



# **BOARD OF COUNTY COMMISSIONERS APPEAL SUBMITTAL REQUIREMENTS**

**REVISED AUGUST 2022**

**LARIMER COUNTY COMMUNITY DEVELOPMENT  
PLANNING DEPARTMENT**

## **CONTACT INFO:**

LARIMER.ORG/PLANNING  
200 W. OAK ST., 3RD FLOOR  
(970) 498-7683

# APPEALS PROCESS



## Community Development Mission:

We provide quality service to our customers and the community – residents and visitors of Larimer County. Using public and private partnerships we protect health, safety and welfare, enhance quality of life, maintain property values, find creative development solutions, and plan for the future.

**Purpose:** to define circumstances under and processes by which persons may appeal decisions made in administration, interpretation, or enforcement of this Code. An appeal is not a development application.

The submittal requirements listed in this packet are intended to collect all of the information required for Larimer County staff and review agencies to fully evaluate the land division proposal. Additional information may be requested from the applicant during the review process if necessary to address specific issues that arise.

1. Application Submittal & Processing (pre-application conference required)
2. Staff & Referral Agency Review- minimum 21-day referral period after project has been assigned
3. Scheduling & Notice of Public Hearing (within 60-days of a complete submittal)
4. Review & Decision
5. Post-Decision Actions

# THINGS TO CONSIDER



## **Customer Responsibilities:**

The submittal requirements listed in this packet are intended to collect all of the information required for Larimer County staff and review agencies to fully evaluate the proposal. Additional information may be requested from the applicant during the review process if necessary to address specific issues that arise. For certain application types, a resubmittal fee may apply. In the event you are unfamiliar with any submittal requirements and need assistance, please seek the help of a third party consultant. Please see the attached “Road Map to Process Time” for more information.

**Please Note:** All surrounding property owners within a minimum of 500 feet of the property boundary lines will be notified of this request. Once submitted to the County, all application materials become a matter of public record.

## **Pre-Submittal Meeting:**

Depending on the complexity of the case and the application type, a pre-submittal meeting may be required prior to submitting an application. Submitting an application without a pre-submittal meeting may result in substantial delays in application processing or application rejection. *Application types that may require a pre-submittal meeting are: Special Review, 1041, L&E, Rezoning, Variance, Site Plan Review, Preliminary Plat, Final Plat*

## **Water Verification:**

It is the applicant’s responsibility to verify an adequate water source is available. If water is to be obtained from a public water supply, contact the appropriate water district. A cistern is not an adequate water source. Refer to the Land Use Code for specific requirements to this proposal.

## **Sanitary Sewer or Septic Verification:**

It is the applicant’s responsibility to verify an adequate sewage disposal is available. If an on-lot septic system is to be used, contact the Larimer County Department of Health and Environment. If a public sewage system is to be used, contact the appropriate sanitation district. Refer to the Land Use Code for specific requirements to this proposal.

## **Floodplain:**

If the property is within or partially within a FEMA and/or locally designated floodplain, additional standards and restrictions may apply. Contact the floodplain administrator for more information.

# THINGS TO CONSIDER



## **Mineral Interest Notification:**

*Only applicable to Rezoning, Zoning, Special Review, Minor Land Division, Preliminary Plat, Administrative Subdivision*

Thirty (30) days prior to the Board of County Commissioner hearing, notification must be provided to Mineral Interest Owners and Lessees as required by State Statute 24-65.5 notifying them of the proposed development. Furthermore, a signed certification must be received by the Larimer County Planning Department prior to the hearing that such notification was provided (see attached notification form). Failure to receive this certification will result in the hearing being rescheduled to a later date.

## **Use Specific Standards:**

In addition to review criteria, refer to the Land Use Code for use-specific standards applicable to the proposed use. Use specific standards may be found in Article 3.0 or Article 13 for the Estes Valley.

## **Expiration of Pre-Application Meeting Packet:**

Pre-applications expire six months from the date of the meeting. If you have not submitted an application within six months of the pre-application meeting, check with the planner to see if a new meeting will be required.

## **O&E Expiration:**

An Ownership and Encumbrance Report (O&E) is valid for six months.

## **Land Use Code:**

Please view the Land Use Code here: <https://www.larimer.org/planning/regulations>

## Submittal Requirements

Separate Electronic PDFs of ALL Submittal Materials (must be in PDF format and named as listed below)

Item	Description:	Required	Staff sign- off
1.	Application Form – must be signed by all property owners and the applicant.		
2.	Application Fee- Current fee at time of submission		
3.	Appeal Request – detailed description of what is being appealed.		
4.	Review Criteria - describe how the request meets the review criteria of Article 6.7.2. of the Land Use Code. Please see page 2 for details.		
5.	Legal Description – the legal description of the property.		
6.	Other - information as deemed necessary by the project planner.		

## Item #3 Appeal Request Details

Appeal Request	Description
Appeals of administrative decisions and Planning Director interpretations.	A statement of the decision or interpretation being appealed, the date of the decision or interpretation and facts, legal authority or other evidence that supports the decision was in error.
Appeals to deviate from a Code standard or requirement.	A statement of the Code provision being appealed and evidence that supports the appeal.

# APPEALS PROCESS



## Item #4 Review Criteria Details

**Note:** Review Criteria is not required for appeals to administrative decisions or Planning Director interpretations.

Review Criteria for Appeals to the County Commissioners Article 6.7.2.B.1.	<ul style="list-style-type: none"><li>a. A person asserts that there is an error in any order, requirement, decision, or refusal made by an administrative officer or agency in the administration or enforcement of the provisions of this Code except:<ul style="list-style-type: none"><li>i. The minimum setback or structure height requirements of Article 2.0, Zoning Districts; or</li><li>ii. §2.9.4.E, Setbacks from All Roads, Streets, and Highways, and §2.9.4.F, Setbacks from Streams, Creeks, and Rivers.</li></ul></li><li>b. A person asserts that the Director made an error in interpreting the text of this Code.</li><li>c. A person proposes to deviate from a standard or requirement imposed by this Code, except standards or requirements that are subject to zoning variances from the Board of Adjustment in §6.7.3.</li><li>d. Appeals to the prohibition of medical marijuana centers, medical marijuana infused product manufacturers, medical marijuana optional premises cultivation operations, private marijuana clubs, and appeals that would allow for the submittal of a land use application to establish those or similar marijuana-related uses not otherwise allowed in a zoning district shall not be accepted, reviewed, or processed</li></ul>
Review Criteria for Appeals of Administrative Decisions and Director Interpretations	<p><b>6.7.2.B.5 Review Criteria for Appeals to Deviate from Standards or Requirements Other Than Minimum Lots Size Requirements</b></p> <p>When considering whether to approve an appeal to deviate from standards or requirements of the Code, other than minimum lot size requirements, the County Commissioner may grant the appeal subject to safeguards and conditions 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:</p> <ul style="list-style-type: none"><li>a. Approval of the appeal will not subvert the purpose of the standard or requirement.</li><li>b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.</li><li>c. Approval of the appeal is the minimum action necessary.</li><li>d. Approval of the appeal will not result in increased costs to the general public.</li><li>e. Approval of the appeal is consistent with the intent and purpose of the Code</li></ul> <p><b>6.7.2.B.6 Review Criteria for Appeals to Deviate from Minimum Lot Size Requirements</b></p> <p>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:</p> <ul style="list-style-type: none"><li>a. The lot size being proposed is consistent with the pattern of existing lots in the neighborhood.</li><li>b. The proposed lot has sufficient area to support the intended use of the lot.</li><li>c. There are physical features of the site or other special circumstances that support the proposed lot size.</li><li>d. Granting the lot size appeal is consistent with the intent and purpose of this Code</li></ul>

# APPEALS PROCESS



## Item #4 Review Criteria Details

Review Criteria for  
Appeals of  
Administrative  
Decisions and Director  
Interpretations Cont.

### **6.7.2.B.7 Review Criteria for Appeals to Article 8.0, Signs**

To approve an appeal from the applicable requirements in Article 8.0, Signs, the County Commissioner must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- a. Approval of the appeal is consistent with the purpose and intent of this Code.
- b. There are extraordinary or exceptional conditions on the site which would result in a peculiar or undue hardship on the property owner if Article 8.0, Signs are strictly enforced.
- c. Approval of the appeal would not result in an economic or marketing advantage over other businesses which have signs which comply with Article 8.0, Signs.



# LAND USE APPLICATION

## Applicant Information

Applicant Name:

Applicant Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

## Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

## Property Owner Information

Property Owner Name:

Property Owner Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

## Engineer/Surveyor Information (please list which profession)

Name:

Company:

Address:

City:

State:

ZIP Code:

Telephone:

Email Address (required):

Assessor's Parcel Number(s): \_\_\_\_\_

## SIGNATURES REQUIRED BY ALL PROPERTY OWNERS AND THE APPLICANT

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit county officials to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be processed while this application is in process.

\_\_\_\_\_  
Property Owner(s) Printed Name

Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner(s) Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner(s) Printed Name

Date: \_\_\_\_\_

\_\_\_\_\_  
Property Owner(s) Signature

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Applicant Signature

Date: \_\_\_\_\_

## **PRE-APPLICATION WORKSHEET**

Project Case Number: \_\_\_\_\_

Project Address (if available): \_\_\_\_\_

Assessor's Parcel Numbers (list all parcels that pertain to the project): \_\_\_\_\_

Pre-Application Conference Date: \_\_\_\_\_ Planner: \_\_\_\_\_

Pre-Application Conference attended by: \_\_\_\_\_

Proposed Request: \_\_\_\_\_

Plan Area (if applicable): \_\_\_\_\_

Lot Size(s): \_\_\_\_\_

Related Files: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

### **Setback Information:**

Zoning Setbacks: \_\_\_\_\_

Highway or County Road Setback(s): \_\_\_\_\_

Streams, Creeks, or River Setback(s): \_\_\_\_\_

Building Envelope: \_\_\_\_\_ Flood: \_\_\_\_\_

Plat Notes: \_\_\_\_\_

Utilities: Water: \_\_\_\_\_ Sewer: \_\_\_\_\_ Fire: \_\_\_\_\_

Any Additional Information: \_\_\_\_\_

Development Review Process: \_\_\_\_\_ Application Review Phase: \_\_\_\_\_

Received By: _____	Date: _____	Sign Given: _____	Paid \$: _____	Check #: _____
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