AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Monday, April 6, 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. HIAWATHA HEIGHTS, BLOCK 21, lots 9-12
      LOT CONSOLIDATION, FILE # 20-LAND3965
      Staff Contacts: Kathy Eastley, Planning; Lea Schneider, Health;
      Devin Traff, Engineering

   **2. SUBDIVISION ACCESS AND
      UTILITY EASEMENT VACATION, FILE #20-LAND3961
      Staff Contacts: Robert Helmick, Planning; Steven Rothwell, Engineering;
      Lea Schneider, Health and Environment

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:** Hiawatha Heights, Block 21, Lots 9-12 Lot Consolidation

**REQUEST:**
1. Combine the area of Lots 9, 10, 11, and 12 to create a .27-acre lot;
2. Appeal Section 8.14.1.H regarding width to depth ratio

**LOCATION:**
194 Lakeview Drive
Red Feather Lakes, CO 80545

**APPLICANT/OWNER:**
Chase Johnson
58758 County Road 53
Kersey, CO 80644

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

**FILE #:**
20-LAND3965

**BCC HEARING DATE:**
April 6, 2020

**MEMO DATE**
March 3, 2019

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

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**Figure 1 - Vicinity Map**
The applicants seek to combine four lot lots within Hiawatha Heights, Block 21 to create one .27-acre lot. The parcels have been combined by the assessor’s office for taxing purposes, therefore there is one parcel number for the combined area of the four lots.
The applicant also seeks an appeal to the lot ratio standard required by Section 8.14.1.H which states that lots cannot exceed a depth-to-width ratio of 3-to-1 or a width-to-depth ratio of 1.5-to-1. This standard is difficult in this case due to the consolidation of 4 lots; therefore the appeal is requested.

**REVIEW CRITERIA:**

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of a lot consolidation if the following review criteria are met:

**A. No additional lots will be created by the lot consolidation.**

**Staff Response:** The intent is to consolidate the area of the four lots; therefore, no new lots will be created by the lot consolidation.

**B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.**

**Staff Response:** The O – Open Zone District requires a minimum lot size of 10-acres, however the subdivision was platted in 1925 so the lots are non-conforming with regard to minimum lot size. The consolidation of the four lots will decrease the amount of non-conformity. An appeal is requested to 8.14.1.H for the depth to width ratio which exceeds the 1.5:1.

**C. The lot consolidation will not create a nonconforming setback for any existing building;**

**Staff Response:** There is an existing 821-square foot home built in 1926 within the lot area. The application will not create a nonconforming setback for existing buildings on the property.

**D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots can not be divided by a municipal or county boundary line, road, alley, or another lot.**

**Staff Response:** The lot will not be divided by a municipal or county boundary line, road, alley, or another lot.

**E. The lot consolidation will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and**

**Staff Response:** There will be no adverse impact to access, drainage or utility easements or rights-of-way.

**F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.**
**Staff Response:** A condition of approval is recommended that states that any existing covenant, deed restriction or other conditions of approval that apply to the original lots also applies to the consolidated lots.

The Larimer County Land Use Code (Section 22.2.3) outlines the review criteria for appeals to deviate from minimum standards, as stated below:

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

*Staff Response:* The lot configuration that results from the lot consolidation will not subvert the purpose of the standard which is to prevent oddly configured or flag lots in subdivided parcels. The consolidation of multiple properties is seen as generally beneficial.

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

*Staff Response:* The consolidation of the four lots will result in one lot that is permitted one single-family dwelling unit. The reduction in density does not negatively impact the public health, safety and property values in the neighborhood.

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

*Staff Response:* The request to consolidate the lots results in a wide resultant lot which is only as deep as the original lots. This appeal is the minimum action necessary.

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

*Staff Response:* Granting the appeal will not result in increased costs to the general public.

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

*Staff Response:* Approval of the appeal is consistent with the intent and purpose of the Code.

**DEVELOPMENT SERVICES TEAM REVIEW COMMENTS:**

- **Planning** No issues with the proposed lot consolidation and appeal.
- **Engineering** Comments regarding access, drainage, and easements. No issues with the proposal.
- **Health Department** The Health Department had no comments on the lot consolidation.

**OTHER AGENCY REVIEW COMMENTS:**

- **Addressing** The lot created by the consolidation will have an address of 194 Lakeview Drive, Red Feather Lakes, CO 80545.
• **Assessor** The legal description of the resultant lot will be “Lot 9A, Block 21, Hiawatha Heights, Lot Consolidation of Lots 9, 10, 11, and 12, Block 21 Hiawatha Heights; County of Larimer, State of Colorado.”

• **Code Compliance** Research of the subject property (or properties) has not been conducted to confirm whether or not all structures on the property have been properly permitted, inspected and/or are being used for the purpose for which they were originally designed.

• **Division of Water Resources** There is an existing cabin served by an existing well located on Lot 11. Well Permit No. 28687-A allows for use of the existing well for domestic purposes and the lot consolidation will not impact the validity of this permit.

• No correspondence has been received from adjacent property owners.

**SUMMARY AND CONCLUSIONS:**

Staff supports the requested lot consolidation and appeal of Section 8.14.1.H as it meets the criteria in the Land Use Code, and all issues have been resolved.

**DEVELOPMENT SERVICES TEAM RECOMMENDATION:**

The Development Services Team recommends Approval of the Lot Consolidation, subject to the following conditions:

1. All conditions of approval shall be met, and the final resolution recorded by October 6, 2020 or this approval shall be null and void.

2. The resultant lot is subject to any and all covenants, deed restrictions, or other conditions that apply to the original lots.

**SUGGESTED MOTION:**

I move that the Board of County Commissioners Approve the Lot Consolidation for Hiawatha Heights, Block 21, Lots 9, 10, 11, and 12, subject to the conditions outlined above and authorization for the Chair to sign the Lot Consolidation Resolution.

Attachment A Application
Attachment B Project Description
Attachment C Vicinity Map
Attachment D Referral Comments
March 3, 2020

Chase Johnson  
25425 W County Road 53  
Kersey, CO 80644  
Chase@proagappraisal.com

Reference: Lot Consolidation – Hiawatha Heights, Block 21, Lot 9-12  
File 20-LAND3965

Dear Mr. Johnson;

The Larimer County Planning Division has reviewed the application to consolidate the above referenced lots to create a resultant .27-acre lot, and appeal the lot ratio standard and have no comments.

Referral responses have been received from Engineering, Health, Assessor, Addressing, and the Division of Water Resources, and are attached for your records.

Please let me know if you have any questions. I will contact you when a hearing date is being scheduled. I may be reached at 970-498-7691 or keastley@larimer.org.

Sincerely,

Kathy Eastley, AICP  
Planner II

CC: File  
Attachments
MEMORANDUM

TO: Kathy Eastley, Larimer County Planning Department
FROM: Devin Traff, Larimer County Engineering Department
DATE: February 20, 2020
SUBJECT: Hiawatha Heights Block 21, Lcts 9-12 Lot Consolidation & Appeal
         File #19-LAND3965

Project Description/Background:
This is a Lot Consolidation to of Lots 9-12 of Hiawatha Heights Block 21 and appeal to Section
8.14.1.1 requiring width to depth ratio of 1.5:1. This is situated at 194 Lakeview Drive in Red
Feather Lakes.

Review Criteria:
Larimer County Engineering Department development review staff members have reviewed
the materials per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer
County Rural Area Road Standards (LCRARS), and Stormwater Design Standards (LCSDS).

Comments:
1. We do not expect that an approval of this application will result in changes to the site
   drainage. If drainage patterns are going to be changed, a drainage plan should be
   submitted for review and approval.

2. The utility authorities should be given a chance to comment on this proposal since
   notification and approval from the proper utility authorities is required for any utility
   easements that are being modified in association with the proposal.

Staff Recommendation:
The above comments need to be noted. Please feel free to contact me at (970) 498-5731 or
dtraff@larimer.org if you have any questions.

cc: chase@proagappraisal.com
    file
Re: Larimer County Planning Referral FILE #20-LAND3965

1 message

Lea Schneider <schnells@co.larimer.co.us>  
To: Kathy Eastley <eastleka@co.larimer.co.us>  

Kathy,

The Health Dept has no comments for the lot consolidation.  
Sorry for the delay on this. I hope you are enjoying your vacation!

Lea

Lea Schneider  
Environmental Health Planner  

Environmental Health  
1525 Blue Spruce Drive, Fort Collins, 80524 | 2nd Floor  
W: (970) 498-6777 | M: (970) 498-6776  
lschneider@larimer.org | www.larimer.org/health

On Thu, Feb 6, 2020 at 11:24 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/20-LAND3965

Plan #: 20-LAND3965

Request:

Consolidate four lots in Hiawatha Heights currently described as Bock 21, Lots 9, 10, 11, ad 12 into one lot of .27-acres. The request also includes an appeal to Section 8.14.1.1 which is the required width to depth ratio of 1.5:1 which the resultant lot will not meet.

Comments Due: 02/20/2020

Planner Contact: Kathy Eastley, Planner II  
970-498-7691  
eastleka@co.larimer.co.us

Applicant(s)/Owner:  
Chase Johnston, chase@proagappraisal.com

INSTRUCTIONS TO VIEW DOCUMENTS: To view documents on the portal please follow the link then scroll to the middle of the web page. You will see a box named: Attachment Details

You will find the name of the document type and the date it was created. This will help you find the most recent document for your review.

THIS IS A TEMPORARY ONLINE SUBMITTAL REVIEW UNTIL WE HAVE OUR NEW ONLINE PROCESS UP & RUNNING. THANK YOU FOR YOUR PATIENCE IN THIS TIME OF TRANSITION.
Hi Kathy,

Here is the New Legal for this new Lot Consolidation:

LOT 9A, BLOCK 21, HIAWATHA HEIGHTS, LOT CONSOLIDATION OF LOT 9,10,11 AND 12, BLOCK 21 HIAWATHA HEIGHTS; COUNTY OF LARIMER, STATE OF COLORADO.

Thank you,

--

Cheryl Smith
Assessment Specialist
Larimer County Assessor Office
200 West Oak St, Ste 2000
Fort Collins, CO 80522
970-498-7050
Research of the subject property (or properties) has not been conducted to confirm whether or not all structures on the property have been properly permitted, inspected and/or are being used for the purpose for which they were originally designed.

The processing of this land-use application does not constitute approval of any structures on the property. If the owner/applicant would like research to be conducted to confirm whether or not all structures on the property have been properly permitted and inspected, please call or e-mail Code Compliance Technician Laura Boekhout at 970-498-7693 or complete and submit a research request form on-line at: https://www.larimer.org/codecompliance/research-requests
February 19, 2020

Kathy Eastley
Larimer County Community Development
Transmission via email: eastleka@co.larimer.co.us

Re: Lot Consolidation
Case No. 20-LAND3965
Lots 9, 10, 11, and 12, Block 21, Hiawatha Heights Subdivision
Pt. of the SW ¼ of the NE¼, Section 29, T10N, R73W, 6th P.M.
Water Division 1, Water District 3

Dear Ms. Eastley:

We have reviewed the above referenced proposal for a lot consolidation. The submitted material does not appear to qualify as a "subdivision" as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The application seeks to consolidate Lots 9, 10, 11, and 12, Block 21, Hiawatha Heights subdivision, into a single lot 0.27 acres in size. The request also includes an appeal to deviate from county code standards and requirements for lot configuration. There is an existing cabin served by an existing well located on Lot 11. The application proposes to remodel or replace the cabin with a structure that will be wider than a single lot, thereby requiring a lot consolidation.

As part of the record review for this application, the Division of Water Resources discovered that two permits had been issued for the same well on this property. Permit no. 28687 was issued on August 31, 1966 for a well to be constructed on a tract of land identified as Lot 11, Block 21, Hiawatha Heights subdivision. On October 20, 1982 this office issued permit no. 127805 for what was believed to be an unregistered well and permit no. 127805-A to replace the existing well. The replacement permit application described the property as Lot 11, Block 21 Hiawatha Heights, but incorrectly described the property as being on Section 28. Because the existing well was already permitted under well permit no. 28687, the replacement permit should have been issued as permit no. 28687-A. To correct the duplicate records and the location of the well, this office has canceled permit no. 127805, changed the permit number for the replacement well constructed under permit no. 127805-A to 28687-A, and corrected the location of the replacement well.

Well permit no. 28687-A allows the use of the existing well for "domestic" purposes. The well with permit no. 28687-A may continue to be used for those domestic purposes served or reasonably intended to be served by the original well prior to May 8, 1972, provided such uses do not exceed those allowed by statute. The proposed lot consolidation will not impact the validity of permit no. 28687-A.
Based on the submitted information, this office has no concerns regarding the proposed lot consolidation. Should you or the applicant have any questions regarding this matter, please contact Javier Vargas-Johnson at this office.

Sincerely,

Sarah Brucker, P.E.
Water Resources Engineer

Cc: Owner (Chase Johnston, chase@proagappraisal.com)
Well Permit file no. 28687-A
Well Permit file no. 127805
Referral file no. 27002
**WELL LOG**

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<th>From</th>
<th>To</th>
<th>Type and Color of Material</th>
<th>Water Loc.</th>
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<tbody>
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<td>3</td>
<td>Cobblestone</td>
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<tr>
<td>3</td>
<td>7</td>
<td>Decomposed Granite</td>
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<tr>
<td>7</td>
<td>28</td>
<td>Broken, Gray w/Pink Granite</td>
<td></td>
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<td>Gray Granite</td>
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<tr>
<td>57</td>
<td>81</td>
<td>Decomposed Granite</td>
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<tr>
<td>81</td>
<td>123</td>
<td>Gray w/Pink Granite</td>
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</table>

**HOLE DIAMETER**

- 6½ in. from 0 to 123 ft.
- ___ in. from ___ to ___ ft.
- ___ in. from ___ to ___ ft.

**DRILLING METHOD** Air Percussion

**CASING RECORD:**
- Size 4 & Kind Plastic from 0 to 62 ft.
- Size 5 & Kind Plastic from 77 to 97 ft.
- Size ___ & Kind ___ from ___ to ___ ft.

**Perforated Casing**
- Size 5 & Kind Plastic from 62 to 77 ft.
- Size 5 & Kind Plastic from 77 to 123 ft.
- Size ___ & Kind ___ from ___ to ___ ft.

**GROUTING RECORD**
- Material: Cement
- Intervals: 0 - 30 ft.
- Placement Method: Poured

**GRAVEL PACK:** Size None

**TEST DATA**
- Date Tested: 8-25-82, 19
- Static Water Level Prior to Test: 6.6 ft.
- Type of Test Pump: Air Blown
- Length of Test: 2 Hours
- Sustained Yield (Metered): 15 GPM
- Final Pumping Water Level: Bottom

**TOTAL DEPTH:** 123'

Use additional pages necessary to complete log.
PUMP INSTALLATION REPORT

Pump Make: ___________ Unknown ___________
Type: ___________________ ___________
Powered by: _______________ HP ___________
Pump Serial No.: ___________ ___________
Motor Serial No.: ___________ ___________
Date Installed: ___________ ___________
Pump Intake Depth: ___________ ___________
Remarks: ___________ Pump to be installed later. ___________

WELL TEST DATA WITH PERMANENT PUMP

Date Tested: ___________ Unknown ___________
Static Water Level Prior to Test: ___________ ___________
Length of Test: ___________ Hours ___________
Sustained yield (Metered): ___________ GPM ___________
Pumping Water Level: ___________ ___________
Remarks: ___________ Pump to be installed later. ___________

CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described herein; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature: ___________ License No. 21 ___________
State of Colorado, County of ___________ ___________ SS
Subscribed and sworn to before me this ___________ day of ___________ ___________, 1984
My Commission expires: ___________ My Commission Expires July 30, 1984 ___________
Notary Public: ___________ CLETA BURNHAM ___________
615 1st Avenue
Ault, CO 80610
04-11

FORM TO BE MADE OUT IN QUADRUPLICATE; WHITE FORM must be an original copy on both sides and signed.
WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.
PERMIT APPLICATION FORM

( X ) A PERMIT TO USE GROUND WATER
( X ) A PERMIT TO CONSTRUCT A WELL
( ) REPLACEMENT FOR NO. Unregistered
( ) OTHER
WATER COURT CASE NO. 

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 29966 / 8034

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action. 28687

APPROVED AS A REPLACEMENT OF WELL NO. 127805.

THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE REVISED AND AMENDED RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS. THE ENCLOSED AFFIDAVIT MUST BE SUBMITTED WITHIN SIXTY (60) DAYS AFTER THE CONSTRUCTION OF THE NEW WELL, AFFIRMING THAT WELL NO. 127805 WAS PLUGGED AND ABANDONED.

2/19/2020— Permit number has been changed to 28687-A. Permit no. 127805 should not have been issued for the original well because the well had already been permitted as permit no. 28687.

APPLICATION APPROVED

PERMIT NUMBER 127805--A 28687-A
DATE ISSUED OCT 20 1982
EXPIRATION DATE OCT 20 1984

HIAWATHA HEIGHTS
(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

1700 ft. from North sec. line
1650 ft. from East sec. line
LOT 11 BLOCK 21 FILING #
SUBDIVISION Hiawatha Heights

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Same
No. of acres Less than one. Will this be the only well on this tract? Yes

(8) PROPOSED CASING PROGRAM
Plain Casing
5 in. from 0 ft. to 120 ft.
Perforated casing
5 in. from 120 ft. to 150 ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:
New well to be 50' West of the old well. Plugged and abandoned in accordance with the book of rules and regulations.

(10) LAND ON WHICH GROUND WATER WILL BE USED:
Owner(s): Dr. H.S. Rupert
No. of acres: Less than one
Legal description: A part of the SW\(\frac{1}{4}\) of the NE\(\frac{1}{4}\) of Section 29, Twp 10N, Rng 73W, 6 PM

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.
Domestic - An existing approved return type sewage disposal system will be used.

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

<table>
<thead>
<tr>
<th>Type or right</th>
<th>Used for (purpose)</th>
<th>Description of land on which used</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
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</tbody>
</table>

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

SIGNATURE OF APPLICANT(S)

Use additional sheets of paper if more space is required.

BCC 04/06/20
HIAWATHA HEIGHTS
PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in BLACK INK. No oversizes or erasures unless initialed.

(1) APPLICANT: mailing address

NAME  Dr. H.S. Rupert
STREET  2122 9th Street
CITY  Greeley, Colo. 80631  (State)  (ZIP)
TELEPHONE NO.  353-8410

(2) LOCATION OF PROPOSED WELL

County  Larimer

SW 1/4 of the NE 1/4, Section 29 20
Twp. 10 N., Rng. 72 W., 6 P.M.

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm)  25
Average annual amount of ground water to be appropriated (acre-feet): 2
Number of acres to be irrigated:  less than one
Proposed total depth (feet):  150
Aquifer ground water is to be obtained from:
Fractured and or Decomposed Granite

Owner's well designation  Permatta

GROUND WATER TO BE USED FOR:

( ) HOUSEHOLD USE ONLY  no irrigation (0)
( ) DOMESTIC (1)  ( ) INDUSTRIAL (5)
( ) LIVESTOCK (2)  ( ) IRRIGATION (6)
( ) COMMERCIAL (4)  ( ) MUNICIPAL (8)
( ) OTHER (9)

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name  LESH DRILLING, INC.
Street  Box 56

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. ________________ / ____________________
Basin  ________________ Dist  ________________

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPLICATION APPROVED

PERMIT NUMBER ________________________________
DATE ISSUED ________________________________
EXPIRATION DATE ________________________________

HIAWATHA HEIGHTS
**SUPPLEMENTAL INFORMATION**

<table>
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<tr>
<th>Initial Permit No.</th>
<th>Final Permit No.</th>
<th>REQUEST FOR VERBAL APPROVAL</th>
<th>Date verbal approval given:</th>
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<td></td>
<td><strong>8/12/82</strong></td>
</tr>
</tbody>
</table>

**Owner**

- Property No.
- Driller: Jack

**Address:**

- Lic. No. [ ]
- Phone [ ]
- New [ ]
- Repl. [ ]

**Location**

- County: 29
- Sec. [ ]
- Top. [ ]
- Tr. [ ]
- Range: [ ]

**Distance from Sec. Lines**

- Alt. Pt. Div. [ ]
- T.H. [ ]

**Approved**

- Yes [ ]

**By:**

- [ ]

**ID**

- County [ ]

**County**

- Subdivision [ ]

**Date Initial**

- Contact and Number: [ ]

**Remarks**

- [ ]

---

**BCC 04/06/20**

**HIWATHA HEIGHTS**
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St.
Denver, Colorado 80203

STATE OF COLORADO
COUNTY OF Larimer

STATEMENT OF BENEFICIAL USE OF GROUND WATER
AMENDMENT OF EXISTING RECORD
X LATE REGISTRATION 127805
PERMIT NUMBER Unregistered

THE AFFIANT(S) Dr. H. S. Rupert
whose mailing address is 2122 9th Street
City Greeley, Colo. 80631
being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon, the well is located as described above, at distances of 1700 feet from the North section line and 1600 feet from the East section line; water from this well was first applied to a beneficial use for the purpose(s) described herein on the day of Summer, 1940; the maximum sustained pumping rate of the well is 25 gallons per minute, the pumping rate claimed hereby is 25 gallons per minute; the total depth of the well is 60 feet; the average annual amount of water to be diverted is 2 acre-feet; for which claim is hereby made for Domestic purpose(s); the legal description of the land on which the water from this well is used is a part of the SE ¼ of the NE ¼ of Section 29, Tp 10N, Rng 73W, 6 PM of which less than one acres are irrigated and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

Signature(s) H. S. Rupert

Subscribed and sworn to before me on this 15th day of September, 1982

My Commission expires: 6/11/86

Cynthia F. Jones

ACCEPTED FOR FILING BY THE STATE ENGINEER OF COLORADO PURSUANT TO THE FOLLOWING CONDITIONS:

PERMIT CANCELED— Permit no. 26687 was previously issued for this well.

OCT 20 1982 Assistant

DATE

STATE ENGINEER

FOR OFFICE USE ONLY

Court Case No.

Prior: Mo. Day Yr.

Div. City.

Sec. ¼ ¼ ¼ ¼

Well Use


on the Siuam 2-27-81

BCC 04/06/20 HIAWATHA HEIGHTS
The location of the well must be shown and for large capacity irrigation wells the area on which the water is used must be shaded or cross-hatched on the diagram below.

This diagram represents nine (9) sections. Use the center square (one section) to indicate the location of the well, if possible.

Water equivalents table (rounded figures):

An acre-foot covers 1 acre of land 1 foot deep.
1 cubic foot per second (cfs) = 449 gallons per minute (gpm).
1 acre-foot = 43,560 cubic feet = 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.
100 gpm pumped continuously for one year produces 160 acre-feet.

(White and pink copy to be filed with the state engineer. Pink copy will be returned to owner.)
Dear Dr. Rupert:

Your original Well Permit Application and late Registration forms have been misplaced by the Division of Water Resources. They have requested that we furnish them with copies.

Would you please sign all three copies where indicated. The two copies of late Registration have to be notarized. The Division also requested an application fee of $10.00 be attached to the papers. Make the check payable to the Colorado Division of Water Resources.

After you have done this, please forward all three copies and the check for $10.00 to the Denver office in the enclosed envelope. This needs to be done as soon as possible to make your well legal.

Thank you,

Don Foster
ADDRESSING REVIEW COMMENTS

PROJECT NAME: Hiawatha Heights Block 21, Lots 9, 10, 11 & 12 LC

CASE NUMBER: 20-LAND3965

DATE: 2/7/2020

Project Scope: Consolidate four lots in Hiawatha Heights currently described as Bock 21, Lots 9, 10, 11, ad 12 into one lot of .27-acres. The request also includes an appeal to Section 8.14.1.1 which is the required width to depth ratio of 1.5:1 which the resultant lot will not meet.

Staff Comments on Addressing: If this Lot Consolidation is approved by Larimer County, the site address for the newly created single lot will be 194 Lakeview Dr, Red Feather Lakes, CO 80545.

Addressing submittal requirements: None.

Sent to: Kathy Eastley-Planner II, Pam Stringer-Citizen Resources Technician

Respectfully submitted,

Dan Kunis
Geographic Information Specialist/Addressing
Larimer County Community Development Division
(970) 498-7680
dkunis@larimer.org
**TITLE:** Cookies Parcels Subdivision Access and Utility Easement Vacation

**REQUEST:** Vacation of the northern 282 feet of an access and utility easement on Lot 1

**LOCATION:**

4208 West County Road 4  
Berthoud CO

**APPLICANT & PROPERTY OWNERS:**

Charles Sorensen and Julie Adams  
928 5th St  
Berthoud CO  80513  
and  
Dave and Nancy Newport  
4209 West CR 4  
Berthoud CO 80513

**STAFF CONTACTS:**

Robert Helmick, AICP Planning  
Steven Rothwell, Engineering  
Lea Schneider, Health and Environment

**STAFF REPORT DATE:** March 9, 2020

**FILE #:** 20-LAND3961

**BCC HEARING DATE:** April 6, 2020

**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:**

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<tr>
<th>Parcel Number(s)</th>
<th>9430408001 &amp; 002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveyor:</td>
<td>none</td>
</tr>
<tr>
<td>Total Development Area:</td>
<td>9.6 acre</td>
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<tr>
<td>Existing Number of Lots:</td>
<td>2</td>
</tr>
<tr>
<td>Proposed Number of Lots:</td>
<td>N/C</td>
</tr>
<tr>
<td>Number of Existing Dwelling Units:</td>
<td>1</td>
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<tr>
<td>Existing Land Use:</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>Proposed Land Use:</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>FA-1 Farming</td>
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<td>Adjacent Land Uses:</td>
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<tr>
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<td>Access:</td>
<td>WCR 4</td>
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<td>Water:</td>
<td>Little Thompson Water district</td>
</tr>
<tr>
<td>Sewer:</td>
<td>On-Site Septic</td>
</tr>
<tr>
<td>Fire Protection:</td>
<td>Berthoud Fire District</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION/BACKGROUND:

The applicants propose to vacate a portion of an access and utility easement on their lot. This lot was created by the Cookies Parcels Subdivision plat. The file information indicates that was intended to assure that the owner of Lot 2 had access to the portion of their lot north of the Culver Lateral Ditch. Since the platting however the owners of lot 2 did place a culvert on the ditch allowing access to that are of their lot so that the easement is not required for that purpose. The original platting also had both lots sharing access at the new point so therefore the applicants are retaining the southern 193 feet of the easement as a common access easement. The applicant has confirmed with utility providers that portion proposed for vacation is not needed.
REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.9.3) allows for the approval of a Right-of-Way or Easement Vacation if the following review criteria are met:

A. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services;

No property is negatively affected by this vacation. No denial of access or utility will result from this vacation and no issues have been identified in the review.

B. The recommendations of referral agencies have been considered; and

No agency comments have raised an issue and all comments have been considered in the Team review of the request.

C. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the county commissioners approve the vacation.

Not applicable.

SUMMARY AND CONCLUSIONS:

The requested vacation meets the review criteria and no agency or individual has identified any issues with the request. The vacation solves a property problem, encroachment into the easement by an existing building.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Cookies Parcels Subdivision Access and Utility Easement Vacation File # 20-LAND3961.

SUGGESTED MOTION:

I move that the Board of County Commissioners Approve the Cookies Parcels Subdivision Access and Utility Easement Vacation File # 20-LAND3961.

ATTACHMENTS:

A. Vicinity Map
B. Application Materials
C. Referrals
November 20, 2019

Access and Utility Easement Vacation
Charles Sorensen and Julie Adams
4208 W County Road 4
Berthoud, CO 80513
970.482.5971
Charles.Sorensen@live.com

**Project Description**

The objective is to modify the Access and Utility Easement (AUE) for Lot 1 (Parcel: 9430408001) and Lot 2 (Parcel: 9430408002), Cookie’s Parcels Subdivision, Larimer County, Colorado.

Lot 1 is owned by David B. Newport and Nancy L. Newport (the “Newport’s”).

Lot 2 is owned by Charles E. Sorensen and Julie A. Adams (“Sorensen/Adams”)

Lot 1 and Lot 2 share a non-exclusive private access and utility easement that was granted for the benefit of Lot 1 and Lot 2 by the Grant of Easement dated April 3, 2007 and recorded on April 19, 2007 at Reception No. 20070029049 in Larimer County, Colorado.

The Newport’s have determined that Lot 1 does not require the Easement at all for utilities and does not require the full extent of the Easement for access, but rather only the south 193 feet of the Easement.

Sorensen/Adams and the Newport’s are in agreement that the Newport’s will relinquish the Easement for utility purposes entirely and will relinquish the Easement for access except for the South 193 feet.

There is an existing crossing over Culver Ditch/lateral on Lot 1 providing access to all of Lot 1 from within Lot 1.

There is an existing crossing over Culver Ditch/lateral on Lot 2 from within Lot 2 providing access to all of Lot 2.

There are two attachments to the e-mail 1) Improvement Location Certificate and 2) Exhibit “A”, that are discussed on the following two pages.
Improvement Location Certificate

The Improvement Location Certificate was completed on 8/19/2019 for Sorensen/Adams.

Looking at the “flagpole” portion heading North from County Road 4:

• On the left side is the dimension 193’, then further North is the label “GATE”.
• On the right side is the label “DRIVE”, which is South of the label “GATE”.

The portion of the “flagpole” North of County Road 4 and South of the label “GATE” (the South 193 feet) is shared access for Lot 1 and Lot 2.

The Newport’s (owners of Lot 1) have determined that Lot 1 does not require any utility easement on any portion of the “flagpole”.
IMPROVEMENT LOCATION CERTIFICATE

LEGAL DESCRIPTION
LOT 2, COOKIE'S PARCELS SUBDIVISION, County of Larimer, State of Colorado

Source: FIDELITY NATIONAL TITLE 588-F0645345-170-TB7, AMENDMENT NO. 1

Notes:
1) The exact location of property lines, fence lines and utilities can only be determined by a monumented boundary survey. The fence locations shown on this sketch are approximate. Ownership of fences cannot be determined by an Improvement Location Certificate.

2) Unless otherwise noted, all easements shown hereon are obtained from recorded Plat. Buyer should be aware that easements and underground utilities may exist that are not recorded with the County.

3) Buyer should be aware that easements and underground utilities may exist that are not recorded with the County.

4) Landstar ILC, LLC and its owners and employees, will not be liable for more than the cost of this Improvement Location Certificate and then only to those parties certified to herein or in our files by signed work authorization.

BUYER/BORROWER: SORENSEN/ADAMS
LENDER: TITLE CO: FIDELITY NATIONAL TITLE
ADDRESS: 4208 WEST COUNTY ROAD 4, BERTHOU

CERTIFICATE: I hereby certify that this Improvement Location Certificate was prepared for THE GROUP, INC., that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by BUYER/BORROWER AS SHOWN and THE GROUP, INC. and FIDELITY NATIONAL TITLE INSURANCE COMPANY and FIDELITY NATIONAL TITLE COMPANY and describes the parcel's appearance on 8-19-13.

Further certify that the improvements on the above described parcel on this date, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of an easement crossing or burdening any part of said parcel, except as noted.

SCALE: 1" = 100' DRAWN BY: D\N FILE/JOB NO.: CT046 REVISED:

Landstar ILC, LLC  216 Garnet Valley Court, Loveland, CO 80537  (970) 667-3284  www.landstariic.com
Exhibit “A”

Exhibit “A” is an attachment to the Grant of Easement dated April 3, 2007 and recorded on April 19, 2007.

Of note in Exhibit “A” is:

- Culver Ditch/lateral crossing the “flagpole” on Lot 2 and crossing Lot 1.
- The Access and Utility Easement in the “flagpole” starting at County Road 4 and heading North, ending 20’ North of the Culver Ditch/lateral.
EXHIBIT 'A'

LOT 18

LOT 19

KENT ESTATES

LOT 20

LOT 21

LOT 2

Lot 2

54.88 Acres

LOT 1

1/8.25 Acres

LOT 5

LOT 4

ARLEIGH ACRES - BLOCK 3

LOT 2

LOT 1

L.C.R. No. 4

UNPLATTED

Charlotte Armstrong

MESSNER

Engineering, Inc.

Exhibit for Road Maintenance and Use Agreement for Lot 1 & Lot 2 of Cookie's Parcels Subdivision

Larimer County, Colorado

Civil Engineering Consultants

150 E. 28th St., Suite 270, Loveland, CO 80538 Tel(970)683-2221

DATE: Mar. 28, 2007
DRAWN: D.A.B.
CHECK: D.R.M.

Project No.
GRD-504-04

BCC 04/06/20

COOKIES PARCELS
MEMORANDUM

TO: Rob Helmick, Larimer County Planning Department
FROM: Steven Rothwell, Larimer County Engineering Department
DATE: February 14th, 2020
SUBJECT: Cookies Parcels Subdivision Access & Utility Easement Vacation
File #20-LAND3961

Project Description/Background:
This is a request to vacate a portion of the access easement shared by lot 1 & 2 of the Cookies Parcel Subdivision and retain only the south 193 feet of the easement. The access to lot one was to be removed prior to permits on Lot 2 using the shared access.

Review Criteria:
Larimer County Engineering Department development review staff members have reviewed the materials per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), and Stormwater Design Standards (LCSDS).

Comments:
1. As part of the original development, the existing access for Lot #1 was required to have been abandoned. Lot #1 & Lot #2 were then required to build and share a new access onto County Road 4 (located at the west property line). The shared drive was required to be built per the current access standards which include a paved apron back to the proposed right-of-way line and the installation of a properly sized culvert. Additionally, a shared access agreement was required to be completed for the access easement.
2. Larimer County Engineering approved the Development Construction Plans for the shared access back in 2007. At that time, the original applicant was required to obtain a Development Construction Permit (DCP) for the access and site grading. The applicant worked with our access coordinator to complete the new access point off of CR4 but a DCP was never applied for.
3. The applicant has requested that only 193-ft of the original access easement be retained. An “Improvement Location Certificate” has been provided as part of this application that illustrates that the access to Lot #1 has been provided within the requested easement length. Ultimately, Larimer County Engineering does not have any significant issues with the vacation of a portion of the original shared access easement. The original length was decided upon to allow the owner of Lot #1 access to their entire property. If the current owner of Lot #1 has safe and adequate access to their residence off of the newly constructed shared access road and agrees to this vacation, Larimer County Engineering can support a vacation to a portion of the existing shared access easement.

4. We do not expect that an approval of this application will result in changes to the site drainage. If drainage patterns are going to be changed from the original construction plans, a new drainage plan should be submitted for review and approval.

5. The utility authorities should be given a chance to comment on this proposal since notification and approval from the proper utility authorities is required for any utility easements that are being modified in association with the proposal.

Permits & Fees:

1. Since a Development Construction Permit DCP was required and never obtained, the applicant will be required at a minimum to pay for the original DCP fee. According to current regulations and regulation in place at the time of the subdivision’s approval, Staff estimates the Development Construction Permit fee for this development to be $150 per lot. Normally, an access permit fee would be waived since the construction of the access approach is included with the DCP. The previous applicant has already paid $50 for the access permit, so only $100 will be due for this DCP fee.

2. 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 at the time of building permit issuance in accordance with duly enacted transportation capital expansion fee regulations then in effect.

Staff Recommendation:

Engineering does not have any significant concerns with the vacation of a portion of the proposed access easement, however, prior to the release of building permits on Lot #2, Larimer County Engineering will still require the submittal of the as-built documentation required by the Cookie’s Parcels Development Agreement. Please see sections 12, 13, and 17 of the attached Development Agreement for more information on the requirement of as-built plans and the engineer’s site certification. Please feel free to contact me at (970) 498-5715 or e-mail me at srothwe1@larimer.org if you have any questions. Thank you.

cc:  charles.sorensen@live.com

file