

RESOLUTION 2019-038  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING  
THE APPEAL OF THE HEARING OFFICER'S DECISION APPROVING  
THE HANSEN FARMS PROJECT DEVELOPMENT PLAN PDP170036

WHEREAS, on December 13, 2018, Hearing Officer Kendra L. Carberry ("Hearing Officer") approved the Type 1 administrative decision for Hansen Farm, Project Development Plan, PDP170036 (the "PDP") with two conditions (the "Decision"); and

WHEREAS, Appellant Thomas Barlow filed an appeal of the Decision on December 20, 2018, and Appellant Christopher McElroy filed an appeal of the Decision on December 27, 2018 (together, the "Appeal"); and

WHEREAS, both Appellants alleged in their appeals that the Hearing Officer failed to properly interpret and apply Section 1.7.2 of the City of Fort Collins Land Use Code ("LUC") and Policy FC-LUF-5 of the Fossil Creek Reservoir Area Plan ("FC Area Plan") in her Decision and Appellant McElroy also alleged the Hearing Officer considered evidence relevant to her findings that were substantially false or grossly misleading; and

WHEREAS, on March 5, 2019, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, held a public hearing and considered the Appeals, reviewed the record on appeal and the applicable Land Use Code provisions, and heard presentations from both Appellants and the representative for Lorson South Land Group (the "Applicant") and received certain new evidence from Appellants and Applicant (the "Council Hearing"); and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the Council Hearing to uphold and approve the Decision; and

WHEREAS, City Code Section 2-55(g) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-55(g) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions and conclusions of law:

1. That the Notice of Appeals filed by both Appellants conformed to the requirements of Section 2-48 of the City Code.
2. That based on the evidence in the record and presented at the Council Hearing, the recitals set forth above are adopted as findings of fact.
3. That based on the evidence in the record and presented at the Council Hearing, the Hearing Officer did not fail to conduct a fair hearing on December 13, 2018 when she approved the

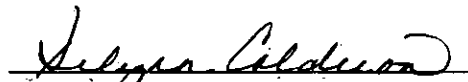
PDP with conditions and did not consider evidence relevant to her decision that was substantially false or grossly misleading.

4. That the Hearing Officer did not fail to properly interpret and apply LUC 1.7.2 or the FC Area Plan when she approved the PDP with conditions.
5. That Thomas Barlow's and Christopher McElroy's appeals of the Decision are without merit and are denied and the Decision is hereby upheld and approved.
6. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-55(g).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of March, A.D. 2019.

  
Mayor

ATTEST:

  
City Clerk

