



# APPEALS - BCC

## COMMUNITY DEVELOPMENT | PLANNING

### 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.

### Process Overview:

#### 1. Pre-application Meeting

#### 2. Electronic Application Submittal:

*Please email all submittal materials to [planningCIRT@co.larimer.co.us](mailto:planningCIRT@co.larimer.co.us) in individual PDF format. Following your complete submittal, CIRT will contact you for application fee payment options. See page 4 for application submittal requirements.*

#### 3. Staff and Referral Agency Review:

*Once your case is assigned to a planner, they will review it and send it out for referral agency comments. There is a minimum 21-day referral period for Appeals.*

#### 4. Scheduling and Noticing of Public Hearing

*A public hearing will be scheduled within approximately 60-days of a complete submittal.*

#### 5. Review and Decision:

*A decision will be made at a Board of County Commissioners Land Use Hearing.*

### 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.

### Contact Information:

- Assessors Office - 970.498.7050
- Building Division - 970.498.7660
- Clerk and Recorder - 970.498.7860
- Division of Water Resources (Wells) - 970.352.8712
- Engineering Dept. - [eng-devrev@larimer.org](mailto:eng-devrev@larimer.org)
- Flood - [eng-floodplain@larimer.org](mailto:eng-floodplain@larimer.org)
- Health Dept. (Septic) - 970.498.6775
- On Call Planner - [planning@larimer.org](mailto:planning@larimer.org)



# THINGS TO CONSIDER

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### **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 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.

### **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.

### **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>

### **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. This is only applicable for project types that require pre-application meetings.

### **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 presubmittal 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

### **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.

### **Building Permits:**

Building permits will NOT be accepted on the property while the application is pending.

### **Hearings:**

Hearings are held with the Board of County Commissioners on the first and fourth Monday's of each month. These hearings are held in the Commissioner's Hearing Room, beginning at 3:00 p.m. Notification of the hearing date will be mailed to all parties listed on the application form. Note: All proceedings are recorded.



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## SUBMITTAL REQUIREMENTS

Please submit each item as a separate PDF to [planningCIRT@co.larimer.co.us](mailto:planningCIRT@co.larimer.co.us).

All PDFs should be named as listed below and attached to the same email.

Item	Description	Required
1.	<b>Application Form</b> – <a href="https://www.larimer.gov/sites/default/files/land_use_application_form.pdf">https://www.larimer.gov/sites/default/files/land_use_application_form.pdf</a>	YES
2.	<b>Application Fee</b> - current fee at time of submission	
3.	<b>Appeal Request</b> – detailed description of what is being appealed. Please describe how the request meets the review criteria of Article 6.7.2. of the Land Use Code. Please see following pages for more information.	YES
4.	<b>Other</b> - information as deemed necessary by the project planner.	

## APPEAL REQUEST REQUIREMENTS

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.

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

***The County Commissioners are authorized to hear and decide appeals where:***

- 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:
  - The minimum setback or structure height requirements of Article 2.0, Zoning Districts; or
  - §2.9.4.E, Setbacks from All Roads, Streets, and Highways, and §2.9.4.F, Setbacks from Streams, Creeks, and Rivers.
- A person asserts that the Director made an error in interpreting the text of this Code.
- 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.
- 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



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## COMMUNITY DEVELOPMENT | PLANNING

### **Review Criteria:**

#### **6.7.2.B.5 Review Criteria for Appeals to Deviate from Standards or Requirements Other Than Minimum Lots Size Requirements**

*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:*

- a. Approval of the appeal will not subvert the purpose of the standard or requirement.*
- b. Approval of the appeal will not be detrimental to the public health, safety, or property values in the neighborhood.*
- c. Approval of the appeal is the minimum action necessary.*
- d. Approval of 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*

#### **6.7.2.B.6 Review Criteria for Appeals to Deviate from Minimum Lot Size Requirements**

*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.*
- b. The proposed lot has sufficient area to support the intended use of the lot.*
- c. There are physical features of the site or other special circumstances that support the proposed lot size.*
- d. Granting the lot size appeal is consistent with the intent and purpose of this Code.*

#### **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 business which have signs which comply with Article 8.0, Signs.*