



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 (LCSWDS) 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 (LCSWDS) 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

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

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

Staff Recommendation:

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

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

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

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

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



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].

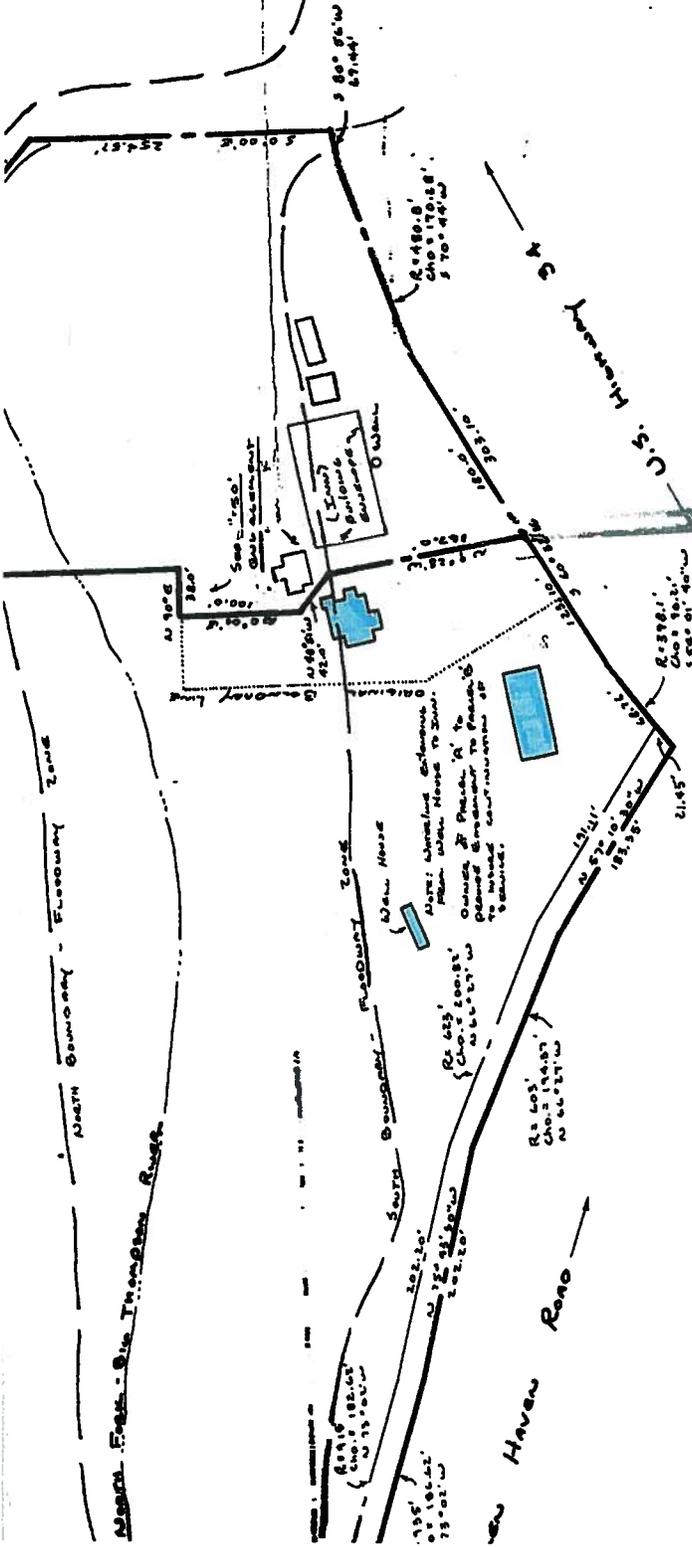
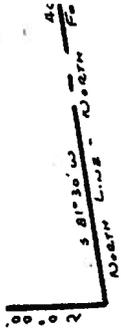
6. 12-B0439 issued 6/8/2012 for a 196 sq.ft. loafing shed. Final building inspection required.
7. 12-M0605 issued on 5/17/2012 for metal re-roof to residence. No inspections requested to date. This permit expires on 11/13/2012. Final inspection approval must be obtained on or before this date.

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 section in Colorado, thence N 20° 39' 32\"/>

PARCels:
 Commencing at the Colorado, and to West subdivision; thence N 20° 39' 32\"/>

TO BE RETURNED FOR USE.
 BE SOLD WITH EXISTING BUSINESS (BARBER SHOP) TO BE SPLIT WITH DIVISION BY EXEMPTION.

1986



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

Message

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

Mon, Oct 22, 2012 at 10:29 AM

Karin,

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

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



Karin Madson <kmadson@larimer.org>

Drake Campground SR

Carie Dann <Carie.Dann@cityofloveland.org>
To: Karin Madson <kmadson@larimer.org>
Cc: Carie Dann <Carie.Dann@cityofloveland.org>

Sat, Nov 3, 2012 at 11:30 AM

Hi, Karin.

How are you? Well, I hope.

Attached are my comments for the Shaffer/Drake Campground SR. I'd like a better address than US 34/CR 43. Their website had 1601 US Highway 34, Drake. Is that the official address? Could you confirm one way or the other?

Also, we would reduce their \$200 fee by half, per their request. Not sure what you're going to do with their request to make payments, reduce fees, etc.

Per my comments, I'll require an inspection prior to approval.

Thanks.

Carie Dann
Deputy Fire Marshal
Loveland Fire and Rescue
410 E. 5th St.
Loveland, CO 80537
Phone 970.962.2518
Fax 970.962.2912

 **Shaffer Drake Campground SR 11.1.12.docx**
56K



**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 2012



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

October 16, 2012

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

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

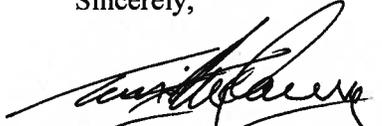
Dear Ms. Madson:

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

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

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

Sincerely,



Timothy T. Carey
Chief, Denver Regulatory Office

tm

CC:

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



DEPARTMENT OF NATURAL RESOURCES

RECEIVED OCT 25 2012

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

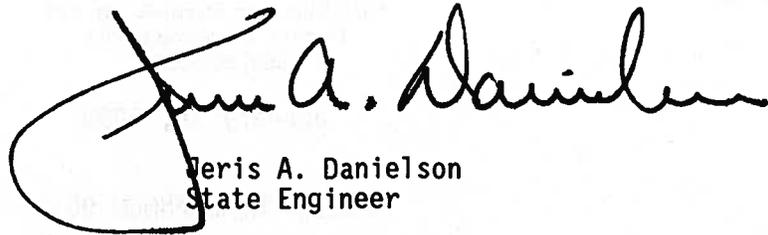
POLICY MEMORANDUM 90-1

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.

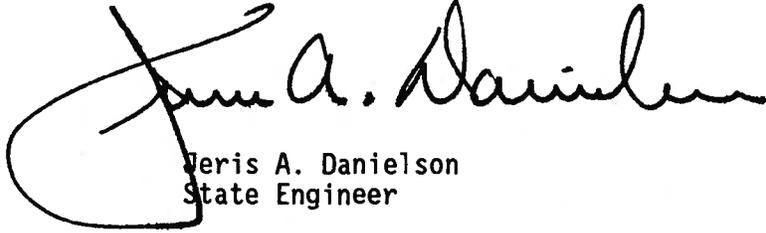
10. Variances to this policy may be granted by the State Engineer upon written request by the applicant.



Jeris A. Danielson
State Engineer

JAD/RGH/CQ:7391I

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



Teris A. Danielson
State Engineer

JAD/RGH/CQ:7391I

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.

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

SOLUTION

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

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

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

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

RECOMMENDATION

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

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

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

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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

