

FINDINGS AND RESOLUTION
Approving the 3rd Amendment to the Development Agreement
for the Wild Valley North RLUP

The request to amend the existing Development Agreement for the Wild Valley North RLUP recorded December 7, 2005, at Reception No. 20050104269, of the Larimer County records to clarify horse boarding uses on Residual Lot A for the property described on Exhibit "A" has heretofore been filed with the Board of County Commissioners of the County of Larimer.

On March 28, 2022, via video conference and in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners of the County of Larimer conducted a public hearing on said request. The Board of County Commissioners having heard the testimony and evidence adduced at said hearing, and having considered and carefully weighed the same, and having received the recommendations of the County Planning Staff, now makes the following findings:

1. Notice of this hearing was duly advertised in a local newspaper of general circulation.
2. Written notice of this hearing has been delivered or mailed, first class, postage prepaid, to adjoining landowners within 500 feet of the property subject to the request.
3. Notice of this hearing was advertised by posting in the officially designated area at Larimer.org and in the Larimer County Courthouse Offices no less than twenty-four hours in advance of the hearing.
4. The County Planning Staff has made certain recommendations concerning this request, which recommendations are contained in the agenda for the March 28, 2022, meeting of the Board of County Commissioners and are filed with the record of this proposal.
5. The applicant is seeking an approval from the Board of County Commissioners to amend a provision in the Development Agreement (DA) for Wild Valley North Rural Land Use Plan (RLUP). Section 40 of the Wild Valley North Development Agreement states: "this Agreement may be amended by mutual consent of the County and owners of 6 of the 11 lots...provided such amendment is in writing." Section 3 [Residual Land covenant protections] may be amended "only with the written consent of the County and 100% of the owner(s) of Residual Lots "A" and "B" and Residential Lots 1 thru 9 after published notice and a hearing before the Board of County Commissioners."

22-GNRL0532

Findings and Resolution
Wild Valley North RLUP
3rd Amendment to Development Agreement

6. A prior, unrelated First Amendment to the Development Agreement was approved on August 19, 2009, and recorded on August 20, 2009, at reception number 20090058263.

7. The Third Amendment to the Development Agreement is a request to clarify restrictions on horse boarding and recreation on Residual Lot "A." Specifically, it limits the boarding and use of horses to the owner of Residual Lot "A," and excludes owners of Lots 1 through 9 and Residual Lot "B" from horse recreation and boarding on Residual Lot "A." The Third Amendment also modifies language in Section 3 for Outlot "A" permitting ownership assignment of Outlot "A" to the Homeowners Association. Since these requests pertain to Section 3 of the Development Agreement addressing the covenant protections for the Residual Lots, approval requires the written consent of 100% of the current owners of all lots in the development and approval by the Board of County Commissioners during a public hearing.

8. 100% of the current Lot owners have signed and attested the proposed amendment.

9. Wild Valley North Rural Land Use Plan, File Number 03-S2076, was approved on December 6, 2005, and developed in two phases. The final phase was recently completed, and a Lot Sale Prohibition Release was approved and recorded on February 23, 2022, with Reception Number 20220012077. The applicant is the Successor Developer of this property and is seeking to limit the use of horses on common and residual lands thereby reducing the risk, potential liability, and expenses associated with such activities.

10. With respect to the Third Amendment to the Development Agreement, Section 3 of the Developer Agreement, "Residual Land Use Restrictive Covenant," specifies that "Residual Lot "A" shall only be used for boarding horses owned by the residential and residual lot owners and recreational activities involving such horses." The applicant proposes to delete and replace this sentence with "Residual Lot "A" shall only be used for boarding horses owned by the Owner of Residual Lot "A" and recreational activities involving such horses."

11. Personal horses for the use of the occupants of the lot and their guests, for purposes other than boarding or training are allowed in all zoning districts that allow single-family dwellings, provided the number of animals does not exceed one animal per one-half acre of lot.

12. Section 3 also states that Outlot "A" shall only be used for road access purposes, utility line extensions, or private trail connections to the adjoining property to the south of this Development." The applicant proposes to amend this by adding "and may be conveyed to the Association" at the end of the sentence.

13. Article 5.5.4 of the Land Use Code outlines the review criteria for Residual Land and/or Common Area Use Plans:

Findings and Resolution
Wild Valley North RLUP
3rd Amendment to Development Agreement

a. The use plan adequately describes the proposed uses and maintenance of the residual land and/or common area parcels and such proposed uses and maintenance are consistent with the intent of the residual land and/or common area.

The proposed amendment acts to reduce the use impacts to Residual Lot “A” by further limiting horse uses to the existing and any subsequent lot owner instead of the entirety of the Wild Valley North neighborhood. The request to amend Outlot “A” would allow, but not require, transfer of ownership to the Homeowners Association which would secure the maintenance obligations of this common area in perpetuity. These two actions provide additional protections to residual and common lots than were provided in the original Development Agreement.

b. The use plan specifically identifies the entity responsible for ownership and maintenance of the residual land and/or common area parcels.

The proposed amendment reinforces the ownership, maintenance, and use of Residual Lot “A” and provides additional opportunity for a transfer of ownership which would bolster the maintenance responsibilities for Outlot “A.”

c. The use plan clearly indicates how compliance with Article 4.0, Development Standards will affect the proposed uses of the residual land and/or common area parcels as well as how the use plan is coordinated with and consistent with the requirements of Article 4.0, Development Standards.

The proposed use amendments reduce the intensity of residual land use as outlined in the previously approved Section 3 of the Development Agreement. On approval, the original Development Agreement complied with the Development Standards in effect at the time which have not substantively changed in the current Land Use Code regarding animal uses and associated accessory structures. No improvements or changes are proposed which would impact Article 4 standards.

14. The application was not formally referred to partner agencies. The Development Agreement amendments are administrative in nature, and act to reduce overall impacts to the associated residual lands. No obligations or responsibilities of the existing Homeowners Associations are affected, and there are no impacts to the Guarantee of Public Improvements provisions in Article 6 of the Land Use Code. In most cases these amendments would be enacted by a vote of the HOAs, whereby the County would not be a party to the decision. The sole reason that this request is presented is due to the clauses in Section 40 of the Development Agreement which requires published notice and hearing before the Board of County Commissioners for the Second Amendment, and “requires the mutual consent of the County” and the applicable owners for the Third Amendment.

15. Neighborhood notice was mailed to property owners within 500 feet of the proposal, and all directly affected owners have consented and signed the amendments. Staff did not receive any community comments.

**Findings and Resolution
Wild Valley North RLUP
3rd Amendment to Development Agreement**

RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the request to amend the existing Development Agreement the Wild Valley North RLUP recorded December 7, 2005, at Reception No. 20050104269, of the Larimer County records to clarify horse boarding uses on Residual Lot A by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the request, and is now fully advised in the premises;

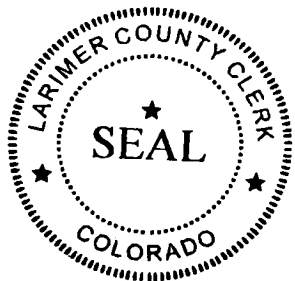
NOW, THEREFORE, BE IT RESOLVED That the request to amend the existing Development Agreement for the Wild Valley North RLUP recorded December 7, 2005, at Reception No. 20050104269 of the Larimer County records to clarify horse boarding uses on Residual Lot A for the property described on Exhibit "A" be and the same hereby is approved.

Commissioners Kefalas, Stephens and Shadduck-McNally voted in favor of the Findings and Resolution, and the same were duly adopted.

DATED this 28th day of March, 2022.

BOARD OF COUNTY COMMISSIONERS
LARIMER COUNTY, COLORADO

By: Justin Stephens
Chair



(SEAL)

ATTEST:

W. Bryant
Deputy Clerk

DATE 3/24/22
APPROVED AS TO FORM:
[Signature]
SENIOR ASSISTANT COUNTY ATTORNEY

