

SPECIAL REVIEW

**FINDINGS AND RESOLUTION APPROVING THE PETITION OF
MONROE EXCAVATION**

The Petition of Monroe Excavation for a Special Review to allow heavy equipment storage and maintenance in the O-Open zone, upon the property described on Exhibit "A" attached hereto has been filed with the Board of County Commissioners of the County of Larimer. The Larimer County Planning Commission on August 19, 1998 recommended approval of the proposed use.

On October 12, 1998 in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners conducted a public hearing on the Special Review. The Board of County Commissioners, having heard the testimony and evidence adduced at said hearing and having considered and carefully weighed the same, now makes the following findings:

1. The Special Review request for the storage and maintenance of heavy equipment upon the property described on Exhibit "A" was advertised in a local newspaper of general circulation as required by law.

2. The general characteristics of the property are as follows:

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|----|------------------------------------|--|
| a. | Location: | 33-10-73; 23500 County Road 74E,
Red Feather Lakes |
| b. | Area: | 1.99 acres |
| c. | Existing land use: | Residential Unplatted Unimproved |
| d. | Surrounding land use and
zoning | North: Church, O-Open
South: Residential, O-Open
East: Residential, O-Open
West: Vacant, O-open |
| e. | Access: | County Road 74E |

3. The applicant proposes to use a 2 acre site for the storage, maintenance and staging of road maintenance and heavy construction equipment. Up to a dozen pieces of machinery would be on site at any one time. Hours at the site would typically be 7 am to 7 pm with three to five employees at the site. This is not the principal site for the applicant, which is located in Livermore 13 miles to the east. The initial phase of this operation would be storage of equipment in the open and the second phase would be the construction of an 8000 square foot shop building and residence on the site.

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4. The proposal is consistent with the Master Plan. The reintroduction of this use in the Red Feather Lakes area is consistent with the historic use of the property, is a use allowed by special review in the zoning district and provides a necessary service to the area.

5. The proposed use is consistent with the purposes of the zoning resolution. Providing this service to the Red Feather Lakes area reduces the congestion of the roads, provides a convenience of service to the area, and with certain conditions can operate safely and without impacting the air quality of the area.

6. With conditions on the operation and site improvements, the use is harmonious with the surrounding area. The reestablishment of this use at this location will not adversely impact the area.

7. With the proposed conditions, the use will not have an adverse effect on the neighborhood or the property values of the area.

8. No governmental agency has indicated a conflict with the proposal, under certain conditions.

RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the petition and upon the recommendation of the Larimer County Planning Staff, which findings precede this resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the petition, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED, that the petition of Monroe Excavating for special review approval to allow storage and maintenance of heavy equipment in the O-Open zone upon the property described on Exhibit "A" be and the same hereby is granted upon the following conditions:

1. The site shall be operated as represented by the applicant in their materials, except as modified by these conditions.

2. No equipment or vehicles may be stored or parked overnight within 125 feet of CR 74E. Equipment and vehicles shall be screened with landscaping to be approved by the staff and installed within 6 months of approval. Equipment may be dropped off and picked up in the area next to the ROW provided the area is separated from the ROW with a barrier, i.e., rocks, berm, etc.

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3. No inoperable equipment or vehicle shall remain on the site for more than 45 days.
4. There shall be no parking, backing into or loading/unloading within the County Road ROW.
5. Access to the site will be from a shared driveway with the property to the east. A waiver to Section 3 of the Larimer County Access Policy allowing a second driveway shall be allowed. The location and plans, including line of site distance, shall be reviewed and approved by the Larimer County Engineering Department. All other access points shall be abandoned and reclaimed.
6. The applicant shall prepare a materials, spill and hazardous material management plan, as described in the memo from the Larimer County Department of Health and Environment. This plan shall be reviewed and approved by the Larimer County Department of Health and Environment prior to issuance of building permits for Phase II.
7. The applicant shall prepare a grading/drainage plan/report as discussed in the memo from the Larimer County Engineering Department dated June 17, 1998.
8. No vehicle shall be allowed to idle on the site for longer than 15 minutes unattended and shall not be allowed to idle overnight. Electric engine warmers shall be provided for cold weather operations.
9. The applicant shall comply with the recommendations of the Larimer County Wildfire Coordinator in the memo dated June 16, 1998.
10. All fuel on site shall be stored in a manner consistent with the Building Code, Fire Code and the State of Colorado.
11. Fire protection for Phase One. vehicle parking shall be the provision of a fire cabinet on site which shall contain at least two Class ABC 20 lb. fire extinguishers. For Phase Two, shop and home, the applicant shall provide 3500 gallons of water for fire fighting purposes on site. This may be by cistern or tank and must have fittings that are compatible with the Red Feather Fire Department.
12. The applicant shall submit a site plan for review and approval by the county staff prior to submitting building permits for phase two. Permits for the well and sanitation systems shall comply with all governmental requirements.

This constitutes a site specific development plan, the approval of which triggers a vested property right pursuant to state and local law. If this approval is conditional, failure to abide by the terms and conditions will result in a forfeiture of vested property rights. This site specific development plan shall be deemed approved upon the date on which this Findings

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and Resolution is signed by the Chair, or Chair Pro-Tem, of the Board of County Commissioners. The Director of Planning shall cause a notice to be published in a newspaper of general circulation in Larimer County advising the general public of this site specific development plan approval and creation of a vested property right, such publication to occur no later than 14 days after this written Findings and Resolution is signed by the Chair, or Chair Pro-Tem, of the Board of County Commissioners.

Commissioners Disney, Olson and Clarke voted in favor of the Findings and Resolution, and the same were duly adopted.

DATED this 8th day of December, 19 98.

BOARD OF COMMISSIONERS OF
LARIMER COUNTY, COLORADO

By:

Charles Olson
Chair



Sherry E. Graves
Deputy Clerk

DATE: 11-24-98
APPROVED AS TO FORM:

[Signature]
ASSISTANT COUNTY ATTORNEY

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LEGAL DESCRIPTION

EXHIBIT "A"

A parcel of land situate in the NE $\frac{1}{4}$ of Section 33, Township 10 North, Range 73 West of the 6th Principal Meridian, Larimer County, Colorado.

Considering the East line of said NE $\frac{1}{4}$ as bearing S 00°00'00" W and with all other bearings contained herein being relative thereof, begin at the NE corner of said Section 33, and proceed S 00°00'00" W along said East line 1258.00 feet to a point on the southerly boundary line of High Country Estates PUD., thence proceed N 82°18'00" W 1628.00 feet along said southerly boundary to a point which is the southeasterly point of land described under Reception No. 86006285 of the records located in the Larimer County Clerk and Recorder's office, thence continuing along said southerly line, N 82°18'00" W 230.00 feet; thence N 24°58'00" W 10.75 feet to a point on the northerly right-of-way line of Larimer County Road No. 74 as now established, thence along said right-of-way 281.12 feet along the arc of a curve to the left, this curve has a central angle of 13°41'46", a radius of 1176.00 feet and a chord which bears N 78°57'52" W, 280.45 feet, thence continuing along said right-of-way N 85°48'46" W and tangent to the last described curve a distance of 64.63 feet, thence leaving said right-of-way, proceed N 08°07'00" E 519.06 feet to the Northwest corner of land described under aforementioned Reception No. 86006285; thence S 24°58'00" E 631.24 feet to the point of beginning, said parcel containing 1.994 acres.

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