

AGENDA
LARIMER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 29, 2012/3:00 P.M./Hearing Room

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
- D. PUBLIC COMMENT ON THE LARIMER COUNTY BUDGET
- E. PUBLIC HEARING CONSENT ITEMS: *Will not be discussed unless requested by
Commissioners or members of the audience.

- *1. ANDELT SUBDIVISION PRELIMINARY PLAT AND FINAL PLAT, FILE #11-3077
AND LOT SIZE APPEAL, FILE #12-G0231 **PAGE 1**

Staff Contacts: Rob Helmick, Planning, Tracy Shambo, Engineering, Doug Ryan, Health

- F. PUBLIC HEARING DISCUSSION ITEM:
 - 2. ENCLAVE AT EAGLE VIEW CONSERVATION DEVELOPMENT
PRELIMINARY PLAT REVOCATION, FILE #05-S2467 **PAGE 41**

Staff Contacts: Rob Helmick, Planning, Eric Tracy, Engineering, Doug Ryan, Health

- G. ADJOURN

*1. TITLE: Andelt Subdivision Preliminary Plat and Final Plat and Lot Size Appeal

REQUEST: Preliminary Plat for a two-lot subdivision on 20 acres with one existing home.

LOCATION: 20-8-69; on the south side of CR 66 approximately ½ mile west of CR9.

APPLICANT & PROPERTY OWNER: Bill & Susan Andelt
9545 Olsen Court
Wellington CO 80549-1800

ENGINEER/SURVEYOR: Jay Robinson
Stewart & Assoc.
103 S. Meldrum
Fort Collins CO 80521

STAFF CONTACTS: Robert Helmick, AICP, Planning
Traci Shambo, Engineering
Doug Ryan, Health

FILE #'s: 11-S3077 & 12-G0231

LCPC HEARING DATE: April 18, 2012

LCPC RECOMMENDATION: Unanimous approval with recommended conditions

DISCUSSION:

This application was on the Larimer County Planning Commission agenda for April 18, 2012. It was placed on the discussion agenda due to several call and concerns identified by other owners in the AOMI subdivision. However, by the time of the hearing the applicants had resolved the issues with the neighbors and there was no public testimony except form the applicant. The applicant will need to develop a road maintenance plan that will include others at some future date.

The lot size appeal is only a Board of County Commissioners action item so the Larimer County Planning Commission made no recommendation on the request. The need for the variance was discussed as a needed requirement to allow for approval of the subdivision.

APPEAL TO THE MINIMUM LOT SIZE REQUIREMENT

When considering whether to approve an appeal to deviate from the minimum lot size requirements of this code, 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. The lot size being proposed is consistent with the pattern of existing lots in the neighborhood.

The lots in the AOMI subdivision except for this parcel are all 10 acres in size several also include adjacent ROW as a part of the originally calculated lot area. This would drop them below the O-Open zone 10 acre requirement as well.

B. The proposed lot has sufficient area to support the intended use of the lot.

The analysis of the subdivision reveals that the lot areas are adequate for the intended single family residential purposes.

C. There are physical features of the site or other special circumstances that support the proposed lot size.

As noted above when the subdivision, AOMI, was originally platted the adjacent internal and county road ROW's were all platted within the calculated lot areas. This reduces almost all of the lot areas to below 10 acres.

D. Granting the lot size appeal is consistent with the intent and purpose of this code.

There is no conflict with granting this request and the intent and purpose of the Code.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM RECOMMENDATION:

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 that the Andelt Subdivision, file #11-S3077, for the property described on "Exhibit A" to the minutes, be approved subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Andelt Subdivision File # 11-S3077, 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 Andelt Subdivision.
2. The following fees shall be collected at building permit issuance for new single family dwellings: Poudre school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. 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 residential structures.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation, including test borings as identified in the CGS letter of 3/5/12. No basements shall be allowed and the lowest habitable floor level 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. The applied for Lot size appeal must be approved prior to approval of the Final Plat.
7. Olsen Court and the turnaround at the cul de sac bulb shall be improved as detailed in the March 5, 2012 memo from Traci Shambo, Larimer County Engineering.

Commissioner Miller seconded the Motion.

Commissioners' Cox, Dougherty, Hart, Jensen, Miller, Wallace, Zitti and Chairman Glick voted in favor of the Motion.

In addition
Appeal and final plat

SUGGESTED MOTION:

I move that the Board of County Commissioners Approve the Andelt Subdivision Preliminary Plat and Final Plat and Lot Size Appeal file #'s 11-S3077 & 12-G0231, subject to the conditions as outlined above.

LARIMER COUNTY PLANNING COMMISSION

Minutes of April 18, 2012

The Larimer County Planning Commission met in a regular session on Wednesday, April 18, 2012, at 6:30 p.m. in the Hearing Room. Commissioners' Cox, Dougherty, Hart, Jensen, Miller, Wallace, and Zitti were present. Commissioner Glick presided as Chairman. Commissioner Gerrard was absent. Also present were Russ Legg, Rural Land Director, Rob Helmick, Senior Planner, Karin Madson, Planner II, Traci Shambo, Engineering Department, Doug Ryan, Health Department and Jill Wilson, Recording Secretary.

ITEM #4 ANDELT SUBDIVISION #11-S3077: Mr. Helmick provided background information on the request for a subdivision of two lots on 20.6 acres with one existing home located on the south side of County Road 66, approximately ½ mile west of County Road 9. The property was Lot 1 of the AOMI Subdivision. He explained that when the subdivision was platted the right-of-way was included in the lot size calculations. Since the adoption of the Land Use Code in 2000, the standard was changed. Due to that, the lot sizes proposed would be approximately 8-acres, which would require a lot-size variance, and the Development Services Team supported the appeal. He noted that when the original plat was recorded there was a covenant stating that the lots could not be split. That covenant had expired; however, several neighbors had concerns with respect to that covenant with the proposed subdivision.

Commissioner Dougherty asked who would own or maintain the outlot. He also asked if a lot size appeal would have to be done for the outlot.

Mr. Helmick stated that the issue was still being worked out. He replied that since the outlot would never be a building lot it wouldn't need to go through the appeal process.

Commissioner Dougherty asked if most lots in the AOMI subdivision would be below the 10-acre minimum standard if right-of-way was not included in the lot sizes?

Mr. Helmick replied that Lots 2 and 3 would be. The others would need to be examined because it depended on how much of the lot was in the right-of-way.

Commissioner Hart stated that there were concerns regarding maintenance of Olsen Court.

Mr. Helmick stated that it was a publicly dedicated road that was privately maintained. He stated that the platted right-of-way was currently 60 feet.

Traci Shambo, Engineering Department, explained that the Engineering Department was requiring a 20-foot wide all-weather surface road. The current road width was approximately 12-15 feet. The turn-around bulb would also need to be widened somewhat. The developer would be responsible for improving the road.

Mr. Helmick stated that at a minimum Lots 1 & 2 of the proposed subdivision would need to have some sort of maintenance agreement in regards to Olsen Court.

Commissioner Zitti remarked on concerns regarding water pressure.

Mr. Helmick replied that the issue had been resolved.

PUBLIC TESTIMONY:

Susan Andelt, stated that they had a meeting with the two lot owners at the end of Olsen Court and an agreement had been reached. She explained that a road maintenance agreement would be signed stating that they would help maintain the road after the first five years. The owners wanted the owners of Lots 1 and 2 of the proposed subdivision to be in charge of maintenance for the first five years and after that they would help to maintain the road.

DISCUSSION:

Commissioner Wallace pointed out that the review criteria were met for the proposed subdivision. The proposed subdivision was compatible with existing and allowed uses in the surrounding area as most of the land uses in the area were ten acres or slightly below. It could also comply with all other applicable standards in the Code including Adequate Public Facilities. Along with that, the proposed subdivision would protect the wetland area, all referral agencies had been considered, and it would not substantially impact the other properties in the vicinity.

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 that the Andelt Subdivision, file #11-S3077, for the property described on "Exhibit A" to the minutes, be approved subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Andelt Subdivision File # 11-S3077, 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 Andelt Subdivision.
2. The following fees shall be collected at building permit issuance for new single family dwellings: Poudre school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. 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 residential structures.

4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation, including test borings as identified in the CGS letter of 3/5/12. No basements shall be allowed and the lowest habitable floor level 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. The applied for Lot size appeal must be approved prior to approval of the Final Plat.
7. Olsen Court and the turnaround at the cul de sac bulb shall be improved as detailed in the March 5, 2012 memo from Traci Shambo, Larimer County Engineering.

Commissioner Miller seconded the Motion.

Commissioners' Cox, Dougherty, Hart, Jensen, Miller, Wallace, Zitti and Chairman Glick voted in favor of the Motion.

MOTION PASSED: 8-0

4. TITLE: Andelt Subdivision Preliminary Plat
- REQUEST: Preliminary Plat for a two-lot subdivision on 20 acres with one existing home.
- LOCATION: 20-8-69; on the south side of CR 66 approximately ½ mile west of CR9.
- APPLICANT & PROPERTY OWNER: Bill & Susan Andelt
9545 Olsen Court
Wellington CO 80549-1800
- ENGINEER/SURVEYOR: Jay Robinson
Stewart & Assoc.
103 S. Meldrum
Fort Collins CO 80521
- STAFF CONTACTS: Robert Helmick, AICP, Planning
Traci Shambo, Engineering
Doug Ryan, Health
- FILE #: 11-S3077

SITE DATA:

Parcel Number(s)	8929205001
Total Development Area:	20.6 Acres
Existing Land Use:	Single Family Residential
Proposed Land Use:	Single Family Residential
Existing Zoning:	O-Open
Adjacent Zoning:	O-Open
Adjacent Land Uses:	
East:	Agricultural
North:	Agricultural
West:	Single Family Residential
South:	Single Family Residential

Services:

Access:	Public road--Olsen Ct.
Water:	Northern Colorado Water Association
Sewer:	On site Individual Sewage Disposal System (ISDS)
Fire Protection:	Wellington Fire District
No. Trips Generated by Use:	10 ADT (new)

PROJECT DESCRIPTION/BACKGROUND:

The applicants propose to divide a 20.6-acre lot in the AOMI Subdivision into two, 10-acre lots. The site is located northwest of Wellington and is a part of a subdivision platted in the late 1970's. The balance of the lots in the subdivision are 10+ acres and developed with single-family homes and accessory buildings. There are agricultural lands to the north and east of the site. This site is located between the Town of Wellington and the Waverly Community Influence Area, actually in a gap between both areas.

The site contains a small wet area that may be a wetland and anecdotal information would suggest that is the reason for the larger lot size. Avoidance of this area is important for any future development. The site is extensively landscaped, with substantial vegetative windbreaks on the north, east and west sides of the property. Access would be from a publicly dedicated road ROW Olsen Court. The ROW's platted with the subdivision were incorporated into the lot areas, typical for a subdivision at that time and with these type/lot sizes. This replat will require dedications outside of the lot area resulting in 10 acre lot(s) necessitating a lot size appeal. Due to the requirements of the current Code, requiring lot area to be outside of ROW, the Development Services Team can support the concept of these needed appeals.

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 area to the west and south of this site is within the AOMI subdivision and those parcels are 10 acre lots. The division and use would be consistent with and compatible with those uses. To the north and east are agricultural lands both grazing and production agriculture. The AOMI subdivision was originally developed in the late 1970's and there does not appear to be a conflict between the uses in the area. The Team believes that this proposed division would be compatible as well. There have been some residents in the AOMI subdivision opposed to this division their comments are attached to this record.

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

With respect to the requirements of the Larimer County Land Use Code, the following issues and concerns have been identified:

8.1. Adequate Public Facilities:

8.1.1. Sewage disposal level of service standards:

The applicant has demonstrated that the new site generally has an area suitable for an individual onsite sewage disposal system. The comment from the Health Department reflect that but avoidance of and demonstrating that a system can be installed outside of the Longmont Clay soils areas, is necessary.

8.1.2. Domestic water level of service standards:

The applicant has obtained a commitment for service from the Northern Colorado Water Association.

8.1.3. Drainage level of service standards:

The Engineering Department has identified the need for a slightly modified drainage memo reflecting the modified road widths. The seasonal water area on site should have at least a high water line delineation/determination and platting should reflect a 100-foot setback. Any new structures will need to be placed at least 18” above that high water mark. Given the potential for high ground water no basements will be permitted.

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

No comments have been received from the Wellington Fire District. Given the character of the water supply, the Team believes that residential fire sprinklers will be required and improvements to the turnaround at the south end of the site will be necessary.

8.1.5. Road capacity and level of service standard:

Right of way platting and dedications as well as improvements to Olsen Court are proposed. Improvements will make Olsen Ct. 20 feet in width. The turn-around will need to provide an improved area for turnaround either a 50 foot diameter or with a hammerhead of suitable size.

8.2. Wetland Areas:

The ephemeral pond located in the middle of the site is identified as a wetland area. As long as the lot lines avoid this area and a buffer/no build area is maintained from the area further delineation is not necessary.

8.3. Hazard Areas:

There are not any hazards identified for this area.

8.4. Wildlife:

There are no identified or known wildlife issues with the site. As a rural site, conflicts can occur with wildlife.

8.5. Landscaping:

The applicants have not proposed any landscaping. The lot is currently heavily landscaped with shelter breaks and tree rows along the northeast and west sides of the lot.

8.6. Off-Road Parking Standards:

The proposed lot will be large enough to accommodate any off street parking.

8.8. Irrigation Facilities:

There are no irrigation facilities on the proposed lot. There is no information in the file to suggest that there are water rights associated with this site or that are to be transferred to the new lot.

8.10. Use Plans for Residual Land And/or Common Area:

Although no residual land or common areas are proposed, the wetland area should have a simple management plan developed to insure it continues as a resource for the area.

8.14. Development Design:

The design appears to conform to the requirements and standards of this section.

8.15. Lighting:

The section of the Code provides some guidance with respect to the installation and operation of exterior lights. These are recommendations and are not regulations. We strongly recommend sharp cutoff down directed fixtures that are switched rather than automatic dusk to dawn.

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

The comments of referral agencies and individuals are incorporated into these comments and are attached to this memo.

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

There is no referral comment nor any issue identified on the review, which would suggest that this proposal would result in an adverse impact to properties in the vicinity.

OTHER MAJOR CONCERNS AND ISSUES:

This proposal is a replatting of an existing subdivision lot and coordination with the existing owners and development are important. Their expectations or any historical information are reflected in the comments we have received. There are issues with perceptions on the appropriateness and the road. The required ROW dedications will reduce the lot size on both of the lots to below 10 acres. This will require a lot size appeal and as noted, the Team does support this request in part due to the regulations in place at the time of the original platting, which allowed ROW to be included in lot area calculations. The wetland area on site should have been avoided, and the Team suggested the lot line placed to have the wetland on only one lot rather than split, for ease of management. The current plan provides for this separation although it has resulted in additional reduction in lot area, which is also supported by the Team.

SUMMARY & CONCLUSIONS:

This proposal for a subdivision meets the requirements of the Code with the issues as noted in this memo. The input from a neighborhood meeting and neighbor referrals indicates that the expectation is that this lot would remain 20 acres. Other issues with respect to road maintenance and water supply have been addressed in the review.

DEVELOPMENT SERVICES TEAM FINDINGS:

- A. The proposed subdivision is compatible with existing and allowed land uses in the surrounding area;
- B. The applicant has demonstrated that the proposed subdivision can and will comply with all applicable requirements of this code;
- C. The recommendations of referral agencies have been considered; and
- D. Approval of the proposed subdivision will not result in a substantial adverse impact on other property in the vicinity of the proposed subdivision.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends to the Board of County Commissioners approval of the Andelt Subdivision, File # 11-S3077, 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 Andelt Subdivision File # 11-S3077, 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 Andelt Subdivision.
2. The following fees shall be collected at building permit issuance for new single family dwellings: Poudre school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. 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 residential structures.

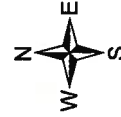
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation, including test borings as identified in the CGS letter of 3/5/12. No basements shall be allowed and the lowest habitable floor level 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. The applied for Lot size appeal must be approved prior to approval of the Final Plat.
7. Olsen Court and the turnaround at the cul de sac bulb shall be improved as detailed in the March 5, 2012 memo from Traci Shambo, Larimer County Engineering.

Tax Parcel

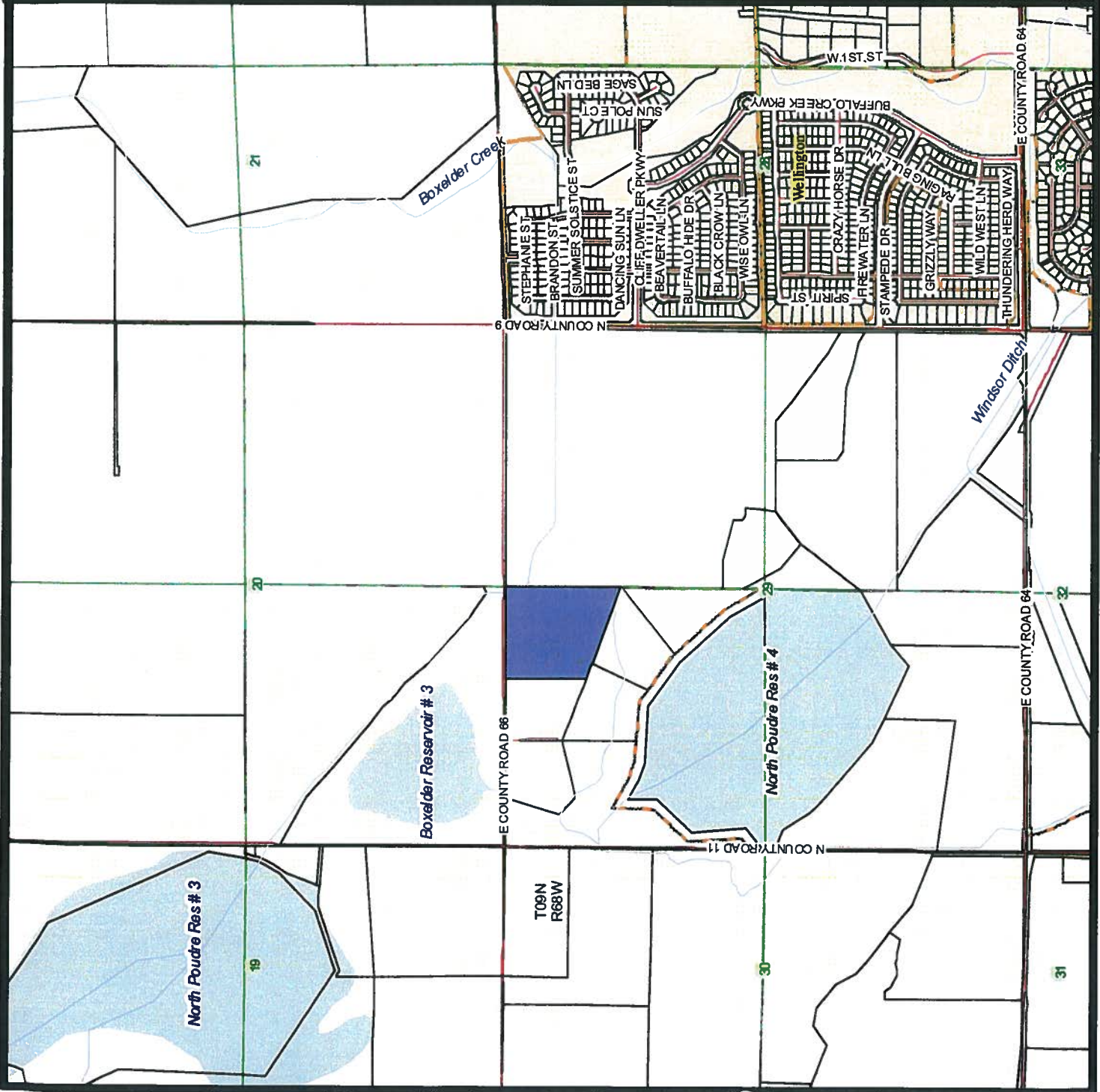
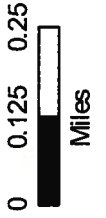
11/15/2011

Legend

- Subdivisions
- Tax Parcels
- Platted Blocks
- Buildings
- Garages
- Rocky Mountain National Park (Lairimer Portion)
- Parks and Recreation
- School Property
- Natural Resource Areas
- Incorporated Areas



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2009-2010 Aerials

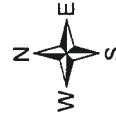
1/25/2012

ANDELT
SUBDIVISION

NW1/4 29-9-68

Legend

VICINITY
MAP



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ANDELT SUBDIVISION

PROJECT DESCRIPTION:

- 1) Zoning: existing - R - Residential; proposed - R-Residential
- 2) Total Acreage of Development: 20.9807 acres
- 3) Total Developable Land: 17.6797 acres
- 4) Type And Number of Lots Proposed: 2 Residential, 1 Outlot - 100% of total area
- 5) Number of Proposed Dwelling Units: 2; Density: 0.113 Units Per Acre
- 6) Largest Lot Size - 8.8399 acres; Smallest Lot Size - 8.8398 acres, Average Lot size - 8.8398 acres
- 7) Type of Use Proposed: 2 Residential Lots; 100% of area
- 8) Sewage Disposal Method Existing and Proposed: On-Site Septic
Water Supply Existing and Proposed: Northern Colorado Water District
Fire Protection: Wellington Fire and Protection
Access to Site: County Road 66 to Olsen Court, both gravel surfaces
- 9) Landscaping: All landscaping will be done according to land use codes by owner at time of construction
- 10) Off-Road Parking: Typical driveway and garage parking on both lots
- 11) Irrigation Facilities: No irrigation facilities
- 12) Land Dedications: No part of this site will be dedicated for public use
- 13) Unique Features: There are no unique features on this site
- 14) Present Uses: This site is presently being used as a one residential site, and the rest used as pasture
- 15) Previous Applications on This Site: none
- 16) Appeals: none
- 17) Common Areas: none

REVIEW CRITERIA:

- A. The proposed subdivision is compatible with existing and allowed land uses in the surrounding area.
- B. The applicant has demonstrated that the proposed subdivision can and will comply with all applicable requirements of this code.
- C. The recommendations of referral agencies have been considered.
- D. Approval of the proposed subdivision will not result in a substantial adverse impact on other property in the vicinity of the proposed subdivision.

ANDELT SUBDIVISION
9545 Olsen Court, Wellington, Colorado 80549
SEWAGE DISPOSAL REPORT

The development is not located in a Growth Management Area.

The new lots are more than 2 acres.

There is no existing public sewer system in the area, so connecting to any public facilities is not feasible.

The existing house on the property has an active septic system that is operational and the soils of the site do comply with the plan of a septic system for the proposed lot.

ANDELT SUBDIVISION

9545 Olsen Court, Wellington, Colorado 80549

WATER SUPPLY REPORT FOR DOMESTIC USE AND FIRE PROTECTION

The development will be supplied by the Northern Colorado Water Association.

The development is not located in a Growth Management Area.

The proposed development is in the Northern Colorado Water Association District.

The project is located less than 10 miles from the Town of Wellington Fire Station and the access roads for emergency vehicles are County Roads, and Olsen Court that will be upgraded to County Road Standards.



Northern Colorado Water Association
 P.O. BOX 415 WELLINGTON, COLORADO 80549 PHONE 568-3975

November 16, 2011

Mr. Rob Helmick
 Larimer County
 Planning and Building Services Division
 P.O. Box 1190
 Fort Collins, CO 80522-1190

Subject: Andelt Subdivision – Sketch Plan Review
 Case Number: 11-S3077

Dear Mr. Helmick:

The Northern Colorado Water Association (NCWA) has reviewed the above referenced Sketch Plan Review which was referred to our office.

The NCWA currently serves the existing residence on this property located on the proposed Lot 1. The NCWA's existing 2-inch waterline along Olsen Court has sufficient capacity to serve the proposed Lot 2 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 a standard residential water tap for the proposed Lot 2, 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 \$22,000), payment of a service installation fee (currently \$1,350), and any other associated fees in accordance with NCWA's requirements at the time of tap purchase.
- The tap must be purchased within 12 months of the date of this letter of commitment, or the approval may be withdrawn.

If you have any questions, please contact me.

Sincerely,

NORTHERN COLORADO WATER ASSOCIATION

Richard G. Patterson, PE
 Manager

pc: William Andelt, Applicant

Neighborhood Meeting Lot 1, Aomi Subdivision

January 4, 2012
9545 Olsen Court
Wellington, Co 80549

Meeting started at 7:05 pm

Project Description: Proposed Lot 1, Aomi Subdivision, Wellington, Co 80549.
Owners: William & Susan Andelt

8 people along with the owners attend the meeting.

Concerns brought up at the meeting:

How will the wetland be affected? No construction will be in the area designated by Doug Ryan's report.

Who is responsible for the road maintenance after the road is constructed for the project. There will be a road maintenance agreement for the lot owners of this project and if the other neighbors of the existing subdivision would like to be part of it they can. They said absolutely no way they would sign the agreement. The Wellington fire department would need to look at availability for a turn around.

What will be the driveway access for the new lot? Whoever purchased the second lot would access off of Olsen Court and would remove the trees necessary for the drive. The neighbors were not happy that trees would be removed.

The neighbors expressed concern about the lot size and an additional lot in their neighborhood. The new lots would meet the county requirements with a variance for lot size because of the right-of-way being dedicated for Olsen Court and County road 66. The neighbors provided a letter with their disagreement of this project that I have attached with this report.

With the Andelts selling their lots the neighbors were concerned with changes to the lots that will affect the area. The Andelts will be doing a development agreement that will address some of those concerns about building on the lots by the future owners.

The neighbor to the south was concerned with water pressure by adding another tap. I told them to contact the NCWA with those concerns so they can be explained.

The neighbors wanted the Andelts to try again to see if the market will allow them to sell the lot as it exists instead of dividing. William and Susan said they would take that under considering, but the realtor that they talked to before said the market was more available for a sale of 10 acres than 20.

The biggest opposition to the division was their feel for lost open space and views.

The existing neighbors in the subdivision are trying to reinstate the covenants that expired in 1997.

The neighbors don't want this to be the start of more developments.

The meeting ended at 8:10 pm.

Jerry Robinson
Neighborhood Meeting Facilitator

By: _____ Date: _____ Client: _____ Sheet No. _____ of _____

Project: _____

Subject: _____

Lot 1, AOMI Subdivision

Neighborhood Meeting

Sign IN Sheet

Submittal 568-9120

Neil & Jan Haley

Paula & Ron Lakamp

Bino & Barb Panepinto

Kathy James

5. A Road Association shall be responsible for the maintenance of the internal streets since Larimer County no longer accepts new or additional subdivision roads for maintenance. Typically, new lots are expected to participate in any existing home owners or road maintenance associations. If one does not exist, agreements are formalized with the development process.
6. Per Section 8.1.5.E of the LCLUC and Appendix F of the LCRARS, the project will be exempt from the paving threshold study and traffic impact study requirements since this proposed development will create less than three new dwelling units.
7. The County engineering department would like to remind the applicant that any new fences and structures must be moved out of the existing and proposed dedicated right-of-way. Landscaping, including signs, monument mailboxes, and other entry features, is generally not allowed in the public right-of-way.

Drainage/Floodplain/Erosion Control Issues:

1. The sites improvements are fairly minor and do not necessitate a separate erosion control plan. Since a separate erosion control plan will not be required, the general notes shall clearly specify the seed mix and application rates and any other pertinent erosion control comments and requirements to ensure that the disturbed area is protected during and after construction. .
2. The drainage narrative needs to be modified to reflect the narrower road section that is permitted for local low-volume roads.
3. The development drains to an existing low area that functions as a retention pond. The expected 100-year high water limits/elevation of the pond should be determined to ensure that the lowest openings of any new structures are set at least 18" above the water surface elevation in a 100-year rain event. To protect any habitable structures, we also recommend that the septic system setback line is also labeled as the setback line for habitable structures. The note should be on the plat, in the conditions of approval, and in the disclosure notice.
4. Groundwater entering a basement in this area is a concern given the retention pond and irrigation ditches in close proximity to the proposed lot. Therefore, a geotechnical report is needed to evaluate the groundwater levels on the new lot. The evaluation should be done when the irrigation ditch is running and during the wet seasons to ensure that the highest groundwater levels are determined. Typically, the lowest floor must be at least 3 feet above the highest groundwater levels. It should be noted that the International Building Code calls for lowest floor levels to be at least 5 feet above groundwater level. In the absence of a detailed geotechnical report that addresses groundwater on the site, we would recommend that the new lot is prohibited from having basements. If basements are going to be prohibited, this note should be on the plat, disclosure notice and in the conditions of approval.
5. The boundaries of this project include and are adjacent to the North Poudre Canal. The Ditch Company will need the opportunity to review and comment on this proposal as it relates to their easements, setbacks, access, and site drainage.

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 construction at the time of building permit issuance.
2. A Development Construction Permit (DCP) will be required for construction of the site improvements. All necessary DCP fees and associated conditions (Section 12.5 of the LCLUC) will apply. Staff estimates the Development Construction Permit fee for this development to be \$300. The DCP Fee is collected at the time of DCP issuance. Upon recordation of the final plat, the applicant will need to contact the Larimer County Engineering Department for additional requirements associated with this permit.

Staff Recommendation:

The comments above shall be addressed prior to the project being scheduled for the planning commission hearing. Staff requests that the applicant provides written responses to the above comments with the next submittal.

Other than the comments noted above, Larimer County Engineering Department does not have any major concerns or issues with the Preliminary submittal of this proposal. Please feel free to contact me at (970) 498-5727 or tshambo@larimer.org if you have any questions. Thank you.

cc: William & Susan Andelt, 9545 Olsen Court, Wellington, CO 80549
file



DEPARTMENT OF HEALTH AND ENVIRONMENT

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

RECEIVED FEB 27 2012

To: Rob Helmick
Larimer County Planning Department

From: Doug Ryan

Doug Ryan

Date: February 27, 2012

Subject: Andelt Subdivision Preliminary Plat
Andelt Lot Size Appeal

The Andelt subdivision is a proposal to divide a 20 acre parcel into two rural residential lots. Lot 1 is currently developed with a single family home. The proposal also involves a lot size appeal. I have reviewed the information provided and have the following comments.

Water. Water is to be supplied by the Northern Colorado Water Association. In their letter dated November 16, 2011, the Association committed to supply an additional tap for Lot 2 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 is proposed to be provided by individual on-site septic systems. The provision of sewer for the additional site needs to consider two issues. First, the Land Use Code requires an analysis of the feasibility of extending public sewer for properties that are located within planned sewer service areas. This property is in the Town of Wellington planned sewer service area as designated in the North Front Range Water Quality Planning Association *Areawide Water Quality Management Plan for Larimer and Weld Counties - 2011 Update*. In this case, the closest Wellington sewer line is about ½ mile east of the site. Unless the Town comments otherwise, I believe it is reasonable to conclude that a sewer line extension to serve this proposed two lot subdivision would not be feasible.

The next issue to consider is the suitability of the property for using on-site septic systems. Our office issued a permit for the existing septic system on Lot 1 in 1987. Soil test information at that location were suitable for a conventional septic tank and absorption field. A preliminary indication of the suitability for a new system can be obtained from a review of soil mapping provided through the Natural Resources Conservation Service. The map I prepared from their website is attached. The main soils include the Stoneham loam and the Longmont clay. The Stoneham loam occurs on the east and west side of the property. This soil is generally suitable for development of on-site absorption systems, although it is moderately constrained due to the potential for slower percolation rates. The Longmont clay, occurring in the center portion of the lot surrounding the pond and low point, is generally not suitable for septic systems due to the potential for flooding, very slow percolation, and shallow groundwater.

Based on the soil and site conditions, it is our view that new residential development on Lot 2 would need to be located on the upland eastern portion of the property. That would appear to be a practical approach given the better building sites and access to Olsen Court. The soil map indicates that approximately 7.5 acres of this Stoneham loam soil occurs along the east side of the property with approximately equal parts on the two lots. It would be my view that adequate area is available to develop Lot 2 with a residence and

BCC 05/29/12

**PC STAFF REPORT
04/18/12**

**ANDELT SUB PP & FINAL
LOT SIZE APPEAL**

septic system. Note that the individual sewer system regulations we administer require a 100 foot setback between a septic system absorption system and surface water such as the pond or the irrigation ditch on the east side of Olsen Court. The preliminary plat shows a septic setback line that addresses this issue. The future owner of Lot 2 will need to obtain a septic system permit from our Department at the time a building permit is requested. Soil test information and any necessary engineer design will be required at that time.

Lot Size Appeal. The minimum lot size for parcels in the O-open zone district is 10 acres. While this property contains the necessary 20 acres to support a two-lot subdivision, the right-of-way for Olsen Court and the need to accommodate the pond into a single lot for management purposes means that each of the proposed lots is 8.8 acres. The main concern of our office regarding lot size appeals is to ensure that adequate provisions are made for water and sewer. In this case each lot will be larger than the County's 2 acre minimum size for new parcels that will be served by on-site septic systems. As noted in the discussion above, it is my conclusion that the two lots can accommodate reasonable septic systems. Public water is available to the site. Based on these observations, the concerns of our office regarding the lot size appeal have been adequately addressed.

Dust Control for Unpaved Roads. County Road 66, providing access for this property, is gravel surface. Colorado Air Quality Control Commission regulations concerning particulate (dust) emissions require the owner or operator responsible for maintenance of any unpaved roadway which has vehicle traffic exceeding 200 vehicles per day to use all available, practical methods which are technologically feasible and economically reasonable in order to minimize particulate emissions resulting from the use of the roadway. Control measures to be employed may include but are not necessarily limited to, chemical stabilization, paving, speed restrictions and other methods approved by the Air Pollution Control Division. The Adequate Public Facilities standard for roads in Section 8.1.5 of the Land Use Code relate back to these requirements for dust control. As a practical matter, the type of control that is most feasible depends on the amount of traffic and on other maintenance factors. As with other cases, the County Engineering Department will make a final determination on the category of dust treatment that is most appropriate.

Rural Area Issues. The area surrounding this proposal is rural in nature and future occupants should be aware of some unique issues that may be encountered. Examples include lack of mosquito control, potential conflicts with wildlife, and adjacent agricultural operations. I recommend that disclosure affidavits be prepared to inform potential owners about these types of issues.

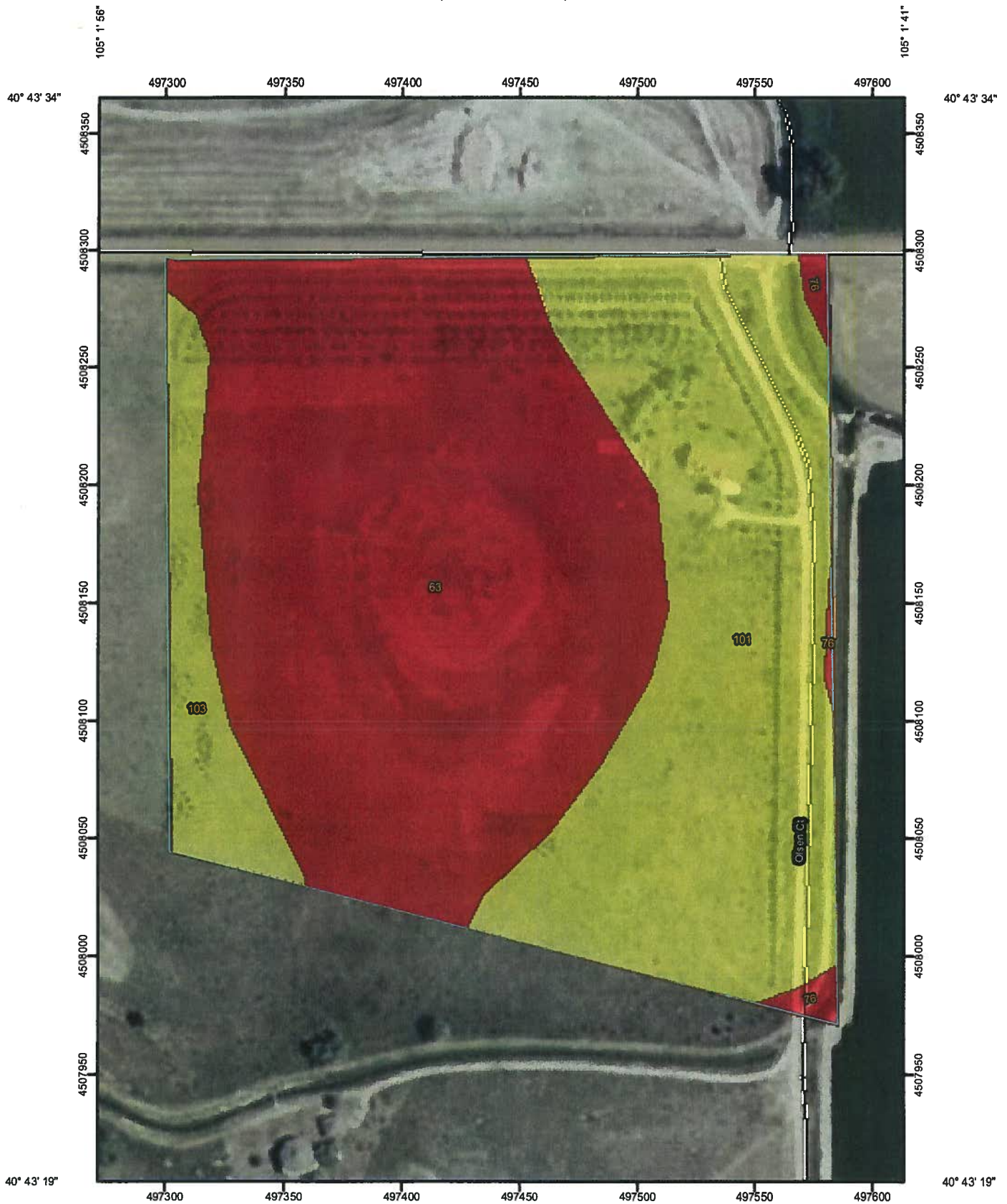
Horse Pasture Management. The zoning for this area allows for horses and other livestock. If livestock are to be kept, the owners should be aware that it has been our experience that lots of this size must be managed very carefully in order to maintain grass cover in the pasture. Overgrazing produces lots with bare ground and scattered weeds. Erosion and polluted runoff results from such a situation, and affect the lot owner, neighbors and the environment. The Larimer County Cooperative Extension Service has extensive information about pasture management. I recommend that lot owners contact that office if they intend to keep livestock.

Thank you for the opportunity to comment on this proposal. I can be reached at 498-6777 if there are questions about the topics discussed in this memo.

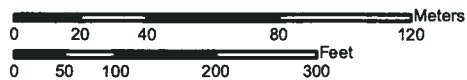
Enclosure: Soil Survey Map

cc: Jay Robinson, Stewart & Associates














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



Map Scale: 1:2,200 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
 Soil Map Units
- Soil Ratings**
 Very limited
 Somewhat limited
 Not limited
 Not rated or not available
- Political Features**
 Cities
- Water Features**
 Streams and Canals
- Transportation**
 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

MAP INFORMATION

Map Scale: 1:2,200 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 13N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Larimer County Area, Colorado
 Survey Area Data: Version 7, May 1, 2009

Date(s) aerial images were photographed: 8/6/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

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
63	Longmont clay, 0 to 3 percent slopes	Very limited	Longmont (85%)	Flooding (1.00)	10.9	54.3%
				Slow water movement (1.00)		
				Depth to saturated zone (1.00)		
76	Nunn clay loam, wet, 1 to 3 percent slopes	Very limited	Nunn, WET (90%)	Depth to saturated zone (1.00)	0.2	1.1%
				Slow water movement (1.00)		
				Flooding (0.40)		
101	Stoneham loam, 1 to 3 percent slopes	Somewhat limited	Stoneham (90%)	Slow water movement (0.46)	7.6	37.9%
103	Stoneham loam, 5 to 9 percent slopes	Somewhat limited	Stoneham (85%)	Slow water movement (0.46)	1.3	6.7%
Totals for Area of Interest					20.2	100.0%

Septic Tank Absorption Fields— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	11.2	55.4%
Somewhat limited	9.0	44.6%
Totals for Area of Interest	20.2	100.0%

Description

Septic tank absorption fields are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 and 60 inches is evaluated. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health. Saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Stones and boulders, ice, and bedrock or a cemented pan interfere with installation. Subsidence interferes with installation and maintenance. Excessive slope may cause lateral seepage and surfacing of the effluent in downslope areas.

Some soils are underlain by loose sand and gravel or fractured bedrock at a depth of less than 4 feet below the distribution lines. In these soils the absorption field may not adequately filter the effluent, particularly when the system is new. As a result, the ground water may become contaminated.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Northern Colorado Water Association

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

November 16, 2011

Mr. Rob Helmick
 Larimer County
 Planning and Building Services Division
 P.O. Box 1190
 Fort Collins, CO 80522-1190

Subject: Andelt Subdivision – Sketch Plan Review
 Case Number: 11-S3077

Dear Mr. Helmick:

The Northern Colorado Water Association (NCWA) has reviewed the above referenced Sketch Plan Review which was referred to our office.

The NCWA currently serves the existing residence on this property located on the proposed Lot 1. The NCWA's existing 2-inch waterline along Olsen Court has sufficient capacity to serve the proposed Lot 2 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 a standard residential water tap for the proposed Lot 2, 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 \$22,000), payment of a service installation fee (currently \$1,350), and any other associated fees in accordance with NCWA's requirements at the time of tap purchase.
- The tap must be purchased within 12 months of the date of this letter of commitment, or the approval may be withdrawn.

If you have any questions, please contact me.

Sincerely,

NORTHERN COLORADO WATER ASSOCIATION

Richard G. Patterson, PE
 Manager

pc: William Andelt, Applicant



• Visitor Services • Open Lands • Weed Management & Forestry
1800 South County Road 31
Loveland, CO 80537
(970) 679-4570/ (970) 679-4574 FAX
www.larimer.org/naturalresources

February 17, 2012

Mr. Jay Robinson
Stewart and Associates
103 S. Meldrum St.
Fort Collins, CO 80521

RE: Andelt SUB

Dear Mr. Robinson

As the Park Fees Administrator for Larimer County, I assess the Regional Park In-Lieu Fees for each residential development planned in Larimer County. I read your proposal and provided a table below listing the Park fees associated with each type of residential development. These county fees are assessed due to the residential development proposed and will be due when a building permit is issued.

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

Type of Residence	Larimer County Regional Park Fee
Single Family Attached	\$701
Single Family Detached	\$547
Duplex	\$526
Multi-family	\$456
Mobile Home	\$0

If you have any questions about these fees, feel free to contact me at 970-679-4569 or the Planning Department representative assigned to this project.

Sincerely,

Jeffrey Boring
Resource Specialist II
Larimer County Natural Resources Department

cc: Rob Helmick, Planning Department



Parks and Open Lands Department

1800 South County Road 31
 Loveland, CO 80537
 (970) 679-4570
 (970) 679-4574 -Fax

Regional Park Fee Worksheet
 for Properties in Unincorporated Larimer County

Date: 2/17/2012
Application Name: Andelt Subdivision
Planning Case #: 11-S3077
Planning Staff: Rob Helmick
Location: Unincorporated County 29-08-69
Applicant Information: Stewart and Associates
 Jay Robinson
 103 S. Meldrum St.
 Fort Collins, CO 80521-

Parks and Open Lands Staff Contact: Jeffrey Boring
 (970) 679-4569
 jboring@larimer.org

Project Description:
 Preliminary and final plat to subdivide 20 acres into two 8.8 acre lots.

Note: Larimer County Natural Resources Department has reviewed this proposal and has no comment at this time.

Please refer to the attached memo for further comments.

- Fees for regional parks are assessed on all new residential developments in Larimer County.
- The fee amount depends on the type of structure being built (see fee schedule below).
- Park fees are collected by the building department at the time of building permit issuance.
- Please note, fee amounts may vary over time. The building department will collect the park fee that is in effect on the date the building permit is issued.

<i>Regional Park Fee Schedule:</i>	
	Fee Effective
Type of Residence	May 15, 1999
Single Family Detached	\$701.00
Single Family Attached	\$547.00
Duplex	\$526.00
Multi Family	\$456.00
Mobile Home	\$540.00

To calculate the park fees that will be assessed to this development, locate the fee for the type of home to be constructed and multiply that number by the number of homes to be constructed. If the development includes more than one type of residence, calculate the fee for each type and add them all together to determine the total park fees assessed.

$$\frac{\text{Fee for home type}}{\text{Number of homes to be constructed}} \times \text{Number of homes to be constructed} = \text{Total amount regional park fees assessed}$$

STATE OF COLORADO

COLORADO GEOLOGICAL SURVEY—*-serving the people of Colorado*

Department of Natural Resources
1313 Sherman Street, Room 715
Denver, CO 80203
Phone: (303) 866-2611
Fax: (303) 866-2461

March 5, 2012

Mr. Rob Helmick, Senior Planner
Larimer County Planning and Building Services
PO Box 1190
Fort Collins, CO 80522
rhelmick@larimer.org

Re: Andelt Subdivision, LM-12-0003_1

Dear Mr. Helmick:

Thank you the submittal of the above referenced proposal. The proposal is to subdivide 20 acres into two single-family lots. The new lot will be served by public water and an individual sewage system. The site is located south of County Road 66 and west of Olsen Court. An existing home and accessory structures are located on Lot 1. A large closed depression or "sinkhole" is located in the center of the site. The application included a plat and a summary of NRCS soil survey data. Adverse ground conditions prevented a full evaluation of the site.

Following the initial submittal, I received a copy of a geotechnical report done in 1975 for the initial subdivision. According to the report, the site is underlain by silt, clay and gravel that lie over Pierre Shale bedrock. The report indicates that the intermittent lake is a closed depression, or "sinkhole" formed by dissolution of evaporate minerals. The report also indicates that the site has shallow ground water and moderate to highly expansive clay soil. Along the Front Range, the Pierre Formation commonly contains highly expansive clays.

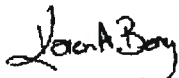
Some soil testing was done during 1975; however, the report does not include the specific results of soil sampling or testing. This is common for the age of the report but it makes it difficult to fully determine potential soil constraints or if indeed the closed depression was formed by collapsible soil, dissolution of evaporate minerals, or is simply an old excavation.

The plat shows a septic setback from the depression and I assume that the new home will be built uphill of the septic system and setback from the depression. Shallow ground water may be present in building areas and the construction of basements may not be possible. Below-grade construction should be set well above seasonally high ground water levels and common practice is to set below-grade construction at least four feet above seasonally high ground water levels.

Summary

In summary, there do not appear to be any geologic hazards that will prevent the subdivision and construction of an additional residence. However, it would be prudent to conduct a site-specific soils and foundation investigation prior to issuance of building permits. To fully evaluate the potential for any collapsible soil or evaporate minerals, a test boring should be drilled into the top of bedrock or into gravel deposits and the boring carefully logged. Please call or email if you have any questions or concerns. I can be reached at 303.866.2611 ext. 8315 or by email at karen.berry@state.co.us.

Sincerely,



Karen A. Berry
Geological Engineer, PG, AICP, CPESC-SWQ

COLORADO



DEPARTMENT OF
NATURAL
RESOURCES

John Hickenlooper
Governor

Michael King
Executive Director

Vincent Matthews
Division Director and
State Geologist



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

February 22, 2012

Rob Helmick, Senior Planner
Larimer County Planning and Building Services Division
P.O. Box 1190
Fort Collins, CO 80522-1190

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

Re: Andelt Subdivision
Case No. 11-S3077
Sec. 29, T9N, R68W, 6th P.M.
Water Division 1, Water District 3

Dear Mr. Helmick:

We have reviewed the above referenced proposal to subdivide a 20.6-acre parcel into two (2) single-family residential lots of 8.8 acres and a 0.4-acre outlot. The remaining acreage consists of roadway right-of-ways.

According to the submitted Water Supply Information Summary, the proposed water supply source is the Northern Colorado Water Association (NCWA); however, a letter of commitment for service was not included in the referral material. The NCWA is listed as the current water supplier for the existing residence on lot 1. The most recent water supply report provided to the Division of Water Resources from NCWA was April 1, 2004. Pursuant to C.R.S. § 30-28-136(1)(h)(II), a municipality or quasi-municipality is required to file a report with the county and the State Engineer documenting the amount of water which can be supplied to the proposed development without causing injury to existing water rights. A memorandum entitled State Engineer's Actions of Proposed Water Supplies for Land Use Actions was sent on March 4, 2005 to all county land use planning directors and may be obtained at http://www.water.state.co.us/pubs/policies/memo_subdivisions.pdf. The memo states that an updated report should be submitted to the State Engineer's Office at least every three (3) years. It has been eight (8) years since a report of this type has been provided to this office. Attachment A of the memorandum states that a water supply report or statement should include a summary of water rights owned or controlled by the District, the anticipated yields of these rights both in an average year and dry year, the present demand on the system, and the anticipated demand due to commitments for service entered into by the District and the amount of uncommitted firm supply the District has available for the future.

Additionally, the wells that are part of the NCWA system are currently augmented under a temporary substitute water supply plan approved by the State Engineer's Office, while their permanent augmentation plan is pending in water court. Referrals to add additional taps served by the NCWA may not be commented upon favorably due to the temporary nature of substitute water supply plans and the lack of a decreed augmentation plan.

Without updated information from the NCWA, we cannot comment on the adequacy of the proposed water supply under the provisions of C.R.S. § 30-28-136(1)(h)(II). If you have any questions in this matter, please contact Sarah Brucker of this office.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

Cc: Stewart & Associates
JW/srb: Andelt Subdivision (Larimer)
1313 Sherman Street, Suite 818

Office of the State Engineer

• Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

BCC 05/29/12

PC STAFF REPORT
04/18/12

ANDELT SUB PP & FINAL
LOT SIZE APPEAL

RECEIVED FEB 28 2012



Northern Colorado Water Association
 P.O. BOX 415 WELLINGTON, COLORADO 80549 PHONE 568-3975

February 27, 2012

Mr. Rob Helmick
 Larimer County
 Planning and Building Services Division
 P.O. Box 1190
 Fort Collins, CO 80522-1190

Subject: Andelt Subdivision – Preliminary and Final Plat
 Case Number: 11-S3077

Dear Mr. Helmick:

The Northern Colorado Water Association (NCWA) has reviewed the above referenced Preliminary and Final Plat which was referred to our office.

The NCWA currently serves the existing residence on this property located on the proposed Lot 1. The NCWA's existing 2-inch waterline along Olsen Court has sufficient capacity to serve the proposed Lot 2 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 a standard residential water tap for the proposed Lot 2, 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 \$22,000), payment of a service installation fee (currently \$1,350), and any other associated fees in accordance with NCWA's requirements at the time of tap purchase.
- The tap must be purchased within 12 months of the date of this letter of commitment, or the approval may be withdrawn.

If you have any questions, please contact me.

Sincerely,

NORTHERN COLORADO WATER ASSOCIATION

Richard G. Patterson, PE
 Manager

pc: Stewart & Associates, Applicant



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

CODE COMPLIANCE SECTION
LARIMER COUNTY PLANNING & BUILDING SERVICES DIVISION

STAFF REPORT

Date: March 1, 2012
From: Candace Phippen, Building & Code Compliance Supervisor
To: Rob Helmick, Senior Planner
Planning File No: 11-S3077
Name of Review: Andelt Subdivision
Parcel No: 8929205001—9545 Olsen Court, Wellington, Colorado

This is a request for a preliminary and final plat to subdivide 20 acres into two, ten-acre lots.

No known building code violations.

Staff Comments: As there are no known building code issues, a copy of this staff report has not been provided to the applicant/owner.

8 February 2012

RECEIVED FEB 10 2012

Robert Helmick, AICP, Planning
Larimer County, Colorado
Re: Andelt Subdivision - Olsen Ct.

Dear Mr. Helmick

We are writing to express concerns we have as adjacent homeowners to the proposed Andelt Subdivision. This plan will directly impact our lives and we would appreciate it if you would consider our concerns when evaluating the proposed subdivision.

When we purchase our properties, it was with the understanding there were three parcels of property on Olsen Court. We never expected division of any of the properties, and always felt that the little open space we had would remain since the covenants did not allow subdivision. We had no idea that there was even a possibility that anyone would divide their property, especially the Andelts. They have always been great stewards of the land, and asked us to do the same, including leaving the brush along Olsen Court, to allow protection of the wildlife that dwells in this area. We were very happy to oblige their request and have managed to keep it as natural as they asked. Susie said they love and respect open space, which is why they bought 155 acres in Nebraska, yet now that they are leaving, they have thrown their ideals away for a small financial gain. We who are still here, feel very strongly that the Olsen Court properties should stay as they were originally designed, allowing for planned open space and natural wildlife habitats.

We have been informed that once Olsen Court is widened, we as homeowners will be asked to maintain it. We have been very willing to maintain this road with our own small tractor, and over a number of years have purchased literally tons of materials to improve it. We feel the proposed size of the road, due to this new "subdivision", will be far too much for our small equipment, and we cannot possibly continue to maintain it, just to accommodate an additional homeowner.


We understand a water tap was approved for the proposed new lot by Northern Colorado Water Association. When Barb spoke to Rich, and informed him how poor our (Panepintos) water pressure was when the other homeowners were using the water, he informed us he was unaware of that situation and seemed to express some concern. We feel the water pressure will become a major issue if another home is added to this line. The line dead ends at each of our homes, however, the Panepinto water must travel up hill, consequently when water is being pulled from the lower lots, there is practically no pressure at all.

A fire truck turnaround is required with the new lot. This will require more property from both the Sibelrud and Panepinto lots. We are very concerned as to how much of our property will have to be set aside to meet this requirement. We are not willing to yield any property to the county for this proposed lot.

We were told this would be approved before the Andelts have to establish any covenants. This is an extreme concern for us. We do not know what type of structure will be built, or what type of outbuildings and use of the property will be allowed. This could affect our property values, which is a major concern for both of us as we have worked very hard to keep our properties clean and eye appealing for all of our neighbors. We have never built any building or structure that would have an impact on the Andelts, and have always strived to be the good stewards of the land, as they have always been.

In closing, we ask you to strongly consider the severe impact this subdivision will have on all of us.

Sincerely,


Gino Panepinto


Barb Panepinto


Bob Sibelrud

2. TITLE: Enclave at Eagle View Conservation
Development Revocation of Preliminary Plat
Approval.
- REQUEST: Revocation of the approval of Preliminary Plat
Approval for a Conservation Development Land
Division on 35 acres created 7 lots including 6
residential lots and 1 residual lot with an existing
dwelling and an appeal to Section 8.14.Q of the
Larimer County Land Use Code for dead end road
length.
- LOCATION: NE ¼ of 6-04-69; located on the west side of
County Road 23 approximately ½ mile south of the
County Road 14 intersection.
- PROPERTY OWNER: William A Murray
4485 S. County Road 23
Loveland, CO 80537
- PREVIOUS PROPERTY OWNER: Thomas and Nancy Dunn
6400 Rabbit Mountain Road
Longmont, CO 80503
- STAFF CONTACT: Robert Helmick, AICP, Planning Department
Eric Tracy, Engineering Department
Doug Ryan, Health Department
- PLANNING DEPT FILE #: File #05-S2467
- NOTICE GIVEN: Newspaper Publication

PROJECT DESCRIPTION/BACKGROUND:

The Enclave at Eagle View Conservation Development was originally approved by the Board of County Commissioners on July 7, 2008 and the Findings and Resolution was approved on September 10, 2008. A preliminary plat once approved, expires if not acted upon (application for final Plat) within one year. This preliminary plat approval would have expired in September of 2009. The staff worked with the applicant to renew or extend the approvals. The staff has had requests for the applicant's consultant in hand since late 2009. Due to a number of both economic and personal issues, the request to extend the preliminary plat approval was only formally received at the beginning of March of 2011.

This project originally began as Chaledon Estates Conservation Development, which was approved in 2004 and withdrawn by the applicant in 2005. This new project began in 2005 with a new sketch plan and ultimately was reviewed and approved by the Board of County

Commissioners in 2008. The Board of County Commissioners did approve the request in April of 2011 and that approval expired on April 11, 2012. The applicant, and applicants agent, were advised of the expiration several times early this year and written notice of the need to extend or act was sent to the applicant in February of 2012. The applicant, their agents and the new owners were advised of this hearing on April 25 and no response has been received. Several phone calls to the agents, Intermill Surveying did not result in any action for the owner or applicant.

REVIEW CRITERIA:

The Team has reviewed this request and only takes this extraordinary action in light of no response from either the owner or applicant and on the advice of the County Attorney. The operation of the Larimer County Land Use Code is clear after one year the approval of a preliminary plat expires and all approvals are then voided. Because a Findings and Resolution of the Board of County Commissioners exists the Team has taken this step to insure that there is no argument that the approvals are void and no longer in effect.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Enclave at Eagle View Conservation Development revocation of Preliminary Plat Approval File #05-S2467.

SUGGESTED MOTION:

I move that the Board of County Commissioners Approve the Enclave at Eagle View Conservation Development revocation of Preliminary Plat Approval File #05-S2467.