The purpose of the appeal process is to allow the ability for a person to appeal (a) decisions made in administration, interpretation or enforcement of the Land Use Code, and (b) standards and requirements imposed by the Land Use Code. Appeals of standards or requirements that are approved have the same effect as if the standard or requirement was met.

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.

**Please Note:** Once submitted to the County, all application materials become a matter of public record.

### SUBMITTAL REQUIREMENTS

<table>
<thead>
<tr>
<th>Item #</th>
<th>Description:</th>
<th>Information Provided for:</th>
<th>Copies Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Application Form</strong> – must be signed by <strong>all</strong> property owners and the applicant</td>
<td>File</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td><strong>Application Fee</strong> – current fee at the time of submittal</td>
<td>File</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td><strong>Appeal Request</strong> – detailed description of what is being appealed. Please see Page 2 for details</td>
<td>File, All Referral Agencies</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td><strong>Review Criteria</strong> – describe how the request meets the review criteria found in Section 22 of the Land Use Code. Please see Page 2 for details</td>
<td>File, All Referral Agencies</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td><strong>Legal Description</strong> – the legal description of the property</td>
<td>File</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td><strong>Other</strong> – information as deemed necessary by the project planner</td>
<td>File</td>
<td></td>
</tr>
</tbody>
</table>

**One Electronic Set Of All Submittal Materials** (Flash/Jump Drive or CD)
ITEM# 3 DETAILS – APPEAL REQUEST

<table>
<thead>
<tr>
<th>Appeal Request</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals of administrative decisions and Planning Director interpretations</td>
<td>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.</td>
</tr>
<tr>
<td>Appeals to deviate from a Code standard or requirement</td>
<td>A statement of the Code provision being appealed and evidence that supports the appeal.</td>
</tr>
</tbody>
</table>

ITEM# 4 DETAILS – REVIEW CRITERIA

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

Section 22 – Review Criteria

1. Review criteria for appeals to deviate from standards or requirements other than minimum lot size requirements. (Section 22.2.3)

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, 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. 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.

2. Review criteria for appeals to deviate from minimum lot size requirements. (Section 22.2.4)

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.

3. Review criteria for appeals from Section 10 (signs). (Section 22.2.5)

To approve an appeal from the applicable requirements in section 10 of this code the county commissioners 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 section 10 of this code is 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 section 10 of this code.
### Appeals of administrative decisions and planning director interpretations.

1. **Initiation of appeal.** A written application for appeal must be submitted to the planning department within 30 days of the decision or interpretation which the person believes to be in error. The planning director may grant one 30-day extension of this time limit provided that a written request for such extension is submitted to the planning director within the initial 30-day period.

2. **Contents of appeal.** The appeal must be submitted on a form provided by the planning department and must include 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. An application fee established by the county commissioners must be paid when the appeal is submitted.

3. **Scheduling.** Upon receipt of the appeal, the planning director will schedule the appeal on the next available agenda of the county commissioners, no later than 60 days after the date on which a properly completed notice of appeal is filed.

4. **Notice.** Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least ten days before the hearing date. Notice by first-class mail may be sent to property owners in the vicinity of the proposal if the planning director determines such notice is appropriate.

5. **Action by the county commissioners.**
   a. At the appeal hearing the county commissioners will take relevant evidence and testimony from the person who filed the appeal, the administrative officer, planning director, county staff and any interested party.
   b. At the appeal hearing, the county commissioners will only consider the same application, plans and materials that were the subject of the original decision or interpretation, the record of that decision or interpretation and the issue raised by the person who submitted the appeal, unless the county commissioners, in their discretion, determine other evidence to be relevant and helpful. Testimony from interested parties may be considered only as it relates to the administrative officer's decision or the planning director's interpretation.
   c. At the conclusion of the hearing the county commissioners will affirm, affirm with modifications or reverse the decision of the administrative officer or the interpretation of the planning director.
   d. The county commissioners may refer an appeal to the planning commission for a recommendation. The decision to refer an appeal to the planning commission will be made by the county commissioners within 14 days of the date the appeal was submitted.

6. **Burden of proof.** The decision of the administrative officer or the planning director's interpretation will not be reversed unless it is shown by a preponderance of the evidence that the decision is in error or inconsistent with the intent and purpose of this code.
Appeals to deviate from standards or requirements not filed concurrently with development applications.

1. **Initiation of appeal.** For appeals to deviate from Code standards or requirements that are not filed as part of a development review application, a written application for appeal must be submitted to the planning director.

2. **Contents of appeal.** The appeal must be submitted on a form provided by the planning department and must include a statement of the Code provision being appealed and evidence that supports the appeal, including evidence that demonstrates how section 22.2.3 or 22.2.4 review criteria for the appeal are met. The planning director may request additional information necessary to evaluate the appeal.

3. **Scheduling.** The appeal will be scheduled for hearing within 60 days after the date on which a properly completed notice of appeal is filed.

4. **Notice.** Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least ten days before the hearing date. Notice by first-class mail may be sent to property owners in the vicinity of the proposal as determined by the planning director.

5. **Action by the county commissioners.**
   a. At the hearing the county commissioners will take relevant evidence and testimony from the person who filed the appeal, county staff and any interested party.
   b. At the conclusion of the hearing, the county commissioners will approve, approve with conditions or deny the appeal.
   c. All appeals to the board of county commissioners will be reviewed by the planning director who will determine whether the appeal will be referred to the planning commission for recommendation prior to a county commissioners’ hearing on the appeal.

6. **Burden of proof.** The appeal will be granted only if the applicant shows by a preponderance of the evidence that granting the appeal will be consistent with the intent and purpose of this Code.

Appeals to deviate from standards or requirements filed concurrently with development review applications.

1. **Initiation of appeal.** For appeals to deviate from Code standards or requirements that are filed as part of a development review application, a written application for appeal must be submitted to the planning director.

2. **Contents of appeal.** The appeal must be submitted on a form provided by the planning department and must include a statement of the Code provision being appealed and evidence that supports the appeal, including evidence that demonstrates how the section 22.2.3 or 22.2.4 review criteria for the appeal are met. The planning director may request additional information necessary to evaluate the appeal.

3. **Scheduling.** The appeal will be heard at the same time as the development review application.

4. **Notice.** Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation as part of the notice of the development review application. Notice by first-class mail may be sent to property owners in the vicinity of the proposal as determined by the planning director with the notice of development review.

5. **Action by the county commissioners.**
   a. At the hearing, the county commissioners will take relevant evidence and testimony from the person who filed the appeal, county staff and any interested party.
   b. At the conclusion of the hearing, the county commissioners will approve, approve with conditions or deny the appeal. The county commissioners will make separate findings and take separate action on each appeal before taking action on the development proposal.
   c. Appeals of Code standards or requirements submitted concurrently with a development review application will be reviewed by the planning commission, when appropriate, along with the development proposal.

6. **Burden of proof.** The appeal will be granted only if the applicant shows by a preponderance of the evidence that granting the appeal is consistent with the intent and purpose of this code.
APPEAL REQUEST FORM:

All applications must be complete. To be complete, the application must include all items identified on the submittal requirement checklist. Any application, which is not complete, will not be accepted, processed, or scheduled for review.

REQUIRED INFORMATION — Information about people with interest in the project

Property Owner
Name: __________________________________________
Address: ________________________________________
City/State/Zip: ________________________
Phone: _____________________________
Email (required): _______________________

Property Owner
Name: __________________________________________
Address: ________________________________________
City/State/Zip: ________________________
Phone: _____________________________
Email (required): _______________________

Applicant
Name: __________________________________________
Address: ________________________________________
City/State/Zip: ________________________
Phone: _____________________________
Email (required): _______________________

Applicant
Name: __________________________________________
Address: ________________________________________
City/State/Zip: ________________________
Phone: _____________________________
Email (required): _______________________

Contact Person — will receive correspondence from County staff and referral agencies
Name: __________________________________________
Address: ________________________________________
City/State/Zip: ________________________
Phone: _____________________________
Email (Required): _______________________

PROJECT IDENTIFICATION (list all parcels #’s that pertain to the project):

__________________________________________________________________________

APPLICANT SIGNATURES

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 www.larimer.org)

Applicant(s) ___________________________ Date: _______________

Applicant(s) ___________________________ Date: _______________
### PROJECT SITE INFORMATION

**Project Case Number:**

**Project Address (if available):**

**Assessor’s Parcel Numbers (list all parcels that pertain to the project):**

**Pre-Application Conference Date:**

**Pre-Application Conference attended by:**

**Proposed Request:**

**Plan Area (if applicable):**

**Lot Size(s):**

**Related Files:**

**Setback Information:**
- **Zoning Setbacks:**
- **Highway or County Road Setback(s):**
- **Streams, Creeks or Rivers Setback(s):**
- **Other Setbacks:**
- **Building Envelope?**

**Utilities:**
- **Water:**
- **Sewer:**
- **Fire:**

**Current Zoning:**

**Any Additional Information:**

---

**Received By:**

**Date:**

**Sign Given:**

**Paid $:**

**Check #:**