an agreement (“Agreement”) to allow the use of the property as a campground through and including May 31, 2015 provided that the Owner submits an application for Special Review and Flood Plain Special Review on or before September 28, 2012. The agreement (copy attached) gave the Shaffer’s 3 years to obtain Flood Plain Special Review and Special Review approval. The Flood Plain Special was approved by the Board of County Commissioners on May 6, 2013 (copy of the Findings & Resolution attached). The campground re-opened.

2012 Floodplain Special Review application:

The applicant submitted their application for Floodplain Special Review at the same time as their Special Review application. The Flood Plain Review Board recommended denial of the application. The Board of County Commissioners held 2 hearings on the application on Feb. 25, 2013 and May 6, 2013. The Flood Plain Special was approved by the on May 6, 2013 (copy of the Findings & Resolution attached). The campground re-opened.

2012 Special Review application submitted for review (current application):

On September 27, 2012 Jeff and Lori Shaffer submitted a Special Review application for a Recreation Vehicle Park consisting of 12 RV sites and a Campground consisting of 40 tent sites. The application materials submitted were minimal due to the fact that the Shaffer’s waited until the last minute to request a pre-application conference for the application and were not prepared to submit the required application materials. At the time of application the Shaffer’s did not pay the required application fee of \$5800 and have asked that the Board waive (appeal) their application fee. Several items noted on the submittal checklist were not submitted and were marked as “N/A” by the applicant. Those include:

- Drainage and erosion control report and plan
- Fire mitigation plan
- Hazard mitigation plan (evidence of Floodplain Special Review approval). *This has since been completed.*
- Sewage disposal report
- Soils report
- Site lighting photometric plan
- Water supply report

The Planning Director at the time agreed to accept the application so that the Shaffer's could meet the submittal deadline as required by their "Agreement" with the Board. To date these items have not been submitted or adequately addressed. The application continues to include inadequate information for Staff review.

The application materials also indicate that the Shaffer's have "no plans and will not change anything about the campground." The application materials state that the entrance to the campground has a turn lane, the water in the campground comes from a "well-n-spring" and is just fine, the septic and trash are serviced by Waste Management and include a vault (destroyed in 2013 flood) and porta-potties. They indicate they have no plans to expand.

The site plan submitted with the application indicates there are 2 houses, a guest house, a barn, a well house, a cabin office, and outhouse, a cabin, 2 water spigots, 40 tent sites and 12 electric RV sites. A revised site plan submitted March 2015 redefines these features to include a main house (*legal non-conforming, damaged by 2013 flood*), a guest house (*legal non-conforming mobile home, no building permit located, damaged by 2013 flood*), a barn, a well house (*has since been replaced with 2 sheds*), an cabin/office (*3rd residence, no building permit located*), and cabins 1 and 2 (*no building permits located*). Previously there was an RV on the property that was used as a residence, but this was destroyed by the 2013 flood. The layout of the property has also changed since the 2013 flood, but has been substantially reclaimed and re-graded by some entity.

Application materials indicated that the cabin/office is served by the campground spring fed well and a sealed vault, the septic system for the main house and guest house was destroyed in the 2013 flood and both residences sustained damage that has yet to be repaired. Most recently the applicant replaced the electrical for the RV sites, which were damaged in the 2013 flood.

REVIEW CRITERIA AND ANALYSIS:

To approve a Special Review application, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

1. **The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood;** The RV Park and Campground have been operating illegally for a number of years and neighboring property owner has indicated concern with the lack of services (water and sewer) provided for campers. Therefore, without the provision of basic sanitary and water facilities the use will not likely be compatible with surrounding uses or properties.

- B. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the County Master Plan or county adopted sub-area plan;** This project is not located within a Growth Management Area. The County’s Master Plan indicates the area in which this proposal is located is rural. Uses anticipated in a rural area include tourist-related businesses adjacent to major highways or tourist routes.
- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code;**

Section 8 Standards for All Development

Section 8.1 Adequate Public Facilities

Sub-Section 8.1.1 Sewage Disposal Level of Service Standards: Infrastructure for campground use included a small outhouse along with portable toilets. Staff understands that the outhouse was destroyed in the 2013 flood. Comments from Doug Ryan dated November 6, 2012 and March 26, 2015 address the requirements noted in Section 18 for campground and RV park facility comfort stations, water stations and sanitary stations. The applicant has submitted an appeal to these Section 18 requirements, and instead proposes a more rustic type of facility. The Health Department recommends that at a minimum the applicant be required to install at least two vaulted privies, each with a men’s and a women’s toilet. In addition, the Health Department recommends that the applicant install a sanitary dump station for sanitary waste water. The applicant has stated that they will work with the Health Department to install at least 2 vaulted privies, each containing a men’s and women’s toilet.

Sub-Section 8.1.2 Domestic Water Level of Service Standards: Application materials indicated that water is supplied by a “well-n-spring.” A well house and well are shown on the most recent site plan. Comments from Doug Ryan (memo dated November 6, 2012 and March 26, 2015) provide information on requirements for this water system, which may require plan review State for a small water system and routine water quality testing. Additionally, the Colorado Division of Water Resources (letter from Joanna Williams dated October 23, 2012 and letter from Tracy L. Kosloff dated March 24, 2015) indicate that there are 3 wells in the area, all of which are approved for domestic use. One of those wells provides water for the adjacent property. Additional information is required by their office to determine if the water provided by the wells can be used for commercial use under their Policy Memorandum 90-1 or whether a plan for augmentation will be required. The applicant has not provided additional information to address these comments.

Sub-Section 8.1.3 Drainage Level of Service Standards: A drainage and erosion control report is required for staff review. The Engineering Department (refer to the memo from Eric Tracy, dated November 9, 2012 and email dated Mar. 27, 2015) provided comments regarding the contents of this report along with a comment indicating that site design will need to comply with all LUC requirements. A drainage and erosion control report is required. The applicant has indicated that they have not addressed these requirements and have submitted a separate request for an extension to the “Agreement” to complete these items.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards: The Loveland Fire Rescue Authority provides fire protection services to the site. The district provided comments (refer to email from Carrie Dann, dated Nov. 1, 2012). Comments were received regarding signage, bridges, gates, fire extinguisher requirements for a guest house, and a required inspection. The applicant has indicated that they have installed the required signage (may require additional building permit approval), that there are no bridges or gates planned, and that they will comply with the fire extinguisher and inspection requirements.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards: A traffic impact study is required for staff review and has not been submitted. The Engineering Department (refer to the memos from Eric Tracy, dated November 9, 2012 and email dated Mar. 27, 2015) provided comments regarding the contents of this report along with a comment indicating that site design will need to comply with all LUC requirements. The applicant has indicated that they have not addressed these requirements and have submitted a separate request for an extension to the “Agreement” to complete these items. No comments were received from the Colorado Department of Transportation.

Section 8.2 Wetland Areas: Comments from Rob Helmick, dated Oct. 22, 2012, indicate that there are no significant environmental issues associated with the site. No additional information is required.

Section 8.3 Hazard Areas: County maps do not identify geologic hazards in this area. The does contain flood plain. The applicant received Flood Plain approval for the proposed RV Park and Campground in 2013. Since that approval the property flooded in September 2013 and a large portion of the property was disturbed. Much of the area was reclaimed and re-graded by the entities that have been working to reconstruct the river. At this time we do not have information regarding the status of the current floodplain or other hazards on the property.

Section 8.4 Wildlife: No areas of wildlife concern were identified in this review. No comments were received from the Colorado Division of Wildlife.

Section 8.5 Landscaping: No landscaping is proposed, although Section 18 includes a requirement for landscaping. The applicant will need to show how the Section 8.5 Landscaping can be met or appeal the requirement.

Section 8.6 Private Local Access Road and Parking Standards: Detailed access and parking information has not been submitted. This information is required for staff review. The Engineering Department (refer to the memo from Eric Tracy, dated November 9, 2012 and email dated Mar. 27, 2015) provided comments regarding the contents of this report along with a comment indicating that site design will need to comply with all LUC requirements. The applicant has indicated that they have not addressed these requirements and have submitted a separate request for an extension to the “Agreement” to complete these items. Although staff does not have adequate information for review, we would like to note that paving of the internal road systems may be required since the access is located off the paved highway.

Section 8.7 Road Surfacing Requirements: Not applicable.

Section 8.8 Irrigation: Not applicable.

Section 8.11 Air Quality Standards: Not applicable.

Section 8.12 Water Quality Management Standards: Not applicable.

Section 8.13 Commercial Mineral Deposits: Not applicable.

Section 8.14 Development Design Standards for Land Division. Not applicable.

Section 8.15 Site Lighting: No lighting was identified with the Special Review application. Lighting should meet the requirements outlined in this section.

Section 8.16 Fences: No fencing is identified in the application materials.

- D. The proposed use will not result in a substantial adverse impact on property in the vicinity of the subject property;** The uses proposed on the property have the potential to negatively affect adjacent properties if adequate measures are not taken to mitigate the impacts of the proposed uses. Although the Floodplain Special Review was approved, the 2013 flood destroyed a significant portion of the campground. Flash flooding episodes continue to present a life safety issue. Of continued concern are safety in the event the RV Park and campground are not evacuated, the provision of adequate public facilities outside flood plain area and potential impacts from dislodged RV's or other materials within the floodway. In addition, there are unpermitted (no building permit) structures located within the floodplain area.
- E. The recommendations of referral agencies have been considered.** Comments from the referral agencies are attached to this report and have been considered in the review of this application.
- F. The Applicant has demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions.** Section 18 of the Land Use Code is applicable for both RV Parks and Campgrounds. There are a number of standards in that the applicant was requested an appeal from, as noted below.

18.3. Recreational Vehicle Parks

18.3.2. Sites, comfort stations, water stations and sanitary stations. The applicant has submitted an appeal to the requirements outlined in this section.

- *Table 18.3.2.1. requires the following for up to 15 sites: 1 male and 2 female toilets, 1 urinal, 1 male and 1 female lavatory, and 1 male and 1 female shower.*
- *Every water station must be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control rate of water flow; and flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station must be constructed to allow good drainage and prevent freezing.*
- *Each recreational vehicle park must have at least one sanitary station. The drainage basin of the sanitary station must be constructed of an impervious material. The sanitary station must be connected to the recreational vehicle park water supply and provide facilities for washing recreational vehicle waste holding tanks and for cleaning the general area of the sanitary station.*

18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas. The applicant has submitted an appeal to the following requirements:

- *Road systems within a recreational vehicle park are required. Road systems must form a loop system only and be constructed in the same manner and to the same standards as an access road. If a road system is for one-way traffic only, directional signs must be installed.*
- *Access roads to recreational vehicle parks must be 16 feet wide for one-way traffic and 24 feet wide for two-way traffic. The roads must be surfaced with granular material of no greater than 1½-inch grade.*
- *Entrances into recreational vehicle parks or onto recreational vehicle park access roads off state or federal highways must be rounded by at least a 40-foot radius arc to provide convenient and safe ingress and egress to those highways without traffic obstruction. Intersections must also be maintained free from visibility obstruction for a distance of 125 feet along the access road or entrance from its intersection with the highway.*
- *Sites in a recreational vehicle park have the following recreational vehicle minimum setback requirements:*
 - *From the perimeter of the recreational vehicle park - 75 feet*
 - *From the boundary of a public right-of-way - 200 feet.*
- *Recreational vehicles cannot be parked or attached to the ground or any other parked vehicle within any public right-of-way or within 100 feet of the boundary of any public right-of-way for overnight accommodations.*
- *Roads and pedestrian walkways within the recreational vehicle park, buildings, comfort stations and other areas or facilities with nighttime use must be lighted for safe use.*
- *A minimum of eight percent of the gross area within the perimeters of a recreational vehicle park must be maintained as an outdoor recreation area. Outdoor recreation areas include adult recreation and child play areas and comfort stations but do not include parking areas.*

18.4 Campgrounds

18.4.2. Campsites. The applicant has submitted an appeal to the requirements outlined in this section.

- *Each campsite must be equipped with a numbered and color-coded sign indicator of at least four square inches and attached to a post or tree on or near the campsite, indicating the type of recreational vehicle that may be parked on the campsite.*
- *Each campsite must include a parking space of at least 200 square feet for one vehicle other than a recreational vehicle. That parking space must be constructed so no portion of the vehicle extends onto any roadway within the campground.*

18.4.3. Road and setback requirements. The applicant has submitted an appeal to the requirements outlined in this section.

- *Road systems within a campground are required. Road systems must form a loop system only and be constructed in the same manner and to the same standards as an access road. If the road system is for one-way traffic only, directional signs must be installed.*

- *Access roads to campgrounds must be 16 feet wide for one-way traffic and 24 feet wide for two-way traffic. They must be surfaced with granular material of no greater than 1½-inch grade.*
- *Entrances into campgrounds or onto campground access roads off state or federal highways must be rounded by at least a 40-foot radius arc to provide convenient and safe ingress and egress to the highways without traffic obstruction. Intersections must also be maintained free from visibility obstruction for a distance of 125 feet along the access road or entrance from its intersection with the highway.*
- *Campsites within a campground and recreational vehicles parked within a campground must comply with these minimum setback requirements:*
 - From the perimeter of the campground – 75 feet
 - From the boundary of a public right-of-way - 200 feet

18.4.4. Comfort Stations. The applicant has submitted an appeal to the requirements outlined in this section.

- *For campgrounds with 31-45 sites the following are required: 2 male and 3 female toilets, 1 urinal, 3 male and 3 female lavatories, 1 male and 1 female shower.*

18.4.5. Water and sanitary stations. The applicant has submitted an appeal to the requirements outlined in this section.

- *Except where no recreational vehicles other than tent trailers are accommodated within a campground, each campground must have at least one water station.*
- *Every water station must be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control water flow rate; and a flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station must be constructed to allow good drainage and prevent freezing.*
- *Except where no recreational vehicles other than tent trailers are accommodated within a campground, each campground must have at least one sanitary station.*
- *The drainage basin of the sanitary station must be constructed of an impervious material. The sanitary station must be connected to the campground water supply and provide facilities for washing recreational vehicle waste-holding tanks and for cleaning the general area of the sanitary station.*

OTHER REVIEW AGENCY COMMENTS:

- Code Compliance provided comments regarding the status of building permits for the property. Refer to the memo from Candace Phippen, dated October 29, 2012 for full details.
- The Building Department (refer to email from Stan Griep, dated Oct. 12, 2012) commented on remodels, change of occupancy, and the use of tent structures for more than 180 days.
- The Army Corps of Engineers (refer to letter from Timothy T. Carey, dated October 16, 2012) commented that any work in wetlands areas will require a permit.
- Neighbor comment provided by William Jones, date Oct. 18, 2012.

MAJOR ISSUES AND CONCERNS:

1. Application materials continue to be inadequate and lack enough information for Staff and referral agencies to evaluate the use including:
 - Water supply information is needed for evaluation. Applicant must demonstrate a legal source of water and commit to obtaining required State permit(s).
 - Sanitary services information and plans need to be identified. County Health regulations require these facilities to be located outside the mapped floodway.
 - Drainage, erosion control and stormwater plans need to be submitted for review.
 - Plans for internal access and circulation need to be submitted for review.
 - Traffic study and access information plans need to be submitted for review.
 - Compliance with the standards in Section 18 should be demonstrated or the request appeals should include information to justify approval of the requested appeals.
 - Plans for the use or removal of the unpermitted structures on the property need to be identified and incorporated into the application. There are residences and cabin(s) on the property that are being occupied without Building Permit approvals. Both of the non-conforming residences were impacted by the 2013 flood.

2. Neighbor concerns. One neighbor provided a letter of opposition. Concerns identified include health dangers associated with the lack of sanitary services, septic system permits for the existing residences, and concern with the lack of services provided for tent campers.

DEVELOPMENT SERVICES TEAM FINDINGS:

The Development Services Team recommends to the Larimer County Planning Commission the adoption of the following findings with respect to this requested Special Review:

- A. The proposed use will not compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood;**
- B. The proposed use is consistent with the county master plan.**
- C. The applicant has not demonstrated that this project can and will comply with all applicable requirements of this code.**
- D. The proposed use has the potential to result in a substantial adverse impact on property in the vicinity of the subject property.**
- E. The recommendations of referral agencies have been considered.**
- F. The Applicant has not demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions.**

The Development Services Team recommends to the Larimer County Planning Commission the adoption of the following findings with respect to the requested Appeals to Section 18 requirement:

- A. **Approval of the appeal will not subvert the purpose of the standard or requirement.** Since the applicant has chosen to appeal the bulk of the requirements in Section 18 and provided little justification it is staff's opinion that approval of the request would subvert the purpose of the standards and requirements since the standards and requirements are directly related to public health, safety and welfare.
- B. **Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.** If there are not adequate sanitary and water services, access or comfort stations the campground may have a negative impact on the surrounding neighborhood.
- C. **Approval of the appeal is the minimum action necessary.** Approval of the appeal is not the minimum action necessary.
- D. **Approval of the appeal will not result in increased costs to the general public.** Approval of the appeal may result in increased costs to the public if health and safety are compromised.
- E. **Approval of the appeal is consistent with the intent and purpose of the Code.** Approval of the appeal is not consistent with the intent and purposed of the code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

- A. The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners **Denial** of the **Shaffer-Drake Campground Special Review File #12-Z1899**.
- B. The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners **Denial** of the **Shaffer-Drake Campground Appeals to Sections:**
 - 18.3. Recreational Vehicle (RV) Parks**
 - 18.3.2. Sites, comfort stations, water stations and sanitary stations.
 - 18.3.3. Density, road, setbacks requirements, signs and outdoor recreation areas.
 - 18.4 Campgrounds**
 - 18.4.2. Campsites.
 - 18.4.3. Road and setback requirements.
 - 18.4.4. Comfort Stations.
 - 18.4.5. Water and sanitary stations.

APPLICATION MATERIALS

To Mr. Legg

Lairmer Co. Special Review
Lairmer County Commissioners,

★ The application fee at this
current time is 5800⁰⁰ (Special Review)

The Drakecampground can't
afford that much at this

time, we are asking you
for a waiver on this review -
and or a reduced fee, the
county has talked to us
about the options, along with
make 10% then a monthly
payment, what will that be?

★ Also the flood plain special
review is 400⁰⁰ for RV park +
campground just for application

* Fire-protection plan - 200⁰⁰ (ok.)
would like to waiver Wild
Land fires - 200⁰⁰ fee. Our
water source would be
the North Fork that runs
through the property, In
case of a fire - the fire
Dept. would pump out of
the north Fork and/or the
Big Thompson across Hwy 34,
The campground is a green
belt. I feel Loveland Fire
would agree, The chance of
a fire at Drake campground
is slim to none.

★ Floodplain special review - application is 400⁺. Then how much for all the engineering? I truly believe the campground is in a safe location. We are located at 1601 Big T. Cyn, and County Rd 43, across from Hwy 34 and lies along Co. Rd. 43. on the North fork. There are no drainages feeding the north fork, also our river banks are good - never had a problem in 30 yrs. There is a pump room for high water if that were to happen.

unlike some places in the Big T. Cyn. This would be the place to be for the next 1000 years, if that were to happen. Also you could climb to safety easy if a flood were to happen, unlike 90% of the Big T Cyn. - nowhere to climb - just cliffs. Studies show it's a 1000 yr flood - probably not going to happen. Not to mention all the new alarm systems put in. - Dam control) - The Big T. Cyn Hwy 34 has been redone - I think we all feel safe.

* The Shatters have no plans and will not change anything about the Campground. We have kept it like it was since 1927. We as well as others, like it just like it is. This is a 1 or 2 mabe 3 day stay, 1/3 tent - 1/3 Truck camper 1/3 RV. Drake Campground offers most everything that State & County parks do.

* The Entrance into the Campground has a turn Lane and is a Large area at - crossing Hwy 34 - Co Rd 43

★ The water in the camp ground comes from a well n- spring that has been tested and is just fine.

★ The septic & Trash are serviced by Wastemant. No Dump station vaulted outhouse + Porta-potties

★ Why the Drake Campground should remain open - and all it serves.

★ The Good Sams

★ Boy Scouts - Girl Scouts

★ The FCRV

★ Grandpa - Grandma

★ The 4 generations

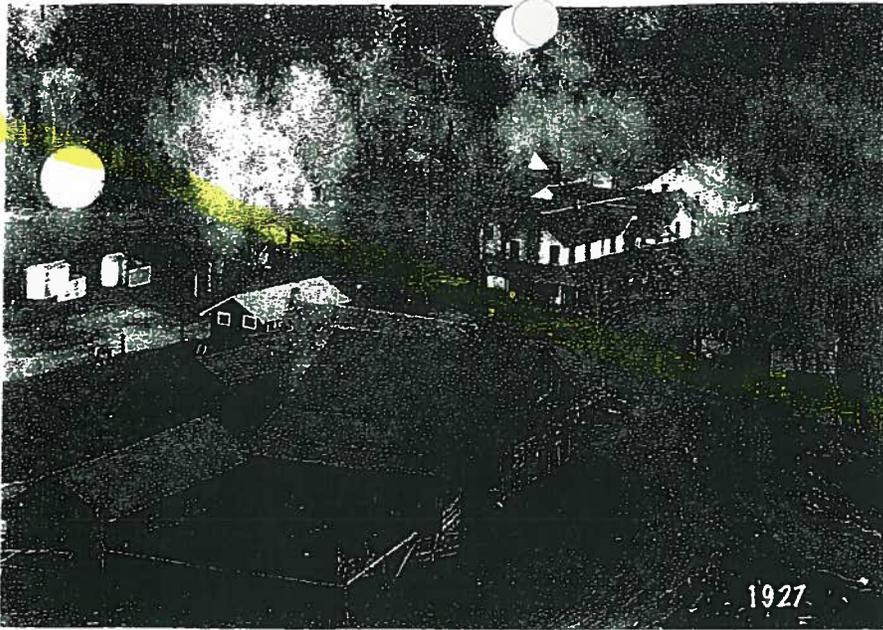
- ★ all the families from all over the states as well as other countries.
 - ★ all the Locals in the state of Colorado.
 - ★ Mary's Lake Campground
 - ★ Rocky Mt. Nat. Park
 - ★ Visitor Centers
 - ★ We need a place for tourism.
 - ★ we truly feel that this is a much needed campground
- It is very passionate to so many families, we feel that we "should be" or thought we were "grandfathered in."

Running the campground has brought a lot of joy for the last 30 yrs. The public would not make Drake Campground their destination Not only out of state, but Loveland, Greeley, Eaton, Denver Fort Collins, If this were unsafe & unhappy they would not keep coming for all these family gatherings & all the groups.

★ The campground has not changed or expanded its original location since it was est. in 1927

* The city of Loveland has a easment for the power lines in the upper meadow where there is no camping. The Shaffers are asking Laimer Co. to wave or reduce the fees on the reviews that were up against. Once again we have no plans to change or expand. The camp season was slow due to 9 months of closer along with all the fire in the state of Colorado.

Jeff + Lori Shaffer



By 1927, the property of the hotel and campground had enlarged to become a virtual comfort station.

Eventually gas motor cars began to make the trip to Estes Park by way of Big Thompson canyon. Faster travel made it possible for more tourists to enjoy the canyon and as a result a number of businesses sprouted up along the new road. The Mont Rose Inn was very popular. It was located in Cedar Cove at the junction of the Dickson gulch road. It was built by Monte and Rose Tucker.

The large touring cars brought out-of-staters to the area for the summer. For example, the Brunner family enjoyed stopping at Forks Inn each summer. They made the trip in their 1915 Buick touring car. Julian M. Brunner described her experience, "We stayed first in South Platt Canyon at Park Siding, but after a week there we moved north and took rooms at the Forks Hotel in the Big Thompson canyon. We stayed there a month or so. Meredith and I had a wonderful time exploring the nearby mountain streams, especially the North Thompson. I went with drivers of Stanley Steamers (who stopped at Forks Hotel for lunch) to Estes Park. They were delivering trunks."

In 1915, Frank Alderdyce returned to the position of postmaster at Drake and he ran the hotel until 1918, when Almon D. Galloway took it over. He ran the post office and hotel until 1919. At that time, Mrs. Lena Salisbury became postmistress in the hotel. Then again in 1920, Frank Alderdyce returned to run the hotel and post office until 1927. A succession of postmasters held the

Parcel B



Property line
Campground is
on Parcel A

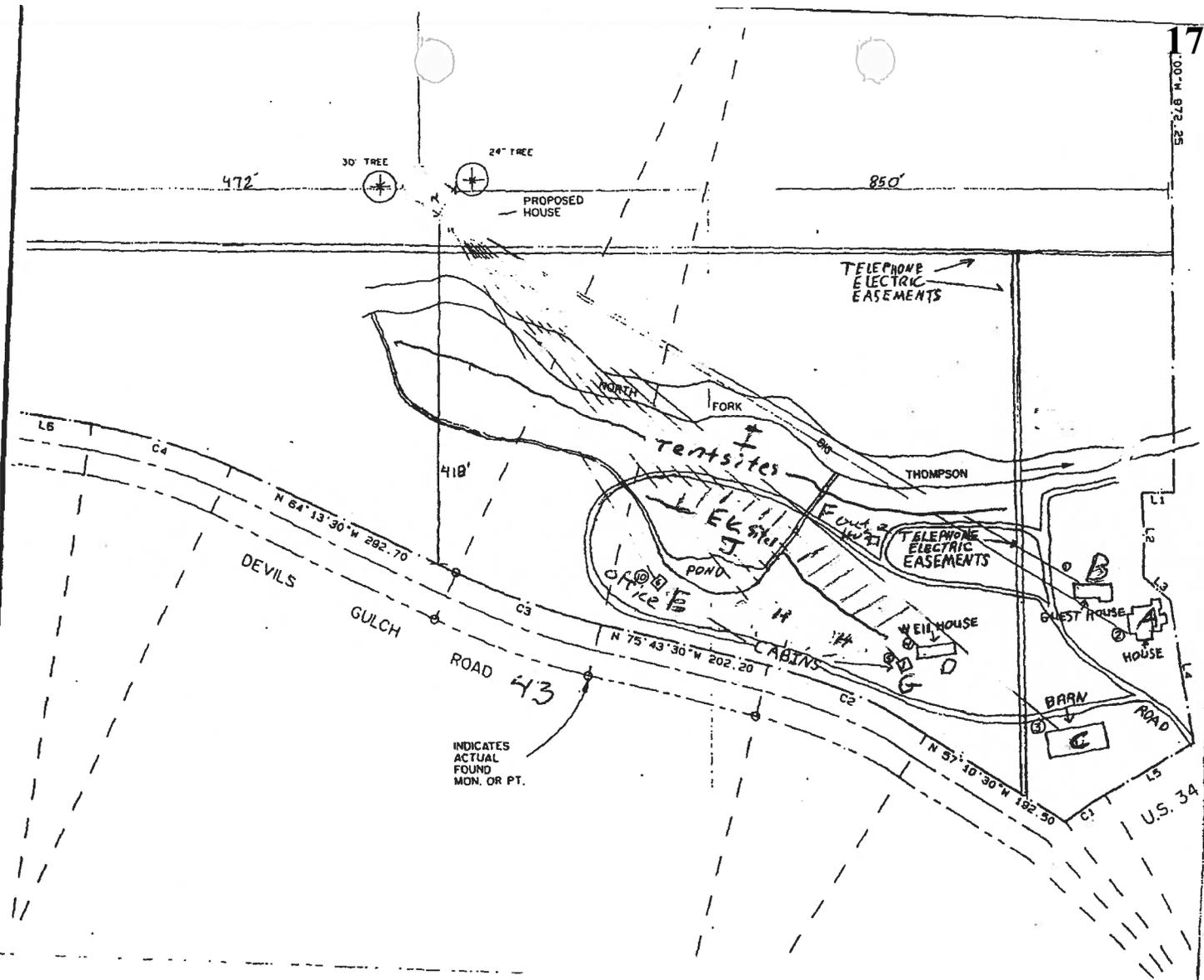
BACKGROUND INFORMATION RELATED TO THE
1976 BIG THOMPSON FLOOD AND THE
SHAFFER CAMPGROUND

There is scientific belief that this was the biggest flood since the melting of the glaciers 10,000 years ago. It is believed to be 1.066 times a 1,000 year flood. In spite of this, water in the campground was only approximately 2' deep on each stream bank, nearly level and, apparently relatively slow moving. This ponding was apparently caused by the Big Thompson flowing faster and higher and accounted for the limited damage to the Stage Stop building.

In the test period, at this location, 1947 - 1976:
the maximum flow during the flood of 1965 - 1298 CFS
the maximum flow during the flood of 1976 - 8710 CFS.

The above information was obtained from USGS and the Colorado Water Conservation Commission.

Plot



	Occupancy	Sq Ft
A - House	<u>2</u>	<u>2,000</u>
B - Guest House	<u>1</u>	<u>560</u>
C - Barn	<u>0</u>	<u>1,200</u>
D - Well House	<u>0</u>	<u>150</u>
E - Cabin Office	<u>2</u>	<u>384</u>
F - Log out House	<u>0</u>	<u>32</u>
G - Cabin	<u>0</u>	<u>168</u>
2 = H - Water spigot		
I - Tent sites	<u>40</u>	
J - Elk sites	<u>12</u>	

APPLICATION RESUBMITTAL

Drake Campground
Jeff Shaffer - Jerry Shaffer
1609 US HWY 34
Drake, CO 80515

February 26, 2015

Karin Madson
Planner II, Rural Land Team

Re: SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW

Karin,

We have tried to gather as much of the information needed for our Special Review as we could. Because of circumstances mentioned in our letter for a request of extension to the May 31, 2015 deadline for submittal of our application for Special Review, we are still working on getting some of the documents required.

We have submitted an updated site plan, mapping out the Campground Property boundaries, RV Electric sites, tent sites, power lines, water and sewer etc. Additional structures we need to incorporate into our project description are the "Guest House". This building is the home our Mother and Father have lived in for the past 30 years. Doris Shaffer is widowed and is attempting to get her house approved for re-construction after flood damage. The cabin Jeff and Lori Shaffer live in is used as there residence and also as the Office for the campground. Their cabin, along with Cabin 1 and Cabin 2 (shown on site plan) would need to be incorporated into our Special Review. These cabins have no building permits. We will attempt to get them approved and incorporated into the campground, as well as the RV used by family members.

Our campground is currently considered Rustic Camping. We would like to request a waiver of the Water & Sewer Standards thru a formal appeal as suggested in the reply letter by Doug Ryan. This would include a waiver for table 18.3.2.1 as well as a waiver for the Comfort Stations in 18.4.4.

Jeff and Lori's cabin is supplied water by the Spring Fed Well used for the campground. It is connected to a sealed vault for sewer. Both are identified on the site plan. Well and sewer for the "Guest House" (Doris Shaffer's home) and the "Main House" were destroyed in the flood. They are being addressed in the application for a reconstruction permits.

We are aware that all current and future uses for the property need to be addressed with this Special Review. We have several uses that we have tried over the years as well as several uses we would like to incorporate into the Special Review. We need to discuss these uses with County Planning and Zoning to familiarize ourselves with the options we have available to us on this property.

Thank you for your time and consideration
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240



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/planning>

January 14, 2015

Jeff, Lori and Jerry Shaffer
 PO Box 255
 Drake, CO 80515

Dear Jeff, Lori & Jerry:

SUBJECT: SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW

Thanks for coming in to meet with me December 30, 2014. This letter is to follow up on that discussion. As we discussed your application materials remain inadequate and are in need of revision. Please refer to the letters dated Dec. 3, 2012 and May 15, 2013.

Additionally, since the property was affected by the 2013 flood there appear to be a number of details that are no longer correct and the property configuration has changed due to the reshaping of the property. The site plan, project description and other application materials need to be modified to reflect the changes in the property and address any changes associated with rebuilding the campground.

We have scheduled your application to be heard by the Planning Commission on April 15, 2015. That hearing will be followed up with a hearing before the Board of County Commissioners currently scheduled for May 4, 2015.

If you decide to update your application materials and respond to the review comments we will need to receive that resubmittal by March 13, 2015 in order to give staff to time review and evaluate those materials.

We are available to meet with you if additional clarification is needed. I look forward to hearing from you and receiving the additional information needed to complete our review.

Sincerely,


 Karin Madson
 Planner II, Rural Land Team

cc: Engineering
 Health
 Code Compliance

BCC 02/08/16

**SHAFFER-DRAKE
 CAMPGROUND SR**

Drake Campground

February 26, 2015

Jeff Shaffer
Jerry Shaffer
1609 US HWY 34
Drake, CO 80515

Re: SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW
Reply letters

INDEX

1. Karin Madson, Planner II - Shaffer-Drake Campground Agreement Extension
2. Jeannine Haag - Larimer County Attorney
3. Eric Tracey - Engineering Department
4. Doug Ryan - Department of Health and Environment
5. Candice Phippen – Planning & Building Service Division
6. Stan Griep – Lead Commercial Plans Examiner
7. Rob Helmick, AICP – Larimer county Planning
8. Carie Dann – Deputy Fire Marshall-Loveland Fire and Rescue
9. Timothy T. Carey – Department of the Army-Corps of Engineers
10. Joanna Williams P.E. – Division of Water Resources



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/planning>

January 13, 2015

Jeff, Lori and Jerry Shaffer
 PO Box 255
 Drake, CO 80515

Dear Jeff, Lori & Jerry:

SUBJECT: SHAFFER-DRAKE CAMPGROUND AGREEMENT EXTENSION

Thanks for coming in to meet with me December 30, 2014. This letter is to follow up on your request for an extension to your "AGREEMENT CONCERNING USE OF THE PROPERTY" dated May 29, 2012 with the Board of County Commissioners.

I will be taking the lead on your request. In order to proceed we will need a written request from you outlining the reasons for the extension along with any supporting documentation you may have. As we review your request we will be evaluating your compliance with the terms of the agreement. I understand that Candace Phippen has already set up an inspection, scheduled for Tuesday, January 20, 2015.

I look forward to hearing from you and receiving your written request.

Sincerely,

Karin Madson

Karin Madson
 Planner II, Rural Land Team

*Heath
 MSPK*

↑
 - ERIC FRIED
 - TONY BROOKS
 - Doug Ryan

cc: Linda Hoffmann, County Manager
 Terry Gilbert, Community Development Director
 Candace Phippen, Code Compliance

Drake Campground
Jeff Shaffer - Jerry Shaffer
1609 US HWY 34
Drake, CO 80515

February 26, 2015

Karin Madson
Planner II, Rural Land Team

Re: SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW - Extension Request

Dear Karin:

Thank you for meeting with us February 24, 2015. This letter is a request for an extension to our AGREEMENT CONCERNING USE OF THE PROPERTY dated May 29, 2012 with the Board of County Commissioners.

We are requesting an extension of the May 31, 2015 deadline for submittal of an application for Special Review for our campground. The flood of September 2013 disrupted our lives as well as our campground business. We have spent the past 16 months trying to repair damages to our business as well as damages to our homes. To comply with requirement 3 of our AGREEMENT CONCERNING USE OF THE PROPERTY we have had our 12 RV electric sites inspected and approved by the Colorado State Electrical Board. To comply with codes we had to put in 100% new electric service. The cost of the new service was approximately \$18,000, which was an unexpected and unanticipated expense.

There are multiple circumstances contributing to our need for an extension. The most apparent of these would be the loss of time and revenue and the cost of flood reconstruction. We would like to request the deadline be extended to November 31, 2015. This would help by giving us the additional time and income necessary to complete the items needed for the Special Review.

Another concern is the location of well permits from the Division of Water Resources. We had documents we had obtained from our first attempt of a Special Review approximately 20 years ago, which were lost in the 2013 flood. These documents were the old original paperwork for our two wells from the 1970's and earlier. Unfortunately we have been unable to find copies of these documents after extensive research on the Division of Water Resources web site. We feel it is imperative that we have these documents or some resemblance of them, for our records, in order to comply with county requirements and to see if our well qualifies for Policy Memorandum 90 – 1.

Page two
February 26, 2015

Our business has had five generations of the Shaffer's living and working on our property for over 30 years. We experienced first hand what the flood of 1976 did, and our family members were the ones who did the River Restoration in Drake after the 1976 flood. We have maps and data of both the 1976 and 2013 floods, which show in detail how our property was changed and affected by the river. There have been man made berms and flood embankments, as well as natural breaks cut in by the river on our property. We have gained a greater understanding of the river and what can be done to help lessen any future danger from flash floods, not only to the people on our property, but also to our neighbors up and down the Canyon. According to the terms of our approved Flood Plain Special Review we now have a Flood Alarm System installed on our property and an Evacuation Plan which was tested by the 2013 flood and proved very successful.

We have basically lost over a year of our lives since the flood. This has put us behind the schedule we had hoped to maintain. This is a grave decision which has to be made concerning the lively hood of our family and the safety of the public if they are allowed to camp at our site. We have established an efficient emergency evacuation plan for our campground. Any campers coming on our property will be first and foremost informed of the danger of flash flooding in our canyon. Any campers in our campground will be required to sign an evacuation form showing a map of our evacuation plan explaining the action needed to be taken in the event of a flood. The form also explains the risk of camping in a Flood Plain.

We feel we need more time to present our case. We have maps and overlays we would like to complete to show some of the advantages of the construction along the river on our property. This will require surveys which are costly and timely. I feel there are many positive improvements put in place by teams working on reconstructing the river. The west end of our property now has a large rock embankment which will work to turn the force of the water back into the north bank, away from the main part of our campground. Where the river bank once ran right up to our tent sites before the 2013 flood, there is now a lower overflow basin and the river is farther away from our tent sites, in most places, and much lower than it had been previously to the flood.

In conclusion the following is a recap of the reasons we are requesting an extension of the May 31, 2015 deadline for submittal of an application for Special Review for our Campground.

1. Disruption of our lives and our business due to the 2013 flood.
2. Loss of time and revenue.
3. Cost of reconstruction.

Page three
February 26, 2015

4. Cost of new electric sites, which was unanticipated.
5. Need for surveys to detail more accurate site information.
6. Division of Water Resources - We need more information to accurately detail our well permit situation.

Thank you for your time and consideration
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240

cc: Board of County Commissioners
Jeannine Haag
Doug Ryan
Eric Fried
Tony Brooks
Eric Tracey

To: Timothy T. Carey
Department of the Army
Corps of Engineers, Omaha District
Denver Regulatory Office
9307 S. Wadsworth Blvd
Littleton, CO 80128
Terry McKee 303-979-4120

February 23, 2015

Timothy,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

We have no intentions of any work requiring the discharge of dredged or fill material nor any excavation on our site.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

Joanna Williams, P.E.
Department of Natural Resources
Division of Water Resources
1313 Sherman Street, Suite 818
Denver CO 80203
www.water.state.co.us
(303) 866-3581

February 26, 2015

Joanna,

Thank you for the information concerning the well permits on our property, which you supplied to Karin Madson in your letter dated October 23, 2012. I spoke with Sarah Brucker, and I went on the web site she suggested for the Division of Water Resources. I went thru all the well permits I could find which related to our property at the Drake Campground.

My family owned the River Forks Restaurant next door to our campground from 1983 to 1993. I recognized several of the wells from both of the properties; however, I was not able to positively match our wells with the permit numbers I found. I believe it will take further investigation on my part to verify which wells match the appropriate well permits.

In the late 1980's we went to Greeley and found the original documents that described our wells. Unfortunately those documents were lost in the 2013 flood. They documented our spring fed well, which had been used as early as the 1930's for the campground. It also documented their reconstruction after the flood of 1976.

We have two wells on our property. The campground well is supplied by a spring fed system which originates on the west end of our property. I know that this well was improved after the 1976 flood. I hope to be able to find the proper permit for it. The second well is a deep well which was either drilled or re-drilled after the 1976 flood, which is for residential use. I believe this well is around 300 feet deep. It supplies water to our home and is not used for the campground.

I believe our commercial well might qualify under Policy 90-1. I intend to further investigate this option.

Thank You
Jerry Shaffer - Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

BCC 02/08/16,

SHAFFER-DRAKE
CAMPGROUND SR

To: Carie Dann
Deputy Fire Marshall
Loveland Fire and Rescue
410 East Fifth St
Loveland CO 80537
970-962-2518

February 23, 2015

Carie ,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

We have placed a sign at the campground entrance which is visible from both directions of traffic on Hwy 34. The sign has Drake Campground on it, as well as the address, 1609 US HWY 34. The original address of 1601 was changed by the County a few years ago. We will update the address on our website soon.

We have no bridges on our property. We have no gates or intentions of future gates on the property.

The guest house is still under construction. It will have a fire extinguisher mounted 5 feet above the finished kitchen floor with a minimum rating of 2A-10BC.

We have noted that an inspection conducted by LFRA Community Safety Division is required.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

To: Robert Helmick, ACIP
Larimer County Planning
Fort Collins, CO 80524
970-498-7682

February 23, 2015

Robert,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

We have noted that there are no requirements for us to meet from your department.

Thank you for your input
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

To: Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Fort Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667

February 23, 2015

Stan,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

As far as new or remodeled structures go, we have two small sheds we erected after the flood. These sheds were built to replace our original well house.

The sheds were built immediately after the flood and no permits were obtained. We have met with Karin Madsen to determine what is needed in the way of permits for these two sheds. Pictures of the sheds and blue prints were sent to Traci Shambo. The sheds are under the minimum required square footage needed for permits; however, we are waiting for approval of the sheds to be located in a flood zone.

We have a rustic campground with no RV Waste Dump Sites. There is one sealed vault used in the campground and no other septic systems.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

Candace Phippen, Building & Code Compliance Supervisor
Planning and Building Services Division
P.O. Box 1190
Fort Collins, CO 80522
(970) 498-7683

February 26, 2015

Candace,

This letter is in response to your staff report of the Shaffer/Drake Campground SR-12-Z1899 dated October 29, 2012.

Our site plan includes information on all structures on our property. We want to address the need to acquire proper building permits for structures that have not been legally permitted.

We had an on site inspection January 20, 2015 conducted by Eric Fried, Tony Brooks and Doug Ryan. We are working with Karin Madson. We have submitted the required documents we have, at this time, for our Special Review.

We are addressing each of the issues that you mentioned in your letter.

Thank you
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240

Doug Ryan
Department of Health and Environment
1525 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6777

February 23, 2015

Doug,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

You expressed your concern that the potential for flash flooding should be considered the main review item. Our Flood Plain Special Review was approved by the Board of County Commissioners at their May 6, 2013 hearing, which allowed us to continue to address the remaining issues. As you stated in your letter, our campground is rustic with limited services, and we would like to continue to operate in this fashion. We would like to operate similar to a Forest Service campground.

We have intentions of appealing the standards for both comfort stations and RV water and sewer hookups. You mentioned the factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint.

We would like to work with you on obtaining a permit for your recommendation of at least two vaulted privies each containing a men's and women's toilet. We presently have a 20 gallon plastic container that is gravity fed to supply chlorine to our well. We have communicated with Chris Manley and we will have an approved Chlorinator installed by the March 31, 2015 deadline. We are working with the Colorado Division of Water Resources with regard to our water supply.

Documents supplied to the Planning Department with our plot plan show the water and sewer provisions for the residential uses on our property.

Thank You
Jerry Shaffer
Jeff Shaffer
Drake Campground
(970) 402-4240
(970) 663-4152

Eric Tracy
Larimer County Engineering Department
P.O Box 1190
Fort Collins, CO 80522
(970) 498-5700

February 26, 2015

Eric,

This letter is in response to your review of the Shaffer/Drake Campground SR-12-Z1899.

Along with my brother Jeff, I am representing my family's Campground, gathering the information we need for our SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW.

This letter is in response to the letter we received from you, dated November 9, 2012. I was with Tony Brooks, Eric Fried and Doug Ryan when they conducted the inspection of our campground on January 20, 2015. We have addressed the eight points of compliance issues listed in your letter as best as we can at this time. We met with Karin Madson, Eric Fried and Traci Shambo on Tuesday, February 24 at 1pm at the County building. We have requested an extension on our May 31, 2015 deadline. We are requesting the deadline be extended to November 30, 2015. A copy of the extension request has been addressed to you.

1. We have provided additional information to address the required standards. Documents have been provided to Karin Madson.
2. We have submitted a site design addressing requirements for the Larimer County Land Use Code and the Larimer County Rural Area Road Standard. We are still in the process of gathering information for the Larimer County Stormwater Design Standards.
3. Because of our set back after the 2013 flood we have not addressed some of the issues on the site design. Specifically, drainage/floodplain issues, erosion control and drainage agreement.
4. Since we have not been able to complete some of these items listed we do not have the necessary documents to have a Colorado Licensed Professional Engineer prepare, stamp and sign a report. We are working on completing the information which will be needed by an Engineer.

Page Two
February 26, 2015

5. Our Floodplain Special Review was approved by the Board of County Commissioners at their May 6, 2013 hearing.
6. We acknowledge that Engineering Fees and Permits listed here may be required.
7. We are still in the process of acquiring information from C-Dot.
8. We have communicated with Loveland Fire Rescue Authority and addressed their concerns.

We have the information for the Special Review, which will be turned in to Karin Madson by February 28, 2015. We also will turn in a request for an extension of the May 31, 2015 deadline to November 30, 2015.

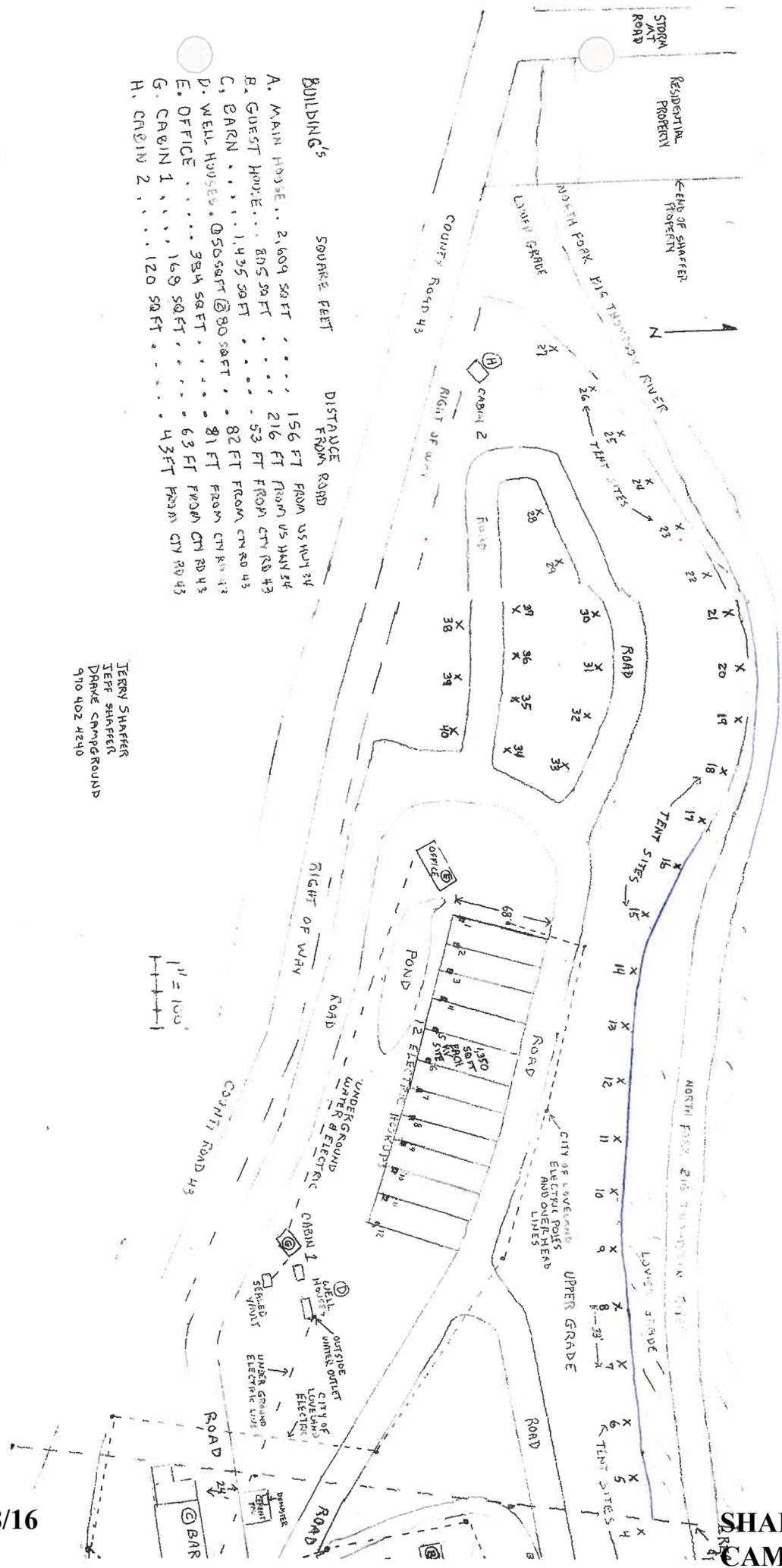
Sincerely.

Jerry Shaffer
Drake Campground
(970) 402-4240

BUILDING'S

SQUARE FEET	DISTANCE FROM ROAD
A. MAIN HOUSE 2,609 SQ FT	156 FT FROM US HWY 43
B. GUEST HOME 805 SQ FT	216 FT FROM US HWY 43
C. BARN 1,425 SQ FT	53 FT FROM CITY RD 43
D. WELL HOUSE 565 SQ FT @ 80 SQ FT	82 FT FROM CITY RD 43
E. OFFICE 384 SQ FT	81 FT FROM CITY RD 43
G. CABIN 1 169 SQ FT	63 FT FROM CITY RD 43
H. CABIN 2 120 SQ FT	43 FT FROM CITY RD 43

JERRY SHAFFER
 JEFF SHAFFER
 DRAKE CAMPGROUND
 970 402 4240



**BOARD OF
COUNTY COMMISSIONER
MINUTES
JUNE 3, 1996**



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PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 3, 1996

LAND-USE PLANNING MEETING

(#41)

The Board of County Commissioners met at 3:00 p.m. in regular session with Jerry White, Zoning Administrator. Chair Clarke presided and Commissioner Duvall was present; Commissioner Disney will be out of town this week. Also present were: Allen Gould, Planner II; Al Kadera, Subdivision Administrator; John Pedas, Zoning Code Enforcement Officer; and Mike Abrams, Assistant County Attorney. Recording Clerk, S. Graves.

Chair Clarke stated that the following are consent items and will not be discussed in detail unless requested by the Board or members of the audience.

1. CRYSTAL LAKES 13TH FILING, LOTS 21 & 22, AMENDED PLAT

(#96-SA0880): 02-10-74 IN CRYSTAL LAKES, WEST OF RED FEATHER

LAKES; 4.51 ACRES; E-ESTATE ZONING

This is a request to combine two existing lots resulting in one building site. The utility easement along the common lot line will be vacated by this action. Staff findings include: 1) Crystal Lakes 13th Filing was approved in 1979; 2) This request is to combine two lots resulting in one building site. The utility easement along the common lot line will be vacated to allow building in this part of the lot; 3) The County Health and Engineering Departments, and all utilities serving this area, reviewed the proposed Amended Plat and stated no objections. The staff recommendation is for approval of the Amended Plat of Lots 21 & 22, Crystal Lakes 13th Filing.

2. WEST RIDGE MANOR UTILITY EASEMENT VACATION (#96-SA0877):

17-05-69 - LOTS 19 & 20 IN WEST RIDGE MANOR SUBDIVISION,

1305 & 1309 WESTRIDGE DRIVE, LOVELAND; FA-1 FARMING ZONING

This is a request to vacate and re-establish a utility easement within Lots 19 & 20 of West Ridge Manor Subdivision. Staff findings are: 1) No utilities are located within the existing platted 12-foot easement. All utilities are located within the West Ridge Drive right-of-way and within the 30 foot building setback zone; 2) The County Departments of Health and Environment, Engineering, utilities serving the subdivision, and except for U.S. West Communications, have stated no objections to the vacation of the platted utility easement; 3) U.S. West Communications, in addition to vacating the existing 12 foot platted utility easement, desires a new dedicated 15 foot utility easement to be located, as shown on the attached plat, outside and parallel to the front property line of Lots 19 & 20 and connected to the vacated utility easement. Their stated purpose in dedicating such an easement is to ensure the availability of a perpetual utility easement in the future.

The staff recommendation is for approval of the vacation of the existing 12 foot utility easement, with the following condition: 1) Dedication of a new 15 foot utility easement adjacent to and outside of the West Ridge Drive right-of-way and parallel to the front property line of Lots 19 and 20, as indicated on the attached plat, shall be provided.

3. SPRINGFIELD RECREATIONAL CENTER 1ST FILING EASEMENT

VACATION (#96-SA0881); NE 1/4 33-07-69; SPRINGFIELD**RECREATIONAL CENTER PUD 1ST FILING, 4001 SOUTH TAFT HILL****ROAD IN FORT COLLINS; .19 ACRES; M1-MULTIPLE ZONING**

This is a request to vacate the existing access, utility and drainage easements; these easements will be replaced in the new Springfield Court PUD. Staff findings include: 1) The easement vacation request is consistent with the County's current plans, policies and regulations; 2) No objections have been stated by reviewing agencies. The staff recommendation is for approval of the vacation of the easement as requested, with the condition that the vacation be recorded concurrently with the Final Plat for Springfield Court PUD.

MOTION

Commissioner Duvall moved that the Board of County Commissioners adopt the staff findings and staff recommendations and approve the Crystal Lakes 13th Filing, Lots 21 & 22, Amended Plat (#96-SA0880), West Ridge Manor Utility Easement Vacation (#96-SA0877), and the Springfield Recreational Center 1st Filing Easement Vacation (#96-SA0881); each, with conditions as outlined.

Motion carried 2 - 0.

4. SHAFFER ZONING/BUILDING VIOLATIONS AT 1601 BIG**THOMPSON CANYON IN DRAKE, CO.**

This alleged violation is for operating a travel trailer park, campground, and resort cabins without special review approval and constructing cabins, single family dwellings for rent and habitation without obtaining building permits. Mr. Pedas submitted several exhibits regarding the exemption on the subject property and photos in chronological order from 1985 through April of 1996; he provided the background information and the history on this property and reviewed the major issues and concerns. Mr. Pedas noted that for a number of years the County has tried to convince the Shaffers that something needed to be done on this property because of concerns addressed by the Health Department, Highway Department, and State Engineers Office with regard to providing potable water and sewage disposal. The Board and Mr. Chilson reviewed and discussed the photos at length. Staff findings are: 1) The subject property is in the O-Open Zoning District; 2) The O-Open Zone allows travel trailer parks and campgrounds by Special Review; 3) Only one principal building is allowed on each lot; 4) Continued use of the property, inconsistent with the zoning, will affect property values in the area; 5) Two CTR applications for development of the property as a campground have been submitted and dropped or withdrawn before final review or approval; 6) Violations of the zoning and building regulations have been on-going on the property for more than 8 years. The staff recommendation is to find that the violations exists, require compliance within 30 days, and authorize legal action if the deadline is not met.

John Chilson, attorney representing the Shaffers, addressed the Board and stated that there has been a campground in one form or another at Drake, Colorado since 1948 and a situation exists in which there is an undefined and undetermined grandfathered right to operate a campground on the property; however, he recognizes there are health and welfare issues in connection with this operation and he has advised the Shaffers, and they have agreed, that the proper thing to do is to apply for special review for a specific area, specific density, and specific plan for the provision of services for a campground on this property rather than rely on the grandfather issue. Mr. Chilson noted that the application will be accompanied with a building permit for the house - he acknowledged that the house is in violation. Mr. Chilson reviewed the history of the property and noted it is now in the hands of four brothers and in order to enable each one to have their separate piece of land, an attempt was made to go via the Board the Adjustment; Mr. Chilson noted the application went to special review, they hired a lawyer, went all the way through special review, and it was denied. Mr. Chilson continued that if PUD approval can be obtained, because of the substantial acreage they would propose a cluster development of four building sites in a relatively close area, and they would put a covenant for open space on the balance of the ground. Mr. Chilson stated that today they are asking the Board for an opportunity to work this matter out and he gave his word that as

long as he is involved in the project, it will proceed in a reasonable and ordinary way and if he sees that it is not proceeding, as a result of lack of action on the part of the Shaffers, he will drop out and notify the Board. Mr. Chilson asked permission to allow Jeff Shaffer to continue to live on the property as long as this PUD is progressing; with regard to sewage disposal, Mr. Shaffer will apply for construction of a septic system for the residence which will comply with the State Health and County regulations.

Jerry Shaffer addressed the Board and stated they purchased the property in 1983 with the intention of bringing all four brothers and their families to live there; he noted they have never tried to stall. However, they have backed out of situations, such as during CTR in 1988, when at the last meeting he felt it would never happen and so withdrew rather than proceed and pay all the county fees. In addition, they paid out \$3,000 seeking a variance; he acknowledged they have done things illegally out of desperation, but they want to make it legal.

Discussion and questions from the Board followed; there was much discussion about the PUD and if the campground will be a part of the PUD, along with the residence and the open space, under common ownership for a multiple use on the property. Mr. Pedas noted that under the current zoning, the O-Open zoning would not allow a PUD for residential use, but they could apply for a variance from the PUD regulations to allow it and apply for a special review for the campground use; further discussion ensued concerning the access and the grandfather status.

At this time the public comment portion of the hearing was closed and opened for Commissioner's remarks.

Commissioner Duvall expressed appreciation to Mr. Chilson for his approach in trying to resolve this situation, but she doesn't want the Shaffers to go down a path that could be denied at the end; however, she cited her concern about being fair to those citizens who have had to go through county review and meet county regulations in order to have commercial sites and campgrounds. Chair Clarke noted that the applicant, through their attorney, has admitted that there is a zoning violation and the Board needs to find that a zoning violation exists; however, with regard to compliance, he has no problem with the Shaffers going through the PUD process, and he would like to take Mr. Chilson's offer and withhold legal action as long as they are proceeding in good faith. Commissioner Duvall asked how likely is this to be approved in terms of technical requirements; Mr. White responded that the previous plan had a lot of problems over which they have no control, like the flood plain, but they can design around some of the other technical things and meet the requirements. Mr. White requested input from the County Attorney concerning the County's liability if we allow them to continue as they are doing now and there is a flood and somebody drowns, etc.; he asked if we should require a "hold harmless agreement" from the property owners? Mr. Abrams stated that would be a reasonable request under the circumstances. Commissioner Duvall's stated she cannot support continuing the current camping operation until they have gone through the PUD process and received approval and the proper sanitary facilities installed; Chair Clarke stated this concerns him as well and, in his opinion, this continued use of camping is the one weak link in the proposal. There was discussion of how long this whole process would take; Mr. White noted that it takes 8 to 12 months to get a PUD through. Mr. White continued that a separate special review request, with the information currently available, might take 5 to 7 months depending on how technical it is. Mr. White stated that the County could require that within the next two months, the Shaffers have to submit their proposal to CTR and two months later submit it to the Planning Commission; Mr. Chilson stated that it has been his experience that in 90% of the cases when items go before the Planning Commission, the applicant generally has to go back and redo the proposal. Mr. Chilson proposed two months to go to CTR but he thinks it will take 14-15 months to get it through the Planning Commission.

After further discussion, Chair Clarke recommended that the PUD request be submitted to CTR within 60 days and if it is not, the engineer must give staff a good reason why it is not; from that point on, the request will proceed through the county system as quickly as possible. Mr. Clarke stated that the PUD request is to be for four clustered units and the remainder of the property left in open space with an easement in perpetuity for that purpose, and the camping should not continue until there is a proper campground with good sanitary facilities approved. Commissioner Duvall asked if Jeff Shaffer should be allowed to continue to live in his home without a building permit and she asked if it had sanitary facilities. Mr. Shaffer responded that it is on an existing holding tank and there is also a sealed vault outhouse for the campground; the main house and the mobile home are on a septic system and they have potable water. Commissioner Duvall stated she would like to refer this matter back to staff to work with Mr. Chilson and the applicant to draft a written

agreement and conditions with which everyone agrees; Mr. Pedas stated that input from the Health Department will be needed, as they have some concerns.

MOTION

Commissioner Duvall moved that the Board of County Commissioners find, in the matter of the Shaffer Violation, that a zoning violation exists, require that county staff work with Mr. Chilson and the applicant to devise a plan within 60 days to alleviate the existing situation on this property, and authorize legal action if that plan does not move forward in a reasonable fashion.

Motion carried 2 - 0.

The meeting adjourned at 4:45 p.m.

WEDNESDAY, JUNE 5, 1996

ADMINISTRATIVE MATTERS

(#42)

The Board of County Commissioners met at 9:00 a.m. in regular session with Neil Gluckman, Assistant County Manager. Chair Clarke presided and Commissioner Duvall was present; as noted previously, Commissioner Disney is out of town this week. Also present were: Lew Wymisner, Assistant Director Employment and Training Services; Linda Coxen, District Attorney's Office Administrator; Bob Keister, Budget Manager; Al Kadera, Subdivision Administrator; Deni LaRue, Expansion Project Coordinator; Debra Passariello, City of Fort Collins; Joan Duchene, Commissioner's Office Supervisor; and Donna Hart, Community Information Officer. Recording Clerk, S. Graves.

1. OPEN SESSION FOR PUBLIC COMMENT: The following three persons addressed the Board during the open session for public comment: Jerry Shaffer, Tom Bender, and Jim Braggonier. Mr. Schaffer, partner in the White Buffalo establishment in Loveland, CO., which recently had their liquor license revoked, stated he is hopeful they can get their license back and he assured the Board that if they do, he plans to be more actively involved in the business and with the neighbors; he noted they have definitely learned from their mistakes. Mr. Shaffer stated he would leave his name and phone number with the Board so if they have questions or concerns regarding the White Buffalo, they can call him personally; Chair Clarke stated that the Board has received correspondence from the attorney for the White Buffalo asking for the Board's reconsideration of the denial of their liquor license and with that letter on the table, the Board does not have the ability to call him and discuss matters. Mr. Shaffer stated he wishes he had been more involved previously and is trying to do what he can to prevent litigation. Commissioner Duvall asked Mr. Shaffer if the White Buffalo is cooperating now by lowering the music volume, since they are continuing to operate their business without their liquor license; Mr. Shaffer informed the Board they have canceled all the national acts because they are the loudest, but are continuing with previously scheduled wedding receptions, some local bands, etc., and are keeping the music volume down.

Mr. Bender stated he attended the Environmental Advisory Board (EAB) meeting in May to present the Farm Bureau's opposition to their non-management, anti-agriculture, and biologically incorrect recommendation on the revision of the Arapaho & Roosevelt National Forest (ARNF) Plan. Mr. Bender submitted a memo stating why Farm Bureau is opposed to Alternative H and why they support Alternative I; he noted that Alternative H prohibits multiple-use, responsible natural resource management and stewardship necessary for ecosystem and economic sustainability. Alternative I provides the needed emphasis on ecosystem restoration and enhancement by incorporating the best, most successful principles of managing ecological dynamics while providing goods and services demanded by society. Much discussion followed; Chair Clarke wondered what the opinion of the proposed Larimer County Agricultural Advisory Board would be regarding the Alternative I recommendation.

Mr. Braggonier discussed several matters of concern to him relative to the Downtown Civic Center Plan; one issue of

THREE YEAR AGREEMENT

COPY

AGREEMENT CONCERNING USE OF PROPERTY

THIS AGREEMENT is entered into this 29th day of May, 2012, between Jon L. Shaffer, Doris M. Shaffer, Lacy J. Shaffer, Jeff Shaffer, Jerry Shaffer and Lori Shaffer (collectively "Owner") of 1607 W. Highway 34, Drake, CO 80515, and the Board of County Commissioners of Larimer County, 200 W. Oak Street, Fort Collins, CO 80521 ("County").

- A. WHEREAS, the Owner owns or occupies the property located in Larimer County, Colorado described on Exhibit A attached hereto, more commonly known as 1607 W. Highway 34, Drake, CO 80515 ("Property"); and
- B. WHEREAS, Owner alleges the Property has been used for a Recreational Vehicle (RV) Park/Campground (including RVs, travel trailers and tents) ("Campground") since the 1950's; and
- C. WHEREAS, in 1963 the Property was zoned O-Open; and
- D. WHEREAS, the Property is located in the Floodway Overlay Zone District for the North Fork of the Big Thompson River; and
- E. WHEREAS, since November 27, 1973, the Larimer County Zoning Resolution has provided that Campgrounds are allowed in the O-Open Zoning District only if approved by the Board of County Commissioners through the Special Review process; and
- F. WHEREAS, use of the Property for a Campground has not been approved by the Board of County Commissioners through the Special Review process and through the Flood Plain Special Review process; and
- G. WHEREAS, on August 31, 1981, the predecessor owner of the Property (Susan DeJesus) applied for a Subdivision Exemption (DeJesus Exemption #94-81) to subdivide land into two parcels (Parcel A and Parcel B), Parcel A being the subject Property; and
- H. WHEREAS, County granted the subdivision exemption conditioned on the Property being used for residential use only; and
- I. WHEREAS, on November 10, 1986, County approved an amendment to the DeJesus Exemption to change the Property boundaries of Parcel A and Parcel B, again conditioned on the Property being used for residential use only (Amended DeJesus Exemption #S-37-86); and
- J. WHEREAS, as a result of the residential use only restriction¹, any legal nonconforming use of the Property for a Campground ceased; and
- K. WHEREAS, County obtained a judgment against Owner in Larimer County District Court Case Number 11 CV 1554 ordering Owner to immediately cease using the Property as a Campground; and

¹ Legal nonconforming use of the Property for a Campground may also have ceased through discontinuance of the use for twelve months. A determination as to this issue has not been made by a Court of cor

After recording please return to: Larimer County Attorney's Office,
P.O. Box 1606, Fort Collins, CO 80522

RECEPTION#: 20120035930, 06/01/2012 at
03:46:16 PM,
1 OF 7, R \$0.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

BCC 02/08/16

11-5 30710

**SHAFER-DRAKE
CAMPGROUND SR**

L. WHEREAS, County terminated the restriction limiting the Property to residential use by Findings and Resolution recorded in the records of the Larimer County Clerk and Recorder on January 18, 2012, at Reception No. 20120003527 so that Owner could pursue approval of the Campground through the Special Review and Flood Plain Special Review processes.

M. WHEREAS, Owner wishes to continue the Campground while Owner pursues required land use approvals; and

N. WHEREAS, County is willing to allow such continued use on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the parties agree as follows:

1. Owner may use the Property for a Campground through and including May 31, 2015, **provided that** Owner submits an application for Special Review and Flood Plain Special Review on or before September 28, 2012. If Owner has not submitted an application for Special Review and Flood Plain Special Review on or before September 28, 2012 OR, has not obtained Special Review approval and Flood Plain Special Review approval on or before May 31, 2015, Owner agrees it will immediately cease all use of the Property for a Campground.
2. The Campground shall be limited to 12 RV sites with electrical hook-ups and 40 tent sites.
3. Any electrical serving the campsites must be inspected and approved by the Colorado State Electrical Board no later than September 28, 2012.
4. Owner shall post signs in areas conspicuous to Campground users advising users:

This Property is located in the Larimer County Floodway. This area is subject to sudden and severe flooding that may result in injury or loss of life. In case of flood be prepared to evacuate or seek high ground immediately.
5. If water from a well is supplied for Campground users, the water shall be continually disinfected to maintain a chlorine residual of at least 0.2 parts per million (ppm) at the service taps.
6. If sewer service is provided for non self-contained RVs or travel trailers, that service must be maintained to comply with the minimum standards outlined in the *Larimer County Individual Sewage Disposal Systems Regulations*. Those standards require that sewer systems be maintained at all times to operate without surfacing, backing up or creating a nuisance.
7. Routine maintenance of buildings and structures on the Property is permissible. Owner agrees that no additional structures, buildings or improvements may be constructed or placed on the Property without the express written approval of County during the term of this Agreement.

8. The parties stipulate and agree that Larimer County has in no way determined or represented that camping on the Property is safe. Larimer County has advised the Owner that the Property is within the Floodway. Owner agrees not to assert or imply in any fashion that Larimer County has determined or believes that camping on the Property is safe. The parties understand that nothing in this Agreement is intended or can be construed as a waiver of the Governmental Immunity Act.
9. Any Land Use Code, Building Code, health or other statutory or regulatory violations on the Property that are known or come to be known during the term of this Agreement, except for violations that pose an immediate threat to life or safety, shall be addressed and/or corrected through the Special Review or Flood Plain Special Review processes.
10. Owner acknowledges and agrees that use of the Property for a Campground is NOT a legal nonconforming use and Owner waives any right to claim or assert that the use of the Property for a Campground is a legal nonconforming use.
11. Owner acknowledges and agrees that use of the Property for a Campground is an illegal use under the County's Land Use Code as currently written and that both Special Review approval and Flood Plain Special Review Approval are required for use of the Property for a Campground.
12. Larimer County will record this Agreement in the office of the Larimer County Clerk and Recorder. The terms of this Agreement shall be a covenant running with the Property and shall be binding on Owner's heirs, successors, assigns and transferees.
13. This Agreement shall be interpreted in accordance with the laws of the State of Colorado. Any prior written or oral statements or agreements which are different in terms, conditions and provisions of this Agreement shall not be binding upon either party.
14. No amendment or modification of this Agreement shall be valid unless expressed in writing and executed by the parties hereto in the same manner as the execution of this Agreement.
15. This Agreement constitutes the complete, final and exclusive embodiment of the entire Agreement between Owner and County with regard to the subject matter hereof. It is entered into without reliance on any promise or representation, written or oral, other than those expressly contained herein.
16. Owner acknowledges that it is entering into this Agreement upon its own free will and with no duress and has availed itself of such advice, including legal, financial and accounting advice, as deemed necessary.
17. Owner acknowledges it has read this Agreement and fully understands and agrees to all the terms and conditions stated here.
18. This Agreement shall be effective upon the date first written above.

BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: [Signature]
Chair

OWNER:

By: [Signature]
Jon L. Shaffer

By: [Signature]
Doris M. Shaffer

By: [Signature]
Lacy J. Shaffer

By: [Signature]
Jeff Shaffer

By: [Signature]
Jerry Shaffer

By: [Signature]
Lori Shaffer

STATE OF COLORADO)
COUNTY OF LARIMER)

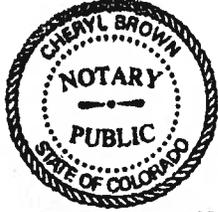
Acknowledged before me this 29th day of May, 2012, by
Law Carter, Chair of the Board of County Commissioners of Larimer
County, Colorado.



[Signature]
Notary Public
My commission expires: 6/28/2012

STATE OF COLORADO)
COUNTY OF LARIMER)

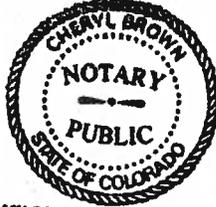
Acknowledged before me this 31st day of May, 2012, by
Jon L. Shaffer.



Cheryl Brown
Notary Public
My commission expires:

STATE OF COLORADO)
COUNTY OF LARIMER)

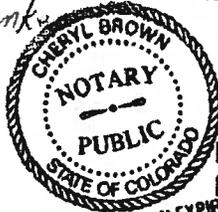
Acknowledged before me this 31st day of May, 2012, by
Doris M. Shaffer.



Cheryl Brown
Notary Public
My commission expires:

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 31st day of May, 2012, by
Lacy J. Shaffer. *Schlenker*



Cheryl Brown
Notary Public
My commission expires:

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 31st day of May, 2012, by
Jeff Shaffer.



Cheryl Brown
Notary Public
My commission expires:

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 31st day of May, 2012, by
Jerry Shaffer.



Cheryl Brown

Notary Public
My commission expires:

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 31st day of May, 2012, by
Lori Shaffer.



Cheryl Brown

Notary Public
My commission expires:

APPROVED AS TO FORM:

Jeannine Haag
Jeannine Haag, Deputy County Attorney

N/A
Attorney for Owner

**Larimer County Assessor Property Information
Property Tax Year 2012**

Parcel Number: 15032-00-038
Schedule Number: R0612758
Tax District: 2008
Current Mill Levy: 74.731

General Information

Owner Name & Address	Property Address
SHAFFER JON L/DORIS M/LACY J (8/15) SHAFFER JEFF(3/15)/SHAFFER JERRY(4/15) PO BOX 305 DRAKE, CO 80515	1607 W HIGHWAY 34 DRAKE 80515-0000

Subdivision: #/030571 - S3 T05 R71

Neighborhood #: 591

Legal Description

COM AT N 1/4 COR 3-5-71, TH N 89 32' 50" W 1021.44 FT TPOB, TH S 972.25 FT, W 38 FT, S 100 FT, S 48 51' E 42 FT; TH S 9 28' E 167 FT; TH S 60 32' W 123.10 FT, TH ALG CUR L, RAD 398.1 FT, L/C S 54 1' 40" W 90.21 FT, 90.4 FT, TH N 57 10' 30" W 183.35 FT, TH ALG CUR L, RAD 603 FT, L/C N 66 27" W 194.37 FT, 195.23 FT, TH N 75 43' 30" W 202.2 FT, TH ALG CUR R, RAD 935 FT, L/C N 73 2' W 186.62 FT, 187.67 FT, TH N 64 13' 30" W 292.7 FT, TH ALG CUR L, RAD 593, L/C N 71 50' W 157.04 FT, 162.84 FT, TH N 79 57' 30" W 352.52 FT, N 1 14' 20" W 16.96 FT TO C/L N FORK BIG THOMPSON RIVER, TH S 79 48' 30" E 254.95 FT, N 1 14' 20" W 898.49 FT TO PT ON N LN OF NW 1/4, TH S 89 32' 50" E 1394.61 FT TPOB CONT 36.411 AC M/L; LESS 97048980

Sales Information

Reception #	Sale Price	Deed Type	Sale Date
20070086136	\$0	QUIT CLAIM DEED	11/19/2007
2001117765	\$0	QUIT CLAIM DEED	12/12/2001
93069353	\$0	QUIT CLAIM DEED	09/01/1993
93069352	\$0	QUIT CLAIM DEED	09/01/1993
93040589	\$0	QUIT CLAIM DEED	06/01/1993
93040588	\$0	QUIT CLAIM DEED	06/01/1993

Value Information (as of May 2011)

Abstract Code/Description	Value Type	Actual Value	Assessed Value	Gross Acres	Gross SqFt
2222 Recreation	Improvement	\$34,400	\$9,980	0.00	0
2222L Recreation	Land	\$104,400	\$30,280	35.00	1,524,600
2227 Com/Res	Improvement	\$150,700	\$12,000	0.00	0
2227L Com/Res	Land	\$5,400	\$430	1.84	80,150
Totals:		\$294,900	\$52,690	36.84	1,604,750

Building Improvements

Building ID: 001	Heat: Floor/Wall Furnace	Total Sq Ft: 2609
Property Type: Residential	Roof Type: Gable	Condo Sq Ft:
Built As: Ranch	Roof Cover: Composition Shingle	Bsmt. Sq Ft:
Occupancy: Converted House	Foundation: Concrete	Bsmt. Fin. Sq Ft:
Year Built: 1900	Rooms: 6	
Year Remodel: 2002	Bedrooms: 3	
Quality: Average	Baths: 2.50	
Condition: Average	Units: 1.00	
Class Descr:	Unit Type:	
Exterior: Frame Siding	Stories: 1.00	
Interior: Paneling		

**FLOOD PLAIN
SPECIAL REVIEW
FINDINGS & RESOLUTION**

**FINDINGS AND RESOLUTION APPROVING
THE SHAFFER / DRAKE CAMPGROUND
FLOOD PLAIN SPECIAL REVIEW**

The Petition of Jeff Shaffer for the Drake Campground Flood Plain Special Review upon the property described on Exhibit "A" attached hereto has been filed with the Board of County Commissioners of the County of Larimer. The Larimer County Flood Review Board met on January 24, 2013 and recommended denial of the proposed use.

On May 6, 2013, 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 Flood Plain 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 local newspapers of general circulation.
2. The applicant proposes to allow a campground to operate within the Flood Fringe and Floodway Overlay Zone Districts.
3. In 1981, the subject property was subdivided into two parcels, (Parcel A and Parcel B, conditioned on the property being used for residential use only. As a result of the residential use only restriction, any legal non-conforming use of the property for a campground ceased. Please see the attached timeline.
4. On January 18, 2012, the County terminated the restriction limiting the property to residential use only so the owner could pursue approval of the campground through the Special Review and Floodplain Special Review processes. On May 29, 2012, the County Commissioners entered into an agreement with the owners of the subject property to allow them to use the property for a campground through and including May 31, 2015 provided that the owner submits an application for Special Review and Floodplain Special Review on or before September 28, 2012. The applicant must obtain Special Review approval and Floodplain Special Review approval on or before May 31, 2015, or they have agreed to immediately cease all use of the property for a campground. Please see the agreement attached to the Board of County Commissioners at pages 23-29.

Return to Planning

Findings and Resolution
Shaffer / Drake Campground
Flood Plain Special Review
Page 2

5. The applicant has submitted an application for a Floodplain Special Review requesting to allow a campground to operate within the Floodfringe and Floodway Overlay Zone Districts and proposing to mitigate the risk of a hazardous flood condition by implementing a Flood Early Warning System. This proposed system includes registration with Larimer Emergency Telephone Authority (LETA) 911, an air raid siren, a warning sign in the campground and a notification form for the campers.

6. Flash flooding has occurred several times in the vicinity of the site. A Special Floodplain Information Report (December 1976) prepared after the Big Thompson Flood summarizes the past flood record and describes the characteristic of each flood event. This report states, "The confined and hydraulically steep channel characteristic of the Big Thompson River above the canyon mouth, will sustain hazardous velocities throughout the canyon bottom for major flood events," The FEMA Flood Insurance Rate Map, Panel # 06069C1137F shows this area being within the limits of the 100-year floodplain (1% annual exceedance probability).

7. An email from Lt. Pat Mialy with the Loveland Fire Rescue Authority summarizes the action plan if a major storm were to occur in the canyon. According to the action plan, there are many steps required and decisions to be made by emergency personnel to activate the warning and dispatch emergency services. The activation of the proposed air raid siren on the subject parcel will rely on human activation.

8. This application was presented to the Larimer County Flood Review Board on January 24, 2013. The Larimer County Flood Review Board recommended denial of the Floodplain Special Review by a 3-0 vote.

9. There was a lengthy discussion regarding the inadequacy of the existing flood warning system throughout the Big Thompson Canyon. The applicant's proposed system exceeds the warning system currently available.

10. The criteria for Flood Plain Special Reviews have been met as follows:

a. *There is no danger to life and property due to increased flood heights or velocities caused by encroachments upstream or downstream within the floodplain.*

No permanent encroachments such as buildings or grading have been proposed with this application. If fully evacuated from the site, vehicles and recreational vehicles will not cause an increase in flood heights or obstruct the bridge downstream.

Findings and Resolution
Shaffer / Drake Campground
Flood Plain Special Review
Page 3

b. No danger to life or property may reasonably be expected to result from substantial solid debris being carried down the stream by floodwaters.

Danger to life or property will not result from vehicles or recreational vehicles provided they are evacuated with the early warning system.

c. There is no danger of materials being swept away onto other lands or downstream to the injury of others in the event of a flood.

Danger of materials such as vehicles, recreational vehicles, fuel, sewerage and other debris being swept away onto other lands or downstream will not result if they are evacuated with the early warning system.

d. Proposed water supply and sanitation systems have been designed to prevent disease, contamination and unsanitary conditions in the event of a flood.

No information was provided to demonstrate that water supply and sanitation systems have been designed to prevent disease contamination and unsanitary conditions in the event of the flood.

e. The proposed use is consistent with the flood management program for the area in question.

New public and commercial recreational vehicle parks and campgrounds are specifically excluded as a principle use in both the Flood Fringe and Floodway Overlay Zone Districts. This campground predates this regulation and would be a nonconforming use but for applicants' agreement to discontinue the use as a condition of approval for a prior land use application.

f. Access to the property is safe in times of a 100 year flood.

Access to the areas on the property where camping is being proposed is within the limits of the floodplain where depth and velocities and would be subject to the early warning system.

g. The expected heights, velocity, duration, rate of the rise and sediment transport of flood waters at the proposed location are consistent with the proposed use.

The expected heights, velocity, duration, rate of the rise and sediment transport (boulders) of flood waters at the proposed location would not pose a threat to life and safety for people within a campground in the floodplain if evacuation occurs.

**Findings and Resolution
Shaffer / Drake Campground
Flood Plain Special Review
Page 4**

h. Any modification of the terrain within the FW-Floodway Zoning District will not result in a rise in overall flood heights at any location.

No modifications of the terrain are being proposed within the Floodway.

i. Any modification of the terrain within the FW-Floodway Zoning District will not reduce available flood storage volume.

No modifications of the terrain are being proposed within the Floodway.

j. Any modification of the terrain within the FW-Floodway Zoning District is environmentally sound and will not result in a net loss of vegetation nor wildlife habitat.

No modifications of the terrain are being proposed within the Floodway.

k. Any modification of the terrain within the FW-Floodway Zoning District will not result in reduced stability of the river channel or floodplain.

No modifications of the terrain are being proposed within the Floodway.

RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the petition and upon the recommendation of the Flood Review Board, 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 of Jeff Shaffer for a Flood Plain Special Review approval for the Drake Campground in the County of Larimer upon the property described on Exhibit "A" be and the same hereby is granted subject to the following conditions:

1. A Flood Early Warning System Plan which equals or exceeds the elements as described in Exhibit "B" attached hereto shall be implemented.

**Findings and Resolution
Shaffer / Drake Campground
Flood Plain Special Review
Page 5**

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

DATED this _____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By: _____
Chair

(SEAL)

ATTEST:

Deputy Clerk

DATE 6 10 13
APPROVED AS TO FORM
[Signature]
COUNTY ATTORNEY

**COMMENTS –
1ST ROUND**



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

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

MEMORANDUM

TO: Karin Madson, Larimer County Planning Department

FROM: Eric Tracy, Larimer County Engineering Department *ET*

DATE: November 9, 2012

SUBJECT: Shaffer/Drake Campground – Special Review

Project Description/Background:

This is a Special Review approval for an RV Park/Campground with 12 RV sites and 40 tent sites. The property is located northwest of Highway 34 and County Road 43 intersection at Drake, CO.

Review Criteria:

The materials submitted need to provide adequate information to accurately assess the drainage and transportation aspects for the entire site. Larimer County Engineering Department staff has reviewed the materials that were submitted to our office under these guidelines and per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSWS) and pertinent Intergovernmental Agreements.

Transportation/Access Issues:

1. Engineering Department is providing comments to the citizen without substantial information. The application did not include adequate information to address the required standards. As more detailed information is provided, the engineering department will make more detailed comments, recommendations and requirements.
2. The site design must comply with all the requirements set forth in the Larimer County Land Use Code, Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSWS) and the agreement that was formed between the Shaffer's and Larimer County.
3. Once more information is submitted, the Engineering Department will review site design including but not limited to access spacing, sight distance, right-of-way dedication, dead end length, legal access, road maintenance agreements, parking, pavement requirements, emergency access points/circulation, connectivity to adjacent parcels, drainage/floodplain issues, erosion control, and drainage agreements. This information should be adequately addressed in the next submittal.
4. Typical required engineering documents include site/construction plans, drainage and erosion control report, traffic impact study, and a geotechnical report. These must be prepared, stamped and signed by a Colorado licensed professional engineer.
5. This proposal is running concurrent with a Floodplain Special Review. The majority of the site is located within the FEMA designated 100-year floodplain and must comply with Section 4.2.2 of the Larimer County Land Use Code. A recommendation of denial of the Floodplain Special Review from the Larimer County Flood Review Board would likely result in a recommendation of denial for this

C:\Documents and Settings\tracye\My Documents\Downloads\Shaffer Drake Campground SR
2012.11.09.doc

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

RECEIVED NOV 08 2012

To: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: November 6, 2012

Subject: Shaffer/Drake Campground SR

The Shaffer/Drake special review is a proposal to authorize an existing campground through the County's land use permitting process. The special review application has been prepared as required through a written agreement between the property owners and the county.

A substantial portion of the campground is located within the mapped floodway of the North Fork of the Big Thompson River. Because the River is subject to potential flash flooding, this presents a life safety issue that in our view should be considered the main review item. The Engineering Department manages the County's flood plain regulations, and we understand that their review will be crucial in determining how this application proceeds.

If the issue of the flood plain location can be resolved, the primary review topics for our Department would relate to the provisions of water and sewer. Standards for campgrounds and RV parks are contained in Chapter 18 the Larimer County Land Use Code. Those standards anticipate a fairly full range of services, including comfort stations with restrooms and showers, water supply, and sewer facilities for RVs that can range from individual hookups to a single dump station. In this case the existing campground is rustic with limited services. The project description notes that additional improvements are not planned.

Given this situation, the applicant may wish to consider appealing the standards for both comfort stations and RV water and sewer hookups. There are several factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint.

If those appeals were authorized, the Shaffer/Drake campground could operate similar to the familiar Forest Service campground with outhouse and water spigot improvements. The current operation provides one outhouse, a few temporary chemical toilets, and two water spigots. No sewer connections are provided for the RV sites. Our Department has taken a consistent position that permanent vaulted privies are needed in these campgrounds, and that portable chemical toilets are not appropriate for regular use. The project description notes that the campground provides 40 tent spaces and 12 electric RV hookups. It is our recommendation that the applicant

commit to provide the equivalent of at least two vaulted privies each containing a men's and women's toilet. A permit to install the additional units needs to be obtained from our Department.

Water is supplied by a well. There are two important issues that need to be considered regarding the water supply. The first relates to the use of the onsite well for the campground/RV park as outlined in the October 23, 2012 letter from the Colorado Division of Water Resources. The second issue relates to water quality, and the classification of the water system under Colorado drinking water regulations. Small water systems that serve 25 or more people for 60 or more days per year are classified as a public non-community water system. These systems require plan review and routine water quality testing. Guidance on Colorado's water system requirements is available on the state's website at <http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287>. With regard to the special review, we recommend that the applicant commit to obtain the required state review and approval of the water system. Our Department is also available to consult with the Shaffers on this issues.

In addition to the campground facilities, there are several other residential uses on the property. It would be helpful if the next submittal included detail on the water and sewer provisions for those uses.

In conclusion, the important review items for our Department relate to the floodway, and to water and sewer service. While the floodway is probably the major feasibility issue, water and sewer are technical concerns that need to show compliance with state and local standards.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these issues.

cc: Jeff and Lori Shaffer



CODE COMPLIANCE SECTION
LARIMER COUNTY PLANNING & BUILDING SERVICES DIVISION

STAFF REPORT

Date: October 29, 2012
From: Candace Phippen, Building & Code Compliance Supervisor
To: Karin Madson, Planner II
Planning File No: 12-Z1899
Name of Review: Shaffer Drake Campground SR
Parcel No: 1503200038—1607 W. Highway 34, Drake, Colorado

This is a request for special review approval for an RV park and campground with 12 RV sites and 40 tent sites. This staff report addresses existing structures on the property the applicant intends to include in the RV park and campground.

The applicant identifies the following structures currently on the property (see attached aerial for reference):

- Structure A Main House
- Structure B Guest House
- Structure C Barn
- Structure D Well house
- Structure E Cabin/office
- Structure F Log outhouse
- Structure G Cabin

Based on the historical information attached, including review of the Assessor's records and Building Department records, legal nonconforming structures on the property are the main house (A), the guest house (B)¹, the well house (D) and the larger wood structure (barn) without any utilities (C). The cabins do not appear on the property until after 1986. I could not locate any building permits of record for the cabins or to add utilities to the barn or to change the use of the barn from storage to another use like an office, retail sales, etc.

STAFF COMMENTS: There are two outstanding building permits of record highlighted in yellow on the attached summary of building permits. Final inspection approvals must be obtained.

¹ Although the guest house was determined to be legal, nonconforming via a staff report prepared for File 96-SU0975, the guesthouse does not appear in aerials until after 1986. I could locate no building permit of record for this dwelling.

If approved through the special review process, I suggest Code Compliance Officer Eric Fried conduct a site inspection to confirm the location, size and use of all structures on the property and to determine whether or not building permits and inspection approvals are required for the structures.

Unless the owners can provide proof of building permits issued, it is certain building permits and inspection approvals are required for the cabins.

Will existing structures not permitted or grandfathered be allowed to remain on the property?

If the answer to this question is no, I suggest a condition of approval of the special review be that all existing structures not permitted or grandfathered be removed from the property within sixty (60) days from date of final determination on the special review application.

If the answer to this questions is yes, I suggest the following issues be addressed as part of the special review process:

- a. An accurate, scaled plot plan showing all existing structures, distances to property lines, roadways and waterways be submitted by the applicant. The plot plan should identify sizes and uses of all structures. Copies of this plot plan can be used by the owner when later submitting applications for building permits for all unpermitted structures that are not considered grandfathered. The plot plan can also be used by Code Compliance Officer Eric Fried when conducting his site inspection to confirm location, size and use of all structures on the property.
- b. Pre-approval for all setbacks from property lines, roadways and waterways be obtained from the Planning Department for all existing, non-permitted structures.
- c. Pre-approval from the Larimer County Engineering Department be obtained allowing all existing unpermitted structures to remain in FEMA-designated flood areas.
- c. Pre-approval from the Larimer County Department of Health & Environment be obtained for adequate sewage disposal systems for the unpermitted cabins.
- d. The amount of TCEF (transportation capital expansion fees) be determined by the Larimer County Engineering Department for existing cabins and any change of occupancy permit required for the barn.

cc: Jeff and Lori Shaffer
P.O. Box 305
Drake, CO 80515

Historical Background

- 1981 Pursuant to File 81-94 (application for DeJesus exemption), the only structures on this parcel in 1981 were a wood structure without sewer and water, which was used at the time to sell curios in the summer, and a well house (see attached plot plan submitted with File 81-94).
- 1986 Pursuant to File S-37-86 (amendment to lot lines), the purpose of the amended lot lines was to sell the commercial operation separately. The house now on this parcel was incorporated into the property by virtue of the amended lot lines. The only other structures shown on the site plan and described in the application materials are the wood structure and well house identified in 1981 above (see attached plot plan submitted with File S-37-86).
- 1988 Pursuant to a staff report for a 9/1/1988 hearing on a special review application to operate a campground (File Z-24-88):
- a. The cabins [pursuant to application materials, there were four cabins on the property at the time with no water or electric] were not permitted by the Resolution, and would require approval of a variance by the Board of Appeals. The cabins were to be designed and built in conformance with Uniform Building Codes, and were to receive a building permit for each unit.
 - b. If the "cabins" were permitted, Planning staff would recommend they be used only for short-term occupancy, not for longer term rentals.
 - c. The "storage barn" was not be used for any commercial or residential uses.

Summary

- 1973—aerial shows main house, barn, well house and three outbuildings on property.
- 1976—aerial (just after flood) shows main house, barn and two outbuildings on the property.
- 1981—the only structure on the property was a storage building/barn with no sewer or water (Structure #C) constructed in 1952 and a well house (Structure #D).
- 1986—the boundary line changed so the main dwelling (Structure #A) on Tract B was placed on Tract A (Shaffer property)
- 1988—cabins (Structures #E and #G) and guesthouse (Structure #B) first appear.
- 1996—Planning Dept. declared "the existing residence (Structure #A) and mobile home (Structure #B) to be legal, non-conforming uses and allowed to remain.

Assessor's Office

- Ranch residence originally constructed in 1900, remodeled in 2002, containing 2609 sq.ft., three bedrooms, 2-1/2 baths with a 280 sq.ft. attached garage.
- Modular residence, 1960, containing 805 sq.ft., one bedroom, one bath.
- Storage warehouse constructed in 1952 containing 1435 sq.ft.

Building Permits of Record

1. 83-2311 issued on 12/05/1983 for an alteration to a single-family home—inside plumbing, sheetrock, new roof & siding. No inspections of record. The only approver for this permit was the Building Department—no approvals by Health or Engineering. Prior to 1988, some residences and cabins (including additions and remodels to these structures) were issued a building permit but not fully inspected at the time by the County ("Pre-1988 permits"). The lack of inspection records for Pre-1988 building permits is not considered a violation of the Building Code. The Larimer County Building Department cannot, however, guarantee the structures were constructed pursuant to minimum Building Code requirements.
2. 86-1255 issued on 02/25/1986 for residing. Permit voided.
3. 99-M0346 issued on 03/30/1999 for a reroof. Permit finalized.
4. 99-M0698 issued on 06/24/1999 for replacing the siding, fascia and soffits. Permit finalized.
5. 02-B0613 issued on 05/17/2002 for an addition (884 sq. ft.)to a single-family home (main home) containing a bedroom, bath, decks (172 sq. ft.) and 1-car garage (336 sq. ft.). Permit finalized, Letter of Completion issued. This permit was not reviewed by the Health Dept. as no additional bedrooms were being created (three bedrooms total). This permit was issued on the following condition from the Engineering Dept:

This is in the flood fringe of the North Fork of the Big Thompson. The finished floor elevation of the addition needs to be at 6163.90 or higher. An elevation certificate must be performed and a copy returned to Ed in Engineering before a CO can be issued. No final field flood inspection needed. [NOTE: Elevation certificate received].

6. 12-B0439 issued 6/8/2012 for a 196 sq.ft. loafing shed. Final building inspection required.
7. 12-M0605 issued on 5/17/2012 for metal re-roof to residence. No inspections requested to date. This permit expires on 11/13/2012. Final inspection approval must be obtained on or before this date.

Code Compliance Files of Record:

1. ZV-495 initiated on 11/01/1994 for an illegal business. File closed.
2. 06-CC0432 initiated on 10/09/2006 for expired permit 02-B0613. Permit finalized, file closed.
3. 10-CC0004 initiated on 01/11/2010—prior approval required through the Larimer County Planning Department to operate an RV park and campground in the O-Open zoning district.





Shaffer/Drake Campground SR - 12-Z1899

Stan Griep <sgriep@larimer.org>
To: Karin Madson <kmadson@larimer.org>

Fri, Oct 12, 2012 at 8:27 AM

Karin,

All new or remodeled structures, change of occupancy structures and additions to existing structures on this project will require building permits. All plans for such structures shall be wet stamped/sealed by a Colorado Registered Engineer. In some cases a Colorado Licensed Architect's stamp may be required as well, such as; for Offices or Retail Sales Stores/Shops. Tents erected for a period of 180 days or longer will require a building permit and would need to provide information on the tent(s) membrane/fabric that it complies with the Wildfire Hazard Area requirements (Class B rated roofing material and a minimum class III flame spread on walls). The Health Department will need to be consulted on any RV Waste Dump Sites and site septic systems.

I have not sent the above comments to the applicants. Please include them in your reports on this project. Thank you.

Respectfully Submitted,

Stan

—

Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667



6/10/12 10:29 AM - 10/22/12 10:29 AM

12-Z1899 Shaffer/Drake campground

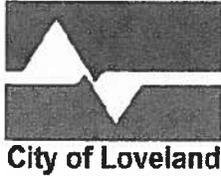
Rob Helmick <helmicrp@co.larimer.co.us>
To: "Madson, Karin" <kmadson@larimer.org>

Mon, Oct 22, 2012 at 10:29 AM

Karin,

With respect to the above referenced application. There are no significant environmental issues associated with this site. As an already disturbed site not proposing significant expansion I do not foresee any issues with natural resources. There are no critical habitat or T & E species issues that I can determine. There are of course the natural hazard issues associated with development adjacent to the river at this location.

—
Robert Helmick, AICP
Larimer County Planning
PO Box 1190
Fort Collins CO 80524
rhelmick@larimer.org
970-498-7682



**Loveland Fire Rescue Authority
Community Safety Division**

410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2497 • FAX (970) 962-2912 • TDD (970) 663-5144
www.cityofloveland.org

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire and Rescue, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Shaffer/Drake Campground SR (12-Z1899), 1601 US Highway 34, Drake

CC: Lori and Jeff Shaffer

DATE: Nov. 1, 2012

I have reviewed the above project and have the following conditions and corrections:

CONDITIONS

1. These comments pertain to a Special Review request for an RV park/campground with 12 RV sites and 40 tents sites. The campground has been in existence since 1927.
2. A Drake Campground sign and the address shall be visible from the entrance to the campground at US Highway 34. The sign must be visible to motorists from both travel directions. Address numerals must be at least 8 inches in height.
3. If there are any bridges over the creek, the GVW limit must be posted at each bridge.
4. If any gates are proposed, now or in the future, they must be approved by Loveland Fire Rescue Authority.
5. In the guest house, one portable fire extinguisher is required to be mounted 4-5 feet above the finished floor in the kitchen. If there is not a kitchen, the extinguisher shall be mounted near the exit. Minimum rating of the extinguisher is 2A:10BC.
6. AN INSPECTION CONDUCTED BY LFRA COMMUNITY SAFETY DIVISION IS REQUIRED. SCHEDULE AT LEAST 48 HOURS IN ADVANCE BY CALLING 970.962.2537.

RECEIVED OCT 17 1992



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-69

October 16, 2012

Ms. Karin Madson
Larimer County
Planning and Building Services Division
PO Box 1190
Fort Collins, CO 80522-1190

RE: Shaffer/Drake Campground SR, Case No. 12-Z1899

Dear Ms. Madson:

If any work requires the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in an aquatic site, which may include ephemeral and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches, this office should be notified by a proponent of the project for Department of the Army permits, changes in permit requirements or jurisdictional determinations pursuant to Section 404 of the Clean Water Act.

Work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County or Latitude and Longitude, Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If there are any questions call **Mr. Terry McKee** of my office at **303-979-4120**.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy T. Carey".

Timothy T. Carey
Chief, Denver Regulatory Office

tm

CC:

Shaffer, Jeff/Lori
PO Box 305
Drake, CO 80515

BCC 02/08/16

SHAFFER-DRAKE
CAMPGROUND SR



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director

October 23, 2012

Karin Madson
Larimer County Planning and Building Services
PO Box 1190
Fort Collins, CO 80522-1190

RE: Shaffer/Drake Campground SR
Case No. 12-Z1899
Section 3, T5N, R71W
Water Division 1, Water District 4

Dear Ms. Madson:

This referral does not appear to qualify as a "subdivision" as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The application seeks special review approval for an RV park/campground with 12 RV sites and 40 tent sites on a 36.84-acre parcel. According to the submittal, the water supply for the property is a well/spring. No further information regarding the water source was provided.

According to information available in this office, there are three existing wells located on or near the subject property, all of which were permitted and decreed in Division 1 Water Court case no. W-3072 for domestic use. Hayden Well No. 1 (permit no. 82879) is reported to have historically served eight cabins and a campground. Hayden Well No. 2 (permit no. 82880) was re-permitted for commercial exempt use under permit no. 274285 and reportedly served a commercial building, and possibly an associated single-family dwelling and twelve campsites. Hayden Well No. 3 (permit no. 82881) is reported to have historically supplied two houses and four trailers. It is unclear from the submittal which, if either, of these two wells is currently being used to serve the RV park and campground. The Applicant needs to identify the specific well or spring used to serve the RV park and campground. Wells used for commercial uses typically require a plan for augmentation in order to operate. If the use of the well or spring qualifies under Policy 90-1 (copy attached), a plan for augmentation may not be required if a commercial exempt well permit is obtained for the use of the well or spring as a water supply for the existing commercial operation.

If you or the Applicant has any questions concerning this matter, please contact Sarah Brucker of this office for assistance.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

Enclosures: Policy 90-1
Cc: Applicant (Jeff & Lori Shaffer)

JD/srb: Shaffer/Drake Campground 12-Z1899

Office of the State Engineer

ROY ROMER
Governor



JERIS A. DANIELSON
State Engineer

OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

1313 Sherman Street-Room 818
Denver, Colorado 80203
(303) 866-3581

January 18, 1990

POLICY MEMORANDUM 90-1

SUBJECT: Recording and permitting of existing commercial wells pursuant to subsection 37-92-602(5), C.R.S., outside of Designated Basins

The following policy is adopted to provide a standard for the evaluation of applications submitted pursuant to subsection 37-92-602(5), C.R.S. for the recording of existing wells used for drinking and sanitary facilities in individual commercial businesses. This policy becomes effective immediately and shall be modified or revoked in writing only.

1. Water from an existing commercial well must have been applied to the beneficial uses claimed prior to May 8, 1972.
2. The claimed and actual pumping rate shall not exceed 15 gallons per minute.
3. The use of the water diverted must be limited to drinking and sanitary facilities required for the commercial use. No outside uses of water shall be permitted.
4. The well must be the only commercial well serving the business.
5. The annual amount of ground water diverted shall not exceed 1 acre-foot (325,900 gallons). The application must be supported with evidence of the historic diversions and use prior to May 8, 1972.
6. The return flow from the use of the water must be discharged to the same stream system in which the well is located.
7. The applicant's claimed date and use must be supported by a written field inspection report prepared by personnel from the State Engineer's Office.
8. The State Engineer may require that a totalizing flow meter be installed on the well and that records of all diversions be submitted to the Division Engineer upon request.
9. Wells not meeting the above criteria cannot be considered pursuant to this policy.

CONSIDERATIONS & BACKGROUND FOR POLICY MEMO #90-1

PROBLEM

Subsection 37-92-602(5) provides for the recording and permitting of wells exempted by section 37-92-602(1)(c) which were put to use prior to May 8, 1972. Production from such wells must not exceed 15 gpm with the use limited to drinking and sanitary facilities in individual commercial businesses. The statutes do not define drinking and sanitary facilities or the types of businesses, nor do they provide a limit on the annual diversion. These shortcomings leave the staff without clear guidelines as to whether a well qualifies for recording and has resulted in inconsistent application of the statutes.

DISCUSSION

The apparent intent of the referenced statute is to recognize certain existing uses of ground water as having a minimal effect on other water rights and to exempt those uses from administration in the priority system. Many wells may fit the statutory definition of 37-92-602(1)(c), but the actual use of the water does not fall within the legislative intent of minimal effect on water rights. The size of the business and the number of people served must be considered in evaluating these applications. The adoption of a volumetric standard seems appropriate to implement the statute.

Similarly, it is unclear what uses were intended to be included in the definition of drinking and sanitary facilities. Drinking fountains and restrooms in an office building clearly meet the definitions. It is less certain whether the use of water for cooking and dishwashing in restaurants, for motels, for lodge and convention complexes, and for veterinary and kennel facilities falls under the statutory intent of drinking and sanitary facilities.

The number of businesses to be served by one exempt commercial well has also been questioned. The statute is unclear whether the use is limited to one business and whether the businesses must be located in one building. Placing a limit on the amount of water diverted should remove these questions. It should not matter whether 10 people work in one business or two and whether the businesses are located in one building or not.

Another issue needing to be addressed is whether a well historically used for non-exempt purposes can be recorded for a lesser amount meeting the definition of an exempt well. If this claimed exempt use was a portion of the historic use of the well, the effect of the well on other water rights would be lessened and would not differ from that of any other well meeting the standards established in this policy. Therefore, only the claimed and future use of the well and not the total historic use, needs to be considered in evaluating applications to record exempt commercial wells.



Special review approval for an RVPark campground SR 12-Z1899

William Jones <wej@docjonesdvm.com>
 To: kmadson@larimer.org

Thu, Oct 18, 2012 at 11:17 AM

To Karin Madson

Larimer County Planning Department

Re: Special Review Approval for an RV Park/Campground SR 12-Z1899

I received a "Neighbor Notification" of the above Special Review. Since I own the property next door and have a now legal RV park, I have some concerns about the proposal next door. I disagree that "Drake campground offers most everything that state and county parks do." If the Shaffers want to continue business without making any changes, I believe their request for special approval should be denied.

For the past eight years I have worked to improve my 12-space RV park with adequate electricity, water, sewer and waste disposal in a sewage vault—all with permit. We have a permitted septic tank and leach field for our building and a campground bathroom hooked to it providing a clean coin-op shower, toilet and sink. As you can imagine, these improvements have incurred considerable cost. Several years ago I was forced to put in a new well for commercial purposes at a cost of approximately \$40,000. I would like to know for sure that their well is sealed properly to avoid ground water contamination, and what kind of tests have been made on the water.

Over the years we have had RV and camping guests come over from the Drake Campground, complaining about the poor sanitary conditions next door, asking to use our facilities, sometimes asking to use our phone to call the health department to complain. As a neighbor to the Shaffers, I have refrained from complaining to them or any county authorities. Both their park and mine were cited a year ago for operating illegally. I complied with inspections and improvements as requested by the County Commissioners, but the Shaffers did not. It seems only fair, since we are competitors that they should be required to make necessary improvements also before continuing business.

The major complaint from campers next door has been that they have very poor toilet facilities. The porta-potties get full and start smelling terribly. People have no place to wash their hands or shower. I feel sorry for the camper families who come over to us, dirty and tired, wanting to use our facilities. The RV campers drive over to use our dump station and are angry when we have to charge them for it.

In addition to the health danger to campers, I have a concern about the effects that may be occurring to our common ground water from contamination by camper waste not properly taken care of. I don't believe there has ever been a permit issued for a septic system on the Shaffer property, yet they have houses and cabins dumping sewage somewhere. I know that without proper toilet and wash facilities some campers will use the river, and their waste flows down to us.

The Shaffers have a beautiful piece of property with plenty of room for 12 RV spaces and maybe 40 tent sites, however their current facilities are completely inadequate to handle that kind of population. The tent sites have an average of six people and the RVs average three. When full, that would be over 250 people washing and dumping in the river.

My wife and I are trying to be good neighbors to the Shaffers. We don't want to cause them trouble, but as a good citizen I have told you what I know and see over there. Please keep my remarks confidential, but use them in determining the disposition of their Special Approval.

If you have any questions please feel free to call me at 970-669-2380.
 William E Jones

**COMMENTS –
2ND ROUND**



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

RECEIVED
 MAR 30 2015

To: Karin Madson
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: March 26, 2015

Subject: Shaffer/Drake Campground SR – Response to Additional Materials

The Shaffer/Drake special review is a proposal to authorize the continued use of an existing campground through the County's land use permitting process. The special review application has been prepared as required through a written agreement between the property owners and the county.

Our Department submitted comments in November of 2012 for the initial sketch plan submittal. Those comments discussed the floodplain issue as it relates to safety and to the location of outhouses or other sewer facilities, as well as standards in the Land Use Code related to water and sewer facilities and comfort stations. My comments here address the additional materials submitted by the Shaffers.

A substantial portion of the campground is located within the mapped floodplain of the North Fork of the Big Thompson River. The September 2013 flood damaged a significant portion of the campground. Because the river is subject to flash flooding episodes, this presents an important life safety issue. A Floodplain Special Review has been authorized for the property, and the Commissioners have included specific conditions that relate to safety and warning systems.

As I noted in my previous comments, standards for campgrounds and RV parks are contained in Chapter 18 the Larimer County Land Use Code. Those standards anticipate a fairly full range of services, including comfort stations with restrooms and showers, a potable water supply, and sewer facilities for RVs that can range from individual hookups to a centralized dump station. In this case the campground has operated in the past as a rustic facility with limited services.

Given this situation, the applicant is appealing the Land Use Code requirements for both comfort stations and RV water and sewer hookups. The applicant has listed several factors that might support such an appeal. These include the fact that the facility has a current clientele that is fine with the rustic nature, and that development of additional infrastructure in the floodway is not advisable from a safety or water quality standpoint. If these appeals were approved, the Shaffer/Drake campground could operate similar to the traditional Forest Service campground with outhouse and water spigot improvements. Considering the location and type of operation, we concur that a modern comfort station and providing individual water and sewer hookups for the RVs is probably not necessary.

We would encourage the operator to install a sanitary dump station for RV wastewater. These stations are basically a large sealed vault that is pumped out by a licensed hauler when full. It is our experience that many times RV units arrive at a campground with full waste tanks. A dump station allows the RV users to empty their tanks before setting up. Our observation is that this greatly reduces the problem of discharge of gray water tanks onto the surface during campground stays. Most campground users also want to dump their toilet and gray water tanks as they are leaving.

During operations prior to the 2013 flood, the campground provided one outhouse, a few portable chemical toilets, and two water spigots. As I noted previously, our Department has taken the position that permanent vaulted privies are needed in campgrounds, and that portable chemical toilets are not appropriate for regular use. The project description notes that the campground provides 40 tent spaces and 12 RV hookups. Based on that level of use it is our recommendation that the campground needs to provide the equivalent of at least two vaulted privies each containing a men's and women's toilet. A permit to install the vaulted privies needs to be obtained from our Department. Note that the sewer system regulations that we administer require the privies be located outside the mapped floodway. The application materials states that the applicant intends to work with our Department to obtain those permits.

Water delivered to the campground spigots is supplied by a well. There are two important issues that need to be considered regarding the water supply. The first relates to the use of the well for the campground/RV park as outlined in the October 23, 2012 letter from the Colorado Division of Water Resources. This topic relates to the need to demonstrate that adequate water rights are available to support the campground use. Any concerns about this issue would be addressed if the Division of Water Resources indicates in their referral that the well permit authorizes this use.

The second issue relates to water quality, and the classification of the water system under Colorado drinking water regulations. Small water systems that serve 25 or more people for 60 or more days per year are classified as a public non-community water system. These systems require plan review, treatment and disinfection, and routine water quality testing. Guidance on Colorado's water system requirements is available on the state's website at <http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251596877287>. The old campground was not licensed under these provisions. It is our view that the capacity of the campground meets the threshold of a public non-community water system. With regard to this land use special review, we recommend that the applicant commit to obtain the required state review and approval of the water system. Our Department is available to consult with the Shaffers on this issue.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about our recommendations concerning any of these issues.

cc: Jeff and Jerry Shaffer



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer-Drake Campground

Eric Tracy <tracyel@co.larimer.co.us>
To: Karin Madson <kmadson@larimer.org>

Fri, Mar 27, 2015 at 12:30 PM

Karin,

We have not received the technical documentation required as outlined in my November 9, 2012 comments and therefore would support a recommendation denial of this project.

Eric Tracy
Larimer County Engineering



Karin Madson <madsonkc@co.larimer.co.us>

Shaffer/Drake Campground SR - 12-Z1899

1 message

Stan Griep <sgriep@larimer.org>
To: Karin Madson <kmadson@larimer.org>
Cc: Eric Fried <efried@larimer.org>

Mon, Mar 9, 2015 at 7:47 AM

Karin,

Concerning the proposed Tent Sites on the property, tents/membrane structures erected for a time period of less than 180 days shall comply with the Fire Code. Thus they would need to contact the Fire Department having jurisdiction for comments as to concerns and requirements. Tents/membrane structures erected for a time period of 180 days and longer would be required to comply with the 2012 International Building Code (IBC) - sections 3103 & 3102 along with complying with local fire department requirements. The longer time frame tents/membrane structures would require a Building Permit through Larimer County Building Department.

The RV sites would need to have any electrical connection points permitted, inspected and approved by the State of Colorado Electrical Board Electrical Inspectors. RV sanitation dump sites would require the approval of the Larimer County Health Department. Plumbing permits are required for all site plumbing associated with the RV sites.

I am copying this email to Chief Building Official Eric Fried in case he would like to add any comments. As he may be more familiar with past and present site concerns.

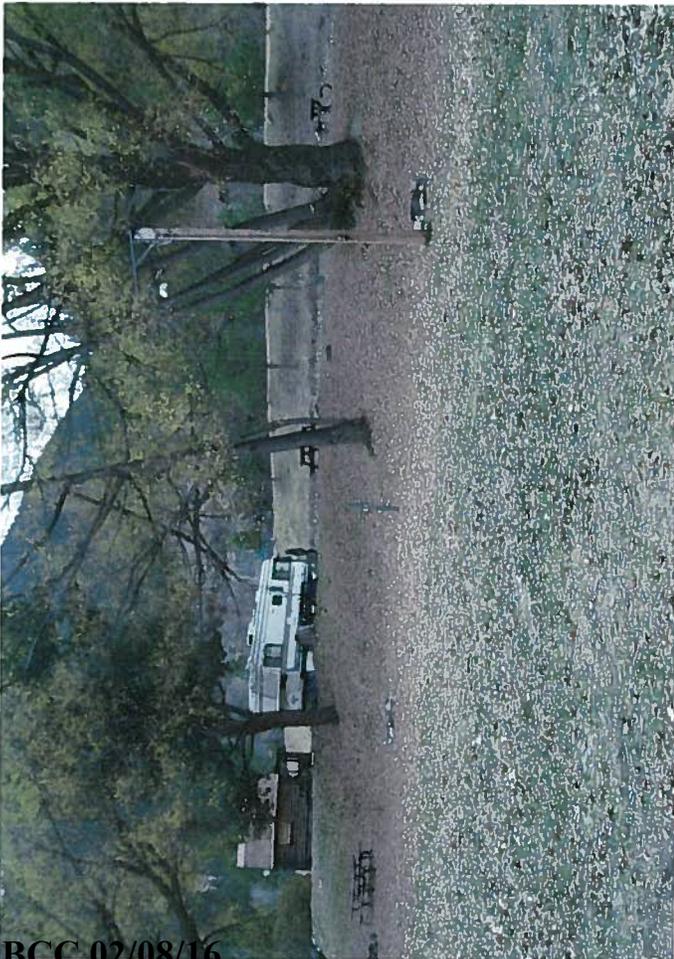
I did not send any comments on to the applicant. Please include the comments in your reports on this proposed project. Thank you.

Respectfully submitted,

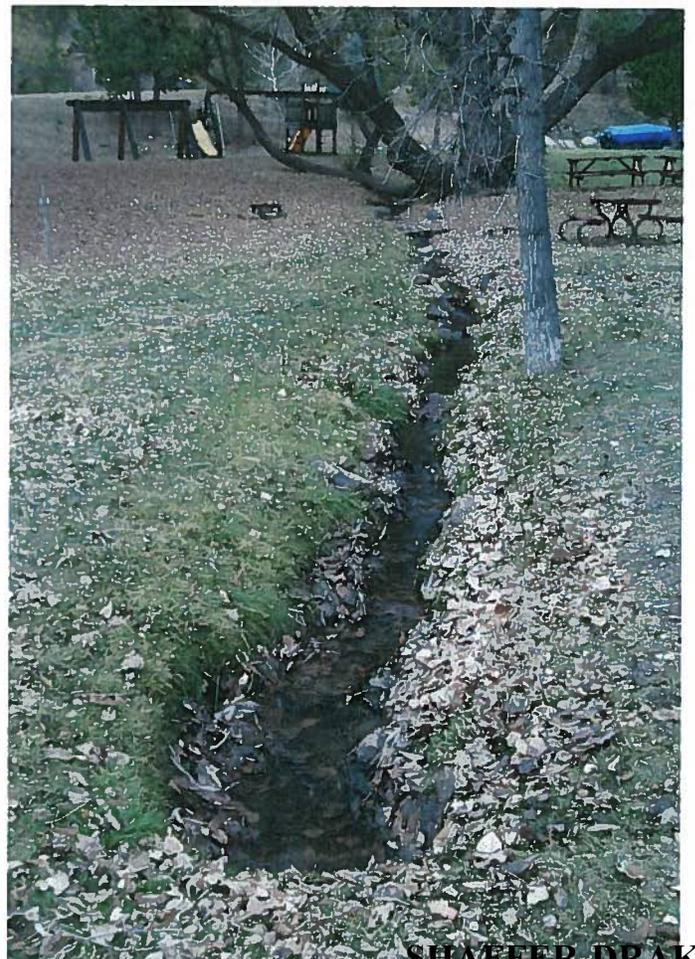
Stan

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*

SITE PHOTOS BEFORE FLOOD

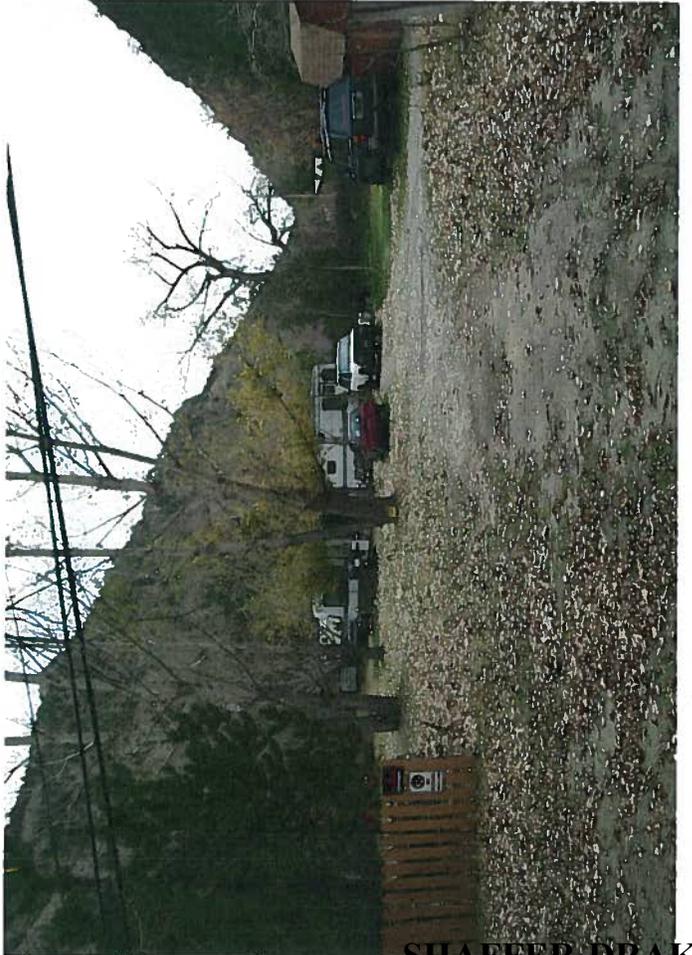


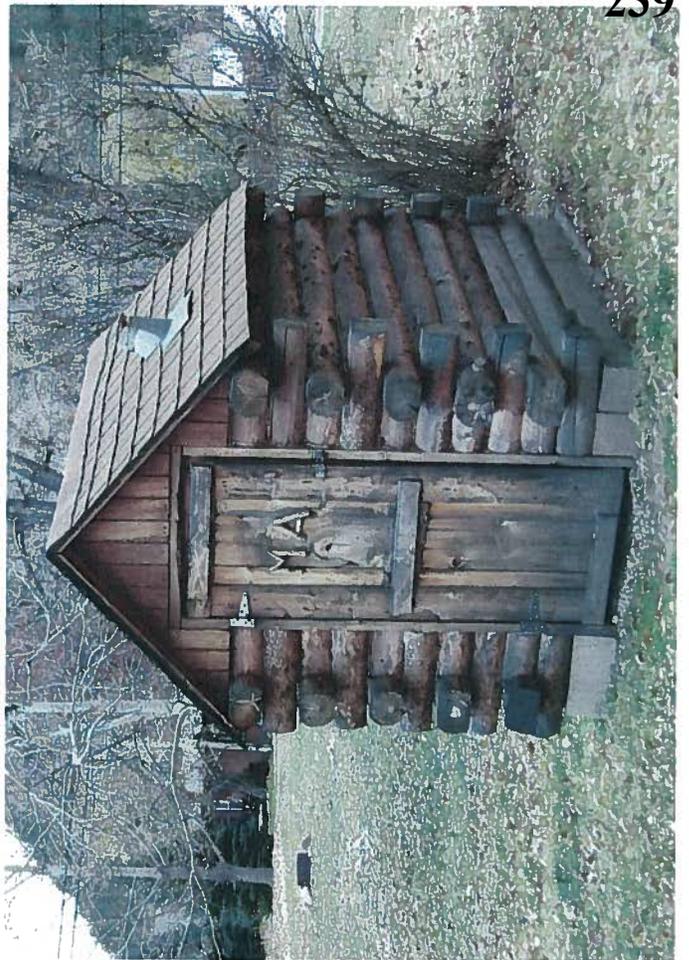
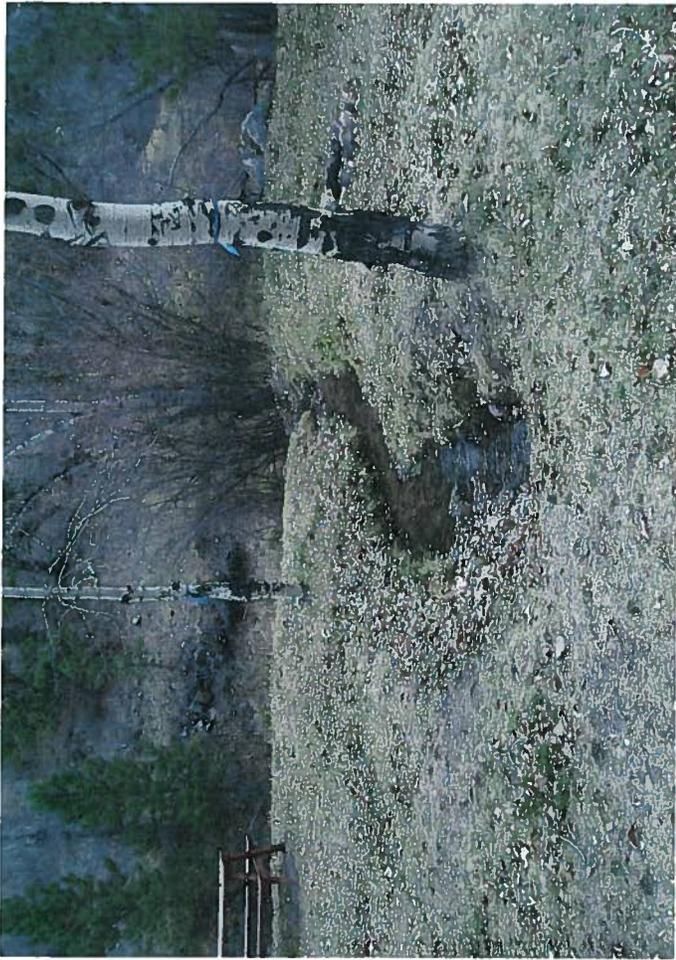
BCC 02/08/16

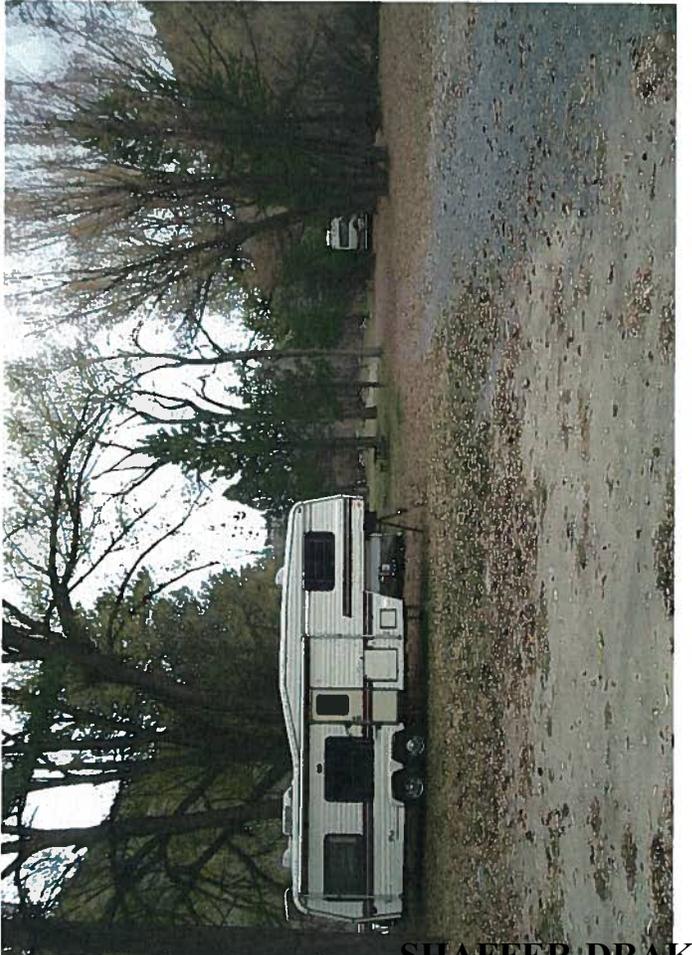
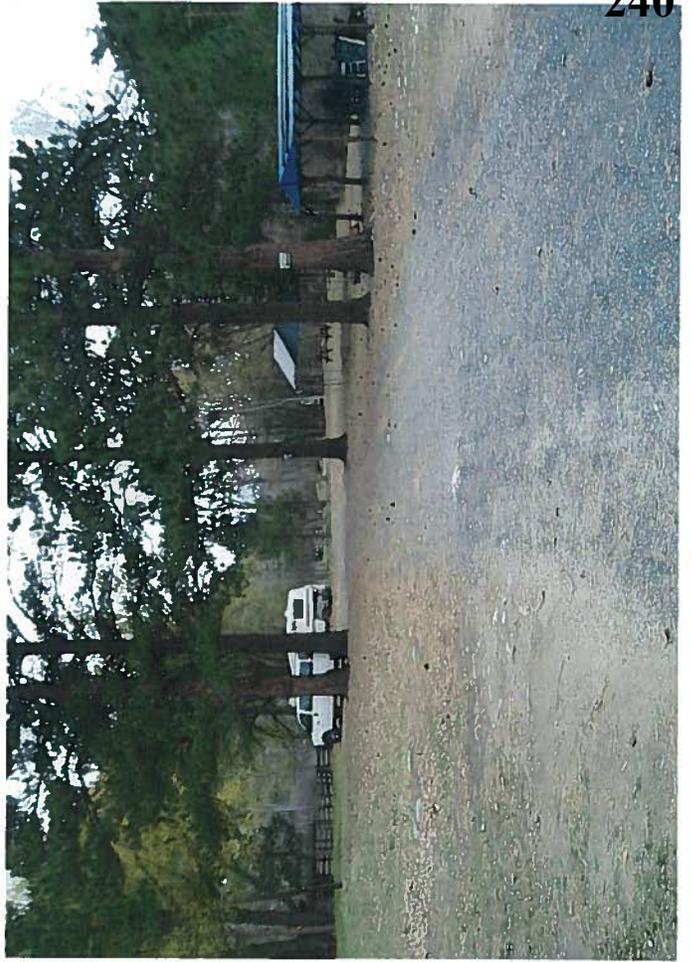


SHAFER-DRAKE
CAMPGROUND SR









SHAFFER-DRAKE
CAMPGROUND SR



BCC 02/08/16

**AERIAL PHOTOS
FROM 2013 FLOOD**

Aerial from 2013 Flood



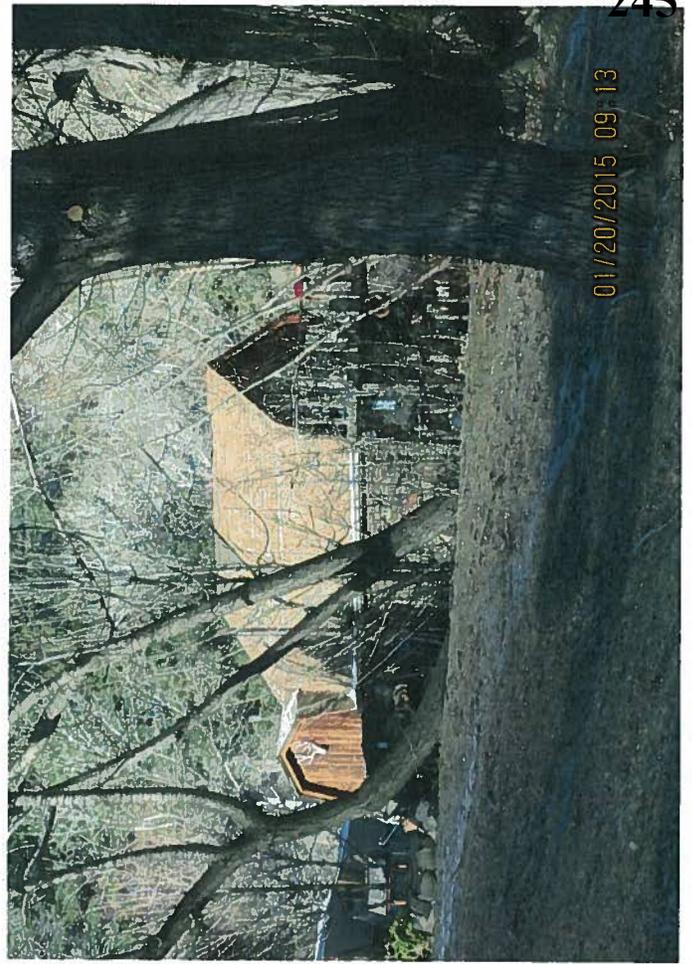
Aerial from 2013 flood



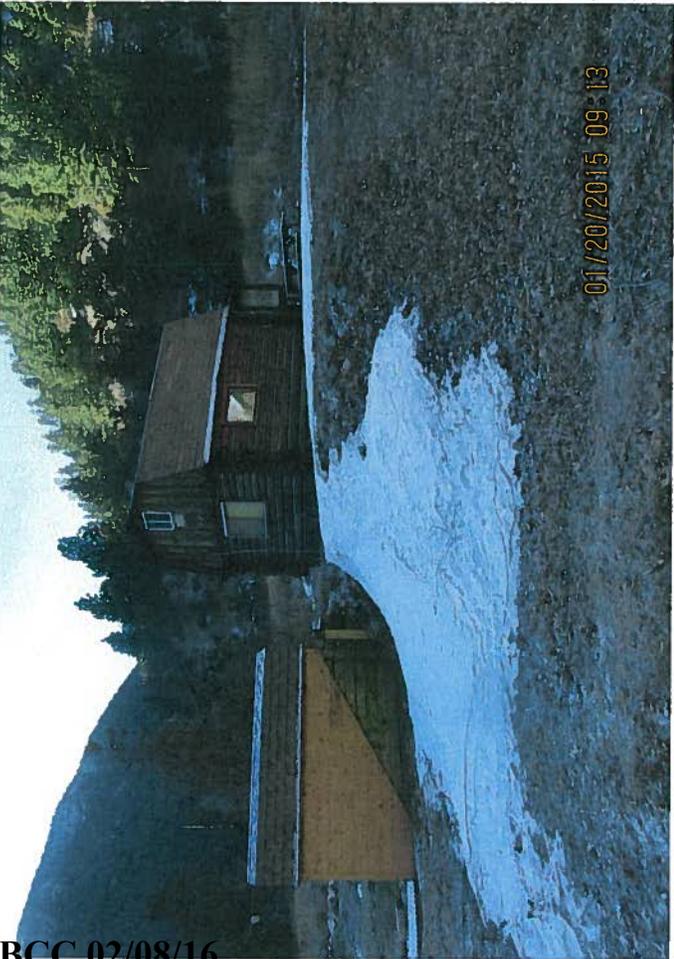
SITE PHOTOS AFTER FLOOD



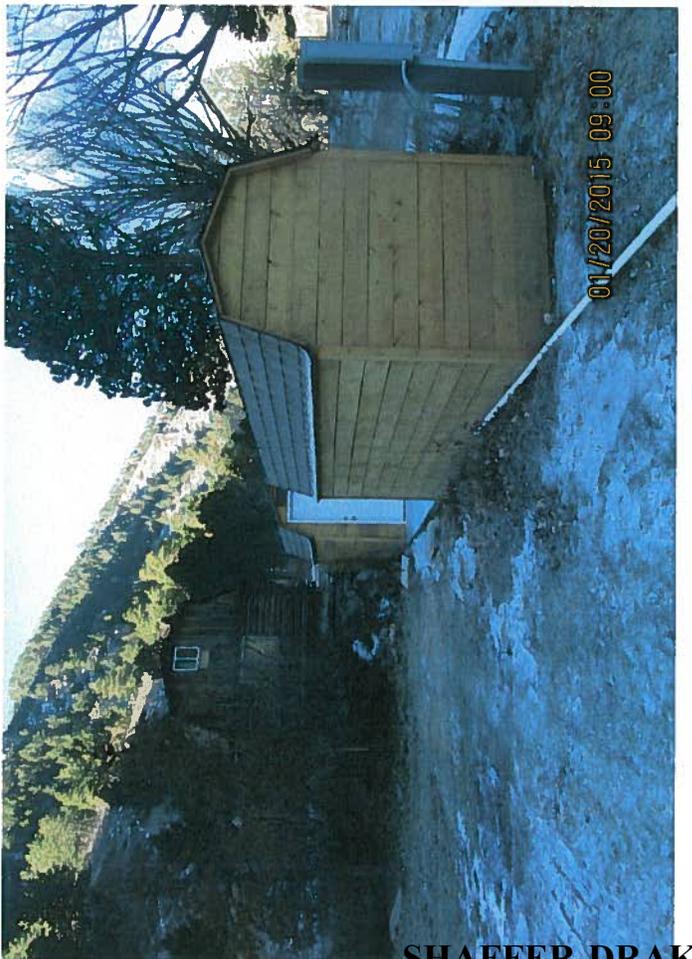
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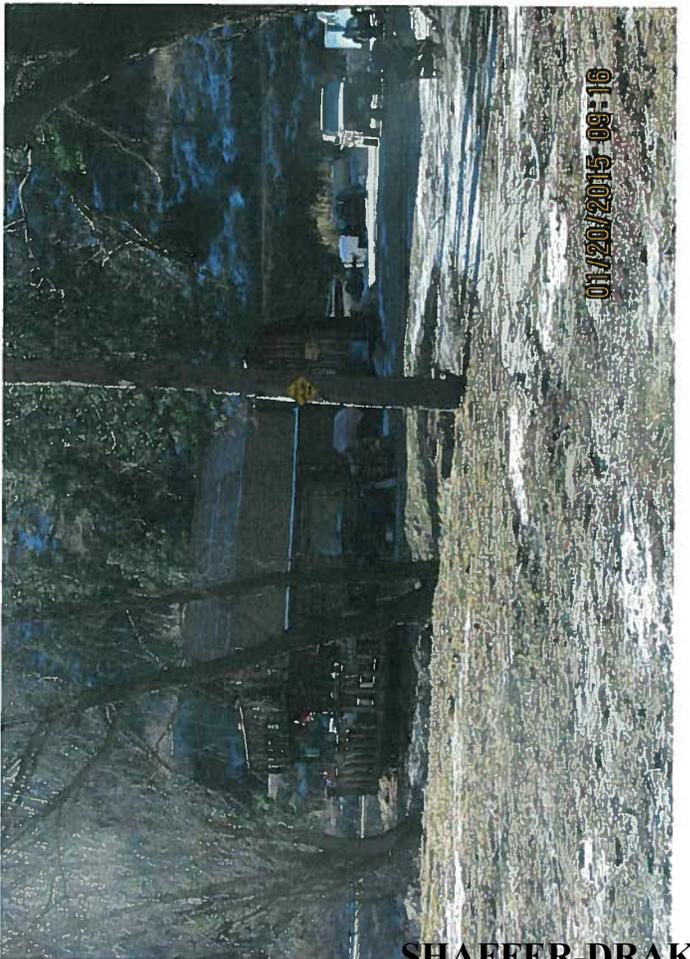
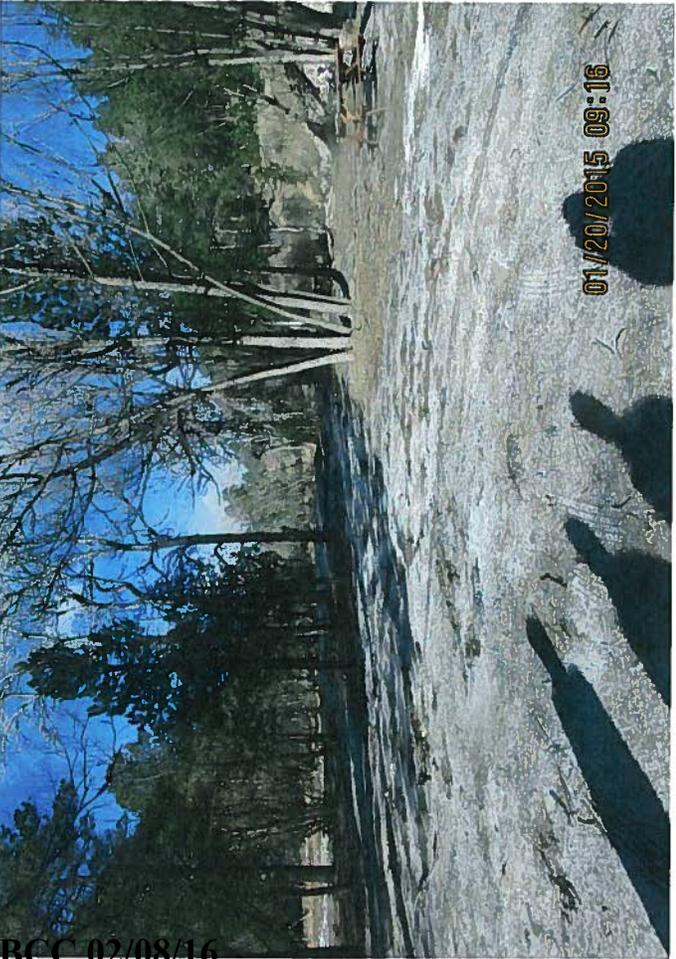
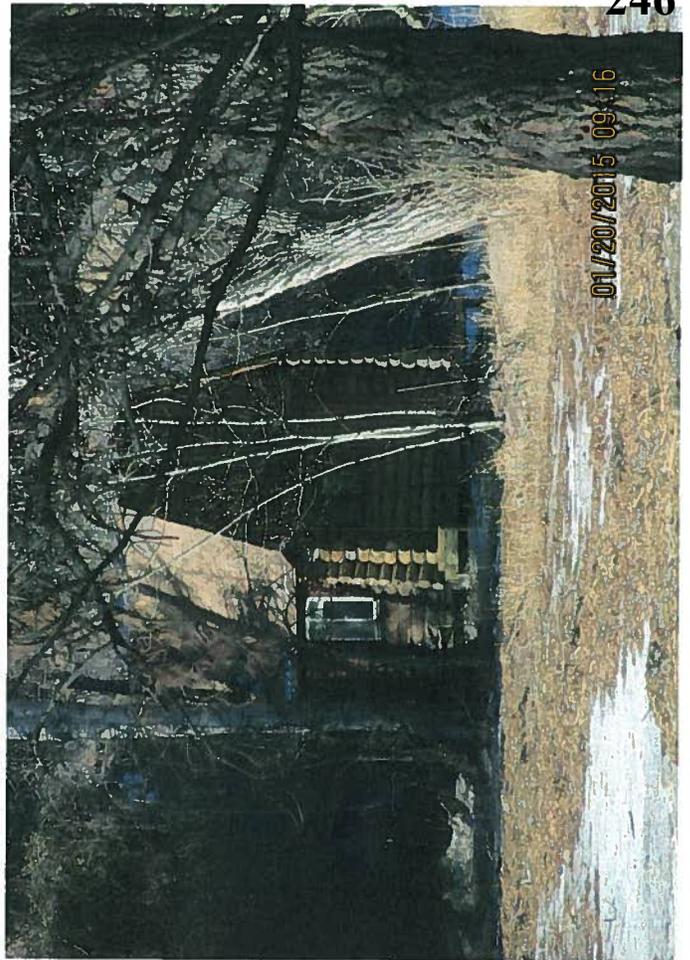
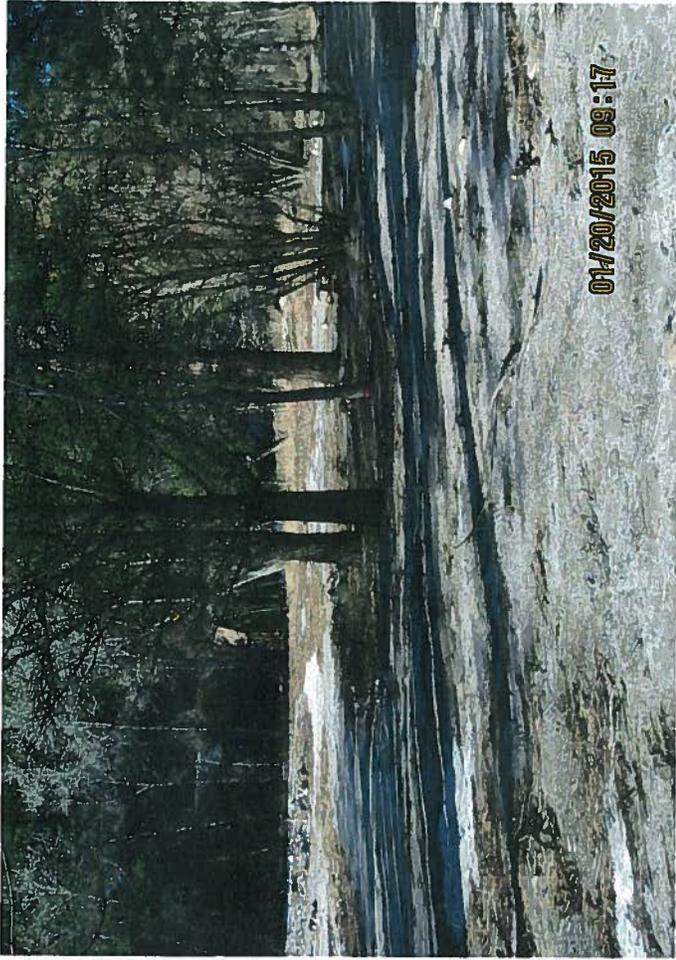
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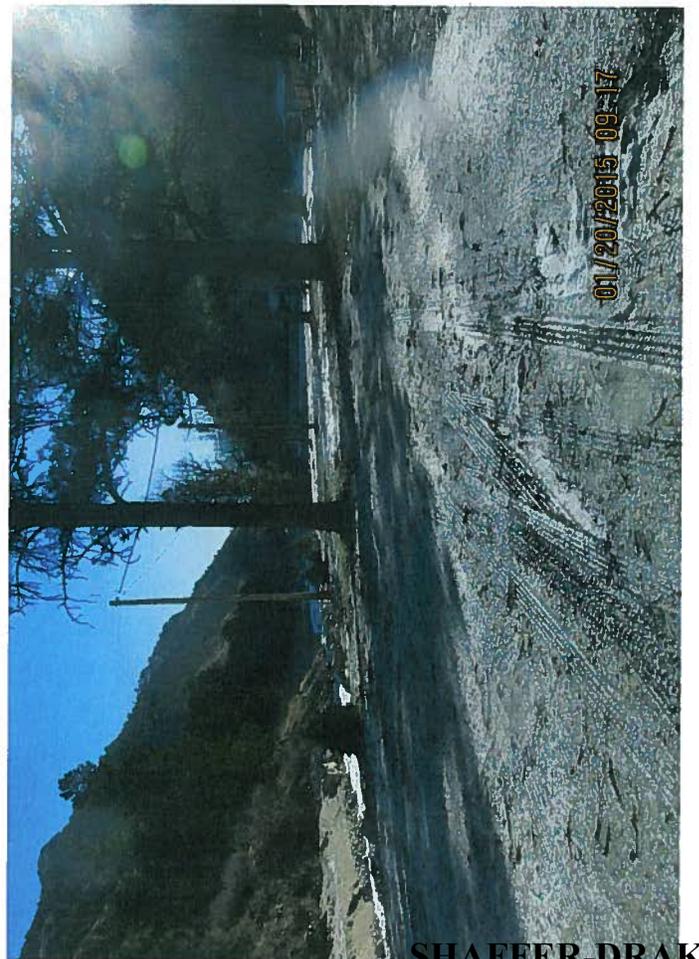
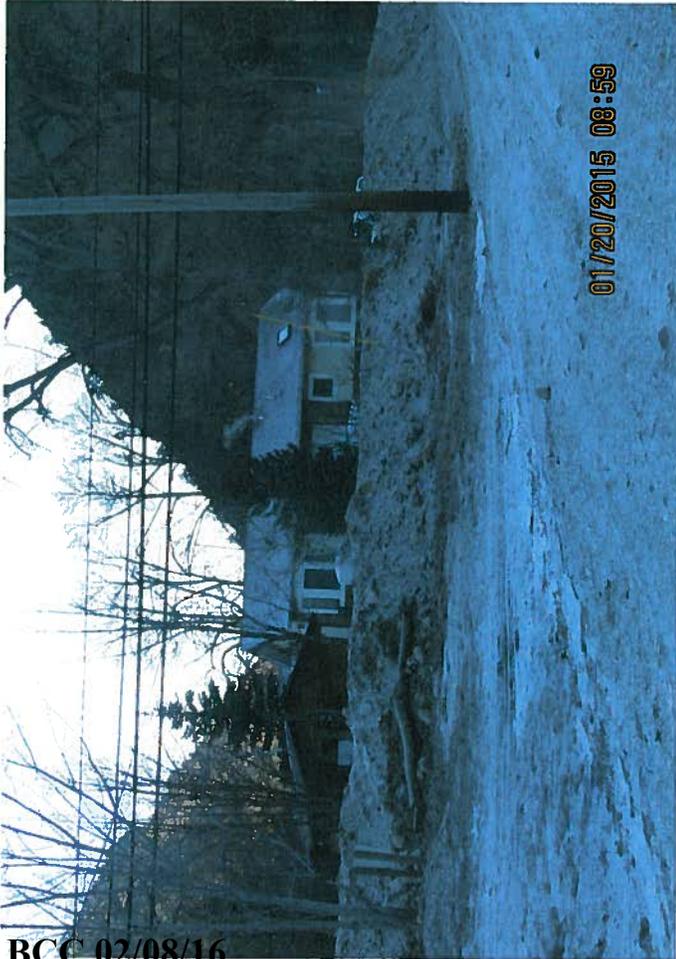
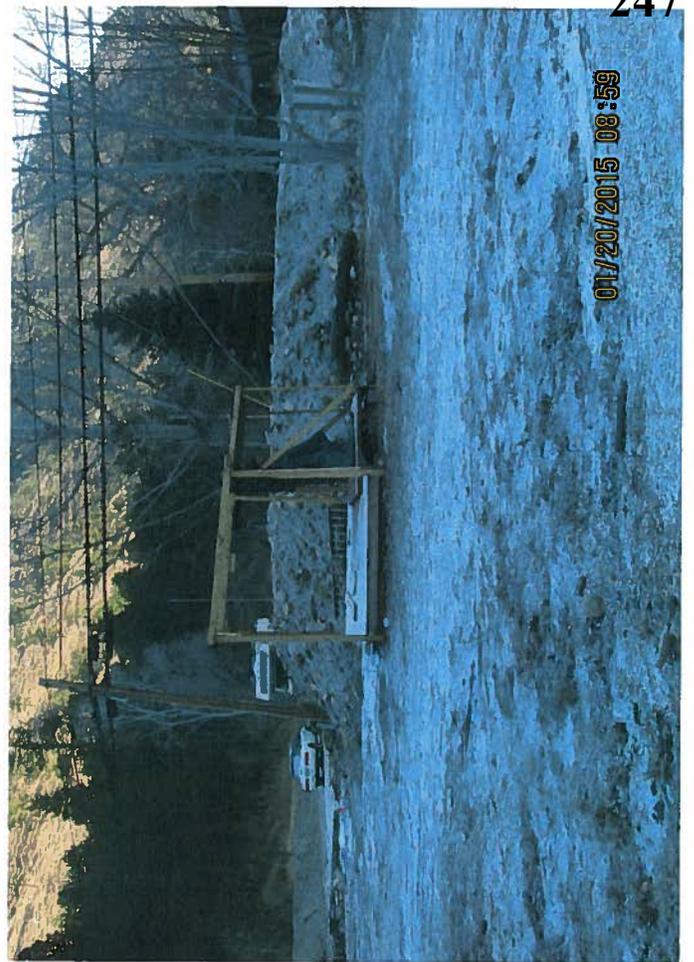
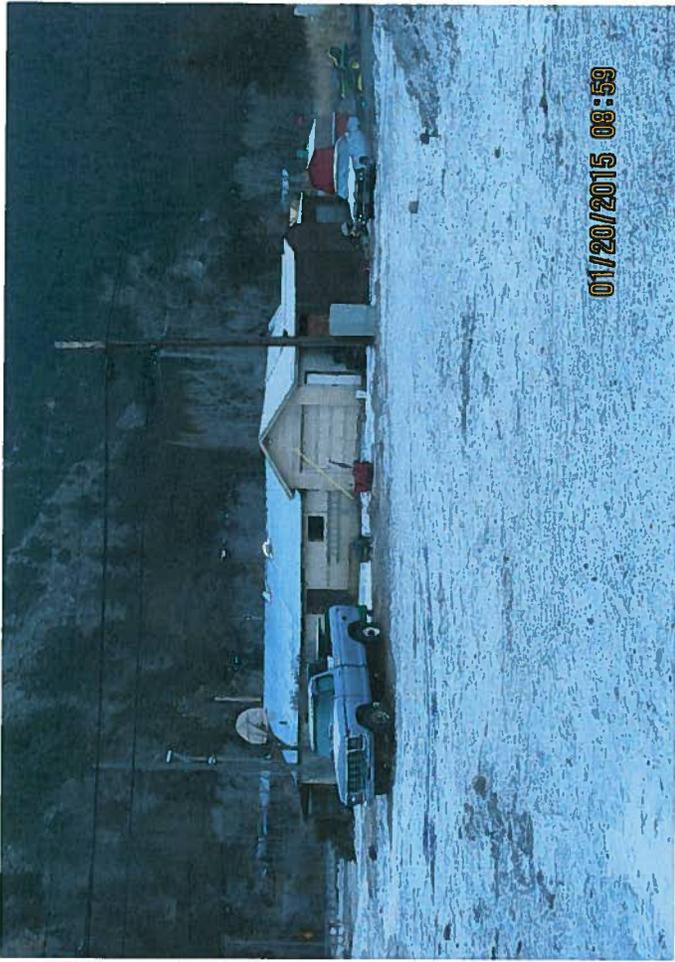


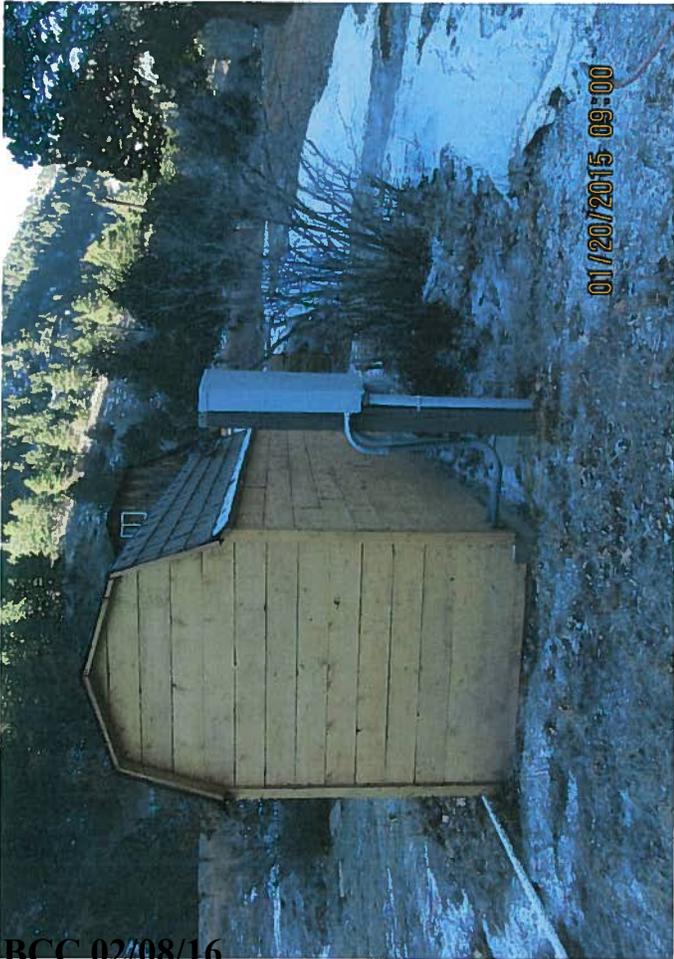
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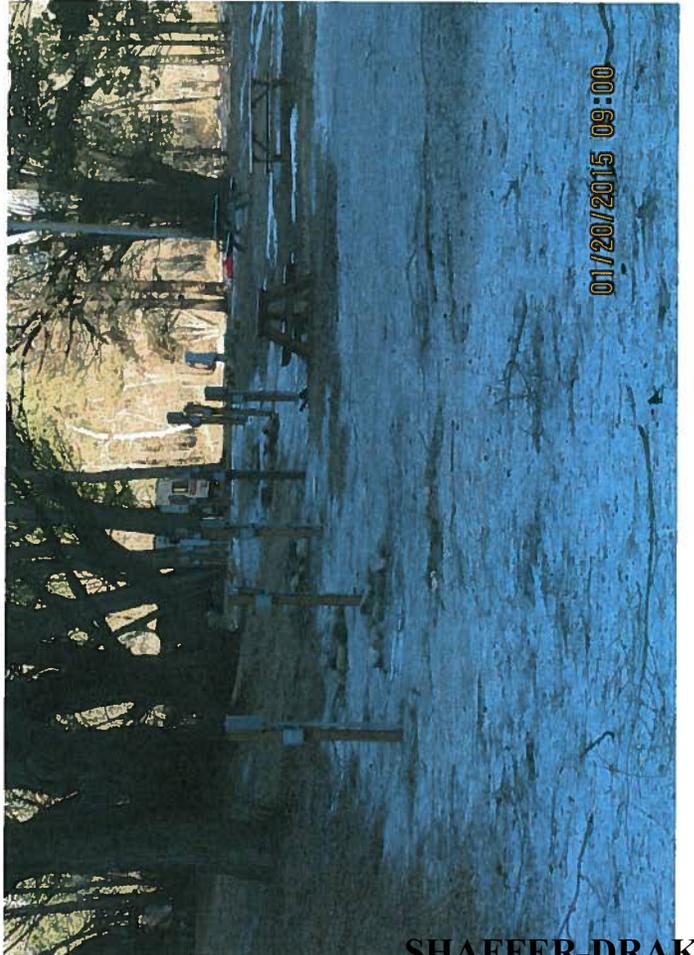
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BCC 02/08/16



SHAFFER-DRAKE
CAMPGROUND SR

APPLICATION EVENTS

Shaffer Application events:

5/29/12	Shaffer agreement with BCC
9/26/12	Russ Legg left message for Lori Shaffer re: submittal deadline
9/27/12	Meeting with Jeff & Lori Shaffer
9/28/12	Deadline for Special Review and Flood Plain Special review submittal (agreement)
10/17/12	Call from Lori Shaffer
10/23/12	Russ Legg meeting with Lori Shaffer (cancelled)
10/31/12	Call to Lori Shaffer re: site visit
11/1/12	Site visit
11/30/12	Letter and copy of referral comments to Shaffer
12/5/12	Left voicemail for Shaffer
1/24/13	Floodplain Special Review (FPSR) hearing
2/25/13	Floodplain Special Review (FPSR) hearing with BCC
5/6/13	Floodplain Special Review (FPSR) hearing with BCC - approved
5/15/2013	Letter re: SR requirements sent to Shaffer
7/25/13	Left voicemail for Shaffer
9/13/2013	2013 Flood
9/25/2013 or 10/3/2013	Disaster Recovery Center – spoke w/ Shaffer
12/11/13	Spoke with Jerry Shaffer
3/18/14	Left voicemail for Shaffer
7/10/14	Left voicemail for Shaffer
9/15/14	Discuss next steps (internal) & left voicemail for Shaffer
12/5/14	Discuss application status with Jerry Shaffer
12/17/14	Call from Jerry Shaffer
12/30/14	Met with Jeff and Jerry Shaffer
1/12/15	Call from Jerry Shaffer
1/13/15	Letter to Shaffer re: resubmittal deadlines and agreement extension request
1/20/15	Code Compliance, Health and Building site visit
2/5/15	Letter from County Attorney to Shaffer re: status of Agreement
2/10/15	Call from Jerry Shaffer
2/19/15	Call from Jerry Shaffer
2/24/15	Met with Jeff and Jerry Shaffer
2/26/15	Shaffer application re-submittal & Agreement extension request
3/3/15	Call from Jerry Shaffer
3/17/15	Call from Jerry Shaffer to discuss dropping off additional re-submittal items

