

AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Monday, April 4, 2016/3:00 P.M./Hearing Room

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

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

*1. COX SUBDIVISION, FILE #15-S3361 PAGE 1

Staff Contacts: Rob Helmick, Planning, Clint Jones Engineering, Doug Ryan, Health

*2. SWEETWATER ACRES PLANNED LAND DIVISION PAGE 30
FILE #16-S3365

Staff Contacts: Rob Helmick, Planning, Clint Jones Engineering, Doug Ryan, Health

D. ADJOURN

*1. TITLE: Cox Subdivision

REQUEST: Public Hearing Review for a Preliminary Plat to subdivide 40 acres into two lots, one of 5 acres and one of 35 acres.

LOCATION: 22-9-69; located west of CR 17 north of CR 66

APPLICANT/PROPERTY OWNER: Charles P. and Janet L. Cox
10257 N CR 17
Fort Collins CO 80524

STAFF CONTACTS: Robert Helmick, AICP, Planning
Clint Jones, Engineering
Doug Ryan, Health

FILE #: 15-S3361

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

LCPC HEARING DATE: Mach 16, 2016

LCPC RECOMMENDATION: Motion Passed: 6-1

DISCUSSION:

This request was on the Larimer County Planning Commission hearing agenda as a Consent Item. The applicant was the only public present for this hearing and no member of the Larimer County Planning Commission removed the request from consent. The application was recommended to the Board of County Commissioners for approval as presented.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and Development Services Team recommends Approval of the Cox Subdivision Preliminary Plat file #15-S3361 to the following condition(s):

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Cox Subdivision Preliminary Plat file #15-S3361, 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 Cox Subdivision Preliminary Plat.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, and 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 Requirements Residential fire sprinklers will be required in all new habitable buildings.

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.
6. Additional ROW shall be dedicated on CR 17, as request by the Engineering Department.
7. Applicant prior to completion of the Final Plat shall address the concerns of the State Engineers Office, with respect to the existing well on site.

SUGGESTED MOTION FOR BOARD OF COUNTY COMMISSIONERS:

I move that the Board of County Commissioners Approve the Cox Subdivision Preliminary Plat file #15-S3361 subject to the condition(s) as outlined above.

**PLANNING COMMISSION
MINUTES
FROM
MARCH 16, 2016**

LARIMER COUNTY PLANNING COMMISSION

Minutes of March 16, 2016

The Larimer County Planning Commission met in a regular session on Wednesday, March 16, 2016, at 6:30 p.m. in the Hearing Room. Commissioners' Christman, Couch, Cox, Gerrard, Glick, Miller, and Wallace were present. Commissioner Dougherty and Miller were absent. Commissioner Jensen presided as Chairman. Also present were Matt Lafferty, Principal Planner, Rob Helmick, Senior Planner, Rebecca Smith, Planner I, Clint Jones, Engineering Department, Doug Ryan, Health Department and Jill Wilson, Recording Secretary.

The Planning Commission went on a site visit to Cox Subdivision, Sweetwater Acres PLD/PD, and Sykes MLD Rezoning.

CONSENT ITEM:

COX SUBDIVISION #15-S3361: Mr. Helmick provided background information on the request for a Preliminary Plat to subdivide 40 acres into two lots, one of 5 acres and one of 35 acres, located west of County Road 17 north of County Road 66.

DISCUSSION:

Commissioner Wallace stated that she would be voting against the subdivision. She understood the applicant's desires; however, the Waverly area was mostly comprised of 10 acre parcels or more, and she believed that the second lot should be a 10 acre parcel not a 5 acre parcel. She believed approving this would start in motion requests for more smaller acre lots in the area, which was not what the community was based upon.

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Cox Subdivision, file #15-S3361, for the property described on "Exhibit C" 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 Cox Subdivision Preliminary Plat file #15-S3361, 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 Cox Subdivision Preliminary Plat.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, and 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 Requirements Residential fire sprinklers will be required in all new habitable buildings.
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.
6. Additional ROW shall be dedicated on CR 17, as request by the Engineering Department.
7. Applicant prior to completion of the Final Plat shall address the concerns of the State Engineers Office, with respect to the existing well on site.

Commissioner Glick seconded the Motion.

Commissioners' Christman, Couch, Cox, Gerrard, Glick and Chairman Jensen voted in favor of the Motion.

Commissioner Wallace voted against the Motion.

MOTION PASSED: 6-1

**PLANNING COMMISSION
STAFF REPORT
FROM
MARCH 16, 2016**

TITLE: Cox Subdivision

REQUEST: Preliminary Plat to subdivide 40 acres into two lots, one of 5 acres and one of 35 acres.

LOCATION: 22-9-69; Located west of CR 17 north of CR 66

APPLICANT/PROPERTY OWNER: Charles P. and Janet L. Cox
10257 N CR 17
Fort Collins CO 80524

STAFF CONTACTS: Robert Helmick, AICP, Planning
Clint Jones, Engineering
Doug Ryan, Health

FILE #: 15-S3361

SITE DATA:

Parcel Number(s) 9922000031

Total Development Area: 40 acres

Existing Land Use: Residential and agricultural

Proposed Land Use: Large Lot Residential

Existing Zoning: O-Open

Adjacent Zoning:

 East: O-Open

 North: O-Open

 West: O-Open

 South: O-Open

Adjacent Land Uses:

 East: Large Lot Residential & Agricultural

 North: Large Lot Residential & Agricultural

 West: Large Lot Residential & Agricultural

 South: Large Lot Residential & Agricultural

Services:

 Access: CR 17

 Water: Northern Colorado Water Association

 Sewer: On-site ISDS

 Fire Protection: Wellington Fire District

PROJECT DESCRIPTION/BACKGROUND:

The applicant proposes a subdivision of the 40-acre site, currently occupied by a home and agricultural outbuildings, into a 35 acre lot and a five acre lot. The applicants has received approval from the Board of County Commissioners for two appeals. These were to allow a subdivision rather than Conservation Development to subdivide the property and the other to propose a five acre lot rather than the required 10 acres. Both appeals were related to the premise that the applicant currently operates a private horse facility on the property, and the Conservation Development process would be required on the developed area, which would either consume too much development area ground or additionally not allow a public equestrian facility on the residual lands. This would have limited any potential future sale of the land to

only a private equestrian operator. The Board of County Commissioners approved the appeals recognizing the constraints the Conservation Development imposed and recognized the proposed design, which only proposed two lots rather than the possible four, was consistent with the surrounding area.

The proposal creates the 35 acre lot with the existing home and a five acre residential lot.

REVIEW CRITERIA:

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

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

The surrounding area, Waverly, has seen development in the past. A variety of residential densities exists principally large lot rural development as well as agricultural properties over 100 acres. This proposal will be consistent with the densities and type of surrounding development. Maintaining a large lot will buffer the use to west where a wildlife area exists. This also allows the applicant to use the land as they have in the past and allow for both agriculture and grazing of livestock.

B. The applicant has demonstrated that the proposed subdivision can and will comply with all applicable requirements of this code;

8.1. Adequate Public Facilities:

8.1.1. Sewage disposal level of service standards:

The Health Department has noted that the existing residence is served by an existing system and seems to be functioning well. The new Lot 2 responds to the soils conditions in the area and is supportable for a new septic system.

8.1.2. Domestic water level of service standards:

Northern Colorado Water Association has indicated that they can provide service to the new lot as well as continuing service to the existing lot. They have also indicated that the service is from an existing line, which cannot meet the flow and pressure requirements for hydrants and will necessitate residential fire sprinklers. There is an existing well on site. This well is not used for any significant purpose on site at this time; however, the State Engineers Office will require the well to be either abandoned or re-permitted through an augmentation process.

8.1.3. Drainage level of service standards:

The applicant will need to complete a preliminary drainage analysis for the Final Plat.

8.1.4. Fire protection and emergency medical service level of service standards:

Based on the nature of the water service available residential fire sprinklers will be required.

8.1.5. Road capacity and level of service standard:

This project will have minimal impact on CR 17 where a 40-foot half width ROW is required. Access will be one for the existing home and a new access point aligned with a drive to the east across CR 17. The applicant will need to provide for the additional dedicated ROW.

- 8.2. Wetland Areas:
There are no wetlands on this site
- 8.3. Hazard Areas:
There are no hazards identified on this site.
- 8.4. Wildlife:
There are no specific wildlife designations on this site, which would require a conservation plan or raise issues that are in conflict with the proposed plans. There are private wildlife areas to the southwest of this property.
- 8.5. Landscaping:
There is no landscaping proposed nor is any required for this development
- 8.6. Off-Road Parking Standards:
The standard is for two off street spaces. The proposed lots should accommodate this without problem.
- 8.8. Irrigation Facilities:
It is the applicant's proposal to keep any lands and easement area of any of the ditch on the residual lot.
- 8.11. Air Quality Standards:
This will be applicable at the time of development construction and permits may be required at that time.
- 8.12. Water Quality Management Standards:
The drainage plan for this site will need to address the possibility of detention and water quality.
- 8.14. Development Design:
In our review, the Team had some initial concerns with respect to the configuration of the new Lot 2. The applicant indicates the configuration preserves access to internal lateral ditches as well as a drain tile in the area, further allowing the access to align with property to the east. .
- 8.15. Lighting:
The applicant should consider the guidance provided in this section of the Larimer County Land Use Code for all outdoor lighting.
- 8.16. Fences:
Fences should be designed with the respect to the Code recommendations regarding wildlife.

C. Approval of the proposed subdivision will not result in a substantial adverse impact on other property in the vicinity of the proposed subdivision

This development proposal is consistent in land use type with the surrounding area and is proposed at a substantially similar density that exists in the area. The Team does not find any adverse impact to properties in the surrounding area.

D. The recommendations of referral agencies have been considered;

The comments of referral agencies have been incorporated into this analysis and are attached as a part of the packet for review and use.

OTHER MAJOR CONCERNS AND ISSUES:

The Team and referral agencies have not noted significant issues. The applicant will need to address though abandonment or a new permit the use of the historic existing well on site.

SUMMARY & CONCLUSIONS:

The plan and eventually the plat will result in a land division, which responds to the site and is very much like a Conservation Development.

DEVELOPMENT SERVICES TEAM FINDINGS:

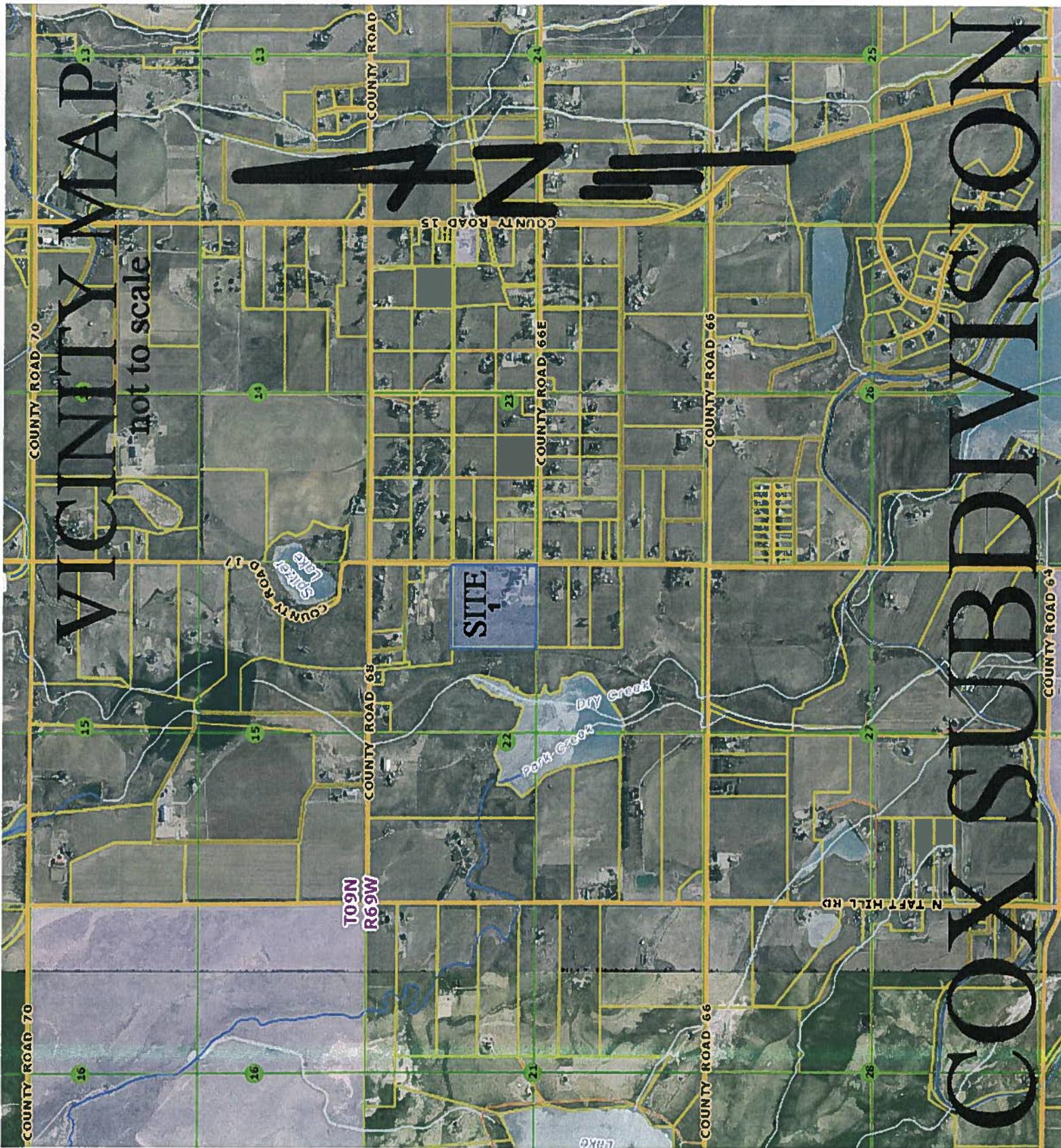
The Development Services Team finds that the Preliminary Plat for the Cox Subdivision:

- Is compatible with the surrounding area.
- Meets the requirements and standards of the Larimer County Land Use Code.
- Does not result in an adverse impact to any other property in the areas; and,
- The plans respond to referral agency comments.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners Approval of the Cox Subdivision Preliminary Plat, file #15-S3361, subject to the following condition(s):

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Cox Subdivision Preliminary Plat file #15-S3361, 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 Cox Subdivision Preliminary Plat.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Poudre School District school fee, Larimer County fees for County and Regional Transportation Capital Expansion, and Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
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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.
6. Additional ROW shall be dedicated on CR 17, as request by the Engineering Department.
7. Applicant prior to completion of the Final Plat shall address the concerns of the State Engineers Office, with respect to the existing well on site.



Cox Subdivision (14-G0263)

Item #4: Project Description

Applicants propose to divide their existing 40-acre property located in Larimer County, CO:

Physical Address: 10257 N. County Road 17, Fort Collins, CO 80524
 Legal Description: SE ¼ of NE ¼ of Sect 22, Twp 9 N, Range 69 W of 6th P.M.
 Parcel Number: 99220-00-031

into two lots: a 5-acre lot for a new residence (Lot #1) and a 35-acre residual lot (Lot #2) containing the existing residence, barns, corrals, green-house and out-buildings, which will continue to be used for the Applicants' residence and ongoing agricultural business activities. Applicants have received approval from the Larimer County Board of Commissioners to utilize the Subdivision Process in lieu of the Conservation Development Process, and to divide off a 5-acre lot instead of a 10-acre lot as required under the current zoning regulations (see Appeals below).

Review Criteria:

The conditions and review criteria for land division in Larimer County are set forth in Section 5 of the Larimer County Land Use Code. Current regulations for dividing a 40-acre parcel require the landowner to utilize the Conservation Development Process set forth in Section 5.3 of the Code. Such Conservation Developments may be approved by the Larimer County Board of Commissioners if each of the review criteria set forth in Section 5.3.4 of the Code has been satisfied or determined to be inapplicable. Section 5.3.2(H)(1) of the Code allows the Larimer County Board of Commissioners to grant an exception to the requirement to use the Conservation Development process and permit the land-owner to use another land division process (e.g., the Subdivision Process, set forth in Section 5.1 of the Code). The Applicants have received such approval (see Appeals below). The Applicants will use the Subdivision Process to divide their property into a 5-acre lot (see Appeals below) and a 35-acre lot. The applicable review criteria for this process are set forth in Section 5.1.3 of the Land Use Code.

Existing Conditions:

The 40-acre property (SE quarter of NE Quarter, Section 22, Township 9 North, Range 69 West), is located at 10257 N. CR 17, Fort Collins, CO. The historical design and use of the subject property (zoned "O" Open) has been for ranching - primarily sheep and horses. Applicants breed and sell Irish Gypsy horses and Irish Dexter cattle. Although the property has been used for decades for breeding, boarding and training of horses, the current use of the property for horses does not include boarding and training as described in the 2010 revised Larimer County Equestrian Operation Regulations. Applicants also produce heirloom vegetables

Cox Subdivision (14-G0263)

on the property that they sell at the Larimer County Farmer's Market, and dry-land grass hay for consumption by their own horses and cattle.

The house, outbuildings, barns, arena, turnouts, gardens and greenhouse used in the Applicants' business occupy an area of approximately 8-acres in the SE corner of the property. The remainder of the property is subdivided into hay meadows and pastures for Applicant's livestock. The existing buildings are comprised of the following structures, as referenced in the Larimer County Assessor's records:

- The farmhouse (Bldg-001), built in 1917 and last enlarged in 1973, is approximately 1530 SF and is Applicants' primary residence. Applicants remodeled this structure (roof, siding, electrical, flooring, etc.) after acquiring the property in 2006.
- A pole barn (Bldg-503), built prior to 1973, has 2560 SF of space and houses seven horse stalls with attached runs. This building also has storage space for farm equipment, tools, feed and horse-drawn vehicles.
- A farm utility building (Bldg-505), built prior to 1973, has 2168 SF of enclosed space, including a foaling stall, 3 horse stalls (with attached runs), an office and a utility/storage room.
- An equipment building (Bldg-514), built in 2007, has 1700 SF. This pole barn structure houses a 3-car garage, a shop and storage areas. This structure replaced an existing barn/shop/equipment shed which was built prior to 1973 and was in disrepair.
- A hay barn (Bldg-513), built in 2008, has 1500 SF. This pole barn, enclosed on 3 sides, is used for enclosed hay storage for Applicants' livestock.
- There are 7 utility/loafing sheds (<120 SF each) built prior to 1973. These structures support Applicants' equestrian business.
- A greenhouse with inflatable covering was built in 2013. This structure has approximately 1600 SF and is used to grow hydroponic vegetables that the Applicants sell at the Larimer County Farmer's Market.
- Stallion pen, approximately 40,000 SF with high-tensile wire electric fence (6ft tall) and loafing shed
- Applicants have erected approximately 3,500 feet of pipe fence for runs, paddocks and the roping/dressage arena, replacing the original post and wire fencing which was in disrepair.

Proposed Changes and Improvements:

Applicants propose dividing their existing 40-acre parcel into two lots: a 5-acre residential lot and a 35-acre residual lot, both fronting along Larimer County Road 17. After the land division, there will be two lots, each capable of having a single-family dwelling with separate access to County Road 17. The new 5-acre residential/equestrian lot (Lot#1) will be located north of Applicants' existing farmhouse, barns and out-buildings. The proposed location of Lot #1 will provide Applicants with access to existing surface irrigation ditches without having to construct ditch easements on Lot #1 that would potentially interfere with the owners' full use of the property. Applicants will retain the remaining 35-acre parcel (Lot #2) and continue using it for their primary residence and agricultural businesses, as noted above.

Cox Subdivision (14-G0263)

Infrastructure (Utilities):

The following utilities are located in the right-of-way between the property and County Road 17 and are readily accessible for the new lot:

- Electricity (Poudre Valley REA)
- Natural gas (Xcel Energy Corporation)
- Telephone (CenturyLink)
- Domestic water (No. Colo. Water Assoc. – Tap Commitment issued November 4, 2014, and extended December 1, 2015)

Fire protection is provided by the Wellington Fire Protection District – their Station #2 is located at the intersection of County Road 15 and County Road 66, approximately 1 ½ miles from the Applicants' property. Sanitary services will be provided by an on-site septic system meeting Larimer County Health Department requirements, as is consistent with other residential lots in the area. (See memo from Doug Ryan, Larimer County Department of Health and Environment, dated April 21, 2014 referring to soil types. Mr Ryan estimated that the Stoneham loam soil in the NE corner of the property should be feasible for an onsite septic system.)

Traffic and Access:

Existing access to Applicants' property is via a driveway located in the southeast corner of the property, which provides access to Applicants' home and agricultural operations from County Road 17. Applicants' have requested that access to the new 5-acre lot be allowed from County Road 17 as well. As noted in the letter from Clint Jones (Larimer County Engineering Dept.) dated April 29, 2014, the access request was reviewed against the applicable criteria set forth in the Land Use Code, the Larimer County Rural Area Road Standards, the Larimer County Storm-water Design Standards and other applicable Intergovernmental Agreements. The Larimer County Engineering Department did not identify any specific drainage or transportation related issues pertinent to the request. It is anticipated that the new 5-acre residential will generate less than 5 round-trips/day onto County Road 17, which is a gravel road maintained by Larimer County.

Other Information:

Appeals:

Applicants have previously been granted two appeals by the Larimer County Board of Commissioners:

- May 19, 2014. At a public hearing before the Larimer County Board of Commissioners, the Applicants appealed the requirement set forth in the Land Use Code to use the Conservation Development process to subdivide their parcel. Applicants requested that they be granted an exception to the requirement to use the Conservation Development process, based on the following review criteria set forth in the Land Use Code:

Cox Subdivision (14-G0263)

- The size and configuration of the site and its existing facilities did not permit design consistent with the purpose of the Conservation Development requirements
- Development of the site as a Conservation Development is not compatible with existing or allowed adjacent development
- The site does not have environmentally sensitive areas or agricultural uses, and clustered design would not contribute to the open character of the rural area
- Development of the site as a Conservation Development may impact adjacent environmentally sensitive areas or agricultural uses more so than other forms of land division allowed under the Code.
- The site is a replat of an existing subdivision or portion of an existing subdivision.

The Commissioners heard testimony from Planning Staff, the Applicants and other interested parties before reaching a decision. Acting under Section 5.3.2(H)(1) of the Code, Commissioners Johnson, Donnelly and Gaiter voted to approve the Applicants' use of the Subdivision Process under Section 5.1 of the Land Use Code in lieu of the Conservation Development process to divide their land. The approval of the Cox Subdivision Appeal was filed with the Larimer County Clerk on Aug 5, 2014.

- October 13, 2014. At a public hearing before the Larimer County Board of Commissioners, the Applicants appealed the minimum 10-acre lot size required under the current "O" open zoning regulations. Applicants requested that they be allowed to divide their 40-acre parcel into a 35-acre lot and a 5-acre lot. Applicants argued that a 5-acre lot size met the review criteria set forth in Section 22.2.4 of the Larimer County Land Use Code as follows:
 - The proposed lot size is compatible with the neighborhood
 - The proposed lot size has sufficient area for the intended residential use
 - The proposed lot size allows the Applicants to maximize the amount of residual land to support the current and potential future uses of the property for ranching and equestrian operations
 - Granting the proposed lot size is consistent with the intent and purpose of the Larimer County Land Use Code.

The Commissioners heard testimony from Planning Staff, the Applicants and other interested parties before reaching a decision regarding the lot size variance. Commissioners Johnson, Donnelly and Gaiter agreed that the variance request satisfied the criteria set forth in Section 22.2.4 of the Code and voted to allow the Applicants to proceed with the application to subdivide their 40-acre parcel into a 35-acre lot and a 5-acre lot. The approval of the Cox Lot Size Appeal was filed with the Larimer County Clerk on November 4, 2014.



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

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

MEMORANDUM

TO: Rob Helmick, Larimer County Planning Department

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

DATE: December 29, 2015

SUBJECT: Cox Subdivision

Project Description/Background:

This is a subdivision of 40 acres into a 35 acre and 5 acre lot. The 35 acre lot will contain the existing improvements. A lots size appeal has already been granted by the Board of County Commissioners for lots to be less than the required 10 acres. The site is located on the west side of County Road 17, north of County Road 66E.

Review Criteria:

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:

1. The project has frontage on County Road 17. The Larimer County Transportation Plan, adopted in November of 2006, functionally classifies County Road 17 as a minor Collector that requires a 40 foot half right-of-way. In the next submittal, the existing and any proposed dedicated right-of-way necessary to satisfy this requirement must be delineated on the preliminary and final plats. Staff requests that any additional right-of-way dedications are noted on the plat as “## feet (## ac) of additional right-of-way dedicated with this plat”. (See Section 9.7 of the LCLUC).
2. The County Road on the plat should be labeled County Road 17, not County Road 54.
3. We assume that any improvements associated with this request will not adversely impact the drainage patterns on the site. If the site drainage is altered, a more detailed drainage report will need to be submitted for Staff to review.

Fees and Permits:

1. Per Section 9.5 and 9.6 of the LCLUC, Engineering Staff would like to notify the applicant that Transportation Capital Expansion Fees will be required for new single family residences.
2. A Development Construction Permit (DCP) and plans will not be required as long as new improvements such as roads or drainage facilities are not being proposed.

3. An access permit will be required for the new access off of County Road 17. Access information and permits can be obtained by contacting Erich Purcell at (970) 498-5733. The new access will need to meet the minimum access spacing of 100 feet.

Staff Recommendation:

As long as the above comments are addressed the Larimer County Engineering Department would support an approval of this application.

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

cc: Charles/Janet Cox, 10257 N County Road 57, Fort Collins CO 80524
file



DEPARTMENT OF HEALTH AND ENVIRONMENT

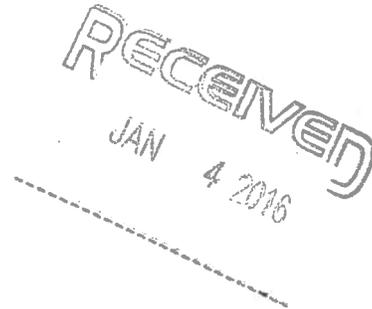
1525 Blue Spruce Drive
 Fort Collins, Colorado 80524-2004
 General Health (970) 498-6700
 Environmental Health (970) 498-6775
 Fax (970) 498-6772

To: Rob Helmick
 Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: December 29, 2015

Subject: Cox Subdivision – Preliminary Plat



The Cox Subdivision is proposal for a two lot subdivision. The property contains 40 acres, and the subdivision would create one 35 and one 5 acre lot. The larger parcel is developed with a residence and associated agricultural uses.

Water. Water for the new Lot 1 is to be supplied by the Northern Colorado Water Association. In their letter dated December 2, 2015, the association committed to supply water in conformance with the design standards outlined in Section 8.1.2 of the Larimer County Land Use Code. This is in conformance with the Code standard for domestic water service.

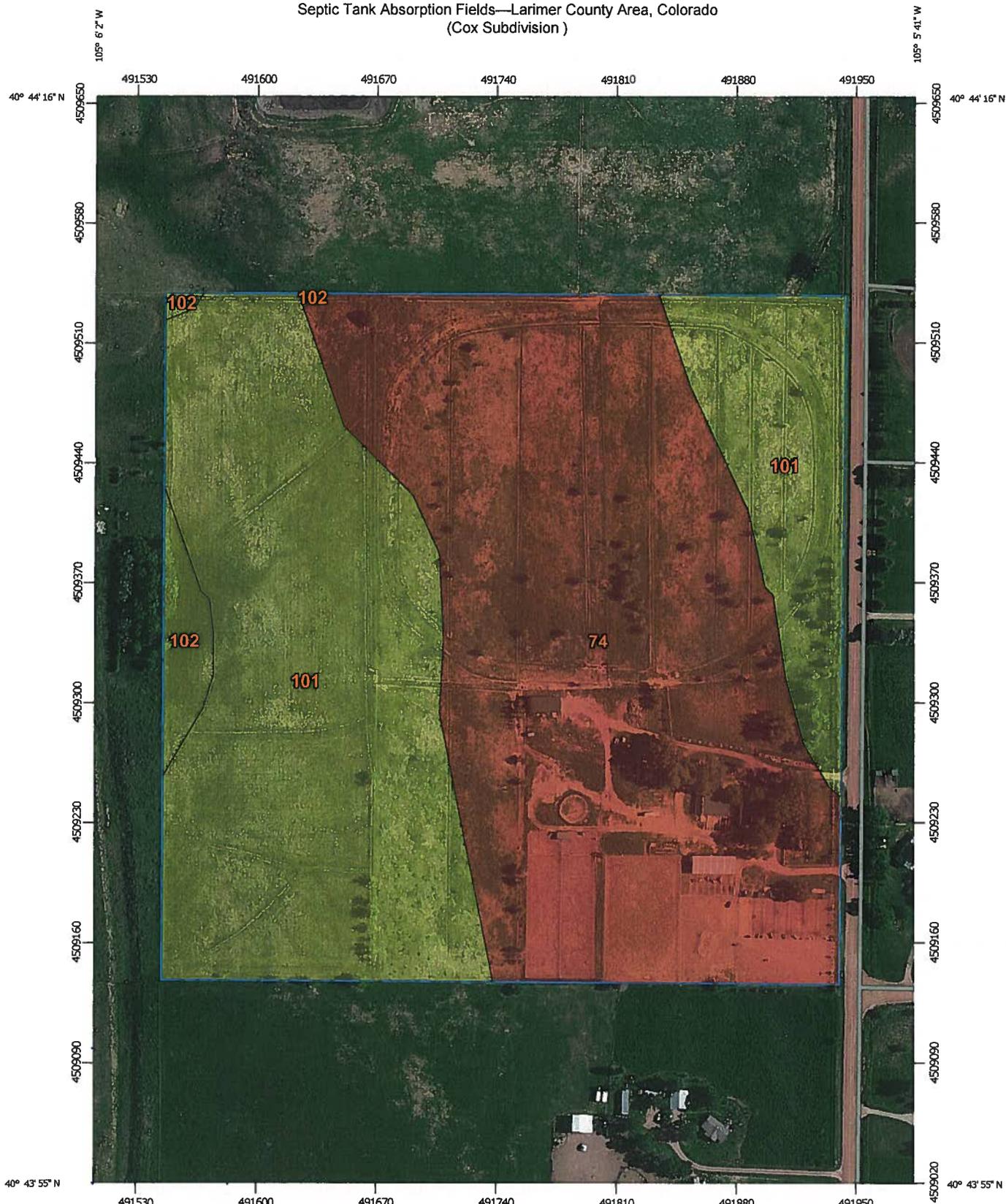
Sewer. Sewer service in this area is by individual on-site treatment systems. An initial indication of that feasibility can be obtained from the county soil survey. I prepared the attached map from the Natural Resources Conservation Services website. It shows that the property consists of two main soils, the Stoneham loam (101) and the Nunn clay loam (74). Both have constraints for slower percolation rates, but the Stoneham loam in the area of the proposed lot is the better quality soil with regard to septic system suitability. Based on this information I would estimate that an additional septic system could be feasible for 5-acre a new lot in the northeast corner. Note that a permit to install a sewer system needs to be obtained from our Department at the time a building permit is obtained. Soil test data, obtained in the area of the proposed system, is required at that phase.

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

Attachment: NRCS Soil Map

cc: Charles and Janet Cox

Septic Tank Absorption Fields—Larimer County Area, Colorado
(Cox Subdivision)



Map Scale: 1:3,090 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



Septic Tank Absorption Fields

Septic Tank Absorption Fields— Summary by Map Unit — Larimer County Area, Colorado (CO644)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
74	Nunn clay loam, 1 to 3 percent slopes	Very limited	Nunn (85%)	Slow water movement (1.00)	20.5	51.9%
101	Stoneham loam, 1 to 3 percent slopes	Somewhat limited	Stoneham (90%)	Slow water movement (0.47)	18.1	46.0%
102	Stoneham loam, 3 to 5 percent slopes	Somewhat limited	Stoneham (85%)	Slow water movement (0.47)	0.8	2.1%
Totals for Area of Interest					39.5	100.0%

Septic Tank Absorption Fields— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	20.5	51.9%
Somewhat limited	19.0	48.1%
Totals for Area of Interest	39.5	100.0%



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

WFPD Referral 15-S3361

1 message

Gary Green <ggreen@wfpd.org>
To: Rob Helmick <rhelmick@larimer.org>
Cc: Cathy O'Malley <comalley@wfpd.org>

Wed, Jan 6, 2016 at 4:03 PM

Mr. Helmick,

We have reviewed the subject Subdivision proposal and offer the following:

The Wellington Fire Protection District, with its limited and specific authority, approves of the proposed Subdivision 15-S3361 as submitted. However, it should also be noted that further development on the proposed sites may require additional fire protection measures prior to or at the time of construction.

Please do not hesitate to contact me with any questions.

Gary L. Green

Gary L. Green

Fire Chief

Wellington Fire Protection District

8130 3rd St. /Box 10

Wellington, CO 80549

970-568-3232 office

970-418-0398 cell

ggreen@wfpd.org

BCC 04/04/16

COX SUBDIVISION


COLORADO

Division of Water Resources

Department of Natural Resources

 1313 Sherman Street, Room 821
 Denver, CO 80203

December 29, 2015

 Rob Helmick
 Larimer County Community Development Division
 Transmission via email: rhelmick@larimer.org

 Re: Cox Subdivision
 Case No. 15-S3361
 SE ¼ NE ¼ Section 22, T9N, R69W, 6th P.M.
 Water Division 1, Water District 3

Dear Mr. Helmick:

We have reviewed the above referenced proposal to subdivide a 40-acre parcel into two (2) residential lots. Lot 1 will be approximately 5 acres in size and is proposed to be used for residential purposes. Lot 2 will be approximately 35 acres in size and contains an existing residence along with barns, corrals, a greenhouse, and outbuildings.

Water Supply Demand

The estimated water requirements for the subdivision were not provided.

Source of Water Supply

The proposed domestic water source is the Northern Colorado Water Association ("NCWA"). The NCWA currently provides water to the existing single-family residence on Lot 2. NCWA provided a letter dated November 4, 2014 stating that NCWA can provide service to proposed Lot 1, subject to the conditions identified in their letter. NCWA provided a second letter dated December 2, 2015 stating that the NCWA will maintain their commitment to provide a domestic tap to Lot 1 until such time as the property owner desires water service. The NCWA system obtains water through a combination of contracts with the East Larimer County Water District and North Weld County Water District, and alluvial wells. The wells that are a part of the NCWA system are operated pursuant to a plan for augmentation decreed in Division 1 Water Court case no. 2014CW3008.

A review of records available in this office indicate that there is an existing well located on Lot 2. Well permit no. 290446 was issued pursuant to Section 37-92-602(5), C.R.S. for the late registration of an existing well first put to use in 1917. Permit no. 290446 allows the use of the well for fire protection, the watering of domestic animals, poultry, and livestock on a farm or ranch, and the irrigation of not more than one acre of home gardens and lawns. Section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. Therefore, the existing well must be included in a plan for augmentation approved by the water court since the provisions of Section 37-92-602, C.R.S. which



Cox Subdivision
Case No. 15-S3361

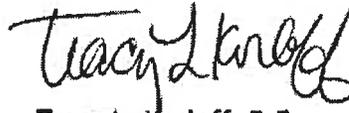
December 29, 2015
Page 2 of 2

allowed for issuance of the well permit will no longer apply. A new non-exempt well permit would also be required to be obtained. In the alternative, the owner may plug and abandon the existing well.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that that the proposed water supply is physically adequate; however, material injury will occur to decreed water rights unless the applicant obtains and maintains a valid non-exempt well permit for the existing well pursuant to a court approved plan for augmentation or plugs and abandons the well. Should you or the applicant have any questions regarding this matter, please contact Sarah Brucker of this office.

Sincerely,



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

Cc: Applicants (cpcox52@hotmail.com)
Well permit file no. 290446 (receipt no. 3656601)
Subdivision file no. 23752



COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

January 7, 2016

Rob Helmick
Community Development Division
Larimer County
P.O. Box 1190
Fort Collins, CO 80522

Location:
SE¼ NE¼ Section 22,
T9N, R69W of the 6th P.M.
40.736, -105.096

Subject: Cox Subdivision
Case # 15-S3361; Larimer County, CO; CGS Unique No. LM-16-0009

Dear Rob:

Colorado Geological Survey has reviewed the above-referenced subdivision referral. I understand the applicant proposes to subdivide 40.3 acres located at 10257 N. County Road 17, Fort Collins, creating one additional residential lot near the northeastern corner of the existing lot. Proposed Lot 2, 34.4 acres, contains an existing home, barns, outbuildings, and septic system. Proposed Lot 1, 5 acres, is proposed to have a single family residence and a septic system. With this referral, I received a request for CGS review and a Site Data Sheet (December 17, 2015), a Project Description (December 11, 2015), a Geotechnical Investigation (Landmark Engineering, August 10, 2006), a Site Inventory Map, and a Preliminary Subdivision Plat (Stewart & Associates, December 10, 2015).

Dry Creek is located immediately west of the western property boundary, but the site does not appear to be located within a mapped flood hazard zone. The site does not contain steep slopes, is not undermined, and is not exposed to or located within any identified geologic hazard areas that would preclude the existing and proposed residential/agricultural use and slight increase in density. **CGS therefore has no objection to approval of the subdivision as proposed.**

Geotechnical recommendations. Landmark's geotechnical report provides a valid description of subsurface conditions and soil engineering properties based on the results of two borings and two laboratory swell-consolidation tests. Landmark's recommendations regarding foundation and floor system design, basement feasibility, subsurface drainage (perimeter drain system), grading, surface drainage, etc. are valid and should be strictly adhered to.

Onsite wastewater system (OWS, or septic system). Landmark's percolation test results and NRCS Soil Survey data for Larimer County indicate that, due to slow percolation rates, the OWS on proposed Lot 1 will need to be designed by an engineer. Engineered OWS tend to require more maintenance and have shorter lifespans than conventional systems, so a backup absorption field location should be identified.

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.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist



Northern Colorado Water Association

P.O. BOX 415 WELLINGTON, COLORADO 80549 PHONE 568-3975

January 5, 2016

Mr. Rob Helmick
Larimer County
Community Development Division
P.O. Box 1190
Fort Collins, CO 80522-1190

Subject: Cox Subdivision
Case Number: 15-S3361

Dear Mr. Helmick:

The Northern Colorado Water Association (NCWA) has reviewed the above referenced subdivision which was referred to our office. The NCWA currently serves the existing residence on this property via an existing 6-inch waterline along the west side of County Road 17.

The existing 6-inch waterline has the capacity to serve the proposed additional lot in accordance with the pressure design standards for *domestic service* specified in the *Larimer County Land Use Code (Section 8.1.2.A.1)*. NCWA will commit to providing one standard residential water tap for this proposed lot, subject to the following conditions:

- Completion of an Application for Membership, and approval by the NCWA Board of Directors.
- Payment of a tap fee (currently \$31,000), payment of a service installation fee (currently \$1,600), and payment of any other associated fees in accordance with NCWA's requirements at the time of tap purchase.

Thank you for referring this proposal to our office. If you have any questions, please contact me.

Sincerely,

NORTHERN COLORADO WATER ASSOCIATION

Richard G. Patterson, P.E.
General Manager



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

Case 15-S3361 Cox Subdivision

1 message

Jennie Beck <jbeck@pvrea.com>
To: "rhelmick@larimer.org" <rhelmick@larimer.org>

Thu, Jan 7, 2016 at 12:41 PM

Hi Rob –

No conflicts.

Thank you,

Jennie Beck

Administrative Assistant

Poudre Valley REA | 7649 REA Pkwy

Fort Collins, CO 80527

970-282-6426 | www.pvrea.com





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

Re: Cox Subdivision

1 message

Ken & Roberta Dillman <krdillman@nunntelwb.com>
To: rhelmick@larimer.org

Tue, Dec 29, 2015 at 5:11 PM

Rob,

I live on the south east corner of CR17 & CR66E. I have no objection to Charlie's proposal. There are two 2 1/2 acre plots and four 5 acre plots within a mile of Charlie's place. We don't believe another 5 acre plot will make any difference. Even if he later decides to use the Conservation development of the remaining 35 acres there still can't be more than 3 additional homes beside the current house. If I've read the land use code correctly than we have no objection to Cox Subdivision 15-S3361.

Kenneth & Roberta Dillman
10122 N. County Rd. 17
[970-568-7577](tel:970-568-7577)

P.S. HAPPY NEW YEAR



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: COX SUBDIVISION

CASE NUMBER: 15-S3361

DATE: 01/05/2016

Project Scope: SUBDIVISION OF 40 ACRES INTO A 35 ACRE AND 5 ACRE LOT. THE 35 ACRE LOT CONTAINS THE EXISTING HOME AND OTHER IMPROVEMENTS.

Staff Comments on Addressing: IF THIS SUBDIVISION IS APPROVED BY LARIMER COUNTY, LOT 2 WILL RETAIN ITS CURRENT SITE ADDRESS OF 10257 N COUNTY ROAD 17, FORT COLLINS, CO 80524. LOT 1 WILL BE SITE ADDRESSED 10401 N COUNTY ROAD 17 IF THE DRIVEWAY ACCESS IS ACROSS FROM 10400 N COUNTY ROAD 17. THIS DRIVEWAY LOCATION FOR LOT 1 WOULD BE THE SAFEST ACCESS ALONG N COUNTY ROAD 17.

Addressing submittal requirements: NONE.

Sent to: ROB HELMICK-SENIOR PLANNER, JILL WILSON-CITIZEN RESOURCES TECHNICIAN, CHARLES AND JANET COX-OWNERS/APPLICANTS

Respectfully submitted,

DAN KUNIS
 GEOGRAPHIC INFORMATION SPECIALIST
 LARIMER COUNTY COMMUNITY DEVELOPMENT DIVISION
 970-498-7680
dkunis@larimer.org