AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Monday, March 16, 2020 / 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. **Board to sign F&R at the Hearing

**1. STITH APPEAL, FILE #20-GNRL0477 PAGE 1

** Staff Contacts: Kathy Eastley, Planning; Lea Schneider, Health; Devin Traff, Engineering

**2. PERRY APPEAL, FILE #19-GNRL0475 PAGE 17

** Staff Contacts: Michael Whitley, Planning; Stephen Rothwell, Engineering; Lea Schneider, Health

D. ADJOURN

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven business days' notice. Please email us at beilbykm@larimer.org or by calling 970-498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.
**1 TITLE: Stith Appeal

REQUEST: Request to Appeal a Linden Lake Subdivision plat note that requires “All lots have a 15’ building setback on side lot lines.”

LOCATION: 1819 Linden Lake Road
Fort Collins, CO 80524

OWNER/APPLICANTS: Craig and Debra Stith
1819 Linden Lake Road
Fort Collins, CO 80524

STAFF CONTACTS: Kathy Eastley, Planning
Lea Schneider, Health
Devin Traff, Engineering

FILE#: 20-GNRL0477

BCC HEARING DATE: March 16, 2020

MEMO DATE: March 2, 2020

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

Figure 1 - Vicinity Map
SITE DATA:

Parcel Number: 8831314012
Land Area: .39 acres
Existing Land Use: Single-Family Residential
Proposed Use: Single-Family Residential
Surrounding Land Uses: Single-Family Residential
Existing Zoning: R – Residential
Surrounding Zoning: R – Residential, Fort Collins GMA
Access: Linden Lake Road

DISCUSSION:

The owners of Lot 12, Linden Lake subdivision are requesting an appeal to the 15-foot side yard setback required by plat note. The side is located in the R – Residential zone district which requires a 7-foot side yard setback. The owner seeks to expand the existing garage which will be constructed 10-feet from the side yard setback. The subdivision Architectural Control Committee of the HOA is in support of the proposed amendment.

Originally a request was received for a setback variance, however the proposed 10-foot side yard setback exceeds the R – Residential zone district requirement for a 7-foot side yard setback. The issue is that the plat requires an increased side yard setback, therefore the Board of County Commissioners is the decision maker on whether to allow this property to be released from the plat note restriction on side yard setbacks.
REVIEW CRITERIA:

SECTON 22.2.3 - APPEAL TO DEVIATE FROM THE STANDARDS OR REQUIREMENTS

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

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

Staff Response: The purpose of setback is to create openness, separation, and privacy. It appears that the development of the subdivision sought additional separation between dwellings as a plat note exists that requires a 15-foot setback whereas the R – Residential zone district standard requires a 7-foot side yard setback. The neighboring home to the west of the Stith Residence will be separated from the garage addition by a minimum of 30-feet.

Under the Larimer County Land Use Code, the side setback required for the R-Residential zoning district is 7-foot, while the Linden Lake Subdivision plat note requires the 15-foot side yard setback. The requested side yard setback is greater than the Larimer County Land Use Code standard, but less than what is required by the plat note.

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

Staff Response: The applicant has provided a letter of support from the most affected property owner to the west who also provided an email noting support of the requested action, as well as a letter of support from the Architectural Control Committee of the Homeowner’s Association.

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

The existing residence is unique in that is positioned at an angle which narrows toward the rear of the lot. The curvature of the lot has necessitated the encroachment into the subdivision required 15-foot side yard setback, therefore the proposed appeal is the minimum action necessary to allow for expansion of the existing garage.

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

The approval of the appeal will not impede public right-of-way or public spaces. Financial costs of the addition will be covered entirely by the owners.

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

The additional side yard setback required by the subdivision exceeds the zone district side yard setback. The proposed 10-foot setback complies with the zone district requirements. The requested appeal will maintain the general purpose of the standard, therefore granting the Appeal will not substantially impair the intent and purpose of the Land Use Code and Comprehensive Plan.
DEVELOPMENT SERVICES TEAM REVIEW COMMENTS:

- **Planning** Staff has no issue with reducing the subdivision required 15-foot side yard setback to a 10-foot side yard setback which exceeds the minimum zone district requirements.

- **Engineering** Noted comments include maintaining existing drainage patterns but no issues with the proposal.

- **Health** No concerns as the site is served by public water and sanitation.

OTHER AGENCY REVIEW COMMENTS:

- **Code Compliance** The original plans for the dwelling show a future game room and bedroom, rough bath and storage area. It appears that the work was completed but a building permit could not be located. The owner should contact Code Compliance to assist with the permitting and inspection of these improvements.

- **Flood** Flood noted that the site is not located within the regulatory floodplain.

- **Neighbor Comments** Two neighbors wrote in support of the proposed change, and the subdivision Architectural Control Committee had no objections to the request.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Board of County Commissioners approve the appeal to, Stith Appeal, File #20-GNRL0477, subject to the following conditions:

1. Failure to comply with any conditions of the Appeal approval may result in reconsideration of the use and possible revocation of the approval by the Board of County Commissioners.

2. All future additions or buildings that would be within setbacks as defined in the Land Use Code, or required by the subdivision plat, must go through the proper County review and planning process prior to construction.

3. The Larimer County Building Department must be provided with a written certification by a Colorado Licensed Land surveyor that the existing building is located where shown on the Larimer County approved Plot Plan for this development.

SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Stith Appeal, File #20-GNRL0477, subject to the condition as outlined above and authorize the Chairman to sign the Findings and Resolution.

Attachment A – Application
Attachment B - Project Description
Attachment C - Vicinity Map
Attachment D – Referral Comments
Attachment E – Neighbor Comments
**Appeal Item #1 Application Form**

### APPEAL REQUEST FORM:

All applications must be complete. To be complete, the application must include all items identified on the submittal requirement checklist. Any application, which is not complete, will not be accepted, processed, or scheduled for review.

**REQUIRED INFORMATION** – Information about people with interest in the project

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### PROJECT IDENTIFICATION

(list all parcel #’s that pertain to the project):

8831314012

### APPLICANT SIGNATURES

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable procedures and public hearing requirements set forth in the Larimer County Land Use Code (which can be viewed at www.larimer.org).

Date: 2/12/2020

Applicant(s) signature

Date: 2/12/2020

Applicant signature

Appeal Submittal Requirements

March 2012
Item #3 Details - Appeal Request

20-INQ2275  Stith Side Yard Setback  1819 Linden Lake Road

This appeal is to deviate from a Code standard or requirement. The Linden Lake Subdivision has a side yard setback requirement of 15 feet, that is more stringent than the County standard of 7 feet. This setback is enforced by County Planning. We, the owners of the property at 1819 Linden Lake Road, would like to extend a garage addition that would encroach into the 15 foot setback, but not the 7 foot setback. Therefore, we are seeking through this Appeal permission to build to 10 foot side yard setback.
MEMORANDUM

TO: Kathy Eastley, Larimer County Planning Department
FROM: Devin Traff, Larimer County Engineering Department
DATE: March 2, 2020
SUBJECT: Stith Appeal, File #20-GNRL0477

Project Description/Background:
This is an appeal to a plat restriction which requires a side yard setback of fifteen (15) feet rather than the R- Residential Zone District required setback of seven (7) feet. The owner is requesting to allow a garage addition with a ten (10) feet side yard setback. The structure is located at 1819 Linden Lake Road in Fort Collins.

Review Criteria:
Larimer County Engineering Staff have reviewed the materials per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Urban Area Street Standards (LCUASS), and Stormwater Design Standards (LCSDS).

Comments:
The Engineering Department has reviewed this application and has the following comments:

1. We expect that the work will be completed in such a way that the existing drainage patterns in the area will not be altered. If drainage patterns will be changed, a drainage plan will need to be submitted to the Engineering Department for review and approval.

Staff Recommendation:
The comments above should be noted. The Engineering Department does not have any additional comments regarding this proposal at this time. Please contact me at (970) 498-5731 or email me at dtraff@larimer.org if you have any questions.

cc: craig.i.stith@gmail.com
    file
Lea Schneider <schnells@co.larimer.co.us>
To: Kathy Eastley <eastleka@co.larimer.co.us>

Mon, Mar 2, 2020 at 6:34 PM

Sorry I missed this one Kathy. The Assessor indicates that they are on public water & sewer so the Health Dept will defer to others as we have no issues.
Thanks,
Lea

Sent from my iPhone

On Mar 2, 2020, at 1:49 PM, Kathy Eastley <eastleka@co.larimer.co.us> wrote:

Just a reminder that comments are due today on this request to amend a plat note that requires a 15-foot side yard setback rather than the zone district 7-foot side yard setback.

The hearing for this application is scheduled for March 16, 2020.
Thank you.

Kathy Eastley, AICP
Planner II
Community Development, Planning Division
200 W Oak St, Fort Collins, 80521 | 3rd Floor
W: (970)498-7691
ekastley@larimer.org | www.larimer.org
This parcel is not located within the regulatory floodplain; therefore, floodplain regulations do not apply.
STAFF REPORT

Date: 3/2/2020
From: Karin Madson, Code Compliance Supervisor
To: Kathy Eastley, Planner II
Planning File No: 20-GNRL0477
Name of Review: Stith Appeal
Parcel No: 88313-14-012

The Stith Appeal is a request appealing a plat restriction which requires a side yard setback of 15-feet rather than the R - Residential zone district required 7-foot side yard setback. Owner is requesting allowance to construct a garage addition with a 10-foot side yard setback.

Staff Comments:
The original plans for the dwelling show a lower level with a “future” game room, “future bedroom”, rough bath and storage area. The Assessor’s office notes the basement is now finished. We could not locate a building permit for this work. A permit and inspection approvals are required for the basement finish.

Code Compliance Inspector Chad Gray is available to assist the owner with the permitting and inspection process if necessary. His direct number is 970-498-7664. His e-mail address is cngrey@larimer.org.

These issues should not affect the timely processing of the planning application. Please consult with the planner handling your application if you have any questions about the application process.
February 6, 2020

To whom it may concern:

RE: Variance request for 1819 Linden Lake Road, Fort Collins, CO

Craig and Deb Stith are requesting a variance to the 15 foot side set back for their property at 1819 Linden Lake Road. The Architectural Control Committee for the Lindenmeier HOA is in accord and has no objections to this request.

Gail L Frick
Phone: 970-484-0349
2010 Linden Lake Road, Fort Collins, CO
Architectural Control Committee Chair
Lindenmeier HOA board member
Setback project
Note from Scott & Laura Dement at 1323 Linden Lake Rd, next door on the variance side.

Scott Dement <Scott.Dement@planteomoran.com>
Fri, Feb 7, 2020 at 8:41 AM
To: "craig.j.stith@gmail.com" <craig.j.stith@gmail.com>

Craig,

I wanted to reach out and let you know how much Laura and I appreciate you having involved us on the front end of the planning for the potential setback project. We have no concerns whatsoever with your plans and in fact we feel that is will be a value add project with respect to property value not only for you but also for us as well. When homeowners such as you and Deb have this type of vision is only goes to improve the neighborhood as a whole. As you know all too well one of the greatest aspects of living at Linden Lake are the views of the lake. That said, in no way, shape or form will this impede those view so we are supportive of your plans.

Hope all is well.

Scott

plante moran

Plante Moran, 1321 Oakridge Dr, Fort Collins, Co 80525
Direct Dial: 970.282.5410 |

Plante Moran | Twitter | Facebook | LinkedIn | Blogs | Manage Your Email Subscriptions
Our legacy + your future = unstoppable. Watch our short film to learn more.

This email, including any attachments, may contain confidential information and is intended solely for use by the individual to whom it is addressed. If you received this email in error, please notify the sender, do not disclose its contents to others, and delete it from your system. Any other use of this email and/or attachments is prohibited. This message is not meant to constitute an electronic signature or intent to contract electronically.
I just wanted to send you a quick email re: the appeal of the plat restriction at 1819 Linden Lake Road in Ft. Collins. I am Craig’s neighbor at 1823 Linden Lake Rd and the property owner most effected by this request. Craig, my husband, and I have spoken at length about this project, and I wanted to let you know that neither my husband (Scott) nor I have any problems or issues with his request.

Please let us know if there is any additional information you might need in processing his request. I can be reached at 601-480-2969.

Many thanks,

Laura Dement
Fwd: garage variance - OK

Craig J Stith <craig.j.stith@gmail.com>  
To: Kathy Eastley <eastleka@co.larimer.co.us>

Mon, Mar 2, 2020 at 1:39 PM

Kathy,

Following is the email from Bob and Jill Williams, our neighbors two doors down, offering support for my Appeal request and the garage project.

I also saw the note from Devin Traff of Engineering regarding drainage. Our grading of the lot will not impact the current drainage pattern between the properties. The grades will remain the same as currently exist.

Thanks.

Craig Stith

-------- Forwarded message --------
From: Robert Williams <robertmwilliams8@gmail.com>
Date: Mon, Feb 24, 2020 at 2:19 PM
Subject: garage variance - OK
To: <craig.j.stith@gmail.com>
Cc: <dave.gail.frick@comcast.net>

Dear Craig and Deb,
We just received the Notice of Public Hearing for your variance request. As you have already secured permission from your neighbor to the North (Scott & Laura Demient), we have absolutely no objection to this. I have copied Gail Frick on this message “for the record”.

I can certainly appreciate your wanting to have more garage space and being a German car nut myself, fully support your variance application.

Just a quick anecdote for your reference: We did a major re-model in 2004-2006 and added two small garage bays as part of this huge re-model project. We did not encroach on the 15’ setback restriction of the Linden Lake HOA (our SW garage corner sits on the 15’ limit, although we would have liked five extra feet, we didn’t ask the ACC for a variance). However, we did receive a lot of pushback from several neighbors (who chose to remain anonymous) who claimed there were no four-car garages in the neighborhood. They were wrong and I provided photos of four existing homes in the Lindenmeier HOA subdivision with four-car garages. We also received static about the size of our proposed wrap-around deck (smaller than six other homes in the neighborhood), and also received push-back on our planned conservatory next to the pool. Our plans were eventually approved (took over a year to get this through the ACC) and we did not have to go through the formal variance and hearing process you are going through. I would imagine you are expanding a 2-car garage to a 3-car garage (it doesn’t matter to us how many)? In any event, I am sharing this with you in case some neighbors push back as I can imagine that the set-back restrictions to some may be regarded as sacred (we do not).

I just wanted you to know that we do not and will not object and wanted you to know that we are supportive. If you want a letter of support for the ACC once you have a design, we would be happy to provide that. You are free to use this e-mail in support of your application as well.

Good luck with your project!

Sincerely,

Bob & Jill Williams
1809 Linden Lake Road
Robert M. Williams, Ph.D.
University Distinguished Professor
Department of Chemistry
Colorado State University
Fort Collins, Colorado 80523
Phone: (970)-495-2569
FAX: (970)-491-3944
e-mail: robert.williams@colostate.edu
website: www.mwilliamsgroup.wordpress.com
**2. TITLE: Perry Appeal

REQUEST: An Appeal to Section 4.3.2.C.2 of the Land Use Code to allow a cabin in the east half of Range 70 when cabins are only allowed in the west half of Range 70. The proposed cabin would be located approximately 90 feet east of the west half of Range 70.

LOCATION: No address yet assigned; Located north and east of Pine Acres Way approximately 1/3 mile north of the intersection of Pine Acres Way and Rist Canyon Road

PROPERTY OWNERS/APPLICANTS: Richard Perry & Indrani Kelly
3013 Swing Station Way
Fort Collins, CO 80521

STAFF CONTACTS: Michael Whitley, AICP, Planning
Stephen Rothwell, Engineering
Lea Schneider, Health

FILE#: 19-GNRL0475

BCC HEARING DATE: March 15, 2020

STAFF REPORT DATE: February 24, 2020

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

**SITE DATA:

Parcel Number: 08270-00-027

Total Development Area: 40.0 acres
Existing Number of Lots: One
Proposed Number of Lots: One
Existing Land Use: Undeveloped land
Proposed Land Use: One cabin
Surrounding Land Uses: Undeveloped land, Single-family residential uses
Surrounding Zoning: O - Open
Services:
Access: Pine Acres Way
Water: Hauled water
Sewer: Composting toilet
Fire Protection: Poudre Fire Authority
No. Trips Generated by Use: 10 trips per day
DISCUSSION:

Section 4.3.2.C of the Larimer County Land Use Code reads:

*Dwelling, cabin.* A structure that contains at least one habitable room for living, sleeping, eating, cooking and sanitation that is designed, arranged and intended to be occupied by one occupant or living unit. A cabin dwelling shall not be rented for less than 31 continuous days.

1. A cabin that includes a primary heat source will be considered to be a single-family dwelling.
2. Cabins are permitted in the applicable zoning districts (See subsection 4.1) only in the west half of Range 70, in Ranges 71-78 and in Townships 11 and 12, Ranges 68-78.

The applicants have submitted an appeal to Section 4.3.2.C.2 of the Land Use Code to allow for the construction of a cabin on their property in the east half of Range 70. The proposed cabin would be approximately 90 feet east of the west half of Range 70.

The applicant proposes to haul water to the site and use a composting toilet with a vault. These levels of service for a cabin are acceptable to the Department of Health and Environment.

REVIEW CRITERIA:

**APPEAL TO DEVIATE FROM THE STANDARDS OR REQUIREMENTS**

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

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

   The purpose of allowing cabins in the west half of Range 70 is to allow for the construction of cabins in mountainous portions of unincorporated Larimer County. The western boundary of the subject property is the beginning of the western half of Range 70 and the proposed cabin would be approximately 90 feet east of that property line. Approval of the appeal would allow for a minor deviation from the standard and would not 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.**

   There have been no objections to the proposed cabin from any of the referral agencies or surrounding property owners and there is no evidence that approval of the appeal would be detrimental to the public health, safety or property values in the neighborhood.
C. Approval of the appeal is the minimum action necessary.

Approval of the appeal is the minimum action necessary to allow for the construction of a cabin on the subject property.

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

Approval of the appeal would not result in increased costs to the general public.

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

Approval of the appeal would provide for a minor deviation from the locational standard for a cabin by allowing one 90 feet east of where they are normally permitted. Approval of the appeal is consistent with the intent and purpose of the Land Use Code.

DEVELOPMENT SERVICES TEAM REVIEW COMMENTS:

The following review comments were received:

- Health No objections as long as any wastewater generated is collected and properly disposed of either by an approved gray water collection system or by self-hauling off-site.

The following reviewing bodies did not respond or responded with no comment:

- Larimer County Engineering
- Larimer County Code Compliance

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Board of County Commissioners approve the Perry Appeal, File #19-GNRL0475.

SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Perry Appeal, File #19-GNRL0475.

ATTACHMENTS:

Attachment A - Vicinity Map
Attachment B - Applicants’ Annotated Site Plan
Attachment C - Referral Comments
Details:
Parcel 0827000027 - Open Zoning
Specifically: Allow “Gabin” (Garage-Cabin) east of line demarking cabins allowed. Approx. 90’.
Primary cause for request: Challenging access, service by truck not possible for primary heat.
Secondary: Close proximity to demark line
Others: Low impact straw bale construction, passive solar, PV and wind power; Site is secluded from view of neighbors and plains.

Review Criteria:
A. The location is on the east side of the line for cabins allowed. The area has very difficult access and allowing the cabin would not only not subvert the code, but I believe is the reason for the code.

B. The cabin will be low impact by design. Set into the hill, out of sight of neighbors and the plains. Likely to increase property values with another member being added to the community.

C. Action is necessary as the structure can not be supplied with primary heat initially, and may never be able to be serviced with propane truck due to the steep access.

D. With the use of alternative energy generation (solar, wind), and no extension of the power line, the request will actually reduce costs (risk) to the general public.

E. The request is consistent with the intent and purpose of the code as it will allow me to develop the property, even though it is challenging.
Re: Larimer County Planning Referral FILE #19-GNRL0475

1 message

Lea Schneider <schnells@co.larimer.co.us>
To: "Whitley, Michael" <whitlemd@co.larimer.co.us>

Thu, Feb 6, 2020 at 4:39 PM

Michael,

I apologize as I never replied to this appeal request.

The Health Department has no objections to allowing the cabin in the east half of Range 70. With the topography of the area, a seasonal, low-impact, cabin would be a reasonable use. Reliance on a potable water haul truck to supply a cistern or wastewater pumper truck for a vault would not be reliable due to the restricting access road. Cabins are allowed to use properly designed composting toilets with hauled water. Any wastewater generated would have to be collected and properly disposed of either by an approved gray water collection system or self-hauling off-site.

Thank you,
Lea

Lea Schneider
Environmental Health Planner

On Thu, Dec 26, 2019 at 11:15 AM Pam Stringer <stringpa@co.larimer.co.us> wrote:

Below is a link to details about an application that has been submitted to Larimer County Planning Services for review. Please send any applicable comments about this application to the applicant and planner listed below.

Link: https://onlineportal.larimer.org/EnerGov_Prod/CitizenAccess/Site/Plan/View/ByPlanNumber/19-GNRL0475

Plan #: 19-GNRL0475

Request:
An Appeal to Section 4.3.2.C.2 to allow a cabin in the east half of Range 70 when cabins are only allowed in the west half of Range 70. The proposed cabin would be located approximately 90 feet east of the west half of Range 70.
The applicant proposes to haul water to the site and use a composting toilet with a vault.

Comments Due: 01/16/2020

Planner Contact: Michael Whitley, Planner II
970-498-7720
mwhitley@larimer.org