

AGENDA  
LARIMER COUNTY BOARD OF COMMISSIONERS  
Monday, July 11, 2016/6:30 p.m./Hearing Room

A. CALL TO ORDER

B. PUBLIC HEARING DISCUSSION ITEM:

1. LONGS PEAK FARM CONSERVATION DEVELOPMENT PRELIMINARY PLAT  
AND APPEAL, FILE #15-S3313

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

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C. ADJOURN



1. TITLE: Longs Peak Farm Conservation  
Development Preliminary Plat & Appeal
- REQUESTS: A) Preliminary Plat approval of a Conservation Development of a 83.653-acre parcel into 41 single-family residential lots, two Residual Lots with residential building envelopes and two outlots;  
B) Appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.
- LOCATION: Section 16, Township 4 North, Range 69 West of the 6<sup>th</sup> P.M.; 509 N. County Road 19, Berthoud; Located northwest of the intersection of N. County Road 19 and W. County Road 8
- APPLICANT: Jim Birdsall  
444 Mountain Avenue  
Berthoud, CO 80513
- PROPERTY OWNER: The Estate of Maurice Haworth  
509 N. County Road 19  
Berthoud, CO 80513
- STAFF CONTACTS: Michael Whitley, Planning  
Clint Jones, Engineering  
Doug Ryan, Health Department
- FILE #: 15-S3313
- NOTICE GIVEN: Newspaper Publication  
First Class Mailing to surrounding property owners within **500** feet
- LCPC HEARING DATE: May 18, 2016
- LCPC RECOMMENDATIONS: Denial of the Appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards, motion passed 5-1;  
Approval of the Conservation Development with 36 lots (no density bonus), motion passed 6-0;  
Denial of the request for a density bonus, motion failed 3-3. The result of the failed (tied) Motion is equivalent to a decision in favor of the density bonus.

DISCUSSION:

This item was on the discussion agenda for the May 18, 2016 Planning Commission public hearing at 6:30 pm.

At the hearing Staff presented the Development Services Team report recommending approval of the Conservation Development at a density allowed by the zoning, recommending denial of the Appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet, and did not offer a recommendation on the proposed density bonus.

Eleven members of the public provided comment at the Planning Commission hearing. Nine people expressed concerns with the proposed development with density being the most commonly cited concern. One person expressed support for the project. One person provided information about eagle activity in the area but did not express an opinion about the proposed Conservation Development. Details regarding public comments can be found in the attached minutes.

After taking testimony the Planning Commission deliberated and voted to recommend denial of the Appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards (motion passed 5-1). They next voted to recommend approval of the Conservation Development with 36 lots (without a density bonus). That motion passed 6-0. The last vote was for denial of the request for a density bonus. The motion for denial failed on a 3 to 3 vote. The result of the failed motion is equivalent to a recommendation in favor of the density bonus.

The adequacy of the proposed buffers between an off-site eagle's nest, a perch tree and a tree used during mating season was questioned by some members of the public during the Planning Commission hearing. Planning staff told the Planning Commission that the adequacy of the proposed buffers would be confirmed prior to scheduling the Board of County Commissioners public hearing.

After consulting with US Fish and Wildlife staff, the applicant has reduced the building envelope for a proposed accessory agricultural building on Residual Lot A. The envelope is within a 1/4 mile nest buffer but is outside of an 800 foot buffer from the perch tree and outside of an 800 foot buffer from the tree used from mating season. US Fish and Wildlife staff has no concerns with the buffers as amended.

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PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM  
RECOMMENDATIONS:

- A) The Larimer County Planning Commission and Development Services Team recommends approval of the Longs Peak Farm Conservation Development, File #15-S3313 with 36 lots (no density bonus) subject to the following conditions:
1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Longs Peak Farm Conservation Development, File #15-S3313 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Longs Peak Farm Conservation Development.

2. The following fees shall be collected at building permit issuance for new single family dwellings: Thompson R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
  3. Fire protection measures shall comply with the fire protection level of service standards found in Section 8.1.4.F of the Land Use Code.
  4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
  5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
- B) The Larimer County Planning Commission and Development Services Team recommends denial of the appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.
- C) The Larimer County Planning Commission recommends approval of the density bonus.

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**SUGGESTED MOTION FOR BOARD OF COUNTY COMMISSIONERS:**

- A) I move that the Board of County Commissioners approve the Longs Peak Farm Conservation Development, File #15-S3313 subject to the conditions as outlined above.
- B) I move that the Board of County Commissioners deny the appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.
- C) I move that the Board of County Commissioners approve the requested density bonus.

# Eagle Information and Revised Residual Lot A Building Envelope



Michael Whitley &lt;whitlemd@co.larimer.co.us&gt;

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**Re: Longs Peak Farm Conservation Development, Larimer County & Bald Eagle Buffers**

1 message

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**Vana-Miller, Sandy** <sandy\_vana-miller@fws.gov>  
To: Michael Whitley <whitlemd@co.larimer.co.us>

Mon, Jun 13, 2016 at 1:12 PM

Hi Michael;

Thank you for discussing this project with me. Based on the project information you and Jim Birdsall/TB Group have provided to me, including your attached drawing with the revised location for the proposed agricultural outbuilding on Residual Lot A, I am O.K. with the project as proposed.

Regarding the matter of applying for a take permit under the Bald and Golden Eagle Protection Act; it is a voluntary process that a project proponent may chose to take; however, I am not recommending this, given what you and Jim have told me about the project.

I appreciate the efforts that you/Larimer County Planning and Jim Birdsall have made to avoid/minimize impacts to nesting eagles from the project. Please don't hesitate to contact me in the future for this or any other project.

Thank you,

**Sandy Vana-Miller**

Fish and Wildlife Biologist/Platte River Program  
USFWS, ES, Colorado Field Office  
P.O. Box 25486, DFC (MS 65412)  
Denver, Colorado 80225-0486  
303-236-4748, fax 303-236-4005

On Mon, Jun 13, 2016 at 10:22 AM, Michael Whitley <whitlemd@co.larimer.co.us> wrote:

Thank you for work on reviewing proposed eagle nest buffers for the Longs Peak Farm Conservation Development on the outskirts of Berthoud.

The Longs Peak Farm Conservation Development proposes to divide a 83.653 acre parcel located northwest of the intersection of N. County Road 19 and W. County Road 8 into 41 residential lots. I've attached a pdf of the proposed lot layout with labeled buffers for your reference.

There is an eagle nest northwest of the property and two trees without nests on the western boundary of the property used for perch and during mating season.

The proposed Conservation Development has located the residential lots outside of a 1/4 mile buffer.

The original proposal would have allowed for the construction of a 4,000 square foot agricultural outbuilding within a defined building envelope on the northern end of the property. That building envelope is located within the 1/4 mile nest buffer.

The revised plan has shrunk the proposed envelope. The envelope is within the 1/4 mile nest buffer but is outside of an 800 foot buffer from the perch tree and outside of an 800 foot buffer from the tree used from mating season.

Ideally, we would like something in writing from the US Fish and Wildlife Service stating that there are no concerns with the proposed Conservation Development. I understand that you are unable to make that statement and are limited to stating whether or not the proposed Conservation Development would require the developer to apply for a take permit.

**BCC 07/11/16****LONGS PEAK FARM CD & APPEAL**

It is my understanding that a take permit application would not be required for this project. Your confirmation of this and any other input you can provide would be appreciated.

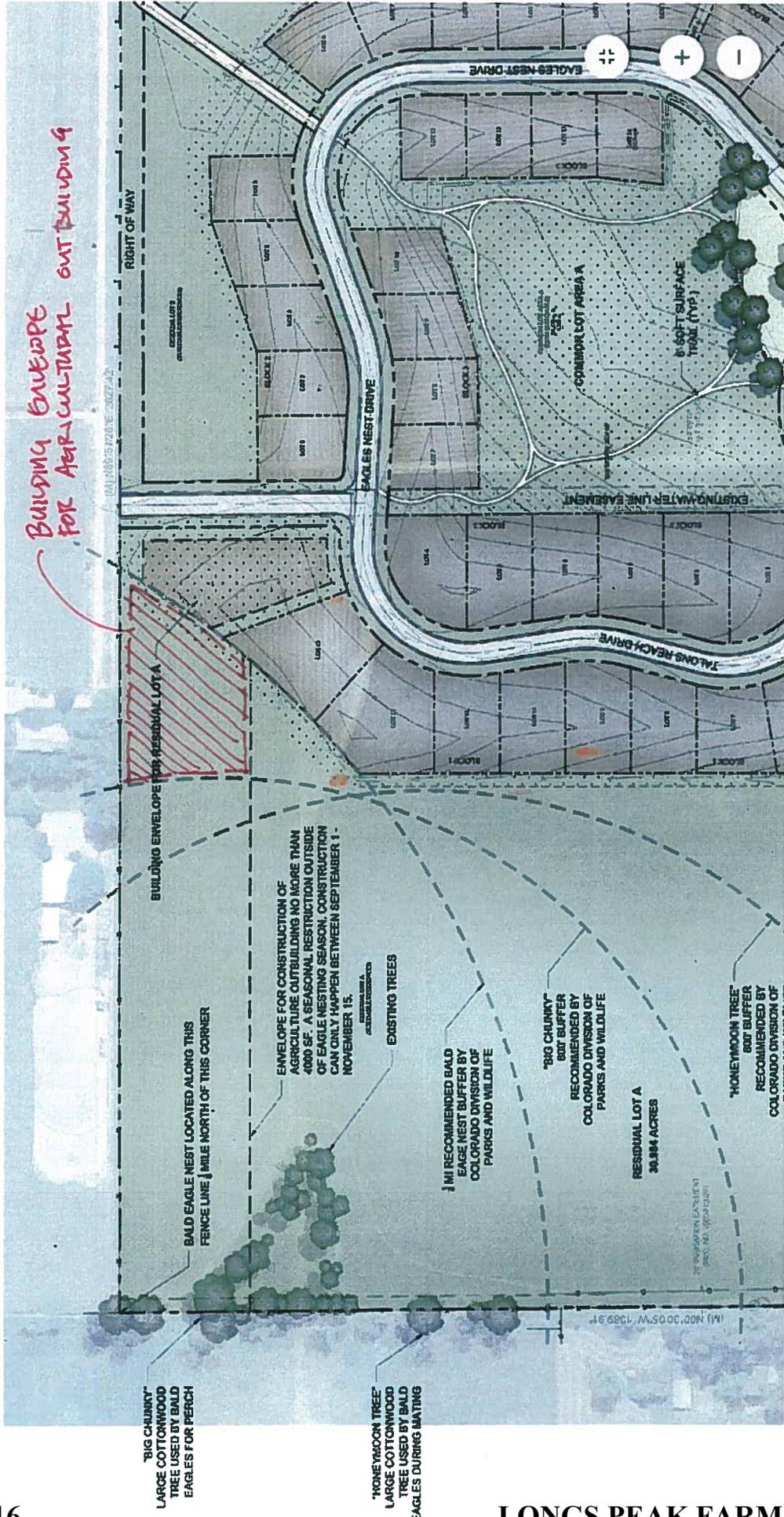
Thank you.

Michael

Michael Whitley, AICP  
Planner II  
Larimer County Planning Department  
P.O. Box 1190  
200 W. Oak Street, Suite 3100  
Fort Collins, CO 80522-1190

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**PLANNING COMMISSION  
MINUTES  
FROM  
May 18, 2016**

**LARIMER COUNTY PLANNING COMMISSION**  
**Minutes of May 18, 2016**

The Larimer County Planning Commission met in a regular session on Wednesday, May 18, 2016, at 6:30 p.m. in the Hearing Room. Commissioners' Couch, Gerrard, Glick, Miller and Wallace were present. Commissioners' Christman, Cox and Jensen were absent. Commissioner Dougherty presided as Chairman. Also present were Matt Lafferty, Principal Planner, Michael Whitley, Planner II, Clint Jones, Engineering Department, and Jill Wilson, Recording Secretary.

**LONGS PEAK FARM CONSERVATION DEVELOPMENT #15-S3313:** Mr. Whitley provided background information on the request for a Preliminary Plat approval of a Conservation Development of a 83.653-acre parcel into 41 single-family residential lots, two Residual Lots with residential building envelopes and two outlots located at 509 N. County Road 19, Berthoud, which was northwest of the intersection of N. County Road 19 and W. County Road 8. The request also included an appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.

Mr. Whitley explained that the FA-1 – Farming zoning district in the Land Use Code would allow 36 lots on the property. The applicants were asking for a density bonus and thus proposing 43 units. He stated that Common Lot A was proposed to be open to the public and maintained by the homeowner's association. He also noted that the residual land would not be further developed. Mr. Whitley mentioned the eagle's nest located northwest of the property, which the applicants were proposing a ¼ mile buffer between the nest, the residential lots and the residential building envelope as requested by the Colorado Division of Wildlife. He stated that concerns regarding the buffer might arise from the U.S. Fish and Wildlife Service, which would need to review the proposal to make sure ¼ mile buffer was sufficient. Regarding the appeal, he explained the Larimer County Urban Area Street Standards (LCUASS) required developments with lot frontages of less than 200 feet to provide curb and gutter. He stated that the average lot width proposed was 116 feet, and the applicant was proposing to have a system of ditches and culverts instead. They were also proposing to make sure that the culverts were installed properly and that the homeowner's association would be in charge of maintenance. He stated that the Development Review Staff was recommending denial of the appeal based on several concerns.

Commissioner Glick asked why there was not just one Residual lot.

Mr. Whitley stated that the Land Use Code encouraged but did not require that a residual lot be all one piece.

Commissioner Glick asked if the bonus density was being asked for due to the required bald eagle buffer.

Mr. Whitley stated that the applicant could address that question.

Commissioner Glick asked about the ditches and culverts.

Clint Jones, Engineering Department, stated that the borrow ditch would be on each side of the road, and a culvert for each driveway.

Commissioner Miller asked if more lots could be added later if the density bonus was not granted.

Mr. Whitley replied no.

Commissioner Gerrard asked if the road would be maintained by the county.

Mr. Jones replied no.

Commissioner Gerrard asked about the concerns regarding drainage and the culverts.

Mr. Jones stated that the county had received multiple complaints about drainage issues in other subdivisions, which caused the concern to not have curb and gutter. He stated that culvert sizes could be determined with the final drainage report.

Commissioner Gerrard noted that landscaping could hinder the ditch and culverts and offered some suggestions to help with potential drainage issues.

Commissioner Wallace asked why the property was de-annexed from Berthoud.

Mr. Whitley stated that there were concerns with density. He noted that the proposal did not have any less density than it would have if developed within the Town of Berthoud.

Commissioner Couch asked about the public area within Common Lot A.

Mr. Whitley stated that there would be no playground equipment, just a trail to walk through and noted that the applicant had requested to have the public area.

Mr. Lafferty pointed out that having a public, common area posed the issue of liability to the homeowner's association.

Commissioner Dougherty asked the difference between having curb and gutter versus swales.

Mr. Jones replied that the amount of right-of-way width was different.

Jim Birdsall, TB Group, spoke to the history of the property and why the proposal could comply with the Larimer County Master Plan and Land Use Code. He noted that the design of the proposal had been altered since the Sketch Plan Review phase based on comments received. He also mentioned that they were meeting the recommended buffers regarding the bald eagle nest and perch trees. He stated that if the density bonus was not approved, lots within the interior of the proposal would be removed and felt that the extra lots would not affect the surrounding property owners and properties. He stated that they were proposing culverts rather than curb and gutter as they wanted to keep a rural character on the property. He stated that they were proposed that the ditches have native grasses, and the homeowner's association do the maintenance of the ditches.

Commissioner Couch pointed out that the homeowner's association would have many duties. He asked if these would be within the covenants.

Mr. Birdsall stated yes. He stated that the objective was to have a high-end development.

**PUBLIC TESTIMONY:**

David Cox, lived on the north side of the development, spoke about the density level expectation for the area, which was to gradually decrease from the town towards the west. He stated that the proposed plan was not the vision of the community. He remarked that he would like the developer to reconsider the layout of the proposal so it was more toward the vision of the Town, and the people that lived within the area. He asked that the density bonus not be granted. He mentioned that he had no intentions of developing his land; therefore, the paved, stubbed road up to his property was pointless.

Jeff Hindman, 348 Turner Ave, Berthoud, was on the Berthoud Planning Commission in 2007 that stopped the GMA at County Road 19. He stated that the intent was to capture the commercial development at Highway 287 & Highway 56 but it ultimately got stopped at County Road 19. He explained the history of the annexation and de-annexation of the property and the result that came which stipulated that anything out of the 2007 annexation agreement/ anything west of County Road 19 could not be annexed without a vote by the public. He felt that the access off of Highway 56 was good

as well as the buffer to the east. He stated that he was opposed to the density bonus, felt that the eagle nest issue needed to be resolved, and the right amount of water needed to be tied to the land if it would be used for the intended agricultural uses.

Elizabeth Carney, 1600 W. County Road 10E, stated that some aspects of the development were good but questioned why there were two different residual lots. She stressed that the access off of County Road 8 needed to be reconsidered and felt that access off of County Road 19 would be better. She remarked that County Road 8 was busy, and it would be hard to pull out onto the road especially for school buses.

Nancy Lamb, 1101 County Road 19, pointed out that the property directly to the east of the development was not apart of the high density commercial. She also stated that The Town was concerned about the density of homes in that area. The vision for Berthoud by the people was a more rural west area. She remarked that the park proposed would not be used by the neighbors or public and that there was already a park in the subdivision to the east. She asked that the density bonus not be granted and that the benefit of not granting it would be the benefit that occurred to the outside community.

Diane Pollock, stated that she owned the property to the west. She asked that the density bonus not be granted. She pointed out that everything the applicant proposed was already a requirement; therefore, they were not giving a significant bonus to the community. She pointed out that the subdivision to the east had 2.3 acre lots and was not a high density. She also agreed that the common area would not be used by the public and was not a benefit. She asked that there be a contingent clause that water be provided. She also stated that she support the appeal as all developments west of Highway 287 had ditches and culverts not curb and gutter. She requested that the plat map be changed from saying buildable/residences to say perpetual conservation easement.

Karen Stockley, lived west of development, stated that she was a former member of the Berthoud Planning/Zoning Commission and was a part of the 2007 adoption of the GMA to County Road 19. She was also previously worked with groups regarding bird groups and endangered species. She stated that the Federal rules for buffering were 660 feet; however, the State of Colorado buffer for raptors and eagles was ½ mile during nesting and winter activity roosting. As a result, the buffer proposed was not sufficient as the eagles needed to be protected for the long term because that land could never be again once the homes were built. She explained that the Colorado buffer was different than the rest of the country due to vegetation, etc. and that was why the Colorado buffer was larger. She encouraged the commission to require a ½ mile buffer and wanted the clustering moved to the east to increase the buffer.

Cody Sullivan, was representing Mary Sullivan who lived at 1805 County Road 8. He stated that they were in support of the project. They wanted to confirm how the future stormwater would be carried through their ditch. They also wanted it to be known that their cement ditch was not a storm sewer system and should not be operated as such.

Ken Benkert, live north of the property, would like the county to consider the purchase of the property. He also mentioned that there would be no parking for the common lot. He felt that asking for a density bonus was a serious subject, and the bar should be set high. He also wondered why two different residual lots should be approved. He wondered how upscale the lots could be on small lots. He also felt that the number of shares and amount of water available should be known.

Chris Pollock, 2604 W. County Road 8, supported the cluster concept. He had concerns about the density bonus. He also asked for clarification whether there would be ponds for non-potable water and interior irrigation. He agreed that access off of County Road 19 would be better.

Janice Gibb, monitors the bald eagle nest with the CDOW. She explained the history and the uses of the nests. She stated that the eagles had moved their nest further to the north but they still perched and roosted on the trees that had the old nests. She pointed out that the nest was active. She also pointed out that it was a winter nest, which meant that it was active all year long. She remarked that the nest was important to the County and the State.

Karen Moschini, 1708 W County Road 10E, opposed the density bonus. She also did not agree with the public park and did not believe that the homeowners would want the homeowner's association to maintain the park. She agreed that there needed to be buffers to the eagles. She agreed that there should be no street lights and that there needed to be adequate storm drainage.

Mr. Birdsall stated that there was no intention of having ponds for non-potable water or irrigation pond. The access onto County Road 8 was discussed in length and a traffic study was completed. He stated that they would provide additional information to Mr. Sullivan to satisfy his concerns regarding storm drainage on his property. He felt that the buffers established met or exceeded all the suggested requirements.

Commissioner Miller asked if the size of the lots would be adjusted if the bonus density was not granted.

Mr. Birdsall stated that some lots would get larger but the developable area would not change.

Commissioner Gerrard asked how much agricultural water would be available.

Mr. Birdsall replied 8 shares of Handy Ditch water. There would be a share per each residual lot.

Commissioner Gerrard asked about parking for the park.

Mr. Birdsall replied that it would be on-street parking.

Commissioner Gerrard asked about the vision of development.

Mr. Birdsall stated that the lots would be approximately 14,000 sq.ft., and the ideal target market was a high end patio home.

Commissioner Wallace asked if there were any traffic studies done for County Road 8 and County Road 19.

Mr. Birdsall replied yes. No additional turn lanes were triggered by the proposed development.

Mr. Lafferty reassured that the residual land would be held in perpetuity per the Land Use Code. He stated that there was nothing in the Code that stated you could not have two residual lots and stated that Residual land did not say that it had to be for 'agricultural' purposes. He explained that the appeal to curb and gutter started at ½ acre lots and the lots proposed were significantly less than that. He pointed out that the applicant wanted to maintain the rural character of the area but was proposing to have patio homes, which made you think more urban.

Commissioner Wallace noted that the curb and gutter would be all interior and would not be seen from the outside. She pointed out that they did not have the ability to force people to provide water for irrigated agricultural uses.

Mr. Lafferty stated that the applicant had made representations that water would held for the purposes of residual land as well as for the lots within the development. It had now become an expectation, and it would become a part of the development agreement.

Commissioner Glick asked about the drainage.

Mr. Jones stated that a drainage report was submitted and two detention ponds would be provided on the site.

Commissioner Glick asked about the impacts to the development if the buffer needed to be larger.

Mr. Whitley stated that the U.S. Fish and Wildlife Service needed to review the information in order to make a recommendation as no recommendation could be made by them at the current time. He stated that prior to the County Commissioner hearing, final comments would be received for the US Fish and Wildlife and possibly the Colorado parks and Wildlife.

**DISCUSSION:**

Commissioner Gerrard agreed swales did maintain a more rural character but understood Staff's position and the requirements of the Code. He stated that he was leaning towards having swales.

Commissioner Wallace felt that it would be protect the home buyers if the requirements of the Code were followed. She did not feel that there was a sufficient basis to not have curb and gutter.

Commissioner Miller stated that the citizens had expressed a concern about the curb and gutter and would be in favor of the borrow ditches.

Commissioner Couch felt that it would be better to have curb and gutter as stated in the Code. He felt that it was important to keep the rural character but the curb and gutter would be in the interior of the development and not seen by the outside public. He stated that he was in favor of the curb and gutter.

Commissioner Glick stated that the lots were small and curb and gutter should be upheld. He stated that he was not in favor of the borrow ditches.

Commissioner Dougherty stated that if the vision was patio homes then it made him think low maintenance which meant that curb and gutter should be required.

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners denial of the appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.

Commissioner Glick seconded the Motion.

Commissioners' Couch, Glick, Miller, Wallace & Vice-Chairman Dougherty voted in favor of the Motion.

Commissioner Gerrard voted against the Motion.

MOTION PASSED: 5-1

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Longs Peak Farm Conservation Development with 36 lots, file #15-S3313, for the property described on "Exhibit B" to the minutes, subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Longs Peak Farm Conservation Development, File #15-S3313 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Longs Peak Farm Conservation Development.

2. The following fees shall be collected at building permit issuance for new single family dwellings: Thompson R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
3. Fire protection measures shall comply with the fire protection level of service standards found in Section 8.1.4.F of the Land Use Code.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

Commissioner Miller seconded the Motion.

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

MOTION PASSED: 6-0

Commissioner Glick stated he did not feel that it was justified to have the density bonus and would vote no to the bonus.

Commissioner Miller pointed out that sewer would be provided, and the perimeter lots would not change if the bonus was not granted. He was in favor of the bonus.

Commissioner Wallace pointed out that the density bonus was a bonus on top of what was already a bonus due to the fact that there would be public water and sewer. She did not feel that there was a significant public benefit provided by approving the density bonus.

Commissioner Glick decided that he was not in favor of the bonus lots.

Commissioner Couch agreed with early comments and did not see a significant public benefit by having the density bonus.

Commissioner Dougherty stated that it was a well designed development. He was not sure if there would be a significant difference if the 7 lots were taken away since they would be within the interior. He stated that he was leaning towards allowing the bonus.

Commissioner Glick pointed out that it would not be compatible with the surrounding property if the 7 lots were allowed since the public had asked to maintain the rural character in the area. He also stated that it would be setting a precedent.

Commissioner Miller pointed out that requiring curb and gutter made it a more urban development.

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners denial of the Longs Peak Farms Conservation Development request for a density bonus.

Commissioner Glick seconded the Motion.

Commissioners' Couch, Glick, and Wallace voted in favor of the Motion.

Commissioners' Gerrard, Miller and Vice-Chairman Dougherty voted against the Motion.

MOTION FAILED: 3-3

The result of the failed (tied) Motion is equivalent to a decision in favor of the density bonus.

**PLANNING COMMISSION  
STAFF REPORT  
FROM  
May 18, 2016**

TITLE: Longs Peak Farm Conservation  
Development Preliminary Plat & Appeal

REQUEST: A) Preliminary Plat approval of a Conservation Development of a 83.653-acre parcel into 41 single-family residential lots, two Residual Lots with residential building envelopes and two outlots;  
B) Appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.

LOCATION: Section 16, Township 4 North, Range 69 West of the 6<sup>th</sup> P.M.; 509 N. County Road 19, Berthoud; Located northwest of the intersection of N. County Road 19 and W. County Road 8

APPLICANT: Jim Birdsall  
444 Mountain Avenue  
Berthoud, CO 80513

PROPERTY OWNER: The Estate of Maurice Haworth  
509 N. County Road 19  
Berthoud, CO 80513

STAFF CONTACTS: Michael Whitley, Planning  
Clint Jones, Engineering  
Doug Ryan, Health Department

FILE #: 15-S3313

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.

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SITE DATA:

Parcel Number: 94160-00-002  
 Total Development Area: 83.653 acres  
 Existing Land Use: Single-Family Residence  
 Proposed Land Use: Conservation Development with 43 single-family homes

Existing Zoning: FA-1 - Farming  
 Proposed Land Use: Conservation Development with 43 single-family homes

Existing Zoning: FA-1 - Farming  
 Adjacent Zoning: FA-1 - Farming  
                   North, South and West: FA-1 – Farming

East:	FA-1 – Farming and Berthoud PUD - Planned Unit Development
Adjacent Land Uses:	Single-Family Residential and Agricultural production
Services:	
Access:	N. County Road 19 and W. County Road 8
Water:	Little Thompson
Sewer:	Town of Berthoud
Fire Protection:	Berthoud Fire Department
No. Trips Generated by Use:	430 trips per day

**PROJECT DESCRIPTION/BACKGROUND:**

The applicant proposes to divide a 83.653 acre parcel that is zoned FA-1 – Farming into 41 residential lots, two residual lots with residential building envelopes and two outlots. The property currently contains a single-family home and agricultural production.

The property is located at 509 N. County Road 19, Berthoud which is northwest of the intersection of N. County Road 19 and W. County Road 8.

Because this property is 30 acres or larger, the Land Use Code requires that the property be divided through the Conservation Development process unless the Board of County Commissioners grants an appeal to allow the property to be developed through the Subdivision process.

With some exceptions that are no applicable to this project, Section 5.3.6.A of the Land Use Code requires that a minimum of 80% of the total developable land area in a Conservation Development be set aside as residual land. The Code allows for a building envelope to be identified for a home and accessory buildings on residual land. Land within that building envelope is calculated as developed land and not as residual land.

In the FA-1 zoning district, the typical maximum density allowed is one home per 2.3 acres. This would allow 36 homes in the proposed Conservation Development.

Section 5.3.6.A.6 of the Land Use Code allows the Board of County Commissioners to grant a 20% density bonus upon finding that there is a significant public benefit due to the design of the Conservation Development, the feature(s) preserved in the residual land and the project complies all Section 8 standards found in the Land Use Code. The applicants have requested that bonus and are proposing a total of 43 single-family homes.

The existing home and outbuildings are proposed to be within the 43,681 square foot (1.003 acre) building envelope identified on Residual Lot B.

Residual Lot A is proposed to have a 28,332 square foot (0.65 acre) building envelope. The plat identifies an area on the northern end of Residual Lot B and outside of the residential building envelope where an agricultural accessory building not to exceed 4,000 square feet could be built.

Multiple neighbors have questioned whether Residual Lots A and B could be further developed with homes. As proposed, Residual Lots A and B could not be further divided. Each building envelope can contain one single-family home. Except for the possibility of an accessory living area (guest quarters) within each of the building envelopes, no additional residential development would be possible on Residual Lots A and B.

Common Lot Area A is proposed as an open space and recreation area that is proposed to be open to the public.

Primary access to the Conservation Development would be from County Road 8. That access point is aligned with an access that serves property on the south side of County Road 8.

A secondary is proposed from County Road 19 near the northeast corner of the property. That access would be gated and would be an all-weather emergency access.

There is a bald eagle nest in a tree northwest of the property. As recommended by the Colorado Division of Parks and Wildlife, the applicant has maintained a ¼ mile buffer between the nest, the residential lots and the residential building envelope. The plat includes a restriction on construction of the agricultural accessory building on Residual Lot A to only occur between September 1<sup>st</sup> and November 15<sup>th</sup> to minimize disturbance of the nest during mating season.

The applicant has also maintained the Division of Parks and Wildlife's recommended 800-foot buffer between a cottonwood tree (off-site) used as a bald eagle perch and a cottonwood tree along the western property line that is used by bald eagles during the mating season.

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REVIEW CRITERIA:

To approve a Conservation Development, County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

**A. The proposed Conservation Development is compatible with existing and allowed land uses in the surrounding area;**

The property is located inside the Berthoud Community Influence Area and outside of, and adjacent to, the Berthoud Growth Management Area.

The property to the east is in the Berthoud Growth Management Area and much of it has been annexed to the Town of Berthoud. The Town of Berthoud's Preferred Land Use Plan calls for High Density Residential/Mixed Use for the property immediately east of County Road 19. That could include a mix of single-family and multi-family housing with a density of 6 to 14 dwellings per acre, commercial, retail, office, employment, civic and public uses.

One of the typical measurements for compatibility is compliance with the density allowed by the property's zoning.

A number of surrounding property owners have expressed concerns that proposed density as incompatible with the rural character of the land to the north, south and west.

The subject property is zoned FA-1 – Farming which typically allows a density of one dwelling per 2.3 acres of the total developable area.

The property is 83.653 acre which would typically allow a maximum of 36 single-family homes. The proposed 43 dwelling units would be allowed if the Board of County Commissioners grants the proposed density bonus. If the Board of County Commissioners does not grant the density bonus, the Conservation Development must be modified to reduce the number of homes to 36.

The property immediately to the east could be developed at greater density and could contain higher intensity non-residential uses. The final density of this Conservation Development will either be consistent with the bonus granted by the Board of County Commissioners or

will be reduced to comply with the density typically allowed by the FA-1 –Farming zoning district. Given these circumstances, the proposed Conservation Development should be compatible with existing and allowed land uses in the surrounding area.

**B. The applicant for the proposed Conservation Development has demonstrated that the proposed Conservation Development will comply with all applicable requirements of this Code;**

The principal requirements for the review are located within Section 5.3 (Conservation Development) and Section 8 (Standards for All Development) of the Larimer County Land Use Code.

Section 5.3.6.A.6 of the Land Use Code reads,

Conservation Developments in the FA-1 Farming and E-Estate zoning districts that provide 80 percent residual land and provide public sewer service may increase the number of dwelling units by 20 percent. This increase is an incentive to the developer and benefits the community by maximizing the protection of open space and water quality as required by the Master Plan fairness principles. The density bonus is to be awarded at the discretion of the County Commissioners upon finding that there is a significant public benefit due to the design of the Conservation Development, the feature(s) being preserved in the residual land and the project complies with the standards for all development required by Section 8 in this Code.

The applicant has included their justification for the proposed density bonus on pages 1 and 2 of their project description (attached). The justification includes the provision of a buffer to a bald eagle nest location northwest of the property, the provision of a buffer to bald eagle perch trees along the western edge of the property, a street and lot layout that allows for wildlife movement through the property, the provision of an open/recreational space within the Conservation Development that would be open to the public, the provision of access that (according to the applicant) that is preferred by neighbors that attended the neighborhood meeting, a layout that provides a buffer to surrounding land uses and a buffer to County Roads 8 & 19.

Section 5.3.6.B.1.g of the Land Use Code specifies that residual land in a Conservation Development is private property and not available to the public. Allowing public use of Common Lot Area A would be an exception to this provision. If approved as proposed, a future Homeowners Association would not be able to exclude public access to Common Lot Area A without Board of County Commissioner approval of a modified Development Agreement and Use Plan.

While the project description notes that the design of the residual land would be suitable for a future trail connection through the property, there are no known trails proposed at this time and without dedicating an easement, the applicant cannot obligate future property owners to allow a trail to cross their property.

The Development Services Team has not made a recommendation regarding the density bonus but requests that the Planning Commission forward a recommendation of approval or denial of the density bonus to the Board of County Commissioners.

### **Section 5.3.6.A.1 Residual Land Design – Size and Configuration**

**The minimum amount of residual land required in a Conservation Development must be 80 percent of the total developable land area of the site unless a lesser percentage is allowable as provided in subsections 4, 5 or 6 below.**

The developable area of the property is 83.653 acres which requires a minimum of 66.9 acres of residual land. The proposed preliminary plat provides 67.0 acres of residual land. The residual land includes the area of the residual lots outside of the building envelopes, Outlot A, Common Lot Area A, right-of-way within the Conservation Development and adjacent County Road 8 and County Road 19 right-of-way.

### **Section 8.1 Adequate Public Facilities**

#### **Sub-Section 8.1.1 Sewage Disposal Level of Service Standards:**

The Conservation Development is proposed to be served by the Town of Berthoud. The applicant will provide final sanitary sewer construction profiles with the Final Plat application.

#### **Sub-Section 8.1.2 Domestic Water Level of Service Standards:**

Water is to be provided by the Little Thompson Water District. A letter of commitment from the District was provided with the subdivision application and the Department of Health and Environment has determined that the letter satisfies the requirements regarding the provision of domestic water.

#### **Sub-Section 8.1.3 Drainage Level of Service Standards:**

The site grading and drainage plan meeting the Larimer County standards. The site generally drains from the northwest to the southeast. Stormwater detention ponds will be developed within drainage easements on Common Lot Area A and Residual Lot B.

#### **Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards:**

The Berthoud Fire Protection District has noted fire hydrant, fire flow and access roadway standards in their attached comments. There will be a minimum of three fire hydrants serving the cluster of residential lots. The hydrants can supply the minimum 500 gallon per minute flow required by the Larimer County Land Use Code.

The Berthoud Fire Protection District requires a minimum 1,000 gallons per minute fire flow. As a supplement to the fire flows within the Conservation Development, the district has agreed it can extend a hose from an existing hydrant in the Estates at Matthews Farms which is east of County Road 19. Access would be provided through a gated emergency access road that begins in the northeast corner of the property.

#### **Sub-Section 8.1.5 Road Capacity and Level of Service Standards:**

A traffic study was provided with the Preliminary Plat application. No off-site road improvements are required.

The property has frontage on Larimer County Roads 8 and 19 which are both classified as major collector roadways. The standard right-of-way width for a major collector is 100 feet (50-foot half right-of-way). The Preliminary Plat proposes to dedicate an additional 20 feet for right-of-way along the frontage of both roadways.

**Section 8.4 Wildlife:**

There is a bald eagle nest in a tree northeast of the property. As recommended by the Colorado Division of Parks and Wildlife, the applicant has maintained a ¼ mile buffer between the nest, the residential lots and the residential building envelope. The plat includes a restriction on construction of the agricultural accessory building on Residual Lot A to only occur between September 1<sup>st</sup> and November 15<sup>th</sup> to minimum disturbance of the nest during mating season.

The applicant has also maintained an 800-foot buffer between a cottonwood tree (off-site) used as a bald eagle perch and a cottonwood tree along the western property line that is used by bald eagles during the mating season.

**Section 8.5 Landscaping:**

The applicant has provided a landscape plan indicating planned landscaping at the neighborhood entrance on County Road 8 and landscaping within Common Lot Area A. Compliance with the final approved landscape plan will be required.

**Section 8.6 Private Local Access Road and Parking Standards:**

Two parking spaces are required for each single-family residential home. The proposed lots are large enough to provide an adequate number of parking spaces.

**Section 8.7 Road Surfacing Requirements:**

Internal roads will be 32 feet wide and paved within 70 feet of right-of-way.

**Section 8.11 Air Quality Standards:**

Air quality standards will have to be met during road and building construction.

**Section 8.12 Water Quality Management Standards:**

The proposed drainage and erosion control measures proposed for the Conservation Development address water quality management standards.

**Section 8.13 Commercial Mineral Deposits:**

There are no known commercial mineral deposits under the property. The applicant has provided documentation that the mineral interests, including oil and gas, have not been severed from the surface rights.

**Section 8.14 Development Design Standards for Land Division:**

This section contains standards for lot location and configuration and for local roads within Conservation Developments and Subdivisions.

Section 8.14.1.R of the Land Use Code requires connectivity to permit the continuation of streets, roads, trails, pedestrian access, utilities and drainage facilities into adjacent property.

The property to the west is owned by the State of Colorado. Connectivity in that direction has not been required.

The property owner will develop a paved road north of Eagles Nest Drive that will extend to the northern property line. A 35-foot half right-of-way will be dedicated along the northern property line from the stubbed road east to County Road 19. A road will not be developed within the half right-of-way until it is needed to provide access when a property or properties to the north are further divided. It will be the responsibility of the developer of the northern parcel(s) to construct the road.

**C. The proposed Conservation Development will result in no substantial negative impact on environmentally sensitive areas or features, agricultural uses or other lands;**

Residual Lots A & B will provide the opportunity for continued agricultural operations on the subject property. The residential lots and building envelope on Residual Lot A have been placed on the property to provide a ¼ mile buffer to the bald eagle nest northwest of the property. The buffer has been proposed as a partial justification for the proposed density bonus.

**D. Approval of the proposed Conservation Development will not result in a substantial adverse impact on other property in the vicinity of the proposed Conservation Development; and**

Besides the appeal to not require curb and gutter along the internal roads and the proposed density bonus, the Conservation Development is proposed to comply with all of the applicable Development Code and Larimer County Rural Area Road standards. The proposed Conservation Development should not have adverse impacts on properties in the vicinity.

There have been a number of neighbors who have sent letters and emails expressing concerns with the Conservation Development, particularly the proposed density.

**E. The recommendations of referral agencies have been considered.**

The application was referred to a variety of agencies. The responses received are attached to this report. There are no outstanding issues.

**APPEAL TO SECTION 4.7.1.2 (CURB AND GUTTER WHERE THE AVERAGE LOT FRONTAGE IS LESS THAN 200 FEET) OF THE LARIMER COUNTY RURAL AREA STREET STANDARDS**

Section 4.7 of the Larimer County Rural Area Street Standards reads,

a. Drainage Systems

4.7.1 Drainage

1. Drainage system design shall be in accordance with Chapter 6 and current Larimer County Stormwater Design Standards.
2. For Developments with average lot frontages less than or equal to 200 feet, curb and gutter will be required rather than an open ditch system.

The average lot frontage in the proposed Conservation Development is 116 feet.

Rather than provide curb and gutter along the paved roads interior to the Conservation Development, the applicant proposes to utilize an open ditch system with culverts under driveways. The applicant proposes to have the Homeowners Association (HOA) require that each culvert is inspected by an engineer to ensure it was properly installed and proposes to have the HOA be responsible for ongoing maintenance and inspections of the neighborhood drainage features including, but not limited to, culverts, roadside ditches, drainage collection ditches and detention ponds.

One of the applicant's justifications for the appeal is maintaining a rural character within the Conservation Development.

The applicant's project description states that the area within the right-of-way will be seeded with drought tolerant grasses and will be mowed collectively by the HOA. Individual homeowners would not be allowed to alter or maintain the landscape within the right-of-way.

The Development Services Team, including the Engineering Department and the Interim Public Works Director, does not support the proposed appeal because of the following concerns:

- A system of ditches and culverts requires ongoing, frequent maintenance which is not an issue with curb and gutter.
- Stormwater capacity tends to decrease over time with roadside swales. This becomes more of an issue with small lots where homes are closer together.
- Homeowners associations change over time and can become inactive and unresponsive to infrastructure maintenance needs. In addition, they may not have the expertise needed to solve drainage problems if they arise.
- Culverts can create drainage issues if they aren't installed and maintained properly. These issues are intensified and affect more people with smaller lot sizes.
- Larimer County does not issue access permits or regulate access onto local subdivision roads. In the past, it is common for lots to have multiple access points for circle drives or detached garages. This means more culverts and the potential for problems.

The review criteria for considering the appeal to Section 8.14.1.R are found in Section 22.2.3 of the Land Use Code.

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

The purpose of the requirement for curb and gutter is to provide a level of infrastructure appropriate for the intensity of the development proposed. Approval of the appeal would subvert the purpose of the standard.

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

While granting the appeal could lead to future maintenance issues, those issues would likely not result in substantial detrimental impacts to the public health, safety or property values in the neighborhood.

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

The proposed appeal is the minimum action necessary to allow the applicant to utilize a system of ditches and culverts instead of the required curb and gutter.

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

While there will be ongoing maintenance costs to future property owners for the proposed alternative to the installation of curb and gutter, approval of the appeal should not result in increased costs to the general public.

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

Based on the analysis already made in this report, the Development Services Team's assessment is that approval of the appeal would not be consistent with the intent and purpose of the Land Use Code.

RECOMMENDATION: The Development Services Team recommends denial of the appeal.

OTHER MAJOR CONCERNS AND ISSUES:

There are no major concerns or issues that have not been addressed in the staff report.

SUMMARY & CONCLUSIONS:

The Longs Peak Farm Conservation Development as proposed would divide a 83.653-acre parcel to allow for a total of 43 new single-family homes. Except for the appeal to not require curb and gutter, the Development Service Team believes that the application adequately addresses the review criteria and standards for this type of development.

The Development Services Team has not made a recommendation regarding the proposed density bonus but asks that the Planning Commission forward a recommendation to the Board of County Commissioners.

DEVELOPMENT SERVICES TEAM FINDINGS:

For the Conservation Development:

1. The Longs Peak Farm Conservation Development should be compatible with existing and permitted land uses in the surrounding area.
2. The Longs Peak Farm Conservation Development can comply with all standards of the Land Use Code.
3. The proposed Conservation Development will result in no substantial negative impact on environmentally sensitive areas or features, agricultural uses or other lands.
4. Approval of the Longs Peak Farm Conservation Development will not result in a substantial adverse impact on other property in the vicinity of the proposed Conservation Development.
5. The recommendations of referral agencies have been considered.

**For the Appeal:**

1. Approval of the appeal will subvert the purpose of the standard or requirement.
2. Approval of the appeal would likely not be detrimental to the public health, safety or property values in the neighborhood.

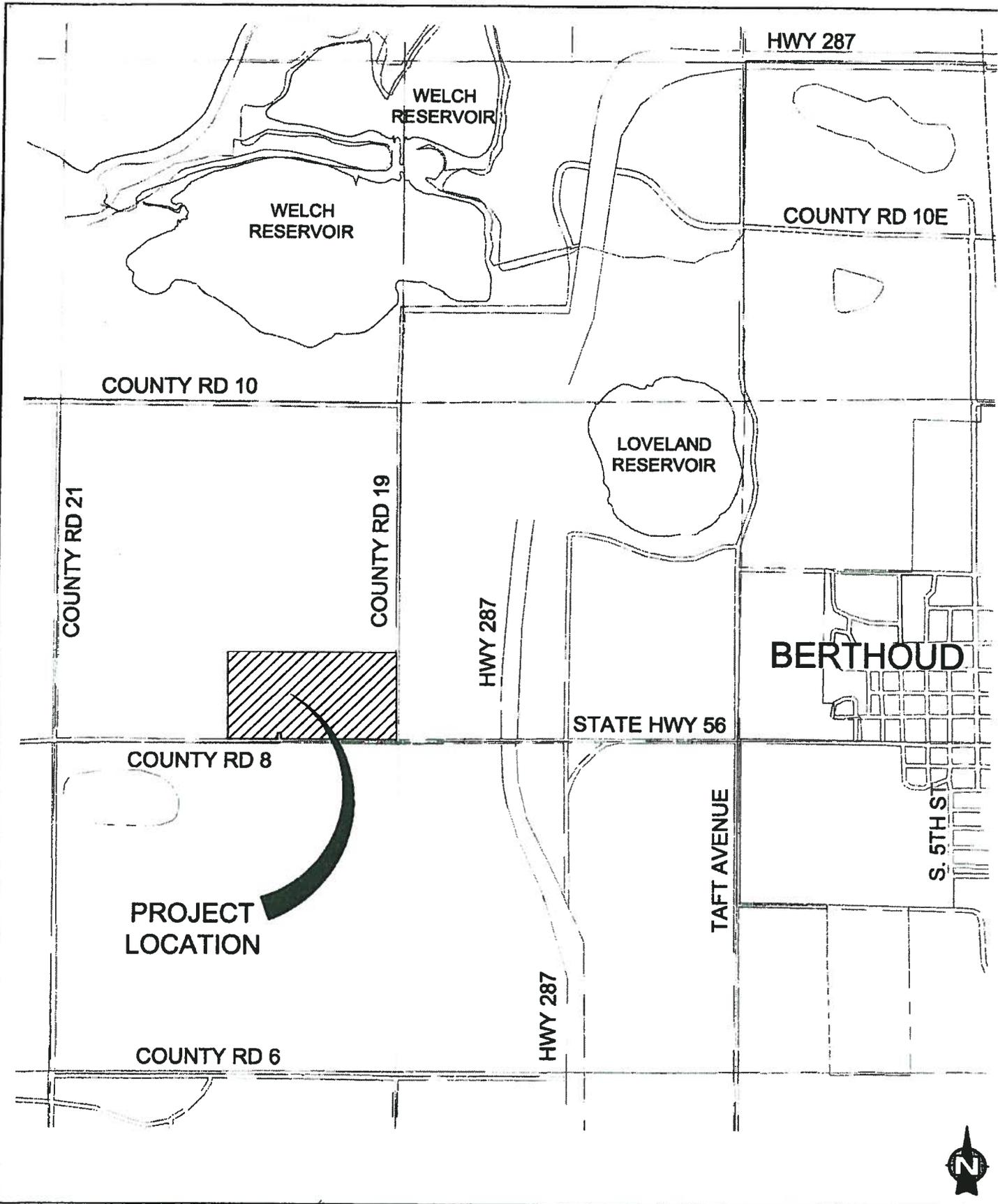
3. Approval of the appeal is the minimum action necessary.
4. Approval of the appeal will not result in increased costs to the general public.
5. Approval of the appeal is not consistent with the intent and purpose of the Code.

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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 approval of the Longs Peak Farm Conservation Development, File #15-S3313, subject to the following conditions:
  1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Longs Peak Farm Conservation Development, File #15-S3313 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Longs Peak Farm Conservation Development.
  2. The following fees shall be collected at building permit issuance for new single family dwellings: Thompson R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
  3. Fire protection measures shall comply with the fire protection level of service standards found in Section 8.1.4.F of the Land Use Code.
  4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
  5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.
- B) The Development Services Team recommends the Larimer County Planning Commission recommends to the Board of County Commissioners denial of the appeal to Section 4.7.1.2 of the Larimer County Rural Area Road Standards to not require curb and gutter where the average lot frontage is less than 200 feet.
- C) The Development Services Team offers no recommendation regarding the density bonus.

**Attachments:  
Graphic Exhibits**



**NORTHERN  
ENGINEERING**

301 N. Howes Street, Suite 100  
Fort Collins, Colorado 80521

PHONE: 970.221.4158  
www.northernengineering.com

**LONGS PEAK FARM**  
LARIMER COUNTY  
COLORADO

DESCRIPTION  
**VICINITY MAP**

DRAWN BY  
B. RUCH

SCALE  
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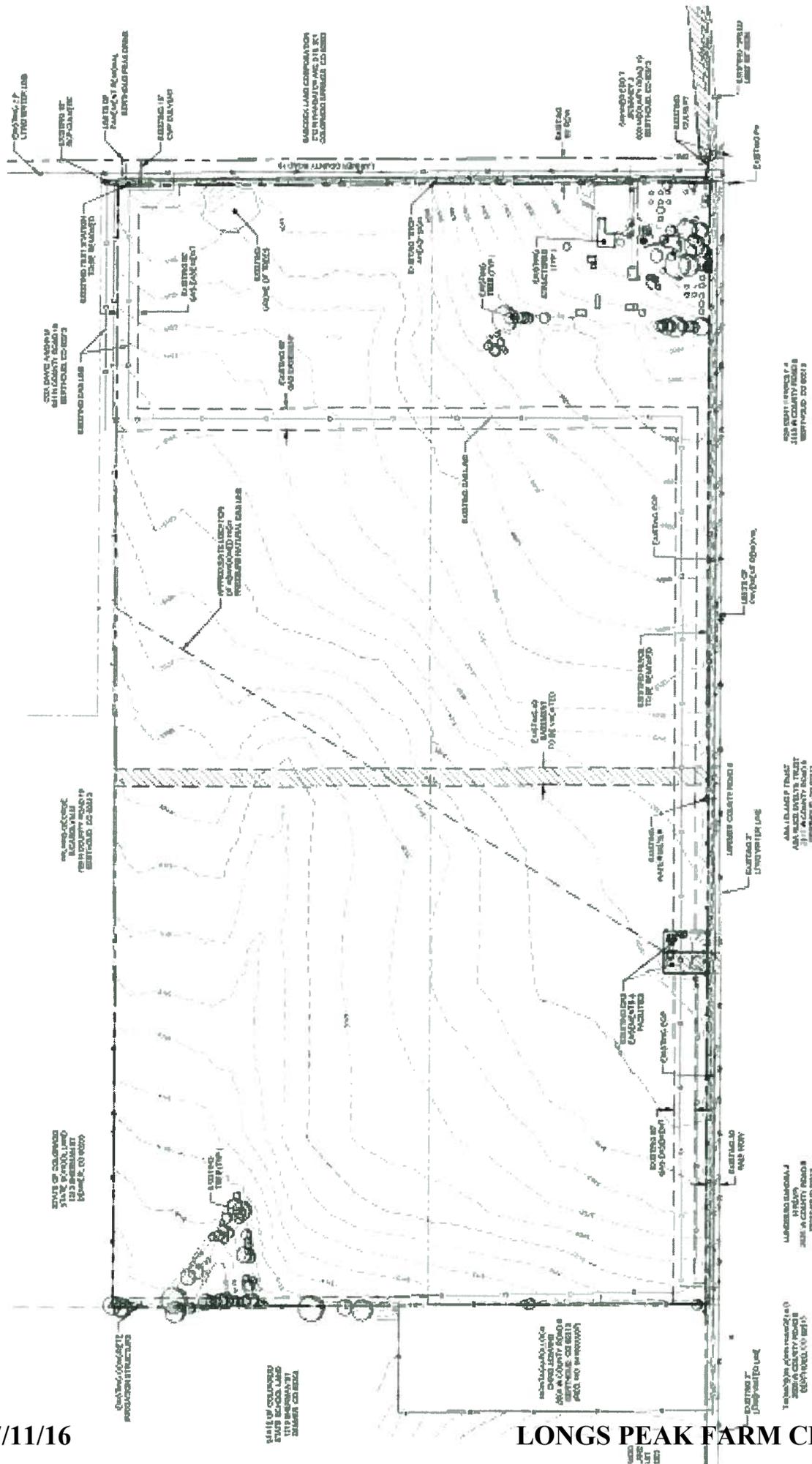
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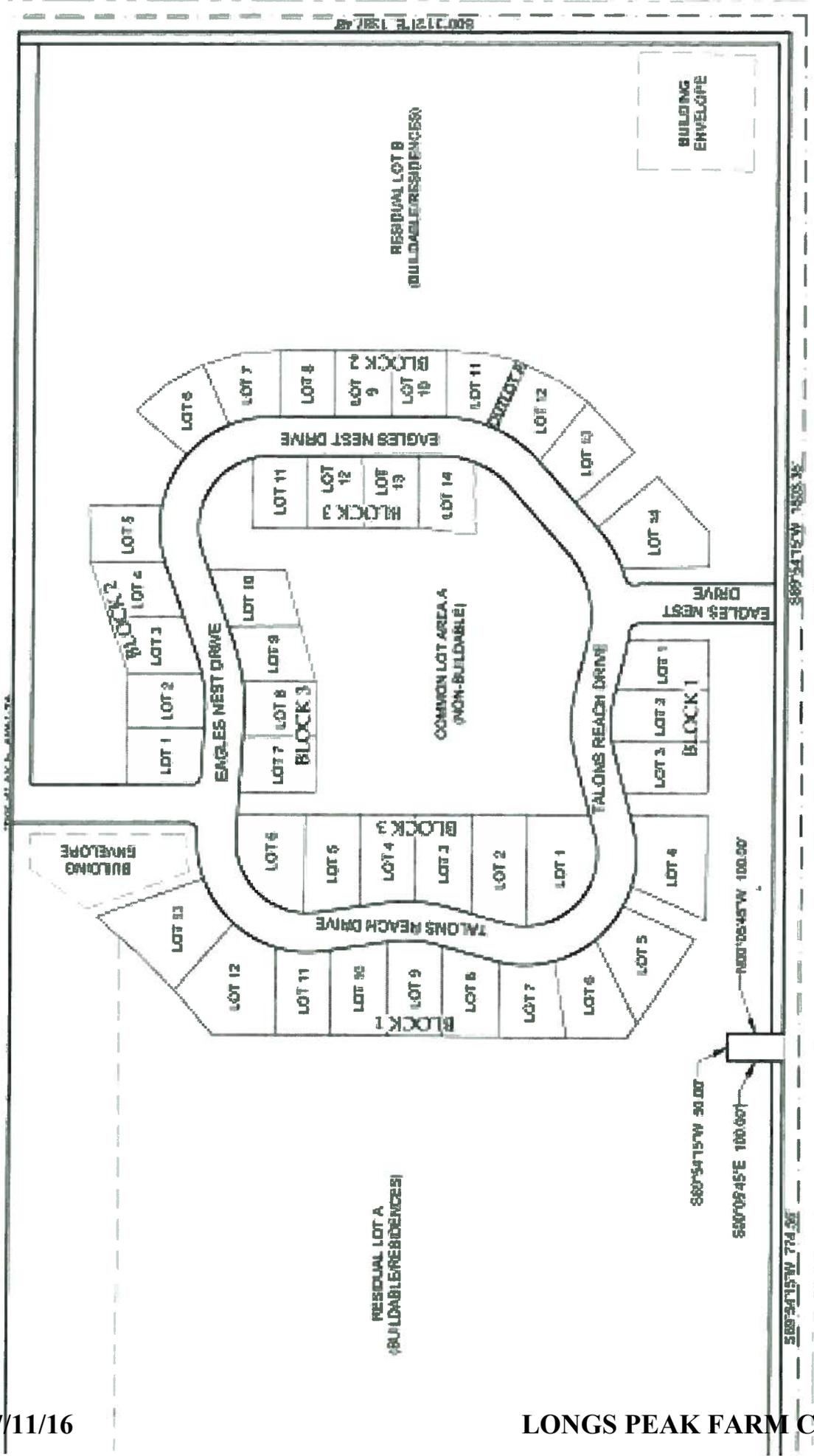
DATE  
NOVEMBER 9, 2015

PROJECT  
598-004

VC-

North





WEST LARIMER COUNTY ROAD 8

↑ North











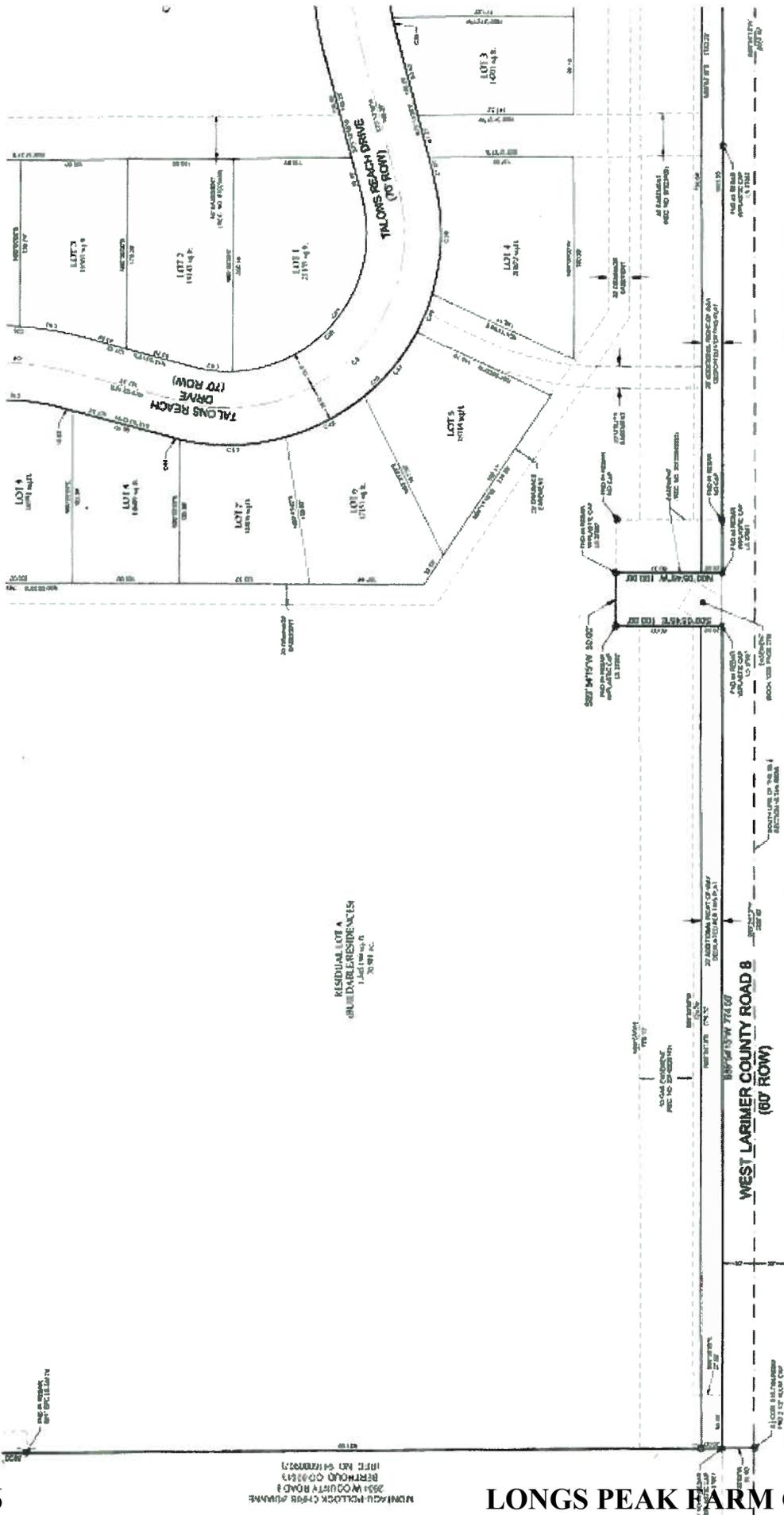


Sheet 5

BCC 07/11/16

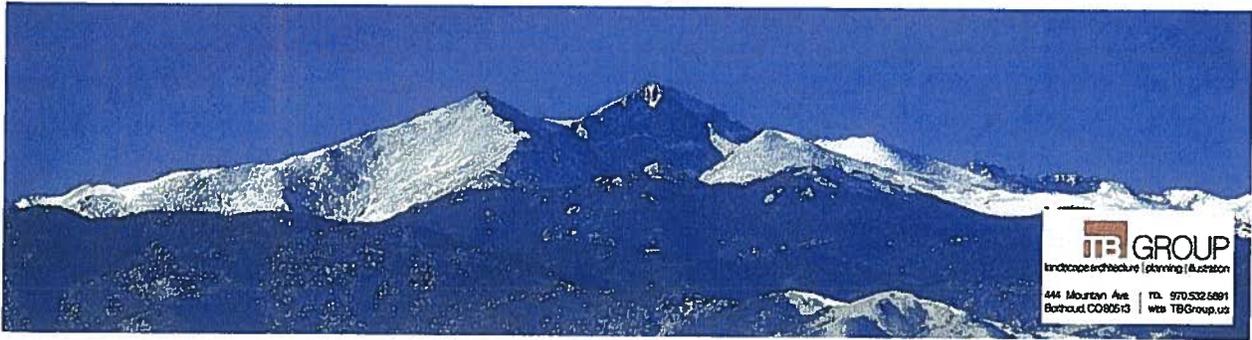
SEE SHEET 3

MINIANG PLOTTING CHAIR PLUMB  
2531 WOODLARK ROAD  
BETHOON, CO 80813  
PH: 303.441.9221





## Applicant's Information



## Longs Peak Farms - Project Description

March 4, 2016

### Summary

The Longs Peak Farms project site is located in Larimer County, west of Highway 287. Bordered to the east by North County Road 19, and to the south by West County Road 8, the property hosts approximately 83.653 acres. The project site is zoned FA-1 Farming. The proposed project is to create a conservation development using the 80/20 conservation development rules. This property will be served with potable water from the Little Thompson Water District, and sanitary sewer through the Town of Berthoud.

The Town of Berthoud annexed area is adjacent to the property to the east. The Town's comprehensive plan shows the area to the east of this property as being developed at urban densities including commercial. The properties to the south, west, and north are all in Larimer County and are being used as residential and agricultural land uses.

### Review Criteria

The proposed Conservation Development meets the requirements as stated in Section 5.3 of the Larimer County Land Use Code. The design utilizes these requirements to create a residential cluster, surrounded by contiguous open space and/or lots reserved for agriculture. This layout is intended to provide compatibility with surrounding land uses and preserve the rural character, while supporting the continuation of agricultural uses.

The proposed design meets the 80/20 Conservation Development requirements with a minimum of 80% of the total developable land area retained for residual land.

The Longs Peak Farms project is requesting the allowed 20% increase in density based on the criteria described in the Larimer County Land Use Code.

*Criteria from Section 5.3.6.A.6. of the Larimer County Land Use Code:*

*Conservation developments in the FA-1 Farming and E-Estate zoning districts that provide 80 percent residual land and provide public sewer service may increase the number of dwelling units by 20 percent. This increase is an incentive to the developer and benefits the community by maximizing the protection of open space and water quality as required by the master plan fairness principles. The density bonus is to be awarded at the discretion of the county commissioners upon finding that there is a significant public benefit due to the design of the conservation development, the feature(s) being preserved in the residual land and the project complies with the standards for all development required by section 8 in this code.*

We feel strongly that simply preserving 80% of the property in permanent open space as described in the Larimer County Land Use Code satisfies the finding that this project provides a significant public benefit, due to the design of the conservation development and the features being preserved in the residual land. The project complies with all development standards in Section 8 of the Larimer County Land Use Code.

In addition to preserving 80% of the property as open space the design of this Conservation Development also provides for additional significant public benefit in the following ways:

**Eagles nest** – The design of the residual land provides for and exceeds the recommended buffer to the bald eagle nest located to the northwest of the property.

**Eagle perch** – The design of the project provides for and exceeds the recommended buffer to the bald eagle perch trees located along the western property line.

**Wildlife movement** – The residual land design allows for the movement of wildlife through the property while providing good connection to the surrounding open lands.

**Trail corridor** – If Larimer County Open Lands determines that this is the preferred location for a trail, the design of the residual land would provide for a very nice corridor for a future trail.

**Public Open Space** – A substantial open space within the project has been included that will provide benefit to the residents of this project but will be public and available to the residents in the surrounding area. This area will have trails and park.

**Preferred access** – The design of this project locates the access to the neighborhood in the location that was preferred by the surrounding property owners that attended the neighborhood meeting.

**Buffer to surrounding property owners** – This project provides substantial buffers to the surrounding land uses. The proposed buffers exceed greatly those required by the Larimer County Land Use Code.

**Buffer between commercial land uses to the east** - The design of this project provides substantial buffer on the east side of the project buffering these new county residences from the intense commercial and mixed use development proposed on the property directly to the east. This property has been annexed to the Town of Berthoud and has a final plat allowing for intense commercial land uses.

**Buffer to county roads** - This project provides substantial buffers to Larimer County Road 8 and Larimer County Road 19.

**Connection to sanitary sewer** – This project as proposed will connect to the Town of Berthoud sanitary sewer system which will provide a significant public benefit by reducing the number of septic systems that would otherwise be allowed on this property.

**1. The proposed conservation development is compatible with existing and allowed land uses in the surrounding area:**

The proposed land use includes preserving the existing farmstead that is located at the northwest corner of the intersection of Larimer County Road 19 and Larimer County Road 8. This farmstead is a typical representation of the farms in this portion of Larimer County with surrounding agricultural

support buildings including a large barn, several smaller barns, a silo, and mature trees. The goal of the project is to retain this character and include this farmstead in a residual lot that is large enough to support ongoing limited agricultural land uses. The western boundary of this residual lot is set generally by the location of the high pressure XCEL natural gas line that traverses the property. Some limited livestock, consistent with Larimer County standards, is expected. The large portion of the lot that is available for on-going agricultural uses is planned to be maintained in alfalfa or grass hay. Some irrigation rights are expected to remain with this lot to allow on-going agricultural operations.

An additional residual lot is planned for the western side of the property. This residual lot provides for the buffer for the Bald Eagle nest and perch trees as requested by the Colorado Department of Parks and Wildlife. This residual lot will also be maintained in either alfalfa or grass hay. Some irrigation rights are expected to remain with this lot to allow on-going agricultural operations. Some limited livestock, consistent with Larimer County standards are expected. A building envelope that is contiguous with the cluster has been established. An additional agricultural support building no larger than 4000sf may be allowed outside of the building envelope. The location of this support building will be limited to an area near the northern property line and would be limited by seasonal construction timing to avoid impacts on the bald eagle nest.

**2. The applicant for the proposed conservation development has demonstrated that the proposed conservation development will comply with all applicable requirements of this code:**

The proposed conservation development complies with all applicable requirements of the code.

**3. The proposed conservation development will result in no substantial negative impact on environmentally sensitive areas or features, agricultural uses or other lands:**

The proposed conservation development is designed to avoid negative impact on environmentally sensitive areas and features, agricultural uses and the surrounding land uses.

**4. Approval of the proposed conservation development will not result in a substantial adverse impact on other property in the vicinity of the proposed conservation development:**

The proposed conservation development will not result in a substantial adverse impact on other property in the vicinity of the proposed conservation development.

**5. The recommendations of referral agencies have been considered:**

The recommendations of referral agencies, received with the sketch plan process, have been considered and addressed with this preliminary plat submittal.

**Existing Conditions**

The property is currently used for agriculture. The site is bordered by agricultural and residential uses to the north, south, and west with future commercial land uses and existing residential land uses to the east. The Town of Berthoud's comprehensive plan boundary is adjacent to the east of this property. Most of the property to the east of this property has been annexed to the Town of Berthoud.

Existing easements include a 40' easement for water line service to a property to the north of the project. An XCEL Energy high-pressure natural gas line traverses the property beginning at the northeast corner and ending at the southwest corner. Existing underground electric, telephone, and water line running within and parallel to CR 8 on the south edge of the property.

### **Proposed Changes and Improvements**

The proposed design includes several outlots which serve as open space buffers and common areas. Drainage areas will be incorporated into the larger open space buffers. The residential cluster is designed around a large, open meadow park with soft surface trail connections. Primary access from West County Road 8 presents an entry corridor with enhanced landscaping leading to the park. A gravel secondary access, emergency only, will be provided in the northeast corner of the site to North County Road 19.

### **Infrastructure**

#### **Sanitary Sewer**

The Town of Berthoud will provide sanitary sewer, and the sanitary sewer lines will be dedicated to and maintained by the Town of Berthoud. Please see the attached draft agreement between the Longs Peak Farms HOA and the Town of Berthoud. This project will connect to an existing sewer manhole that is located in Berthoud Peak Ave. to the east of the northeast corner of this property. See the attached preliminary civil engineering plans for more detail on the sanitary sewer plans. All of the new lots including the western residual lot will be served by sanitary sewer. The existing home is planned to remain on the existing septic. The sanitary sewer system can serve this existing home, if/when the existing septic is no longer serviceable, through an injector system (an E-1 injector system is recommended).

#### **Potable Water**

Water service will be provided by Little Thompson Water District. A new water line will be constructed with this project from the intersection of LCR 21 and LCR 8 to the project along LCR 8. This water line will be looped through the project and will connect back to an existing water line in LCR 8 at the primary entrance of the project. Water rights will be provided to LTWD through the existing Handy Ditch shares that accompany the property. These existing water rights are adequate to provide potable water to each of the 42 new lots. The existing farmstead already has a water tap with LTWD that will remain in use for that lot. The new 42 lots are proposed as conservation tap lots with a limited amount of outside landscape and irrigation. In addition to the lots there is a proposed central open space with an irrigated turf area. There is also planned irrigated landscape on both sides of the primary entrance that connects to LCR 8. We believe that we have enough Handy water to fulfill the required water for the new lots, the irrigated landscape while allowing some of the native water to remain with the residual lots. We expect that we will be able to retain at least ½ share of Handy water for each residual lot. We have begun the process of determining the yield of each Handy share with the water district and will continue with that effort to determine how much water will be able to be retained with each residual lot. See the attached commitment to serve letter from LTWD and the preliminary civil engineering plans for more information on the potable water system.

#### **Fire Protection and Ambulance Service**

Fire protection and ambulance service will be provided by Berthoud Fire Protection District. The proposed water service as described above will provide a minimum of 3 new hydrants within the clustered lots. In addition, the Town of Berthoud's water system in the Estates at Matthews Farms, the development northeast of the project site, allows for a Berthoud Fire Department temporary hose to be extended into the subdivision. Combined the on-site hydrants in addition to the temporary hose will provide adequate fire flows to the neighborhood allowing homes to be built without fire suppression systems being required.

#### **Police Protection**

Police protection will be provided by Larimer County Sheriff. The Sheriff currently provides police protection to the Town of Berthoud as well.

**Grading and Drainage**

The subdivision grading and drainage plan meets the Larimer County standards. See the preliminary civil engineering plans for more detail. Generally the site drains from the northwest to the southeast. There is a culvert in the southeast corner of the site that provides a Stormwater release. The intent is to provide water quality features and a Stormwater detention pond downstream of the developed portion of the lot that will meet the standards of Larimer County. No off-site improvements are required to meet the standards of the county.

**Natural Gas**

Natural gas will be provided by XCEL Energy. There is a connection point along LCR 8 just west of the primary access. The installation of natural gas should be relatively simple. No off-site infrastructure is required to provide natural gas services to the new lots.

**Electric**

Electrical service will be provided by Poudre Valley REA. There are existing facilities along LCR 8. The installation of electrical service should be relatively simple. No off-site infrastructure is required to provide electrical service to the new lots.

**Phone/Broadband**

Phone/broadband service will be provided by Century Link. There are existing facilities along LCR 8. The installation of phone/broadband service should be relatively simple. No off-site infrastructure is required to provide phone/broadband service to the new lots.

**Cable Television/Broadband**

Cable/broadband service will be provided by Comcast/Xfinity. There are existing facilities east of the site along LCR 8. The installation of cable/broadband service should be relatively simple. Minimal off-site infrastructure is required to provide cable/broadband service to the new lots, and this off-site infrastructure will be the responsibility of the service provider.

**Lighting**

On-site lighting would be part of the PVREA system. That said it is proposed that there be no street lighting provided with this subdivision. The rural character that exists is intended to be maintained. On-house lighting is also planned to be very limited and will be required to be shielded so that the source of any outside lighting is not visible from the public ROW.

**Traffic and Access**

Direct connections to public right-of-way allows for adequate access to the site. Primary access is proposed from Larimer County Road 8 near the center of the site. This primary access is aligned with an existing drive/access that serves property on the south side of LCR 8. A secondary access, as gravel, all-weather emergency only, is proposed from North County Road 19 near the northeast corner of the site. The primary access road that connects to LCR 8 and the internal "loop" road that provides access to clustered lots will be paved. Please see the attached Transportation Impact Report and the preliminary civil engineering plans for more detail about the road network, traffic and access. The existing farmstead in the southeast corner of the site will continue to use the existing access to Larimer County Road 19.

**Preliminary Use Plan**

There are 3 open spaces proposed with this project. There is an eastern residual lot, a western residual lot and a central open space. The residual lots each have a building envelope and a substantial open area that will be maintained in agriculture. The residual lots "wrap around" the central cluster providing a rural character from the surrounding properties and ROW. The central cluster location provides for good buffering from each of the surrounding properties and from the ROW.

The central open space is designed to provide for public benefit to both the residents of this conservation development as well as for the surrounding neighborhood. The park is centrally located in the neighborhood, maximizing its value. Surrounding neighbors can access the park from the primary entrance as well as from the emergency access that connects to the northeast corner of the site. There will be a network of soft surface trails and an irrigated park area. The trails allow for multiple loops to be walked when combined with the loop road serving the clustered lots. We think that this central public open space will be a active and enjoyable gathering space for the residents within this project and nearby this project.

### **Preliminary Wildlife Conservation Plan**

The location of the clustered lots is intentional to maintain wildlife corridors throughout the surrounding neighborhood. The cluster is located in a such a way to minimize impacts on wildlife movement.

A primary concern about wildlife in the surrounding neighborhood is the Bald Eagle nest located 1/8 of a mile north of the northwest corner of the property. This is an active eagles nest that has been successful for several years. The applicant has met with the State of Colorado Department of Parks and Wildlife to confirm the location of the nest and to better understand what the recommended buffers are to both the existing nest, as well as, the perch trees that are located on the western property line of the project. See the Site Inventory Map/Landscape Plan for the location of the perch trees. The "Honeymoon Tree" is located near the mid-point of the western property line. This tree has been observed as being used during the mating season. The "Big Chunky Tree" is located further north along the western property line. This tree has been observed as being used as a perch throughout the year.

The required setbacks per the Federal Fish and Wildlife requirements all fall outside of the boundaries of the property. The recommended buffer of the State of Colorado Division of Parks and Wildlife are ¼ mile from the nest and 800' from the perch trees. The conservation development cluster of lots are located so that they meet this the recommended buffers of the State of Colorado as well as the required buffers by the United States Federal Government.

**Written Appeal Requests****Culverts in lieu of Curb and Gutter:**

Larimer County standards normally require curb and gutter in new subdivisions with lots less than 200' wide. The goal of this standard as we understand it is to avoid culverts that are not properly installed or maintained. We support the goal of having property installed and maintained drainage. Our position is that the 200' standard is arbitrary and that the concerns of installation and maintenance can be managed. Any drainage feature including curb and gutter, detention ponds, outlet structures, ditches/swales etc. must be installed and maintained properly in order to function as designed.

Our goal for the project is to have a character that is as rural as possible. The neighborhood meeting, as well as public input over the years on this property and surrounding property has made it very clear that the public wants the character in this area to be as rural as possible. The addition of curb and gutter in an area that can be managed properly with a standard county rural road section with borrow ditches seems to make sense.

Regarding the proper installation and maintenance of these ditches and culverts. The HOA will require each culver to be inspected by an engineer to ensure it was properly installed. The HOA will also inspect the grading and seeding of the roadside ditches to ensure that they have been installed properly. The HOA will be responsible for ongoing maintenance and inspections of all of the neighborhood drainage features including but not limited to these culverts, roadside ditches, drainage collection ditches, detention facilities etc. The lots within this project cluster as described above will have limited water rights for outside landscape/irrigation. These irrigated areas will be focused around each home. The area within the public ROW will not be irrigated and will not be able to be landscaped with shrubs/trees/flower beds etc. The area within the ROW will be seeded with drought tolerant grasses and will be mown collectively by the HOA. Individual homeowners will not be allowed to alter the landscape within the ROW and will not be allowed to maintain these areas. Maintenance will be solely the responsibility of the HOA.

With proper installation and maintenance we feel strongly that a rural road section is the best solution to the access and drainage for this conservation development.

Therefore, we request a variance to the standards in the Larimer County Code to allow the installation of a rural road section and the use of borrow ditches and culverts in lieu of curb and gutter on lots narrower than 200'.

## Referral Review Comments



## ENGINEERING DEPARTMENT

Post Office Box 1190  
Fort Collins, Colorado 80522-1190

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

### MEMORANDUM

**TO:** Michael Whitley, Larimer County Planning Department

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

**DATE:** March 22, 2016

**SUBJECT:** Longs Peak Farm CD- Preliminary Plat

**Project Description/Background:**

This is a Preliminary Plat Review for a 43 lot Conservation Development on an 86.4 acres parcel. The site is located at 509 N County Road 19, northwest of the intersection of CR 19 & 8.

**Review Criteria:**

The intent of the Preliminary Plat submittal is to justify the feasibility of the proposal. Larimer County Engineering Department development review staff members have reviewed the materials that were submitted to our office under these guidelines and per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), Larimer County Stormwater Design Standards (LCSDS) and pertinent Intergovernmental Agreements.

**Comments:**

It appears that all of my comments in the memo dated December 21, 2015 have been addressed. The Larimer County Engineering Department offers no further comments.

**Staff Recommendation:**

The Larimer County Engineering Department supports an approval of this application. The Larimer County Engineering Department would recommend denial of the proposed appeal to the Rural Area Road Standards.

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

cc: TB Group, Aaron Olson, 444 Mountain Ave, Berthoud CO 80513  
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

To: Michael Whitley  
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: March 18, 2016

Subject: Longs Peak Farms CD – Public Hearing Resubmittal

The Longs Peak Farms CD is a proposal for a 43 lot Conservation Development on 83.65 acres west of Berthoud on County Road 19.

**Water.** Water for domestic purposes is to be supplied by the Little Thompson Water District. In a letter dated June 4, 2015, the District committed to provide standard residential service to the 42 new lots subject to the terms of the Rules and Regulations of the District. Our office has reviewed those Rules and Regulations, and determined that they offer an equivalent level of service to the standards outlined in Section 8.1.2.A.1 of the Larimer County Land Use Code relating to domestic water service. The letter satisfies our concern regarding this issue. Plans for the water distribution system will need to be approved by the District at the final plat stage.

**Sewer.** Sewer is to be supplied by the Town of Berthoud. The Town has committed to provide sewer service in their letter of November 23, 2015. That commitment satisfies our concerns regarding public sewer service for this preliminary plat review. The resubmittal notes that the Town will own and maintain the wastewater collection system once it has been installed by the applicant and accepted by the Town. We concur that this is the preferred situation for a residential subdivision on public sewer. Plans for the collection system will need to be approved by the Town at the final plat stage.

The project description notes that the existing farmstead will continue to use the on-site septic system so long as it remains serviceable, and that a connection to public sewer can be made if that system fails in the future. This is acceptable to our office.

**Stormwater Management during Construction.** All construction activities are required to obtain coverage under a State level stormwater management permit if they disturb one or more acres of land. The permits are administered by the Colorado Department of Public Health and Environment, Water Quality Control Division. The main pollutant of concern for construction activities is sediment. The permits require holders to control or eliminate the sources of pollutants in stormwater through the implementation of a Stormwater Management Plan, developed as part

of the application process. These Stormwater Management Plans must include best management practices (BMPs) that include treatment of stormwater discharges along with source reductions. The permit application and guidance documents are available from the Water Quality Control Division, which can be accessed through the Department's website at <https://www.colorado.gov/pacific/cdphe/news/water-quality-permits>.

**Fugitive Dust during Construction.** Colorado's air quality regulations contain requirements for controlling fugitive dust emissions during construction activities. The steps necessary to comply with those standards depend on the amount of land disturbed, and the duration of the disturbance. Development that involves clearing more than five acres of land must incorporate all available and practical methods which are technologically feasible and economically reasonable in order to minimize dust emissions.

If land development creates more than a 25 acre contiguous disturbance, or exceeds 6 months in duration, the responsible party is required to prepare a fugitive dust control plan, submit an air pollution emissions notice (APEN), and obtain an emissions permit from the Colorado Department of Public Health and Environment. The APEN and specialty permit application form for land development is available from the Air Pollution Control Division, which can be accessed through the Department's website at <https://www.colorado.gov/pacific/cdphe/air-permits>.

**Mosquito Control.** The preliminary pat materials indicates that the project will utilize a stormwater detention/water quality pond (Drainage Pond A). Mosquitoes will try and utilize the pond as a breeding site. Controlling mosquitoes is an important practice to prevent spread of the West Nile Virus. Limiting the design water quality detention time to less than 72 hours generally prevents mosquito eggs from maturing to the adult stage. Additionally, regular maintenance of ponds and outlet structures is necessary in order to keep them functioning properly.

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

cc: Aaron Olson, TB Group



**COMMUNITY DEVELOPMENT DIVISION**

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

**ADDRESSING REVIEW COMMENTS**

PROJECT NAME: LONGS PEAK FARM CONSERVATION DEVELOPMENT (CD)

CASE NUMBER: 15-S3313

DATE: 03/14/2016

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**Project Scope:** SKETCH PLAN REVIEW FOR A 43 LOT CONSERVATION DEVELOPMENT ON AN 86.4 ACRE PARCEL OF LAND ZONED FA-1 FARMING.

**Staff Comments on Addressing:** TALONS REACH DR HAS BEEN ACCEPTED BY LARIMER EMERGENCY TELEPHONE AUTHORITY (LETA) AND EMERGENCY DISPATCH. EAGLES NEST IS A STREET NAME THAT ALREADY EXISTS, IT CAN NOT BE REPEATED. THE APPLICANT OR DEVELOPER WILL NEED TO COME UP WITH AN ACCEPTABLE NAME FOR THIS ROAD.

**Addressing submittal requirements:** APPLICANT MUST SUBMIT NEW ROAD NAME FOR EAGLES NEST.

**Sent to:** MICHAEL WHITLEY-PLANNER II, JILL WILSON-CITIZEN RESOURCES TECHNICIAN, AARON OLSON-TB GROUP-APPLICANT

Respectfully submitted,

DAN KUNIS  
 GEOGRAPHIC INFORMATION SPECIALIST  
 LARIMER COUNTY COMMUNITY DEVELOPMENT DIVISION  
 970-498-7680  
[dkunis@larimer.org](mailto:dkunis@larimer.org)

# Berthoud Fire Protection District

Date: 3/16/2016

Larimer County Planning and Building Services Division, Michael Whitney, Planner II  
P.O. Box 1190  
Fort Collins Colorado, 80522-1190

Re: 15-S3313, Longs Peak Farm CD, Formally Haworth Property (Resubmittal)

Berthoud Colorado 80513

Dear Michael:

I have reviewed the resubmittal and have the following **new comments**:

## GENERAL

These comments pertain to the proposal for a Conservation Development Plan for Longs Peak Farms CD, Case # 15-S3313, an 86.4 acre development with 41 lots/residential (single family dwellings).

The requirements of the Fire Code, Building Code (with full regard to fire and life safety issues) and NFPA standards adopted at the time of planning approval and building construction must be met.

## EMERGENCY ACCESS REQUIREMENTS *(New comments in red)*

Regarding the additional required Fire Department Access Roadway:

The additional roadway with the required all-weather surface will run from CR 19, west and drop southwest *between lots 5 & 6* to Eagle Nest Drive.

Per the adopted International Fire Code, Appendix D, D103.5 Fire Department Access Road Gates securing the fire department access roads shall comply with the following criteria:

1. The minimum gate width shall be 20 feet.
2. Gates shall be the swing or sliding type.
3. Construction of the gates shall be of material that allow operation by one person.
4. Gate components shall be maintained in operative condition at all times
5. Electric gates shall be equipped with a means of opening the gate by fire department Personnel for emergency access or (long hose lay). Emergency opening devices shall be approved by the fire code official.

6. Manually opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock are installed at the gate location.

7. Locking device specifications shall be submitted for approval by the fire code official.

A minimum of two approved, sustained access roadways must be provided to the Development:

**2012 IFC, Section D107.1: One or two family dwelling residential developments.**

Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3 (Remoteness Rule).

Exception 1: Access from two directions shall not be required if all dwelling units are equipped throughout with NFPA 13, 13R or 13D, approved automatic sprinkler systems.

The sketch plan shows that this will be met with the main access road from W. County Road 8 and the emergency access road from N. County Road 19, with an all-weather surface provided.

**FIRE FIGHTING WATER SUPPLY**

Hydrant placement shall meet the requirements of the 2012 International Fire Code Appendix C. The number of hydrants shall be as specified in the adopted International Fire code. Currently, 1000 GPM for fire areas up to 3600 square feet. minimum required fire flow cannot be met for this development.

Berthoud Fire Protection District has agreed that we can provide a long hose lay to the development to provide additional required fire flows. Fire hydrants on CR 19 through the north emergency access road to the development can be utilized. It was estimated 500 GPM will be available in a looped 6" hydrant system that is to be installed throughout the development.

5. Hydrants shall be set back 3 feet from the curb face and shall be at least three feet from vegetation at full maturity, as well as fences, bushes, trees or any other fixed movable object. Fire hydrants shall be set tall enough as not to be impeded by back fill and landscaping. 2012 IFC 507.5.5.

*\*Please provide utility plan as soon as it is available. \**

6. All hydrants shall be in place and operational prior to any combustible material being brought on site.

ADDRESSING

7. Street names shall meet specifications set forth in Larimer County Rules of the Streets (see <http://larimer.org/streets/rules.htm>)

All proposed street names shall be approved by the Berthoud Fire Protection District and the Larimer Emergency Telecommunications Authority (LETA). Please submit street names to BFPD and LETA for review and approval.

Street names do not appear to conflict with BFPD street names. Please confirm with LETA.

If you have any questions, please direct them to me at your earliest opportunity.

Respectfully,

P. Michael Bruner  
Fire Marshal

CC: TB Group, Aaron Olson, [aaron@tbgroup.us](mailto:aaron@tbgroup.us)  
CC: File

Box 570, 275 Mountain Ave, Berthoud CO 80513  
(970)532-2264 Phone, (970)5324744 Fax, [www.berthoudfire.org](http://www.berthoudfire.org)



**COLORADO**  
 Division of Water Resources  
 Department of Natural Resources

1313 Sherman Street, Room 821  
 Denver, CO 80203

January 8, 2016

Michael Whitley  
 Larimer County Community Development Division  
 Transmission via email: [mwhitley@larimer.org](mailto:mwhitley@larimer.org)

Re: Longs Peak Farms CD  
 Case No. 15-S3313  
 Pt. SE ¼ Section 16, T4N, R69W, 6<sup>th</sup> P.M.  
 Water Division 1, Water District 4

Dear Mr. Whitley:

We have reviewed the above referenced proposal to subdivide a parcel of 83.65 acres into a total of 43 residential lots. Forty-one (41) residential lots of approximately 0.5 acres in size will be grouped around a 6.5-acre non-buildable common lot. The two remaining residences are proposed to be located on Residual Lot A (31.0 acres) and Residual Lot B (22.7 acres).

#### Water Supply Demand

Water requirements for the subdivision were estimated to total 15.2 acre-feet per year, consisting of 9.199 acre-feet for household use in 43 units (191 gallons per day per unit) and 6.0 acre-feet per year for the irrigation of 2 acres.

#### Source of Water Supply

The proposed potable water source is the Little Thompson Water District ("LTWD"). This office most recently received information from the District regarding their water supply in a letter dated January 10, 2013. Based on that letter, the District had a total firm yield of 4,923 acre-feet at that time, with a total projected demand of 5,423 acre-feet during the period of 2016-2020. The LTWD requires developers to dedicate water rights sufficient to supply the anticipated demands within their development. The Applicant will provide water rights to the LTWD through their existing Handy Ditch shares associated with the property. The Applicant is in the process of determining the yield of each Handy Ditch share with the LTWD. The Project Description references a letter of commitment to serve from the LTWD; however, a copy of the letter was not provided to this office.

#### State Engineer's Office Opinion

As outlined in the statutes, Section 30-28-136(1)(h)(II), C.R.S., a municipality or quasi-municipality is required to file a report with the county and the State Engineer documenting the amount of water which can be supplied to the proposed development without causing injury to existing water rights. To expedite the evaluation of the water supply for the subdivision, a water supply report or statement should include a summary of water rights owned or controlled by the District, the anticipated yields of these rights both in an average year and dry year, the present



Longs Peak Farms CD  
Case No. 15-S3313

demand on the system, the anticipated demand due to commitments for service entered into by the District, and the amount of uncommitted firm supply the District has available for the future. Attachment A on page 3 of the memorandum entitled State Engineer's Actions of Proposed Water Supplies for Land Use Actions, contains the necessary information.

Since this information was not provided, our office cannot comment on the potential for injury to existing water rights or the adequacy of the proposed water supply under the provisions of Section 30-28-136(1)(h)(II), C.R.S. Should you or the Applicant have any questions regarding this matter or would like to provide the required information for our review, please contact Sarah Brucker of this office.

Sincerely,

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

Cc: Aaron Olson, TB Group, [aaron@tbgroup.us](mailto:aaron@tbgroup.us)  
Subdivision file no. 23753





**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>

December 31, 2015

Aaron Olson TB Group  
 444 Mountain Avenue  
 Berthoud, CO 80513

RE: Longs Peak Farm Conservation Development, File 15-83313 Dear Mr. Olson,  
 Thank you for submitting the Preliminary Plat application for the Longs Peak Farm Conservation Development.

Planning staff distributed the plans to a number of other Larimer County departments and non-county referral agencies. Copies of the review comments from the various review entities were mailed directly to the applicant and are attached to this letter for reference. An email received from an adjacent property owner is also included.

Planning staff had the following comments:

The file number is 15-S3313. Please add that number to the plat.

RESPONSE: That number has been added to the Plat

Without a density bonus as described in Section 5.3.6 of the Land Use Code, the maximum density in a Conservation Development is calculated by dividing the total developable area by 100,000 square feet. For the subject 83.653 acre parcel, this would result in a maximum density of 36 units.

RESPONSE: Acknowledged

The project description needs to include a request for the 20% density bonus plus justification for why the applicant believes the density bonus is justified. Please note that one of the criteria for granting the bonus is that the project complies with the standards for all development required by Section 8 of the Land Use Code. The project as proposed will require appeals to a number of Section 8 standards.

RESPONSE: The project description has been revised as requested. Please note that the plans have been changed as requested to adhere to all development standards of Section 8. We are no longer requesting any appeals to the Section 8 standards.

**[Section to be added to the project description]**

The Longs Peak Farms project is requesting the allowed 20% increase in density based on the criteria described in the Larimer County Land Use Code.

*Criteria from Section 5.3.6.A.6. of the Larimer County Land Use Code:*

*Conservation developments in the FA-1 Farming and E-Estate zoning districts that provide 80 percent residual land and provide public sewer service may increase the number of dwelling units by 20 percent. This increase is an incentive to the developer and benefits the community by maximizing the protection of open space and water quality as required by the master plan fairness principles. The density bonus is to be awarded at the discretion of the county commissioners upon finding that there is a significant public benefit due to the design of the conservation development, the feature(s) being preserved in the residual land and the project complies with the standards for all development required by section 8 in this code.*

We feel strongly that simply preserving 80% of the property in permanent open space as described in the Larimer County Land Use Code satisfies the finding that this project provides a significant public benefit, due to the design of the conservation development and the features being preserved in the residual land. The project complies with all development standards in Section 8 of the Larimer County Land Use Code.

In addition to preserving 80% of the property as open space the design of this Conservation Development also provides for additional significant public benefit in the following ways:

Eagles nest – The design of the residual land provides for and exceeds the recommended buffer to the bald eagle nest located to the northwest of the property.

Eagle perch – The design of the project provides for and exceeds the recommended buffer to the bald eagle perch trees located along the western property line.

Wildlife movement – The residual land design allows for the movement of wildlife through the property while providing good connection to the surrounding open lands.

Trail corridor – If Larimer County Open Lands determines that this is the preferred location for a trail, the design of the residual land would provide for a very nice corridor for a future trail.

Public Open Space – A substantial open space within the project has been included that will provide benefit to the residents of this project but will public and available to the residents in the surrounding area. This area will have trails and park.

Preferred access – The design of this project locates the access to the neighborhood in the location that was preferred by the surrounding property owners that attended the neighborhood meeting.

Buffer to surrounding property owners – This project provides substantial buffers to the surrounding land uses. The proposed buffers exceed greatly those required by the Larimer County Land Use Code.

Buffer between commercial land uses to the east - The design of this project provides substantial buffer on the east side of the project buffering these new county residences from the intense commercial and mixed use development proposed on the property directly to the east. This property has been annexed to the Town of Berthoud and has a final plat allowing for intense commercial land uses.

Buffer to county roads - This project provides substantial buffers to Larimer County Road 8 and Larimer County Road 19.

Connection to sanitary sewer – This project as proposed will connect to the Town of Berthoud sanitary sewer system which will provide a significant public benefit by reducing the number of septic systems that would otherwise be allowed on this property.

**Per Section 8.1.1.A, a public central wastewater system is the preferred method of sewage collection and treatment in all zoning districts with a density greater than one dwelling unit per 10 acres and every reasonable effort must be made to provide this method of service.**

RESPONSE: We are proposing to use a public central wastewater system.

The proposed sewage system appears to be a hybrid of a public and private system with a private collection system within the Conservation Development to connect to the Town of Berthoud's public sewer system. Section 8.14.4.F of the Land Use Code requires that utilities be extended to each lot or building site. The proposed private collection system would require an appeal to that Section.

In the project description, please explain why a private collection and tap system is proposed instead of extending the public sewer system throughout the development.

RESPONSE: We are not proposing a private system. These sanitary sewer lines would be within Public Right of Way dedicated to Larimer County. The Town of Berthoud has agreed to allow us to connect to their sanitary sewer system, and has agreed to accept and maintain the sewer system.

The Homeowner's Association is proposed to be responsible for the maintenance of culverts and the private wastewater collection system. Presumably the HOA would also be responsible for road maintenance.

RESPONSE: We have redesigned the project to provide curbs as requested. However we would like to

propose to the Planning Commission and Board of County Commissioners the option of culverts and road side ditches. We continue to feel strongly that this provides an adequate road/driveway/drainage system that has been used for decades in rural settings. We will defer to the County Commissioners for this decision. The HOA would be responsible for maintenance/repair/replacement of the the roads.

The Development Services Team has reservations about the extent of the responsibilities given to the HOA and requests that the applicant consider the creation of a metropolitan district with a service plan to provide a more stable and sustainable mechanism for maintaining infrastructure within the Conservation Development.

RESPONSE: We are open to forming a Metro District but don't feel it is necessary.

The project description notes that right-of-way is proposed to be dedicated to provide connectivity to the north but an appeal is being requested to not construct the road within the right-of-way. At this point, the Development Services Team does not support the appeal.

RESPONSE: We have modified the plans to provide for the construction of this street connection with this development.

Please include information as to the proposed trigger for the development of the road and proposed responsibility for construction. Typically, when a required improvement is delayed, the developer posts collateral for the improvement. This might be an item that could be included in the service plan for a metropolitan district.

RESPONSE: We have modified the plans to provide for the construction of this street connection with this development.

The Engineering Department does not support the proposed curb and gutter appeal.

RESPONSE: We have modified the plans to provide for curb and gutter, however we would like to continue to request the Commissioners consider the option of culverts and roadside ditches.

Unless the applicants indicates they would like to pursue them as separate items, all appeals will be considered by the Board of County Commissioners concurrent with the Preliminary Plat.

In other developments (Fossil Lake Ranch, The Sanctuary and Westchase) that are near bald eagle nests the developer installed landscaped buffers and fences along the back of lots that were just beyond the recommended setback. While this buffer is not required, it is recommended and could be included as an element in the justification for a density bonus.

RESPONSE: We have been working with the Colorado Parks and Wildlife staff to provide for adequate buffers to both the eagle nest and the various perches that the eagles use. They did not request any additional buffering, and we don't feel additional buffering is necessary.

Multiple standards in Section 5.3 (Conservation Development) require that residual land be as large and contiguous as possible. Roads can cross residual land. The Development Services Team will recommend to the Planning Commission and the Board of County Commissioners that Residual Lots A and B be combined into one residual parcel.

RESPONSE: We have discussed this at length with Larimer County Planning staff. We feel strongly that having the residual land as two lots associated with the two building envelopes as shown on our proposal provides for the best success of these residual lots.

The project description states that an agricultural support building may be proposed outside of the building envelope on one of the residual lots. With the next submittal, the project description should be modified to include specific details of what is proposed to be allowed outside of the building envelope (for example, a single building of a specific size and at a specific location or some other proposal).

RESPONSE: We have added a building envelope to the plat.

Please note that the comments from the Colorado Geological Survey indicate that full-depth basements may not be allowed without groundwater mitigation or raised site grading.

RESPONSE: Acknowledged.

The applicant had previously asked about various fees associated with building permits. Below are the current fees for transportation impacts, parks, schools and use taxes for a single-family home.

Please note that the fees are due at the time of building permit and that most fees are adjusted each year.  
The use tax assumes a home value of \$350,000.

Transportation Capital Expansion Fee: \$3,418.00 Parks: \$701

Thompson R2-J fee: \$1,382.00 Use tax: \$1,137.50.00

RESPONSE: Acknowledged.

Please let me know if you have any questions.

Sincerely,

Michael Whitley, AICP Planner II, Larimer County



MEMORANDUM  
ENGINEERING DEPARTMENT  
 Post Office Box 1190 Fort Collins, Colorado 80522-1190

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

TO: Michael Whitley, Larimer County Planning Department  
 FROM: Clint Jones, Larimer County Engineering Department  
 DATE: December 21, 2015  
 SUBJECT: Longs Peak Farm CD- Preliminary Plat

Project Description/Background:

This is a Preliminary Plat Review for a 42 lot Conservation Development on a 86.4 acres parcel. The site is located at 509 N County Road 19, northwest of the intersection of CR 19 & 8.

Review Criteria:

The intent of the Preliminary Plat submittal is to justify the feasibility of the proposal. Larimer County Engineering Department development review staff members have 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 Urban Area Street Standards (LCUASS), Larimer County Stonewater Design Standards (LCSDS) and pertinent Intergovernmental Agreements.

Comments:

1. The applicant is appealing section 8.14.1.R of the Larimer County Land Use Code which requires the developer to construct the road to the property line. The Larimer County Engineering Department does not support this appeal.

RESPONSE: We are no longer requesting this appeal and have revised the plan to include the construction of this road to the property line.

2. The applicant is also appealing section 4.7.1.2 of the LCRARS, which requires curb and gutter for lots with average lot frontages less than or equal to 200 feet. The proposed average lot frontage is approximately 116' which is well below the minimum 200 feet. The Larimer County Engineering Department as well as the Interim Public Works Director can not support this appeal due to the following reasons:

- Stormwater capacity tends to decrease over time with road side swales. This becomes more of an issue with small lots where homes are closer together
- Home owners associations change over time and in the future they may not want to manage drainage. In addition, they may not have the expertise needed to solve drainage problems if they arise.
- Home owners associations aren't always permanent.
- Culverts can create drainage issues if they aren't installed and maintained properly. These issues are intensified and affect more people with smaller lot sizes.
- Larimer County does not issue access permits or regulate access onto local subdivision roads. In the past, it is common for lots to have multiple access points for circle drives or detached garages. This means more culverts and the potential for problems.

3. Some of the culverts do not meet the minimum requirement of the LCRARS. The minimum requirements can be found on Drawing 11, Appendix C of the LCRARS.

RESPONSE: We are still requesting the appeal to allow culverts. However, we have modified the plans to include curb and gutter so that if the County Commissioners determine that the appeal is not supported that the plan can move forward with curb and gutter as designed.

4. More detail on how the entrance island will operate will be required. Currently it appears that the island may create an unsafe intersection where drivers have to look over their shoulder and merge. A T-intersection or round-a-bout may be required.

RESPONSE: The entrance island has been modified to a "T" intersection as requested.

5. The applicant should contact the Berthoud Fire District to ensure that the building and internal street layout is adequate for their purposes.

RESPONSE: We have coordinated with Berthoud Fire Protection District.

Fees and Permits:

1. All of the fees and permits outlined in my memo dated June 18, 2015 still apply.

2. Per Senate Bill 15-212, effective August 15, 2015 all new stormwater detention and infiltration facilities are required to provide notification to all parties on the substitute water supply plan email list maintained by the State Engineer. The notice must include the location of the facility, surface area at design volume, and data that demonstrates that the facility complies with the required release rates. This information must be entered using the required data sheet and maps found on the State Compliance Portal at <https://maperture.digitaldataservices.com/gvh/?viewer=cswd> if A copy of the data sheet also needs to be included in the final drainage report. For additional information regarding this requirement you can read the applicable links at [www.UDFCD.org](http://www.UDFCD.org) or contact the County review engineer.

Staff Recommendation:

Once the above comments have been addressed, the Larimer County Engineering Department would support an approval of this application. The Larimer County Engineering Department would recommend denial of the proposed appeals to the Land Use Code and Rural Area Road Standards.

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

cc: TB Group, Aaron Olson, 444 Mountain Ave, Berthoud CO 80513 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

To: Michael Whitley  
 From: Larimer County Planning Department Doug Ryan  
 Date: December 8, 2015  
 Subject: Longs Peak Farms CD - Public Hearing Submittal

The Longs Peak Farms CD is a proposal for a 43 lot Conservation Development on 86.4 acres west of Berthoud on County Road 19.

**Water.** Water for domestic purposes is to be supplied by the Little Thompson Water District. In a letter dated June 4, 2015, the District committed to provide standard residential service to the 42 new lots subject to the terms of the Rules and Regulations of the District. Our office has reviewed those Rules and Regulations, and determined that they offer an equivalent level of service to the standards outlined in Section 8.1.2.A.1 of the Larimer County Land Use Code relating to domestic water service. The letter satisfies our concern regarding this issue. Plans for the water distribution system will need to be approved by the District at the final plat stage.

RESPONSE: Acknowledged

Colorado Revised Statutes 30-28-136(1)(h)(II) require that the State Engineer at the Colorado Division of Water Resources review subdivision proposals for adequacy of a public water supply. Their response to the preliminary plat referral should be outlined in the staff report for the public hearing.

RESPONSE: Acknowledged

**Sewer.** Sewer is to be supplied by the Town of Berthoud. The Town has committed to provide sewer service in their letter of November 23, 2015. That commitment satisfies our concerns regarding public sewer service for this preliminary plat review.

RESPONSE: Acknowledged

The draft wastewater service agreement between the Town and the developer notes that a private collection system will be utilized inside the development and that an offsite sewer main will be constructed to connect to the Dry Creed interceptor and ultimately deeded to the Town. Looking ahead to the final plat stage, plans for the sewer collection system will need to be approved by the entity responsible for their ownership and maintenance. Based on the current project description plans for the onsite collection system will need to be approved by the representative for the Longs Peak Farms Homeowner's Association. Plans for the offsite main and connection will need to be approved by the Town of Berthoud. The project description notes that the existing farmstead will continue to use the on-site septic system so long as it remains serviceable, and that a connection to public sewer can be made if that system fails in the future. This is acceptable to our office.

RESPONSE: Acknowledged

**Stormwater Management during Construction.** All construction activities are required to obtain coverage under a State level stormwater management permit if they disturb one or more acres of land. The permits are administered by the Colorado Department of Public Health and Environment, Water Quality Control Division. The main pollutant of concern for construction activities is sediment. The permits require holders to control or eliminate the sources of pollutants in stormwater through the implementation of a Stormwater Management Plan, developed as part of the application process. These Stormwater

Management Plans must include best management practices (BMPs) that include treatment of stormwater discharges along with source reductions.

The permit application and guidance documents are available from the Water Quality Control Division, which can be accessed through the Department's website at <https://www.colorado.gov/pacific/cdphe/news/water-quality-permits>.

RESPONSE: Acknowledged

**Fugitive Dust during Construction.** Colorado's air quality regulations contain requirements for controlling fugitive dust emissions during construction activities. The steps necessary to comply with those standards depend on the amount of land disturbed, and the duration of the disturbance. Development that involves clearing more than five acres of land must incorporate all available and practical methods which are technologically feasible and economically reasonable in order to minimize dust emissions.

If land development creates more than a 25 acre contiguous disturbance, or exceeds 6 months in duration, the responsible party is required to prepare a fugitive dust control plan, submit an air pollution emissions notice (APEN), and obtain an emissions permit from the Colorado Department of Public Health and Environment. The APEN and specialty permit application form for land development is available from the Air Pollution Control Division, which can be accessed through the Department's website at <https://www.colorado.gov/pacific/cdphe/air-permits>.

RESPONSE: Acknowledged

**Mosquito Control.** The preliminary plan materials indicates that the project will utilize a stormwater detention/water quality pond (Drainage Pond A). Mosquitoes will breed and utilize the pond as a breeding site. Controlling mosquitoes is an important practice to prevent spread of the West Nile Virus. Limiting the design water quality detention time to less than 72 hours generally prevents mosquito eggs from maturing to the adult stage. Additionally, regular maintenance of ponds and outlet structures is necessary in order to keep them functioning properly.

RESPONSE: Acknowledged

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

cc: Aaron Olson, TB Group



COMMUNITY DEVELOPMENT DIVISION

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

ADDRESSING REVIEW COMMENTS

PROJECT NAME: LONGS PEAK FARM CONSERVATION DEVELOPMENT (CD) CASE NUMBER: 15-S3313  
 DATE: 12/03/2015

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Project Scope: SKETCH PLAN REVIEW FOR A 43 LOT CONSERVATION DEVELOPMENT ON AN 86.4 ACRE PARCEL OF LAND ZONED FA-I FARMING.

Staff Comments on Addressing: THE THREE ROAD NAMES SUBMITTED ON THE DRAFT PLAT DATED 11-9-15 WILL NOT BE ACCEPTABLE AFTER BEING REVIEWED BY MYSELF AND LETA (LARIMER EMERGENCY TELEPHONE AUTHORITY), THE NAMES HAWTHORNE LN, LONG PEAK FARM DR, AND RED CIR CONFLICT WITH EXISTING ROAD NAMES IN LARIMER COUNTY. THE APPLICANT WILL HAVE TO COME UP WITH NEW, UNIQUE ROAD NAMES. I WOULD RECOMMEND THAT THE APPLICANT USE TWO ROAD NAMES. ONE ROAD WOULD COME OFF W COUNTY ROAD 8 AND PROCEED NORTH ALONG THE EAST SIDE OF THE CD AND THEN WEST TO THE PROPOSED EMERGENCY ACCESS WEST OF LOT 1, BLOCK 2. THE OTHER ROAD WOULD PROCEED WEST AND NORTH FROM LOT 1, BLOCK 1 TO THE INTERSECTION OF THE ABOVE MENTIONED EMERGENCY ACCESS.

Addressing submittal requirements: APPLICANT MUST SUBMIT NEW ROAD NAMES.

RESPONSE: Acknowledged, we have proposed revised street names on the plat.

Sent to: MICHAEL WHITLEY-PLANNER II, JILL WILSON-CITIZEN RESOURCES  
 TECHNICIAN, AARON OLSON-TB GROUP-APPLICANT

Respectfully submitted,

DAN KUNIS  
 GEOGRAPHIC INFORMATION SPECIALIST  
 LARIMER COUNTY COMMUNITY DEVELOPMENT DIVISION 970-498-7680

[dkunis@larimer.org](mailto:dkunis@larimer.org)  
 12/17/2015

[co.larimer.co.us](http://co.larimer.co.us) Mail - Longs Peak Farm Road ( Case# 15-83313)



Michael Whitley  
<whitlemd@co.larimer.co.us>

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**Longs Peak Farm Road ( Case # 15-53313)**

1 message

**Jim Frick** <frickj@co.larimer.co.us>

To: Michael Whitley <mwhitley@larimer.org> Hi Michael,  
Thu, Dec 17, 2015 at 10:51 AM

Just wanted to let you know that Road & Bridge has no issues with this proposal. Thanks,  
Jim

RESPONSE: Acknowledged

**Jim Frick**

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

<https://mail.google.com/mail/u/0/?ui=2&ik=d8427427f0&lliew=pt&search=inbox&th=151b111467ba3484&sim=151b111467ba3484>



**DEPARTMENT OF NATURAL RESOURCES**

- Visitor Services
  - Open Lands
  - Weed Management & Forestry
- 1800 South County Road 31  
 Loveland, CO 80537  
 (970) 619-4570/ (970) 619-4574 FAX  
[www.larimer.org/naturalresources](http://www.larimer.org/naturalresources)

December 21, 2015

Mr. Aaron Olson  
 TB Group  
 444 Mountain Avenue  
 Berthoud, Colorado 80513

RE: Longs Peak Farms CD Dear Mr. Olson:

The Larimer County Natural Resources Department is a review agent for all conservation developments proposed in unincorporated Larimer County. We appreciate your interest in protecting the rural character of this property by pursuing a conservation development and locating the residential lots away from the active bald eagle nest.

We'd like to make two recommendations that will further protect the conservation values of this property:

1 Tie the remaining irrigation rights to Residual Lots A and B, so that farming can remain viable in southern Larimer County. As you know, "buy and dry" is one of the biggest threats to a viable agricultural economy. Tying the water to the land will ensure that Longs Peak Farm will remain a farm.  
 RESPONSE: Acknowledged, we are working to tie irrigation rights to the Residual Lots A and B.

2 Dedicate Residual Lots A and B as Open Space and Bike and Pedestrian Easements. The Colorado Front Range Trail is a shared use (concrete, multi-use) path that crosses Larimer County. A segment of this trail is reflected in the Heron Lakes Concept Plan/Final Plat, a new development proposed nearby. If future connections are feasible, the Longs Peak Farms CD could be an excellent section of the trail, with visual access to farmland and wildlife, as well as giving homeowners safe and convenient access to a public trail. Larimer County would work with the developer or HOA to locate the trail to maximize neighborhood benefits and reduce impacts to agricultural and other property values.

RESPONSE: We are aware of the trail and have been supportive of the trail as it crosses other properties in this area. If/when the County is interested in pursuing the trail location we will be more than happy to coordinate. I am guessing that the only viable location for the trail on this property is along the county roads due to the bald eagle nest and perch trees. My understanding is that the preferred trail connection is further north along W CR 10 as it connects to the Heron Lakes project.

In addition, assess the Regional Park In-Lieu Fees for each residential development planned in Larimer County. The table below lists the Park Fees associated with each type of residential development. These county fees are assessed due to the residential development proposed and will be due when a building permit is issued.

RESPONSE: Acknowledged.

The purpose of the Regional Park In-Lieu Fee program is to allow new residential growth to pay a proportionate share of the impacts to Regional Parks and Open Lands. These fees are kept by the County and are dedicated for the acquisition of Regional Parks and publicly accessible Open Lands, such as Fossil Creek Reservoir and Horsetooth Mountain Open Space.

Type of Residence	Larimer County Regional Park Fee
Single Family Attached	\$701
Single Family Detached	\$547
Duplex	\$526
Multi-family	\$456
Mobile Home	\$540

Thank you for considering the request to protect agriculture by tying water to the land and extending the Colorado Front Range Trail. If you have any questions about these concepts or about the Regional Park Fees, feel free to contact me at 970-619-4569 or the Planning Department representative assigned to this project.

Jeffrey Boring Resource Specialist II  
Larimer County Natural Resources



12/18/15

Larimer County Planning  
 P.O. Box 1190  
 Fort Collins, CO 80522 Re: Longs Peak Farms  
 To Whom It May Concern,

This letter is in regards to the Longs Peak Farms development referral. The Community Development Department has reviewed the plans, and has the following comments:

1. This property is located within the Town of Berthoud's adopted Growth Management Area. However, upon review of the 2001 IGA between the County and the Town that still remains in effect, the property was not located within the IGA boundaries-which do not reflect the current Town's Preferred Land Use Plan and adopted Growth Management Area.

RESPONSE: Acknowledged.

2 This property was subject to an election in 2014, where the Town voted not to accept the annexation of the property into the Town limits. Therefore, it is no longer subject to annexation without a vote.

RESPONSE: Acknowledged.

3 The proposed density of 0.5 dwelling units an acre is consistent with the Town's Preferred Land Use designation of Low Density Rural Residential (up to 0.5 du per acre).

RESPONSE: Acknowledged.

4 The proposed cluster housing, and preservation of open space and farmland, is also consistent with the Town's Preferred Land Use and Development Code.

RESPONSE: Acknowledged.

We appreciate the opportunity to review this proposal. Should you have any questions, feel free to contact me anytime.

Sincerely,

Curt Freese, AICP  
 Community Development Director 328 Massachusetts Avenue  
 P.O. Box 1229, 80513 Office: 970-532-2643 Cell: 970-342-9887  
 Email: [CFreese@berthoud.org](mailto:CFreese@berthoud.org)



Town of Berthoud  
328 Massachusetts Ave.  
P.O. Box 1229  
Berthoud, CO 80513  
970.532.2643

December 11, 2015

TB Group Aaron Olson  
444 Mountain Avenue  
Berthoud, CO 80513

RE: Response to review of Longs Peak Farm CD To whom it may concern:  
The Town of Berthoud has reviewed the Longs Peak Farm CD submittal and has the following comments:

a. Provide all construction Sanitary sewer profiles for final approval.  
RESPONSE: Acknowledged.

b. Remove Water Notes pertaining to Town of Berthoud Water standards.  
RESPONSE: Acknowledged.

c. LCR 19 does belong to the Town of Berthoud, the culvert for the entrance will need to be the minimum 18-inch per Town Standards.  
RESPONSE: Acknowledged.

Please feel free to contact me with further questions.

Sincerely,

Stephanie D. Brothers, P.E.  
Public Works Director



**Michael Whitley**  
<whitlemd@co.larimer.co.us>

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**FW: Longs Peak Farms CD**

1 message

**Michael Cook** <mtcook@lwd.org>  
To: "mwhitley@larimer.org" <mwhitley@larimer.org>  
Mon, Dec 21, 2015 at 8:08 AM

LWD has issued a commitment letter for the Longs Peak Farms CD outlining the development requirements for se!"Ace.

RESPONSE: Acknowledged.

LWD has reviewed the Preliminary construction plans and will coordinate with the developer and engineer to ensure that the final construction plans meet the requirements for the project and the standards of the Little Thompson Water District.

RESPONSE: Acknowledged.

**Berthoud Fire Protection District**

Date: 12/14/2015

Larimer County Planning and Building Services Division  
 P.O. Box 1190  
 Fort Collins Colorado, 80522-1190

Re: Longs Peak Farm CD, 15-83313 Berthoud Colorado 80513

Dear Mr. Whitney:

I have reviewed the above project with the following comments: GENERAL  
 These comments pertain to the proposal for a conservation development for Longs Farm CD, a 43 lot, 86.4 acre development west of the Town Berthoud within the Berthoud Fire Protection District. Our last correspondence was on 6/15/2015 with much discussion on Emergency Access Requirements and Water Supply. A hydraulic model was submitted and approved by the District.

All requirements of the adopted Fire and Building Codes, (with regard to fire and life safety) and NFPA standards must be met.

If developers/home owners choose to install sprinklers, approved, NFPA 13D sprinkler systems, plans to the district for approval prior to installation. Sprinkler systems are highly recommended as they save lives and property.

**EMERGENCY VEHICLE ACCESS REQUIREMENTS**

A minimum of two approved, sustained access roadways must be provided to the development during the construction phase of this project.

RESPONSE: Acknowledged.

Access roadways shall be finished by an application of an all-weather surface of hot mix asphaltic concrete or concrete pavement over a flexible base capable of supporting a design wheel load of 18,000 pounds (GVW 80,000 pounds minimum). This applies to all types of access roadways. 2012 IFC 503.2.3.

RESPONSE: Acknowledged.

**FIREFIGHTING WATER SUPPLY**

**HYDRANT PLACEMENT** shall meet the criteria of the 2012 IFC, Appendix C, FIRE HYDRANT LOCATIONS AND DISTRIBUTION. Number of hydrants shall be as specified by this IFC section and Table C 105.1. All hydrants shall be in place and operational prior to any combustible material being brought on this site.

RESPONSE: Acknowledged.

**Hydrant locations and distribution will be reviewed when Utility Plan is provided. IFC 507.5.1**

RESPONSE: Acknowledged.

Hydrants shall be set back a minimum of 3 feet from the curb face and shall be at least at least 3 feet from vegetation at full maturity (with the exception of grass and ground cover), as well as fences, bushes, trees, walls, or any other fixed or movable object. 2012 IFC 507.5.5.

RESPONSE: Acknowledged.

**ADDRESSING**

Street names shall meet specifications set forth in the Larimer County Rules of Streets (see <http://larimer.org/streets/rulcs.htm>). A street name already in use within Larimer County may not be duplicated. When a street makes a directional change of 90 degrees, the street name shall change per Larimer's policy.

RESPONSE: Acknowledged.

All proposed street names shall be approved by the Berthoud Fire Protection District and LETA.

RESPONSE: Acknowledged.

Note: If the street names have not been submitted to LETA for review and approval, please do so.

Water mains supplying hydrants must be looped whenever possible.

RESPONSE: Acknowledged.

Information provided states water mains will 6' diameter minimum and looped.

RESPONSE: Acknowledged.

If you have any questions, please direct them to me at your earliest opportunity.

Respectfully,

P. Michael Bruner Fire Marshal

CC: TB Group, AARON@TBGROUP.US

CC: File

Box 570, 275 Mountain Ave, Berthoud CO 80513  
(970)532-2264 Phone, (970)5324744 Fax, [www.berthoudfire.org](http://www.berthoudfire.org)



COLORADO GEOLOGICAL SURVEY

1801 19th Street  
Golden, Colorado 80401

December 18, 2015

Michael Whitley  
Community Development Division Larimer County  
P.O. Box 1190  
Fort Collins, CO 80522

Location: S1h SE1/4 Section 16,  
T4N, R69W of the 6th P.M. 40.3069, -105.1163

Subject: Longs Peak Farms CD – Sketch Plan  
Case Number 15-83313; Larimer County, CO; CGS Unique No. LM-16-0008

Dear Michael:

Colorado Geological Survey has reviewed the Longs Peak Farms CD sketch plan referral. I understand the applicant proposes a 43-lot conservation development on 86.4 acres located northwest of CR19 and CR8, about two miles west of Berthoud. With this referral, we received a request for CGS review and a Site Data Sheet (December 1, 2015), a Project Description and a set of three Preliminary Site Inventory and Landscape Plans (TB Group, November 9, 2015), a Preliminary Subsurface Exploration Report, Haworth Development (EEC, September 8, 2015), and a set of six CD plans (Northern Engineering, November 9, 2015). Little Thompson Water District will provide domestic water service, and the Town of Berthoud will provide sanitary sewer service. Proposed Residual Lot B contains an existing home and outbuildings.

RESPONSE: Acknowledged.

The site does not contain steep slopes, is located outside of any mapped FEMA flood hazard zones, is not undermined, and is not exposed to or located within any identified geologic hazard areas that would preclude the proposed residential use and density. CGS therefore has no objection to approval of the CD as proposed.

RESPONSE: Acknowledged.

Shallow groundwater. EEC observed groundwater in three of their four borings at very shallow depths of seven to ten feet below the ground surface. Due to risks of water infiltration into below-grade spaces, damp/moldy conditions, and hydrostatic loads on below-grade walls and floors, basements should not be considered feasible unless mitigation (raise site grades or construct an area underdrain beneath the sanitary sewer system) is performed to ensure that a *minimum* three foot (preferably five foot) separation distance between shallowest seasonal water levels and lowermost floor levels can be maintained year-round. Individual foundation perimeter drains are intended to handle small amounts of intermittent, perched water, and are *not* to be used to mitigate a persistent shallow groundwater condition.

RESPONSE: Acknowledged.

It is possible that the shallow groundwater condition is related to flood irrigation of corn fields around the time of drilling, but this would need to be confirmed through additional water levels observations once irrigation ceases. If agricultural irrigation will continue post-development, then the shallow groundwater condition will preclude full-depth basement construction.

RESPONSE: Acknowledged.

Soil and bedrock engineering properties. EEC's geotechnical report contain a valid preliminary description of subsurface conditions based on the results of four borings and laboratory testing, and makes appropriate *preliminary* recommendations regarding subgrade preparation, overexcavation and fill placement, foundation, floor, roadway and pavement design to mitigate the site's moisture-sensitive (expansive) soils and claystone bedrock.

RESPONSE: Acknowledged.

Lot-specific, design-level geotechnical investigations including drilling, sampling, lab testing and analysis will be needed, once building locations are finalized, to better characterize soil and bedrock engineering properties such as density, strength, water content, and swell/consolidation potential; identify potentially moisture-sensitive (expansive and collapsible) soils and expansive claystone bedrock; determine depths to groundwater and bedrock; determine whether full-depth basements are feasible; and refine earthwork, foundation, floor system, subsurface drainage, and pavement recommendations for design purposes.

RESPONSE: Acknowledged.

Corrosive soils. EEC's water-soluble sulfate testing indicates that the site soils present a low to moderate risk of sulfate attack to conventional Portland cement concrete. CGS agrees that sulfate attack-resistant Class 2 and/or Type 1/11 cement should be used in all project concrete that will be in contact with site soils.

RESPONSE: Acknowledged.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail [carlson@mines.edu](mailto:carlson@mines.edu).

Sincerely

Jillarlson, C.E.G. Engineering Geologist

## Comments from the Public



Michael Whitley <whitlemd@co.larimer.co.us>

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## Longs Peak Farm Plat Application Comments

1 message

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**Matt & Jenny Brown** <mattjennybrown@gmail.com>

Thu, Feb 4, 2016 at 3:41 PM

To: mwhitley@larimer.org

Hello Michael,

Your name was passed along as the person to contact in regards to concerns pertaining to the Longs Peak Farm Plat Application. Please also forward these comments to the appropriate committees.

This property's annexation was reversed by the Town of Berthoud voters because they, and county members such as myself, felt that the development needed to fall within county density guidelines. Very specifically, I heard countless times as I spoke with community members, that when the property was to be developed, that it needed to be in a manner that fit with the surrounding farmland and other existing rural developments. This was an overwhelming response. Berthoud was proposing density levels that were lower than what is being proposed by this developer, and received that type of opposition. A loud message was sent at that time, and hopefully has not been forgotten. The number of county members that were part of the effort at that time, and were recorded at Town of Berthoud board meetings providing their input prove as evidence that the area is passionate about preserving the western gateway to Berthoud as a beautiful "county". Estate type lots in that location would be a highly sought-after type of real estate in this competitive market, and provide the feathering effect that county residents have been asking for. We are happy that the property is in Larimer County, because Larimer County has shown a good record of listening to its constituents, and following its guidelines. I would specifically ask that you please adhere to county guidelines for property developments, and not provide variances to a developer who will try to "throw his weight around".

Please give close attention to the portions of the property that are to remain as perpetual open space. There has been a change in those areas, that now states "Buildable/Residences". In planning open space areas, it is vital to prevent weed infestation. Farming prevents this issue from arising and keeps the land healthy for the development and for neighboring farms. It is important that the open spaces in this development are designed so that they may be farmed to prevent weed infestation and to blend into neighboring farms.

Thank you for your time, consideration, and service.

Regards,

Jennifer Brown



Michael Whitley <whitlemd@co.larimer.co.us>

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## Longs Peak Farm Project

1 message

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karen moschini <moschkr@yahoo.com>  
Reply-To: karen moschini <moschkr@yahoo.com>  
To: "mwhitley@larimer.org" <mwhitley@larimer.org>

Sun, Jan 24, 2016 at 4:00 PM

Dear Mr. Whitley,

I am writing to you regarding the property located on county rd. 19 which an application has been put in for. I have participated in many of the discussions related to my area and would like to comment on a few issues that I see with the application.

The first issue is that the amount of density on this property is not in line with "county level" densities. This property was deannexed by the town specifically to keep it in the county to keep it at the density level of 1 home per 2.3 acres. To allow anything higher than that when there is "NO" reason to do it should be discouraged. Just across the street the town was able to accomplish a development with a park at the density level of 1 home per 2.3 acres. It is absolutely not in keeping with the neighborhood and the farms that surround this property. Having small little lots in the middle of a big field and "pretending" the rest of it would be farmed is not genuine. If so - the development would be placed farther south and east to allow the majority of the land to be in one area to actually have a more viable place to farm.

Please reject this application and ask them to go back to the drawing board and make more viable changes that are in keeping with the community plans and surrounding neighborhood.

Thank you.

Karen and John Moschini

1708 WCR10E

Berthoud, CO 80513



Michael Whitley <whitlemd@co.larimer.co.us>

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## Longs Peak Farm Public Comment

1 message

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**Loni Gaudet** <lonigaudet@outlook.com>

Thu, Jan 21, 2016 at 8:09 AM

To: mwhitley@larimer.org

Dear Mr. Whitley,

I am submitting the following comments for the Longs Peak Farm Public Comment Period as a community member:

1. My main concern is that the developer has requested a 20% density bonus. I find it difficult to discern a "significant benefit" to the community that would qualify for the bonus density. Open spaces and parks within developments are typically used only by the residents of those developments, and not by the community at-large. Berthoud voters were clear in our April 2014 election that they did NOT want high density west of Berthoud's GMA and voted to de-annex the property and keep it at county density levels. (The town still shows the property within the GMA in their maps, but legally, it is not within the GMA)
2. The plan shows areas that are supposed to be open space as "buildable/residences". Is the developer planning to build in these areas and not leave any open space within this development?
3. This development provides the town of Berthoud a wonderful opportunity to keep with their overall design of "feathering" density as it moves outward. But with the bonus density, and potential "buildable/residences" shown in what should be open space, this opportunity is lost.

Regards,

Loni M. Gaudet



Michael Whitley <whitlemd@co.larimer.co.us>

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## Longs Peak Farm Preliminary Plat Application Public Comment

1 message

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**CHRIS J POLLOCK** <cdpollock@msn.com>

Tue, Jan 12, 2016 at 9:09 PM

To: mwhitley@larimer.org

Hello Michael,

As adjacent neighbors to the west, we are submitting the following comments for the Longs Peak Farm Public Comment Period:

1. At the neighborhood meeting, we were guaranteed that the open space of the conservation development (the outer open spaces) would be held open in perpetuity. Now, the plat shows that these areas are "buildable/residences". Is there no perpetual conservation of this development? These areas are farmable as shown on the original plat, but the second one has the housing moved west and north—not keeping with the farmable land design.
2. Since the development of the housing area has moved west and north, it is not in keeping with the town of Berthoud's overall design of "feathering" density as it moves outward. We feel that this area should be moved east and south, to be closer to the more dense areas to the east of this development. Also, by moving the development to the north and west, it is getting too close to the nesting and roosting trees of the bald eagle pair that are year round residents.
3. This developer is requesting the 20% density bonus. After reviewing the proposed development, we have a hard time finding "significant benefit" to the community that would qualify for the bonus density. There is open space and a park in the Belcara development that is not used by the public. The Town of Berthoud voters spoke loud and clear that they did NOT want high density out in this development and voted to de-annex the property and keep it at county levels.
4. The emergency access road is located too close to the neighbor to the north's driveway. There is no reason to have it so close. It would be better to have it come in at the north side of the building lot on the corner of CR 19 and CR8, or at the very east end of the property on CR 8, with the second main entrance in the center of the housing area, to form an arc, as in Belcara. The emergency road isn't supposed to be an access, but the developer even states that it can be used as such.
5. It appears the developer has little interest in neighborly relationships and apparently is not considering the suggestions that were made at the neighborhood meeting. We tried to be cordial and work with him, offering very simple solutions to our concerns, to no avail. If he would work within his bounds and consider our concerns, we are quite certain that there would be minimal push-back.

Should you have any questions or desire additional information, please don't hesitate to contact us.

Regards,  
Chris and Dianne Pollock  
2604 West County Road 8  
Berthoud, CO 80513

970-532-0120

**BCC 07/11/16**

**LONGS PEAK FARM CD & APPEAL**



Michael Whitley <whitlemd@co.larimer.co.us>

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## Longs Peak Farm development plan

1 message

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**Nancy Lamb** <nlamb@gooddaypharmacy.com>

Sat, Jan 9, 2016 at 11:49 PM

To: "whitlemd@co.larimer.co.us" <whitlemd@co.larimer.co.us>

Michael,

I would like to identify some of my concerns on the Longs Peak Farm development plan. I was at the neighborhood meeting and I am not sure that the developer responded to some of the concerns voiced at the meeting. It seems like the plan is even further from what the neighbors were hoping to see. This has been a long process with this property, and we truly appreciate the County's continued involvement and support of their residents.

- The density seems high. The goal of not having it done with the Town was to assure low density. There was very strong community opposition to having a dense development. We truly want low density here, and feel it is important to the community culture. The community would not have worked so hard to de-annexed this property, only to have high density go in through a county development.
- There was much consensus that the development should be moved as far south and east on the property as possible and that the density should not exceed the density of the development to the east which is closer to town, Balcara Estates.
- The emergency access to the north was a major concern at the neighborhood meeting. It seemed unnecessary. Could the drive be a U shape in and out? The developer wanted extra homes for the north exit and that made it a double negative.

Again, we appreciate the commitment of the County Staff to the residents and the future of this area.

Nancy Lamb

1101 N County Rd 19

Berthoud, Colorado 80513



Michael Whitley <whitlemd@co.larimer.co.us>

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## RE: Longs Peak Farm Preliminary Plat Application

1 message

**Mina Cox** <mcox@specprod.com>

Fri, Dec 18, 2015 at 9:59 AM

To: Michael Whitley <whitlemd@co.larimer.co.us>

Hello Michael,

First question – the information sent to us has two acreage amounts – what is the correct amount of acreage for this property?

Here are some of the thoughts around this application:

- 1.) It is quite obvious the developer wants to not work with any of the neighbors and has provided an even less “community oriented” and “compatibility with neighborhood” plan than even his prior plan.
  - a. Both the western and northern boundaries have moved more westerly and more northerly. The neighbors had proposed that the entire development move easterly to be closer to the urban level densities that were across the street. The neighbors to the east were okay with that plan. The north, west, and south sides of this development are all bounded by working farms. It will also be more conducive to the intent of keeping open space as it will be much easier to farm one big area. The plan proposed now makes it very difficult to farm.
  - b. Density levels are still too high and density bonuses are being asked for a project that brings no significant value at all to the community. In fact – this property was deannexed by Berthoud to prevent urban level densities. Berthoud was proposing density levels that were lower than what is being proposed by this developer. The community and town were both very clear that was not acceptable.
  - c. The alignment against the neighbor to the north for an emergency access makes no sense. That neighbor already struggles with people trying to come down his driveway. There should be two entrances from off of Cty Road 8. If the developer continues to design an urban looking project that is a circular pattern within almost the middle of a parcel – it should imitate the Belcara Estates which has a circular pattern with two entrances from the same street. It is unrealistic (and there is even a comment in their own write up) that the emergency access will only be used for that. In their own write up it is stated the emergency access would be used by neighbors to access the park.
  - d. Perpetual open space lots are shown on the plan with Buildable/Residences.
- 2.) If this developer would only keep to what the allowable density levels are – 1 per 2.3 acres and be cognizant of the surrounding areas wishes to have buffers so that subdivisions do not interfere with farming operations, this plan would probably not have much opposition as he would be staying with the rules.

**Sent:** Tuesday, December 15, 2015 3:00 PM  
**To:** Mina Cox  
**Subject:** Re: Longs Peak Farm Preliminary Plat Application

There's not a set deadline for public comments. Comments received at least two weeks before the Planning Commission hearing will be included in the Planning Commission agenda packet. Comments received after the packet has been compiled are given to the Planning Commission at the hearing. The same goes for the Board of County Commissioners hearing.

No public hearings have been scheduled for this project.

Michael

Michael Whitley, AICP  
Planner II  
Larimer County Planning Department  
P.O. Box 1190  
200 W. Oak Street, Suite 3100  
Fort Collins, CO 80522-1190

mwhitley@larimer.org  
(970) 498-7720 Direct  
(970) 498-7711 Fax

On Tue, Dec 15, 2015 at 7:23 AM, Mina Cox <mcox@specprod.com> wrote:

Michael,

How long do people have for responding on this? With the holidays – people are not focused on this yet and would like some time to get back to you. Mina

**From:** Michael Whitley [mailto:whitlemd@co.larimer.co.us]  
**Sent:** Friday, December 04, 2015 3:11 PM  
**To:** mina cox  
**Subject:** Longs Peak Farm Preliminary Plat Application

It took a while for our administrative staff to package up the Longs Peak Farm CD preliminary plat materials but they are finally out to referral agencies and notice letters have been sent to surrounding property owners.

The number of new units proposed with the preliminary plat has remained the same at 43. The access to County Road 8 has moved to the east. There's a road proposed to stub to the north and to connect to County Road 19. The road would be within public right-of-way but it's identified as emergency access only in the project description.

I will call you to follow up.

Michael

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