

AGENDA
LARIMER COUNTY PLANNING COMMISSION
Wednesday, April 15, 2015/6:30 P.M./Commissioners' Hearing Room

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
- D. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- E. APPROVAL OF THE MINUTES FOR THE MARCH 18, 2015 MEETING.
- F. AMENDMENTS TO AGENDA
- G. CONSENT ITEM: *Will not be discussed unless requested by Commissioners or members of the audience.

*1. MORNING FRESH DAIRY 2nd AMENDED SPECIAL REVIEW #15-Z1963

Staff Contact: Matt Lafferty **Page 1**

H. ITEM:

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

Staff Contact: Karin Madson **Page 19**

I. REPORT FROM STAFF

3. UPDATE ON FLOODWAY PUBLIC MEETINGS

J. ADJOURN

NEXT MEETINGS: Wednesday, May 13, 2015: BCC/Planning Commission worksession
Wednesday, May 20, 2015: Planning Commission hearing

PLANNING COMMISSION WORKSESSION
April 15, 2015

1. LARIMER COUNTY OPEN LANDS MASTER PLAN

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.
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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.
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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

2

* 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. 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

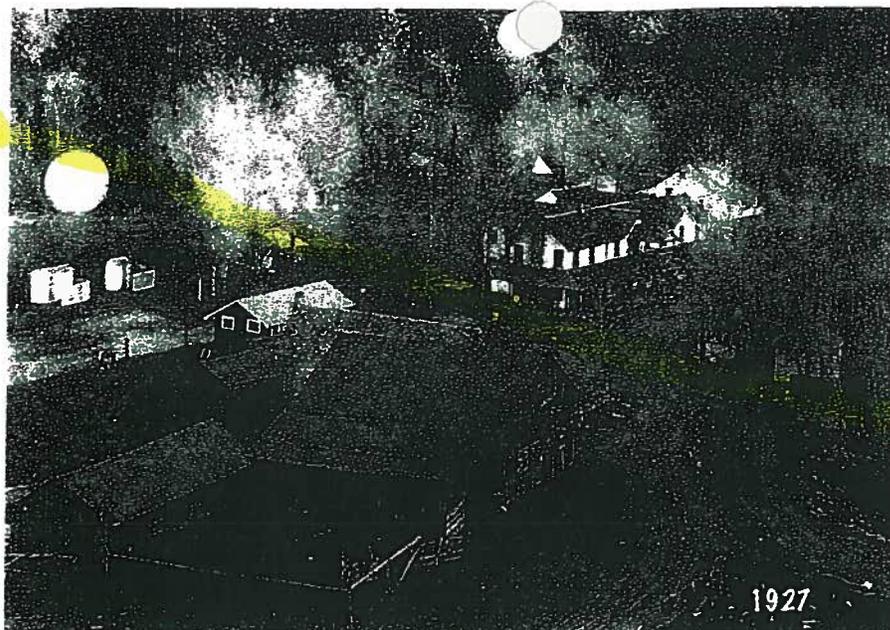
- ★ all the families from all over the states as well as other countries.
 - ★ all the locals in the state of Colorado.
 - ★ Mary's Lake Campground
 - ★ Rocky Mt. Nat. Park
 - ★ visitor centers
 - ★ We need a place for tourism.
 - ★ we truly feel that this is a much needed campground
- It is very passionate 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



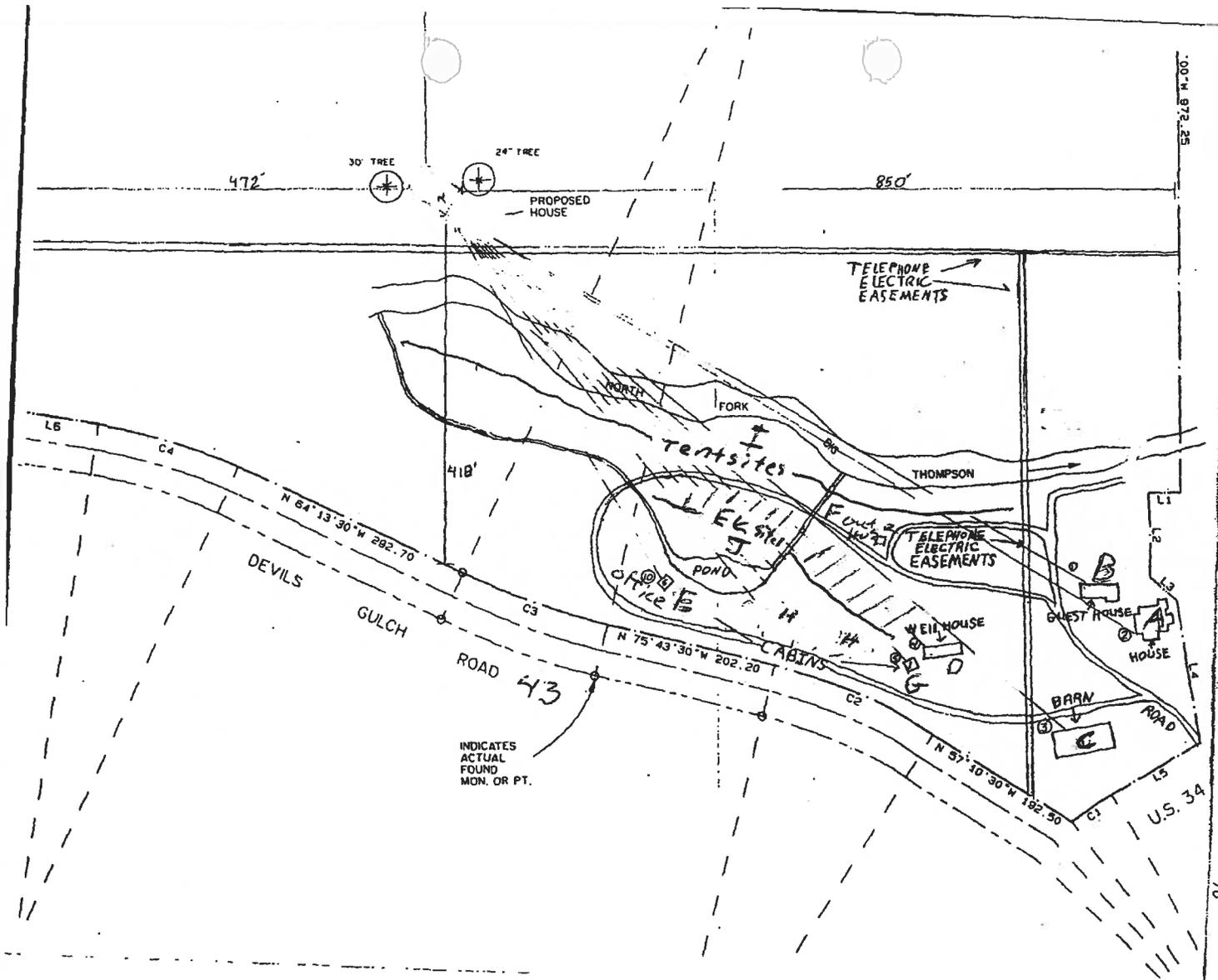
Property line
Campground is
on Parcel A

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.



	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 spicant		
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

Drake Campground

February 26, 2015

Jeff Shaffer
Jerry Shaffer
1609 US HWY 34
Drake, CO 80515

Re: SHAFFER-DRAKE CAMPGROUND SPECIAL REVIEW
Reply letters

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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

↑
- ERIC FRIED
- TONY BROOKS
- Doug Ryan
Heath
mspk

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

February 26, 2015

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

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

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

February 23, 2015

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

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.

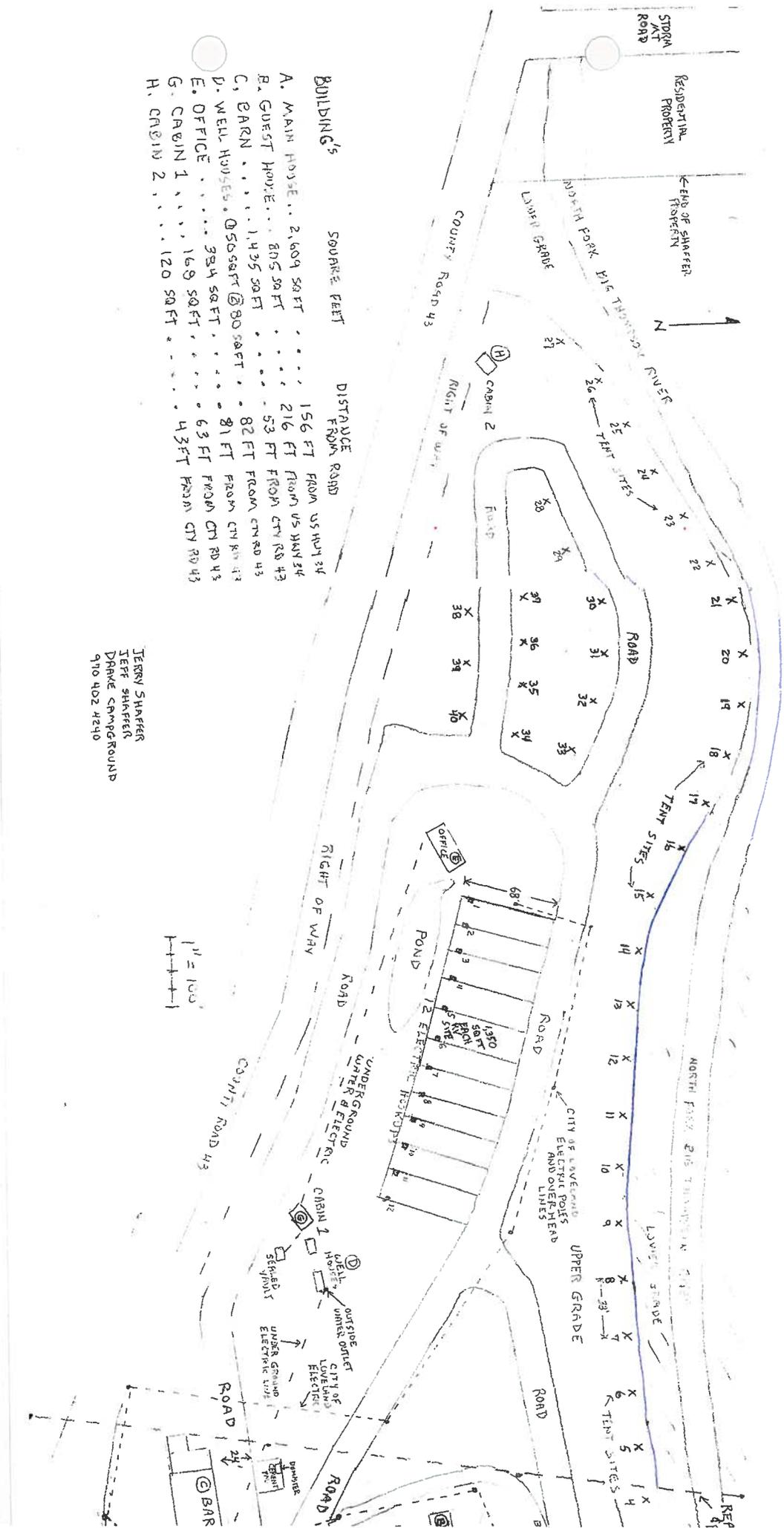
We have the information for the Special Review, which will be turned in to Karin Madson by February 28, 2015. We also will turn in a request for an extension of the May 31, 2015 deadline to November 30, 2015.

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 24
B. GUEST HOME	805 SQ FT	216 FT FROM US HWY 24
C. BARN	1,425 SQ FT	53 FT FROM CITY RD 43
D. WELL HOUSE	505 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

TERRY SHAFER
 TERRY SHAFER
 DRAVE CAMPGROUND
 970 402 4240



**BOARD OF
COUNTY COMMISSIONER
MINUTES
JUNE 3, 1996**



Sign up for Larimer County Emergency Messaging, now provided by LETA911.org

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

11-5 30710

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.

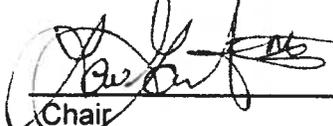
15. This Agreement constitutes the complete, final and exclusive embodiment of the entire Agreement between Owner and County with regard to the subject matter hereof. It is entered into without reliance on any promise or representation, written or oral, other than those expressly contained herein.

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

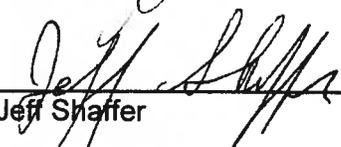
By: 
Chair

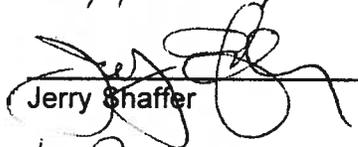
OWNER:

By: 
Jon L. Shaffer

By: 
Doris M. Shaffer

By: 
Lacy J. Shaffer

By: 
Jeff Shaffer

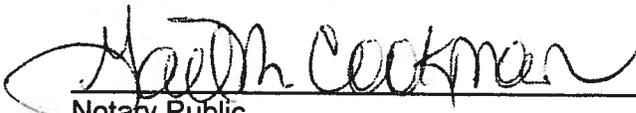
By: 
Jerry Shaffer

By: 
Lori Shaffer

STATE OF COLORADO)
COUNTY OF LARIMER)

Acknowledged before me this 29th day of May, 2012, by
Lew Baxter, Chair of the Board of County Commissioners of Larimer
County, Colorado.




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.

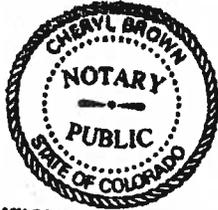


MY COMMISSION EXPIRES
JULY 23, 2014

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.

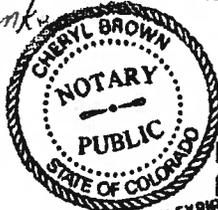


MY COMMISSION EXPIRES
JULY 23, 2014

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*



MY COMMISSION EXPIRES
JULY 23, 2014

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.

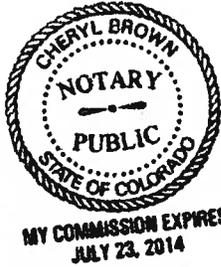


MY COMMISSION EXPIRES
JULY 23, 2014

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.

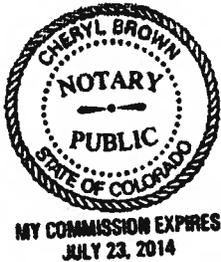


Cheryl Brown

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

SHAFFER JON L/DORIS M/LACY J (8/15)
SHAFFER JEFF(3/15)/SHAFFER JERRY(4/15)
PO BOX 305
DRAKE, CO 80515

Property Address

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



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



PLANNING AND BUILDING SERVICES 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>

**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

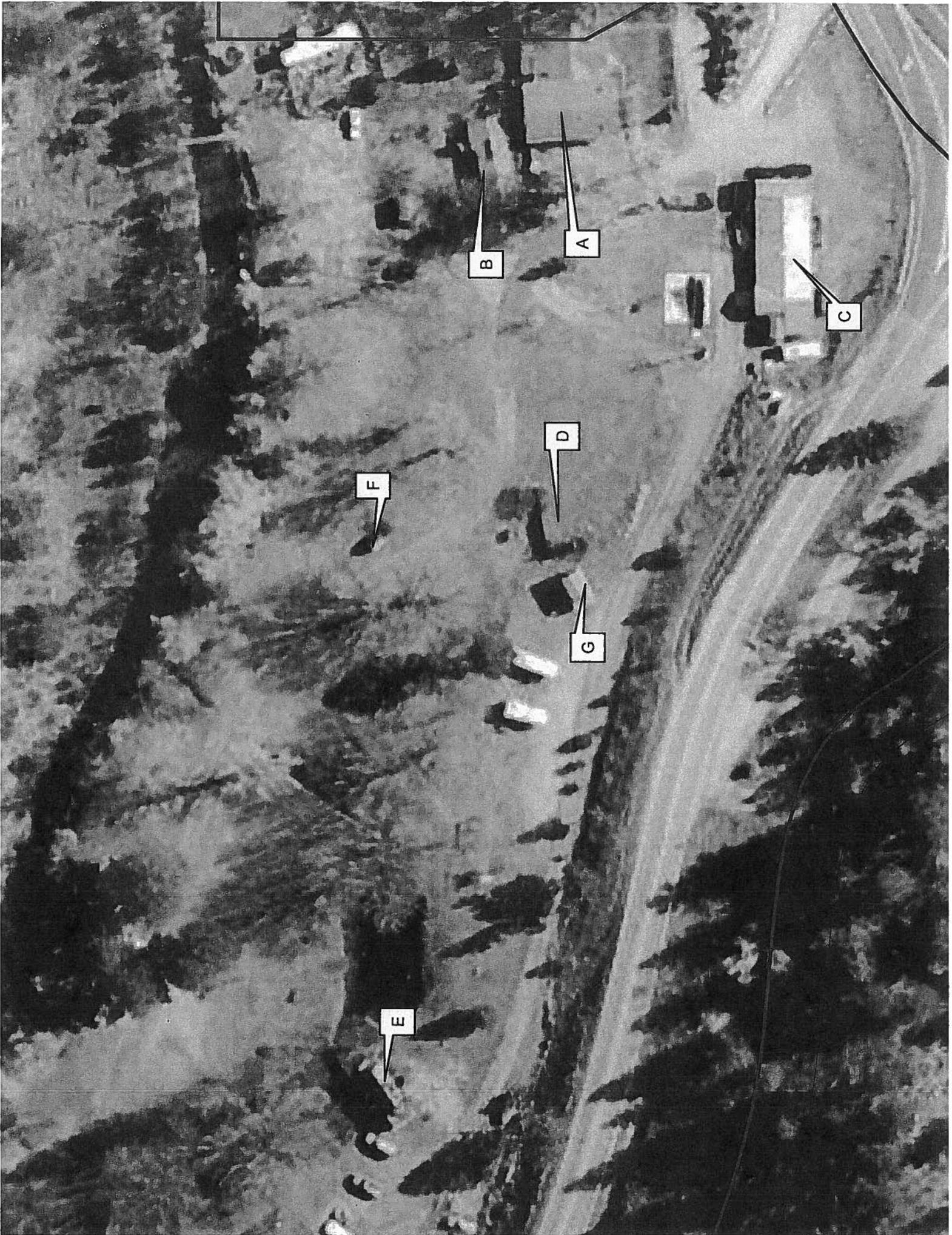
1. 83-2311 issued on 12/05/1983 for an alteration to a single-family home—inside plumbing, sheetrock, new roof & siding. No inspections of record. The only approver for this permit was the Building Department—no approvals by Health or Engineering. Prior to 1988, some residences and cabins (including 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].

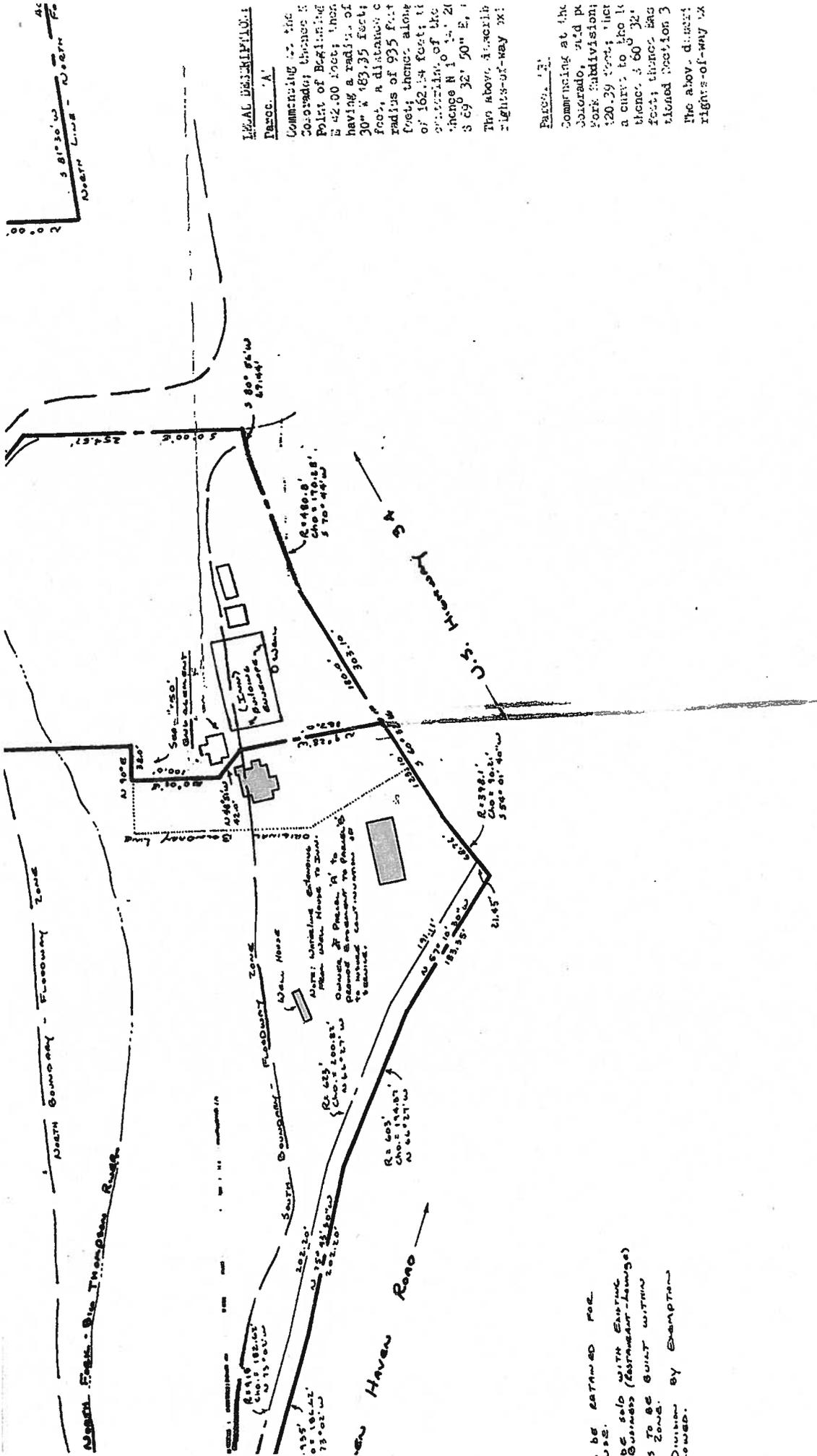
6. 12-B0439 issued 6/8/2012 for a 196 sq.ft. loafing shed. Final building inspection required.
7. 12-M0605 issued on 5/17/2012 for metal re-roof to residence. No inspections requested to date. This permit expires on 11/13/2012. Final inspection approval must be obtained on or before this date.

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.



File 5-37-86



LEGAL DESCRIPTION
Parcel A
 Commencing at the
 corner of the
 Point of Beginning
 E 42.00 feet; then
 having a radius of
 30" & 183.35 feet;
 feet, a distance of
 radius of 935 feet
 feet; thence along
 of 162.34 feet; thence
 change N 10 1/2' 21
 S 69' 32' 50" E, a
 The above described
 rights-of-way to:

Parcel B
 Commencing at the
 Colorado, and the
 York Subdivision;
 a curve to the left
 thence S 60' 32'
 feet; thence along
 tioned Section 3
 The above described
 rights-of-way to:

to be retained for
 use.
 to be sold with existing
 business (restaurant-hangar)
 to be built within
 Division by exemption
 owned.



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*



12-Z1899 Shaffer/Drake campground

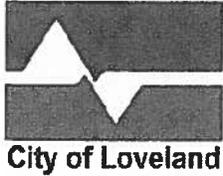
Rob Helmick <helmicrp@co.larimer.co.us>
To: "Madson, Karin" <kmadson@larimer.org>

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 1912



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

RECEIVED OCT 25 2012



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

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

www.water.state.co.us

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.

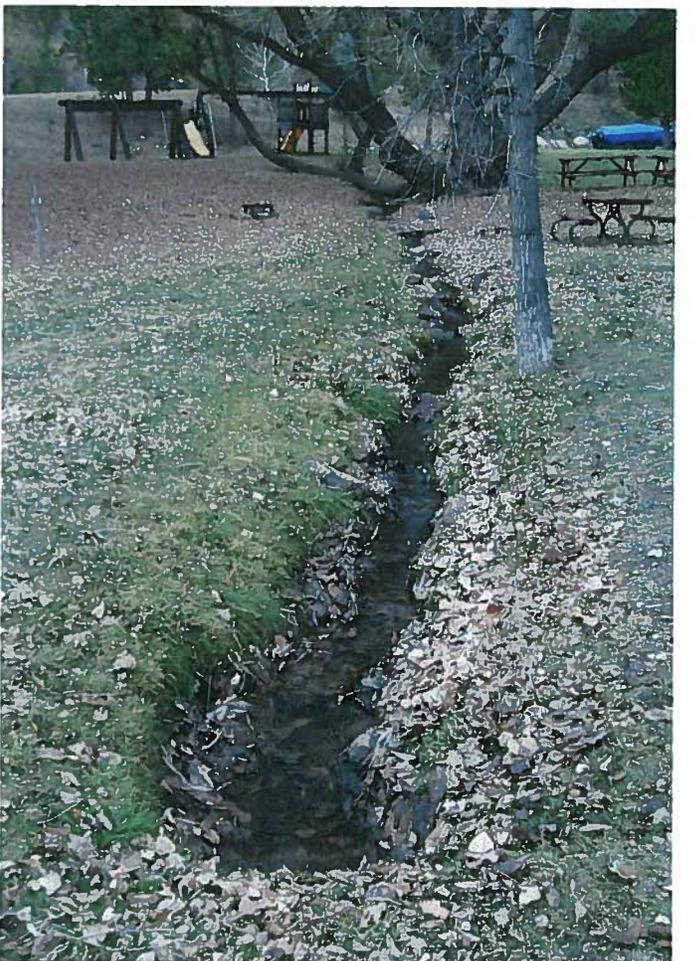
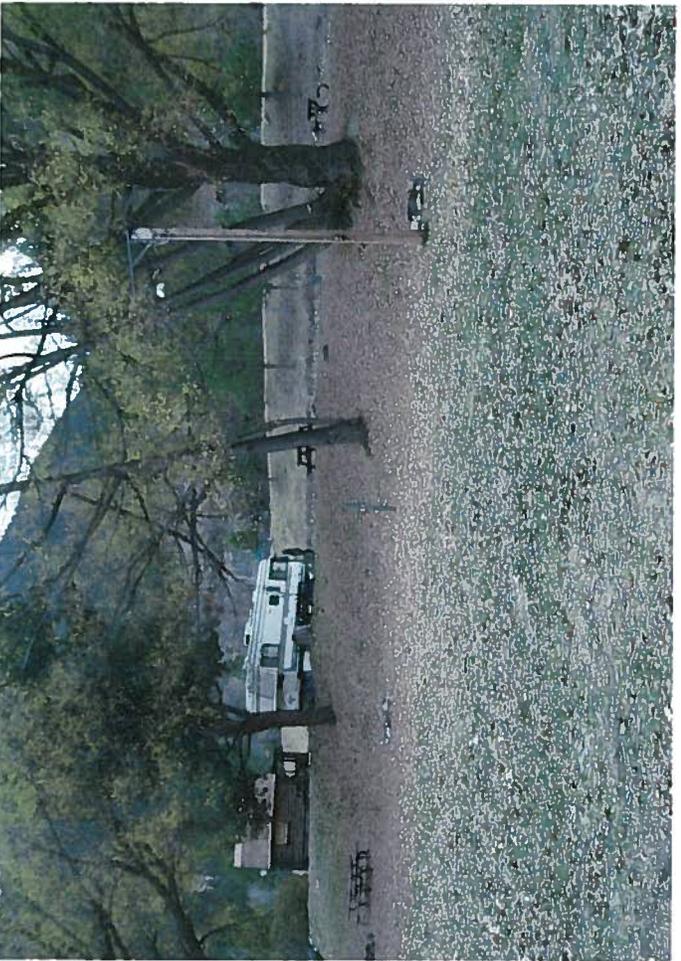
I did not send any comments on to the applicant. Please include the comments in your reports on this proposed project. Thank you.

Respectfully submitted,

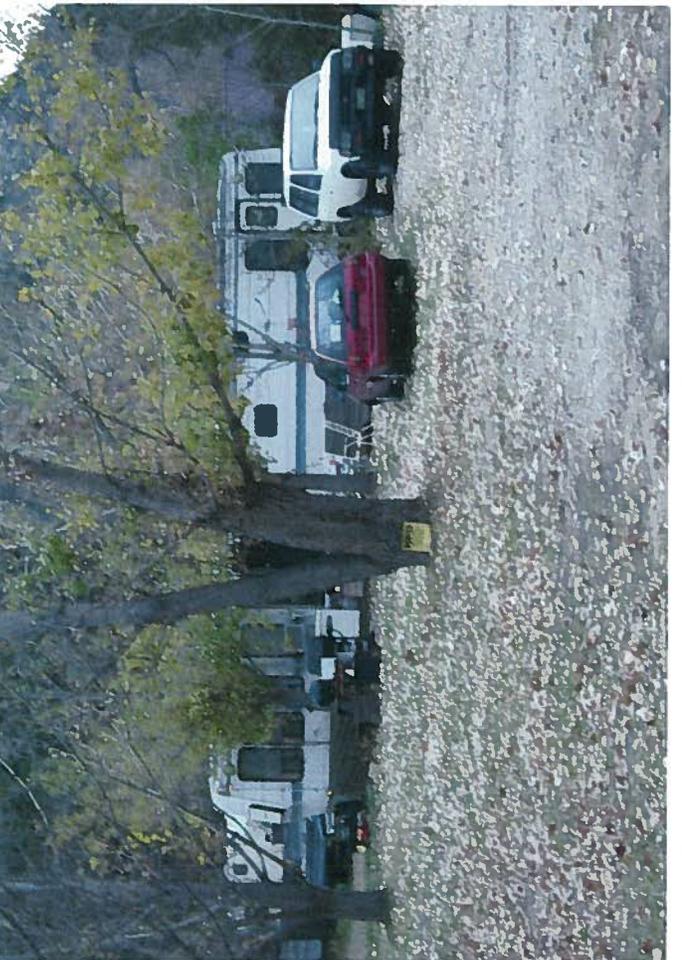
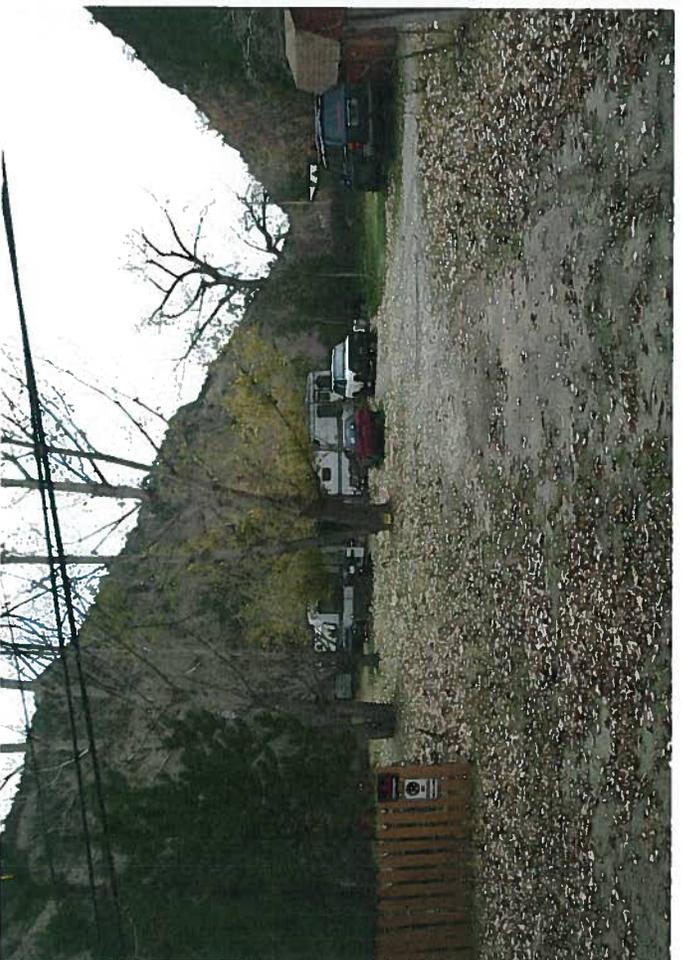
Stan

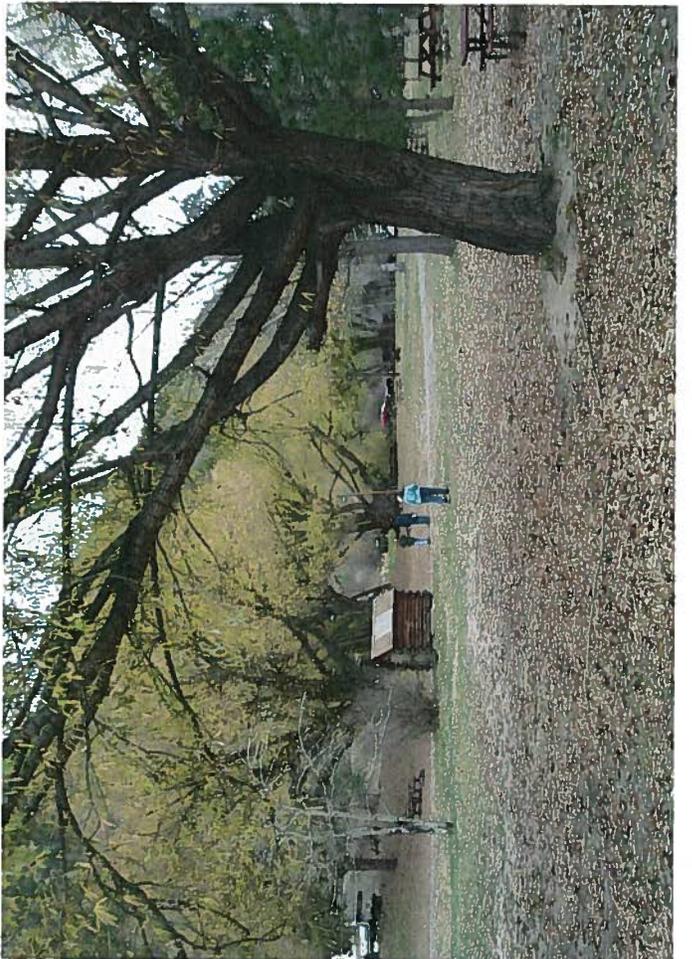
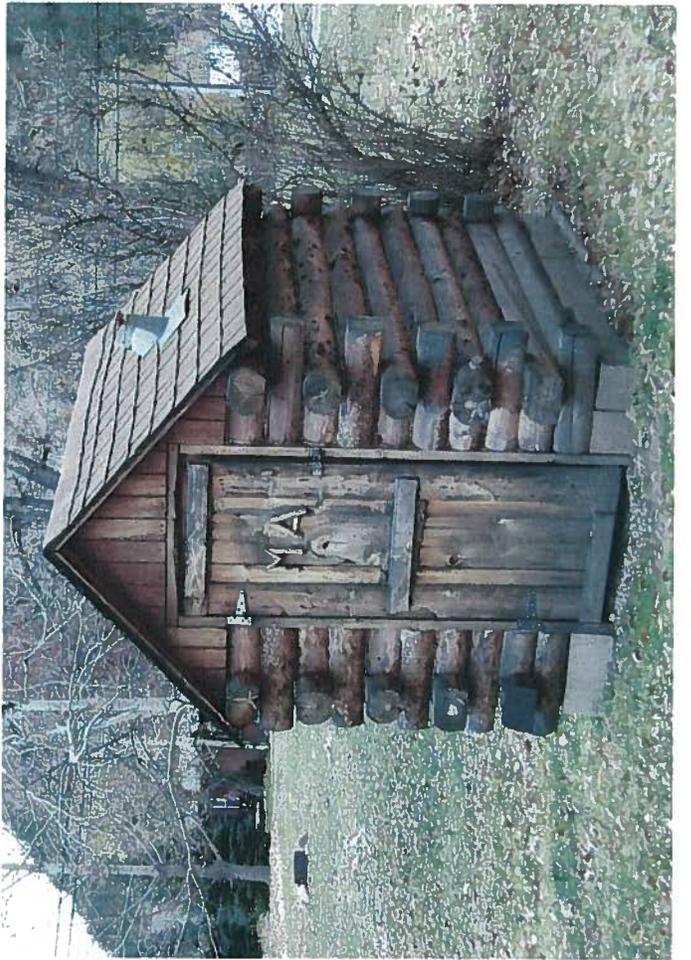
*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*

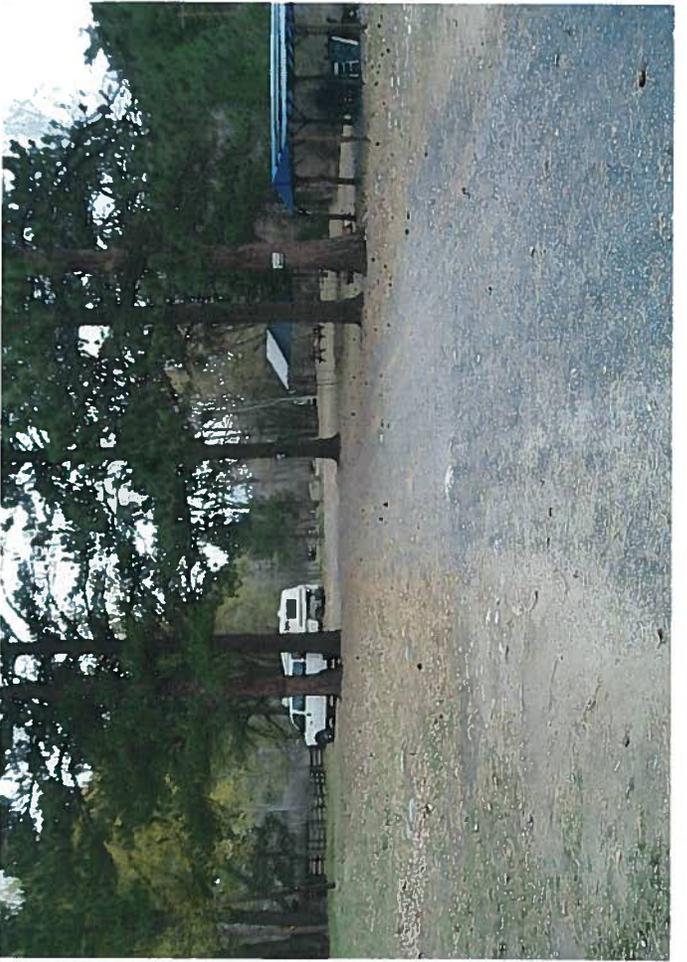
SITE PHOTOS
BEFORE FLOOD











**AERIAL PHOTOS
FROM 2013 FLOOD**

Drake

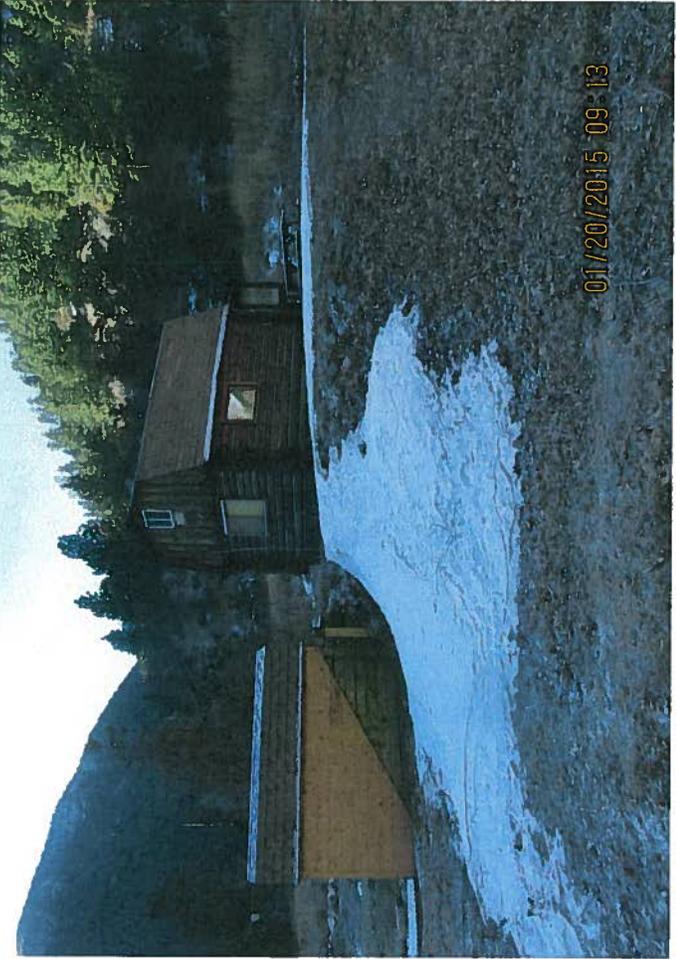
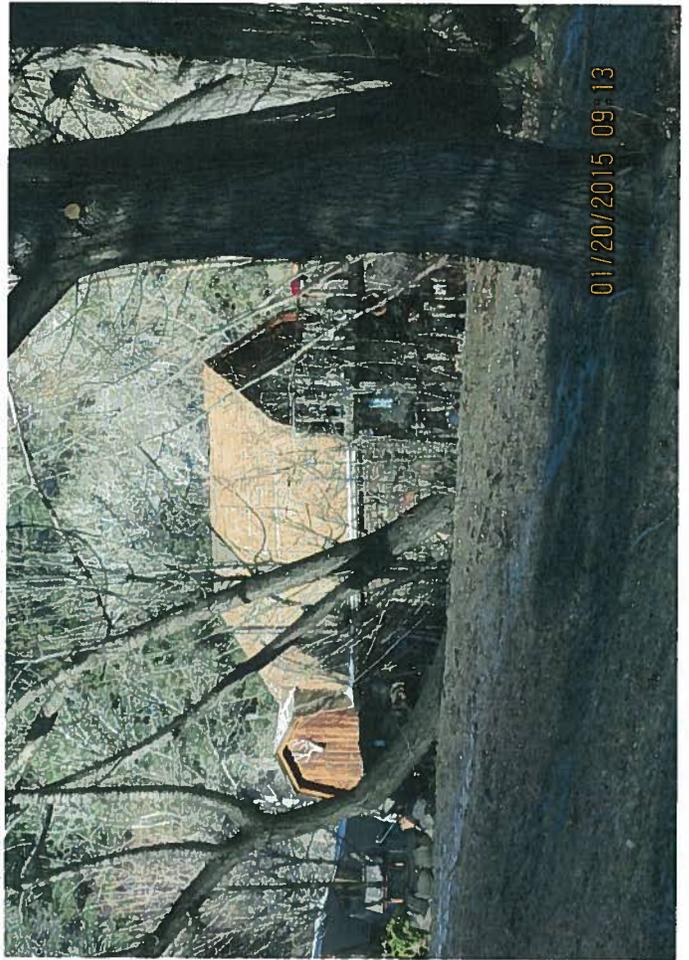
Aerial from 2013 Flood

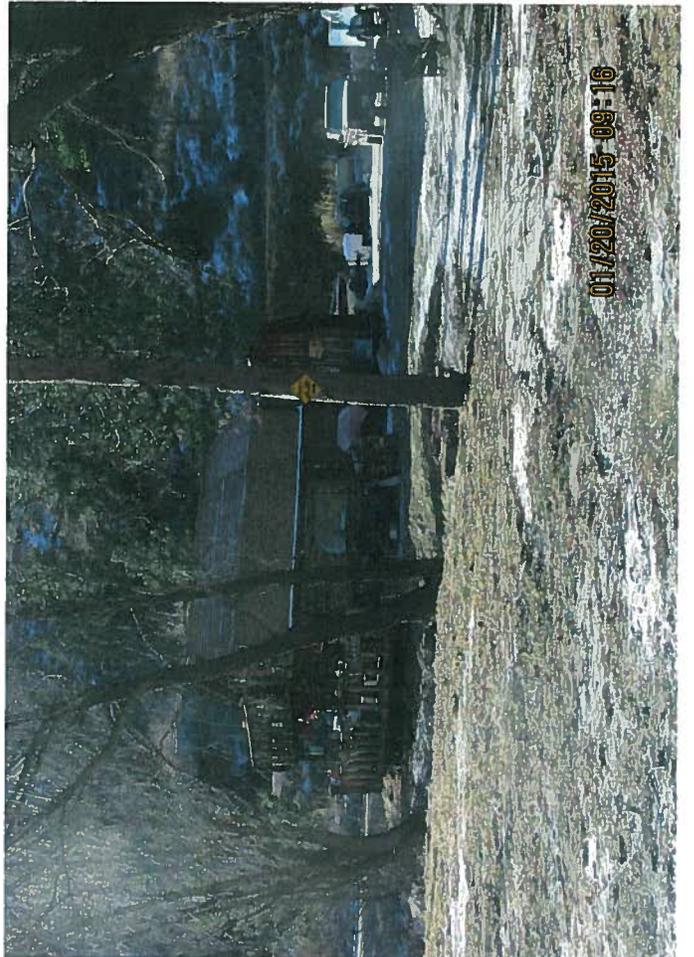
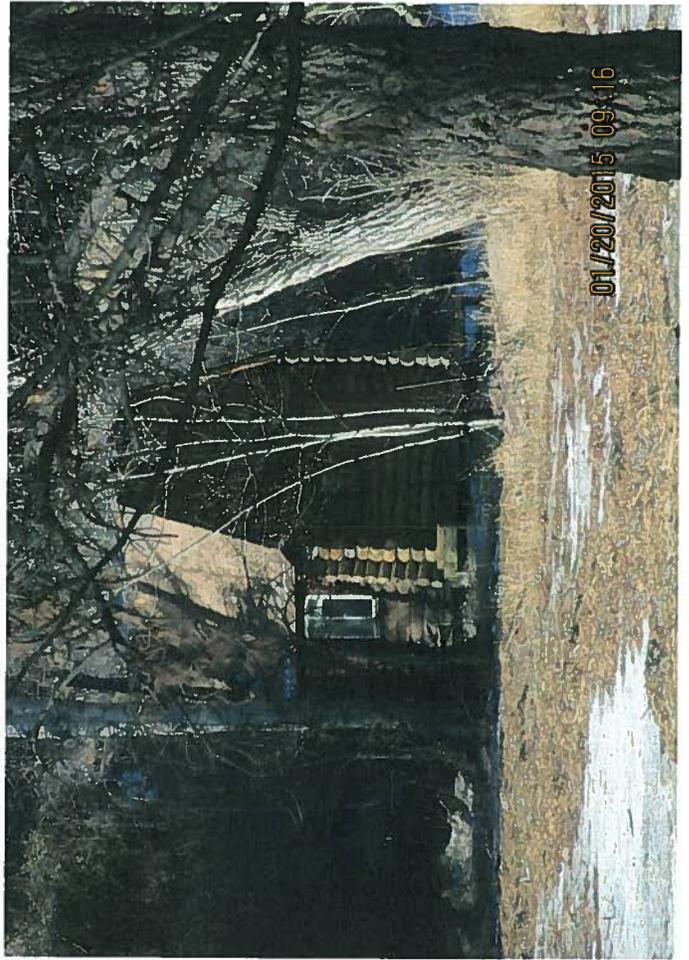
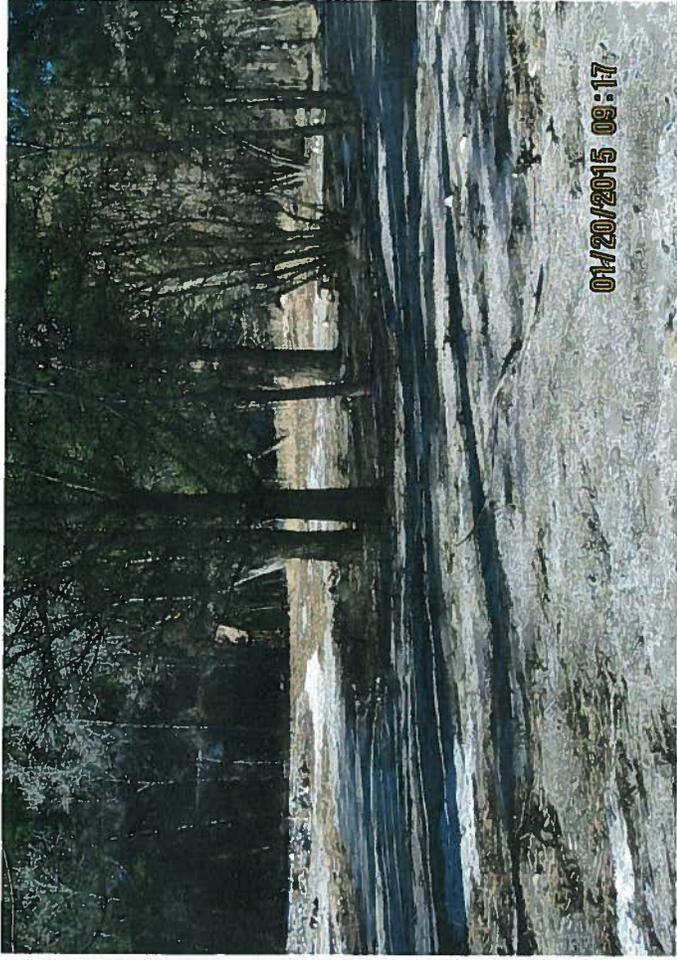


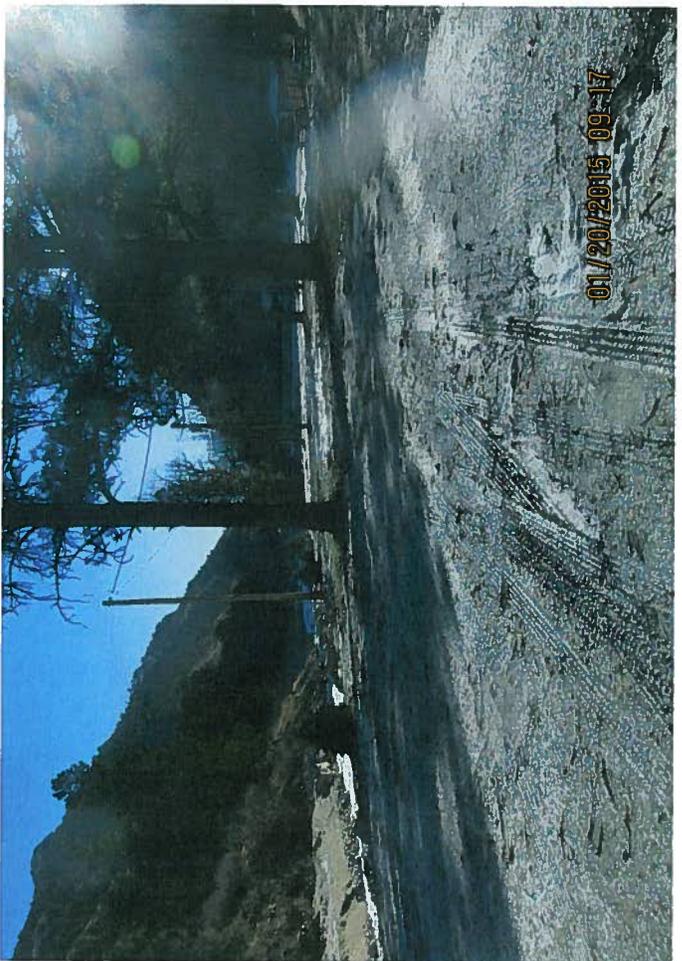
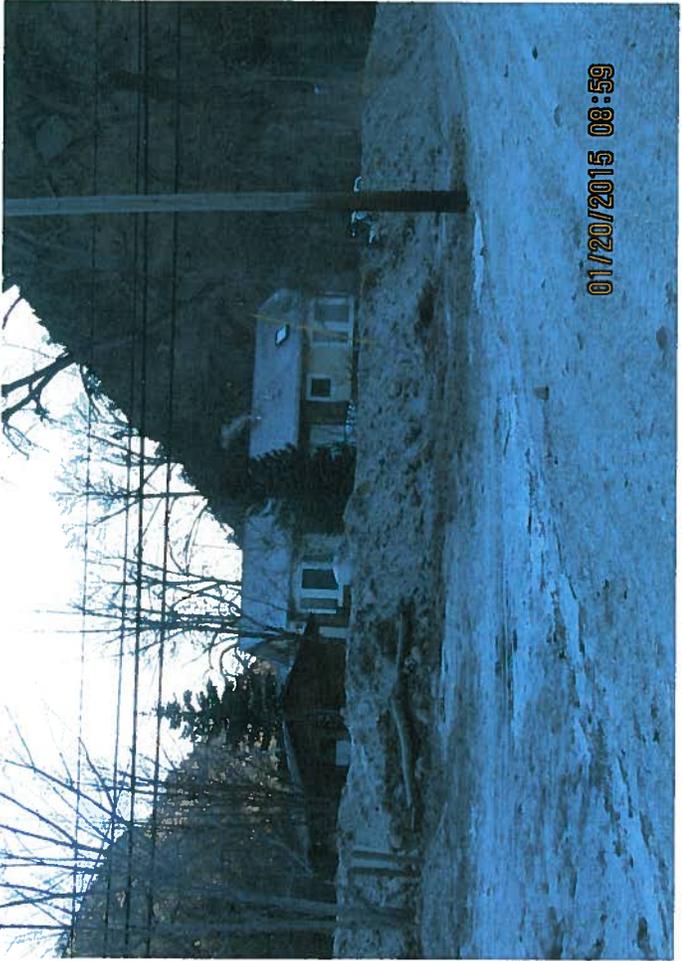
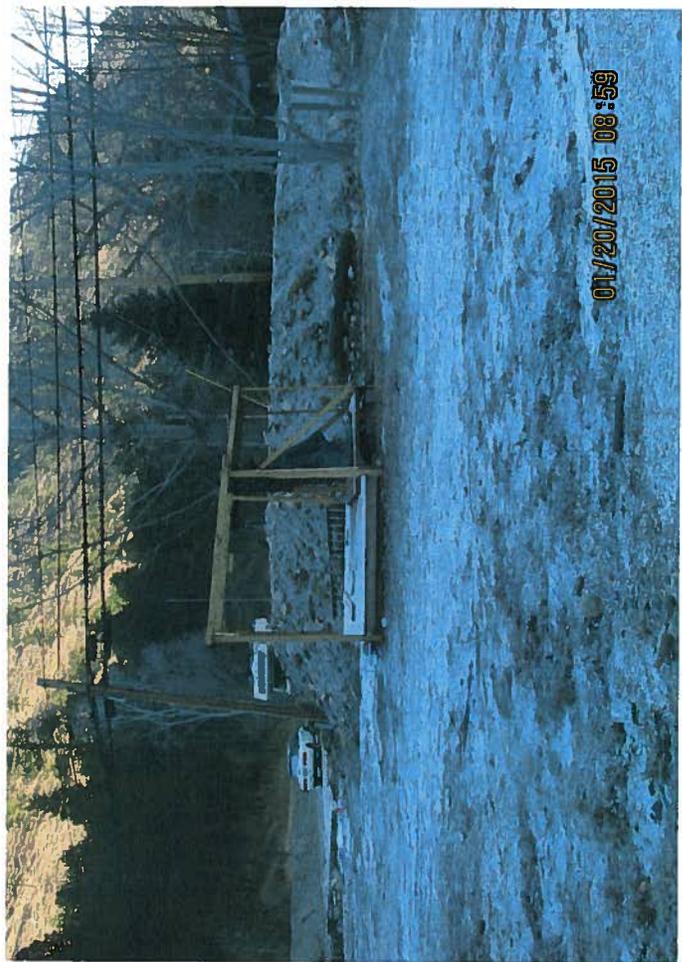
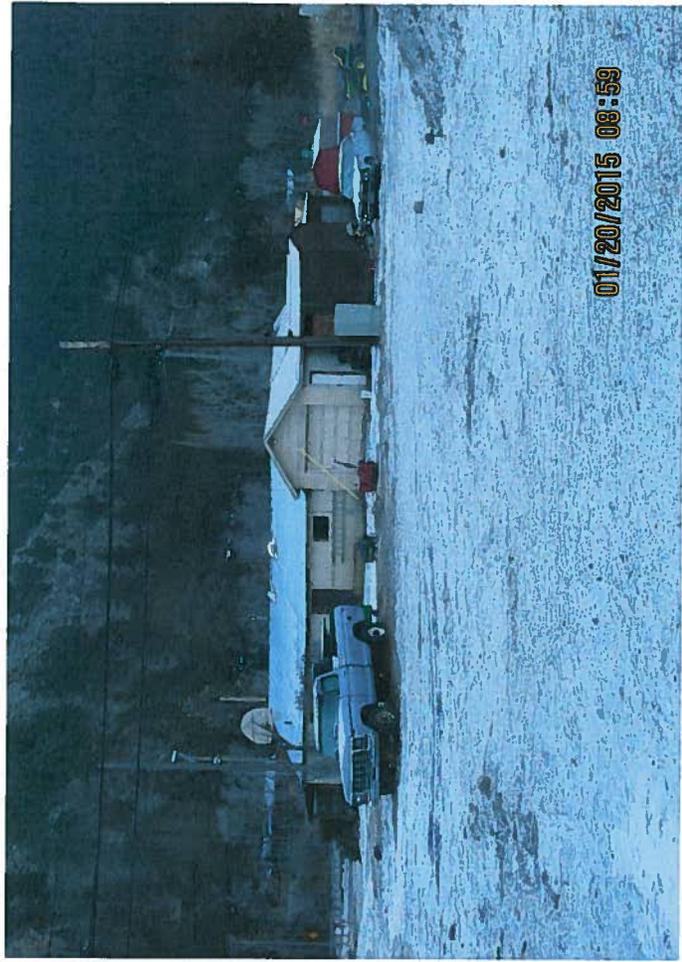
Aerial from 2013 flood

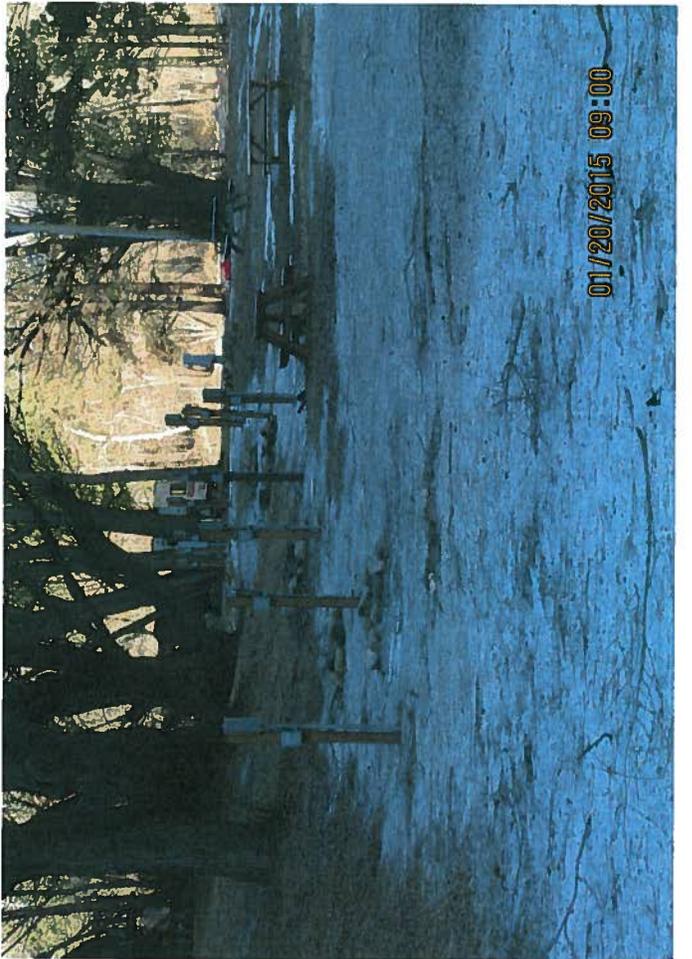
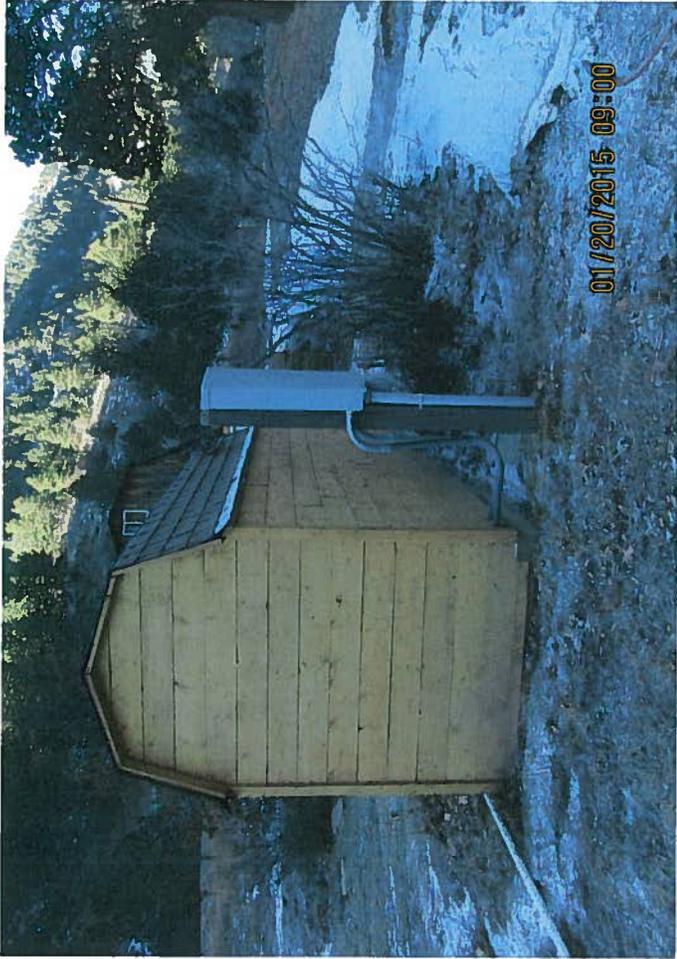


SITE PHOTOS
AFTER FLOOD









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