



Town of Berthoud
807 Mountain Avenue
Berthoud, CO 80513
970.532.2643

TOWN OF BERTHOUD PLANNING COMMISSION

TOWN HALL

807 Mountain Avenue

THURSDAY, August 26, 2021

6:00 P.M.

1. Call to Order

2. Roll Call

Jan Dowker, Chairwoman
Sean Murphy, Secretary
Patrick Dillon
Abigail Smith

Jeff Butler, Vice Chair
Karl Ayers
Chris Kurtz

All matters listed under Item 3, Consent Agenda, are considered to be routine by the Planning Commission and will be enacted with a single vote. If discussion is deemed necessary on an item, that item should be removed from the consent Agenda and considered separately.

3. Approval of Minutes of the August 12, 2021 Planning Commission Meeting

4. Public Hearing: McCloskey Variance, Aaron McCloskey agent

5. Public Hearing: Phoenix Weaponry Sign Conditional Use, Kelly Dunkelberger agent

6. Reports.

7. Adjourn.

The Planning Commission Meeting will be held both in person at Town Hall and virtually through Zoom, and can be accessed via the following Meeting ID number or by using the call-in phone number:

Meeting ID: 816-3598-3852

Call-in Number: 1-669-900-6833

If you require a special accommodation, please contact the Town Clerk 24 hours in advance at (970) 532-2643.



Planning Commission Minutes – August 12, 2021

1. Call to Order – The Planning Commission convened a regular meeting on August 12, 2021. Chairwoman Dowker called the meeting to order at 6:00 p.m.

2. Roll Call – Members present:

Jan Dowker	(Chairwoman)
Sean Murphy	(Secretary)
Karl Ayers	(Commissioner)
Patrick Dillon	(Commissioner)
Chris Kurtz	(Commissioner)
Abigail Smith	(Commissioner)

Staff present:

Curt Freese	(Director)
Jonathan Mitchell	(Permit Technician)

3. Consent Agenda – Minutes from the July 08, 2021 Planning Commission Meeting.

MOTION made by Commissioner Kurtz.

SECONDED by Commissioner Ayers.

With all in favor, THE MOTION CARRIED.

4. Public Hearing: Harvest Ridge South Final Plat (Alex Hoime, agent)

Director Freese introduced the project as a final plat for 65 single family lots on 26 acres.

Alex Hoime spoke about the project as the applicant.

Public Comment was opened at 6:10 p.m.

Public Comment was closed at 6:12 p.m.

MOTION made by Commissioner Murphy.

SECONDED by Commissioner Ayers.

With all in favor, THE MOTION CARRIED.

5. Public Hearing: Farmstead Phase 2 Neighborhood Master Plan and Rezoning (Steve Weins, agent)

Chairwoman Dowker and Commissioner Dillon recused themselves from the remainder of the meeting.

Director Freese introduced the project as a neighborhood master plan request for 1,461 units on 223 acres and a rezoning request across 85 acres to become R1, R2, R3, R4, and C1.

Will Edwards, Steve Weins, David Stranathan, and Justin Beckner spoke about the project as the applicant.

Public Comment was opened at 7:17 p.m.

David Strait of Lawrence Custer Grasmick Jones & Donovan spoke on behalf of McIntyre Ditch Company to voice concerns about maintaining ditch rights.

Michael Cook, Construction Superintendent for Habitat for Humanity, asked that the pipeline from Bacon Lake to the Little Thompson River to be maintained. Mr. Cook also requested a second access point to connect to the east side of the L&M property.

Public Comment was closed at 7:24 p.m.

Commissioners asked about pedestrian crossings at County Road 1, timelines for completion of amenities, and a request for a handicap accessible playground.

MOTION TO APPROVE the Neighborhood Master Plan made by Commissioner Ayers with the following conditions—

- 01. All alleys remain private, and any alley loaded lot must obtain its primary access/garage from the alley.**
- 02. Street connections are considered along the eastern side to the adjoining L&M property.**
- 03. A parking study to consider visitor parking for the attached home area east of County Line Rd and south of Tenderfoot Way is submitted with the preliminary plat submittal.**
- 04. Consideration of a roundabout on County Line Road and Highway 56, along with a Rodell study be provided at the Preliminary Plat stage.**

SECONDED by Commissioner Kurtz.

With all in favor, THE MOTION CARRIED.

MOTION TO APPROVE the Zoning Map Amendment made by Commissioner Smith.

SECONDED by Commissioner Kurtz.

With all in favor, THE MOTION CARRIED.

5. Reports –

Staff and commissioners participated in a development tour of Berthoud last week, and a desire amongst commissioners to have another tour in the Northern Colorado region was expressed.

6. Adjourn –

The meeting was adjourned at 8:00 p.m.



**Garden
Spot of
Colorado**

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STAFF REPORT: MCCLOSKEY VARIANCE

DATE: August 26, 2021

GENERAL INFORMATION

Applicant:	Aaron McCloskey
Site Location:	337 Welch Ave
Applicant's Request:	The Applicant is requesting approval for a variance to allow the expansion of a garage that was built into the existing setback
Current Zoning:	R-1 (Single-Family Residential)

ZONING DISTRICT INFORMATION

	<u>R-1</u>
Max Density	8 Dwelling units per acre
Min. Lot Size	3,500 sqft.
Min. Lot Width	30'
Front Setback	20'
Side Setback	5'
Rear Setback	20'
Building Height:	40'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning/Buffer required if rezoned</u>
North: C-1 (General Commercial)	Single-Family Residence	None
South: R-1 (Single-Family Residential)	Single-Family Residence	None
East: R-1 (Single-Family Residential)	Single-Family Residence	None
West: R-1 (Single-Family Residential)	Single-Family Residence	None

PROPOSAL

The Applicant is requesting approval for a 3 ft. variance to add on to the existing garage within the east side setback at 337 Welch Ave. The R-1 zoning district has a side setback of 5 ft. and the structure is currently 2.5 ft. from the fence line. The addition would not impede any further into the setback than the existing building already does. If approved, the new east side setback would be 2 ft, which would allow for the addition to occur.

CRITERIA/FINDINGS

Section 30-3-108 gives the Planning Commission the authority to authorize variances from the terms of Chapter 30-2, Design Standards, Chapter 30-3, Zoning; and Chapter 30-7 Signs, where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, considering whether (with Staff analysis regarding each point below):

- 1. Such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this code, and;**
 - ✓ The property has been nonconforming for decades.
- 2. Provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood, and;**
 - ✓ The circumstances relating to this property are unique to other properties in the same zoning area in different parts of town. The structure on this property has been existing for decades, and the addition will not increase the violation.
- 3. That the requested variance shall not authorize any permanent use not permitted in the zoning district, and;**
 - ✓ The variance is not authorizing any permanent use not permitted in the zoning district.
- 4. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance, or;**
 - ✓ The hardship on which the request for variance is based is not self-inflicted as the existing structure was built decades ago.
- 5. In circumstances where the property owners affected most directly, e.g. neighbors, concur in writing with the variance that fact shall be given significant (but not conclusive) weight in favor of the request.**
 - ✓ Staff has not received any negative public comments relating to the variance request from nearby property owners or the general public.

PUBLIC NOTICE

Notice of the Planning Commission public hearing has been mailed to property owners within 300 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code.

FINDINGS AND RECOMMENDATIONS

Variance Request

Staff recommends a motion of approval of a 3 ft. east side setback Variance for the McCloskey Variance, finding that:

1. The Variance Request satisfies all of the applicable requirements specified in Section 30-3-108 of the Berthoud Municipal Code.

ZONING MAP

R2

2ND

ML

MASSACHUSETTS

3RD

C1

M1

MOUNTAIN

C1

8TH

WELCH

R1

LEWIND

R3

BIMSON

R3

R3

R2



HUMMINGBIRD

ENDING BRO

5TH

R1

R5

FSPRICE

THE INTENT OF THESE DRAWINGS IS TO PROVIDE STRUCTURAL, FOUNDATION, SAFETY, AND DESIGN INFORMATION NECESSARY TO OBTAIN A BUILDING PERMIT. THE CONTRACTOR IS RESPONSIBLE FOR SECONDARY DECISIONS REGARDING, BUT NOT LIMITED TO, FINISHES, TRIM, DECORATIVE ELEMENTS, FLASHING, CAULKING, WEATHERPROOFING, NON-STRUCTURAL ELEMENTS, LIGHTING AND PLUMBING FIXTURES, MECHANICAL EQUIPMENT, ETC., AND PROPER INSTALLATION OF ALL WORK IN ACCORDANCE WITH STANDARD INDUSTRY PRACTICE AND THE RELEVANT BUILDING CODES.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS

CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION, INCLUDING BRACING, SHORING, TEMPORARY SUPPORT, AND PROTECTION OF EXISTING UTILITIES.

ANY CHANGES, ALTERATIONS, OR DEVIATIONS FROM THESE PLANS
REQUIRES CONSULTATION AND APPROVAL FROM THE ARCHITECT.

SCOPE OF PROJECT IS CONSTRUCTION OF A NEW
SECONDARY STRUCTURE FOR OFFICE USE.

FOUNDATION DESIGN WAS BASED ON SOILS REPORT BY
CDS ENGINEERING, INC., DATED FEBRUARY 5, 2021,
PROJECT #21-0714. SOIL BEARING CAPACITY IS
1,500 PSF MAXIMUM.

ALL FOOTINGS SHALL BEAR ON UNDISTURBED SOIL
AS SHOWN ON THE RELEVANT FOUNDATION DETAILS.

NOTIFY ARCHITECT FOR OPEN HOLE INSPECTION
OF EXCAVATION TO CONFIRM SOIL PROFILE.

CONCRETE SHALL PROVIDE 3000 PSI COMPRESSION STRENGTH @ 28 DAYS
MAX. 3/4" AGGREGATE, MAX. SLUMP 4", USE TYPE I OR II CEMENT.

REBARS SHALL BE GRADE 60 DEFORMED STEEL

OVERLAP ALL REBAR SPLICES MIN. 1'9" AND TIE IN MIN. 3 PLACES
FOLLOW ACI GUIDELINES FOR CONCRETE CONSTRUCTION

PLACE NO BACKFILL AGAINST CONCRETE WALLS UNTIL MIN. 7 DAYS
AFTER CONCRETE POUR, AND MAIN FLOOR FRAMING IS IN PLACE.

FRAMING LUMBER SHALL BE HEM-FIR #2, WITH STUDS @ 16" O.C. SPF LUMBER MAY BE USED IN NON-BEARING PARTITION WALLS. LUMBER IN CONTACT WITH CONCRETE SHALL BE PRESSURE-TREATED OR ROT-RESISTANT SPECIES.

LAMINATED VENEER LUMBER (LVL) MATERIAL SHALL PROVIDE MIN. 2600 PSI Fb, AND GRADE 1.9E.

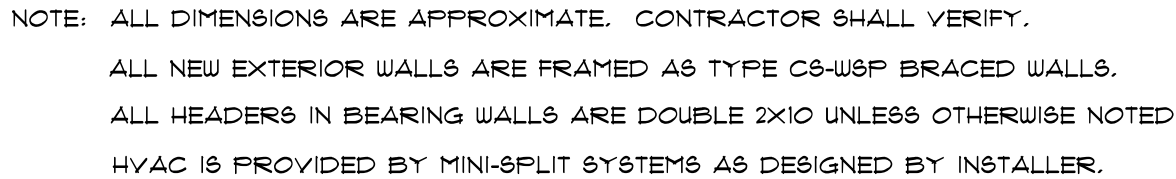
WALL SHEATHING SHALL BE APA RATED 7/16". INSTALL
ACCORDING TO MAN'R INSTRUCTIONS. NAIL TO STUDS
WITH 8d NAILS @ 4" O.C. ON PANEL EDGES, 12" O.C. ON
INTERMEDIATE STUDS. BLOCK ALL UNSUPPORTED PANEL EDGES.

ROOF SHEATHING SHALL BE APA RATED MIN. 7/16" UNLESS OTHERWISE NOTED. INSTALL ACCORDING TO MAN'R INSTRUCTIONS. NAIL TO STRUCTURE WITH 8d NAILS @ 6" O.C. STAGGER PANEL END JOINTS, AND INSTALL WITH LONG AXIS PERPENDICULAR TO JOISTS.

TRUSSES SHALL BE ENGINEERED BY THE MAN'R. ALL HANGERS AND CONNECTORS SHALL BE SUPPLIED BY MAN'R IN ACCORDANCE WITH LOADS DERIVED BY THE TRUSS DESIGN.

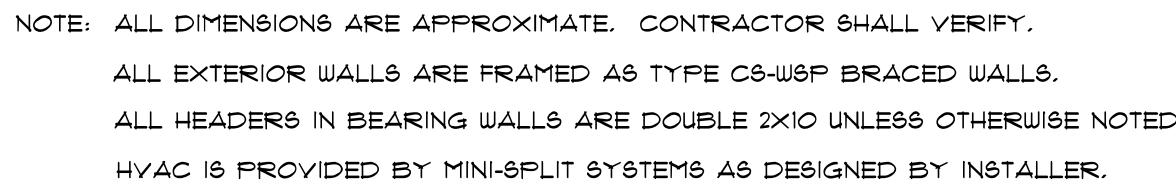
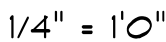
ALL OTHER FRAMING CONNECTORS, HANGERS, AND ANCHORS SHALL BE SIMPSON STRONG-TIE OR EQUAL. INSTALL ACCORDING TO MAN'R INSTRUCTIONS.

INSTALL ALL NAILS IN ACCORDANCE WITH IRC
TABLE 602.3(1) UNLESS OTHERWISE NOTED.


$$1/4'' = 1'0''$$


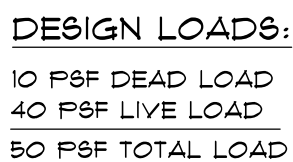
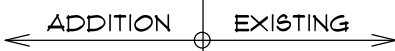
☐ CARBON MONOXIDE/SMOKE DETECTOR

☐ SMOKE DETECTOR

$$1/4'' = 1'0''$$


☐ CARBON MONOXIDE/SMOKE DETECTOR

☐ SMOKE DETECTOR

$$1/4'' = 1'0''$$
 $1/4'' = 1'0''$ 
$$1/4'' = 1'0''$$

$$1/4'' = 1'0''$$

ARCONSTRUCTURE, LLC
Architecture + Construction

Joe Bastian, Registered Architect
PO Box 54
Masonville, CO 80541
(303) 631-7225

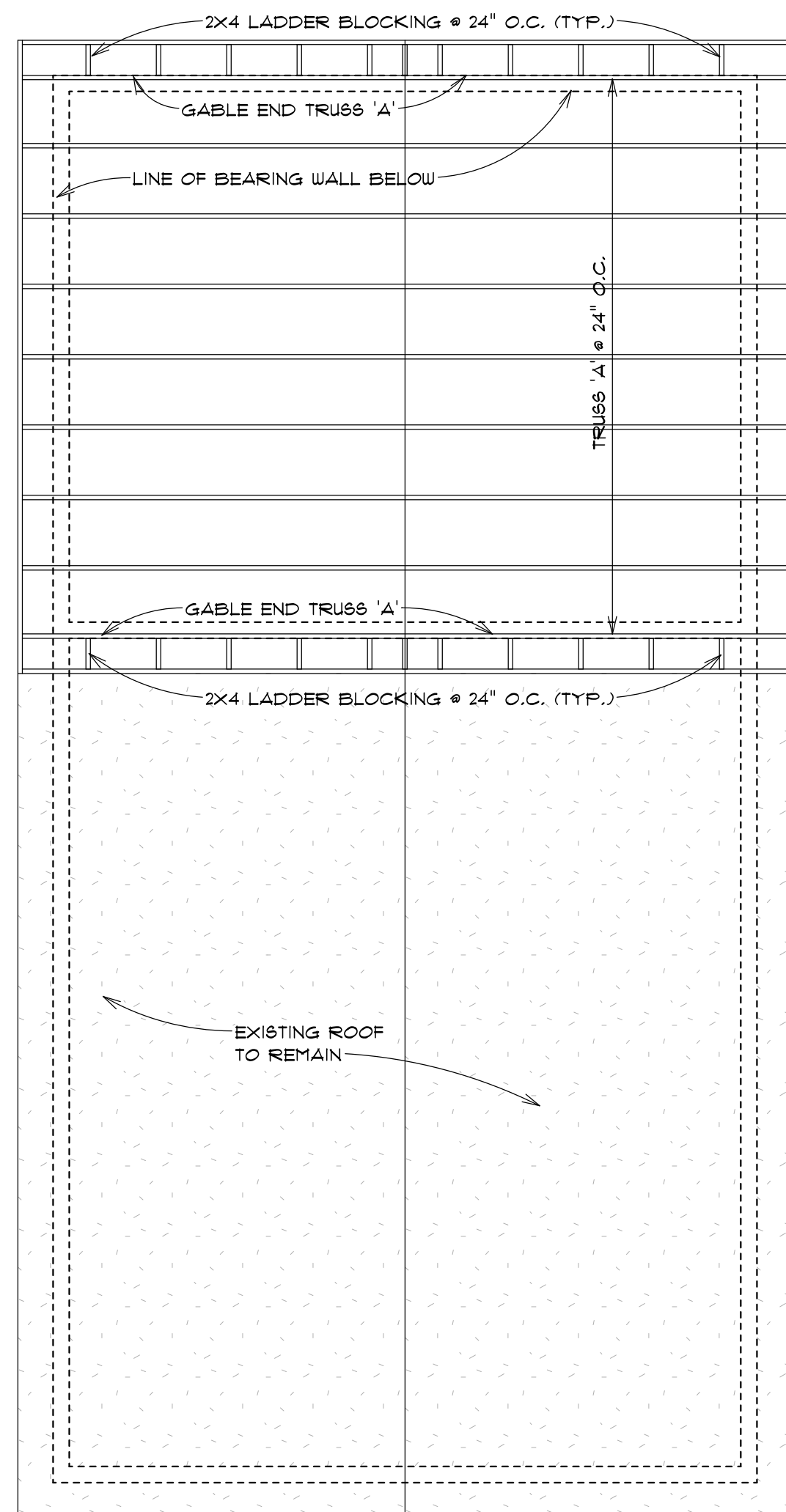
McCloskey Garage

3337 WELCH AVE, PARCEL # 9423120010

BERTHOLD, CO

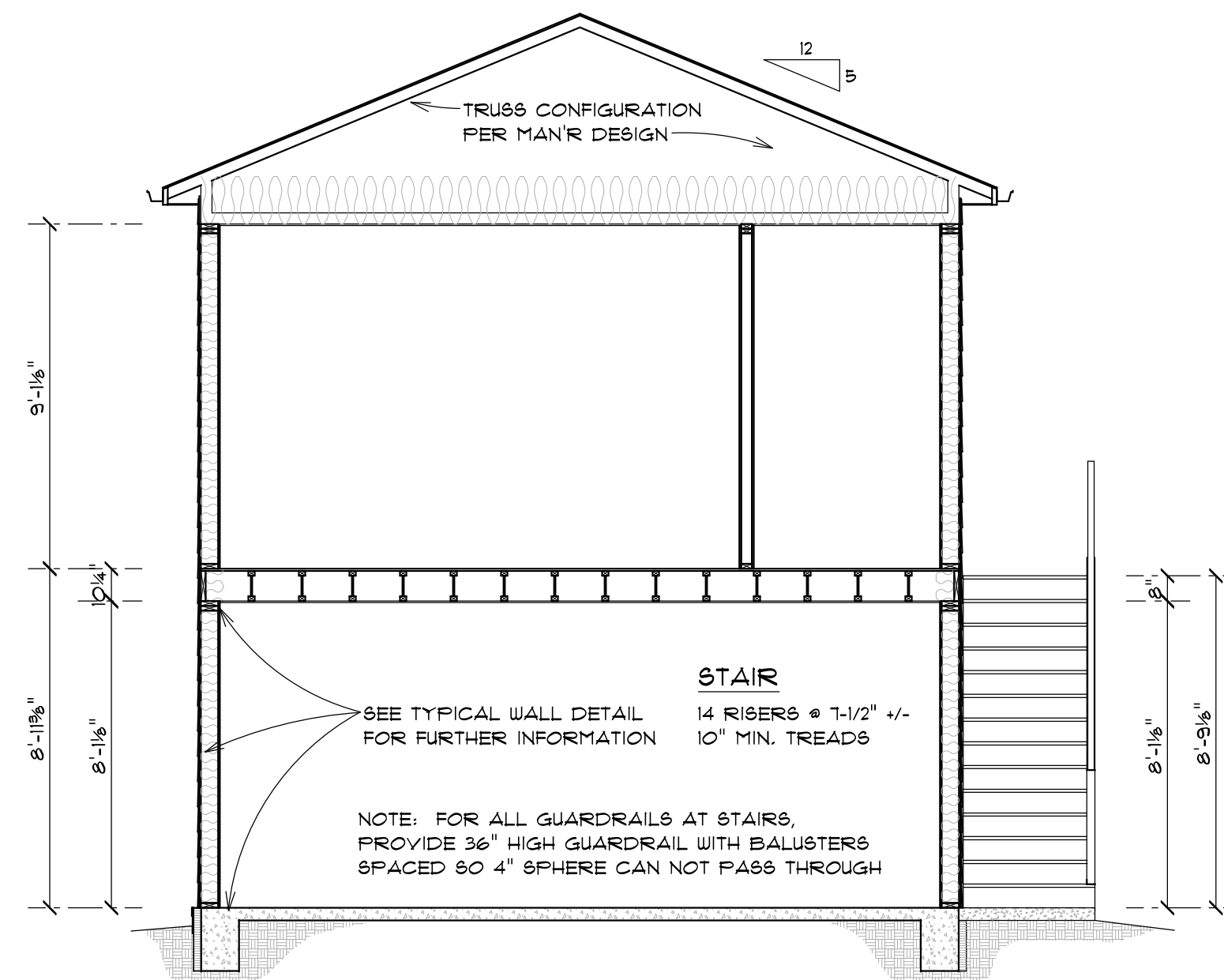
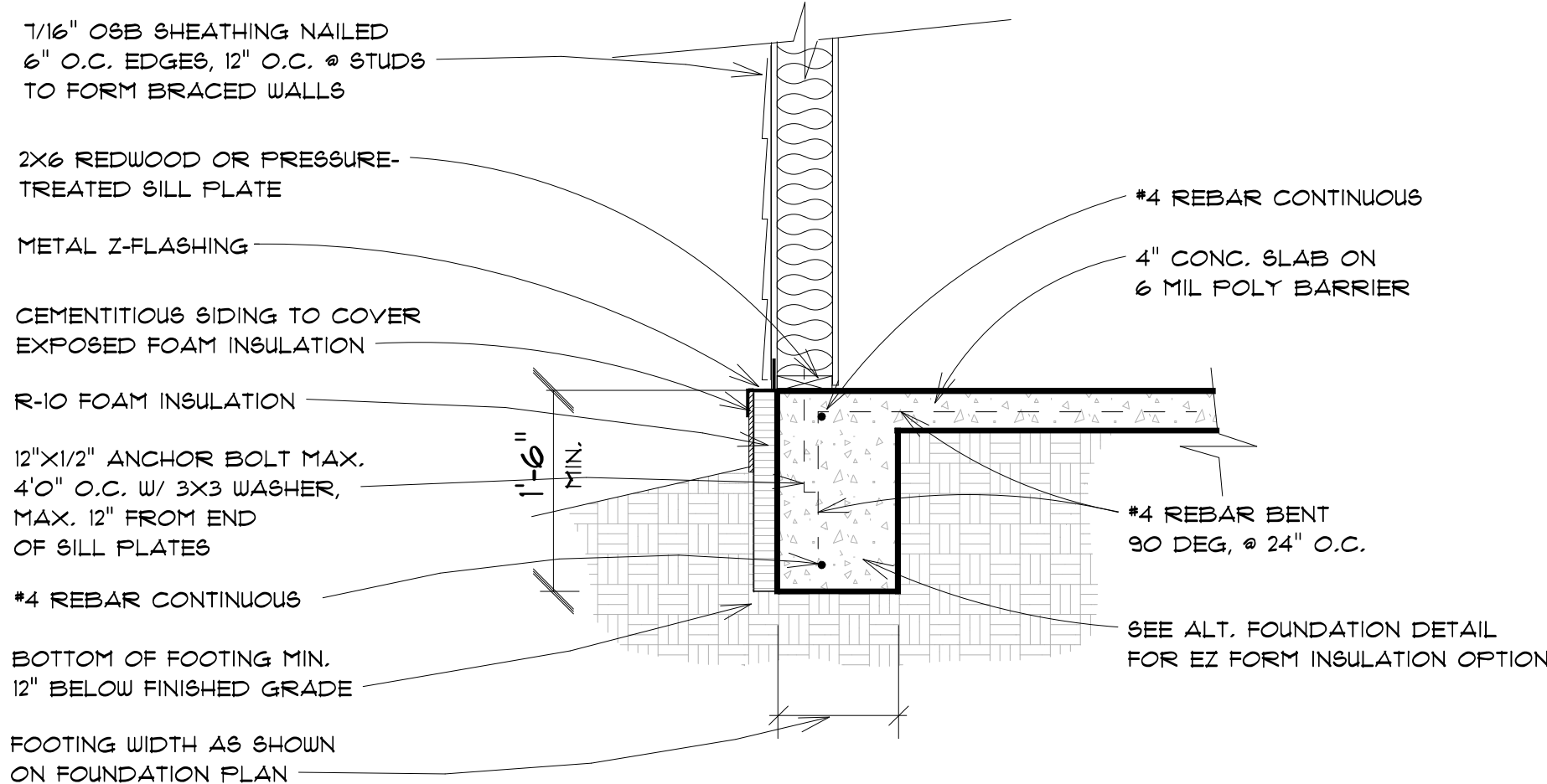
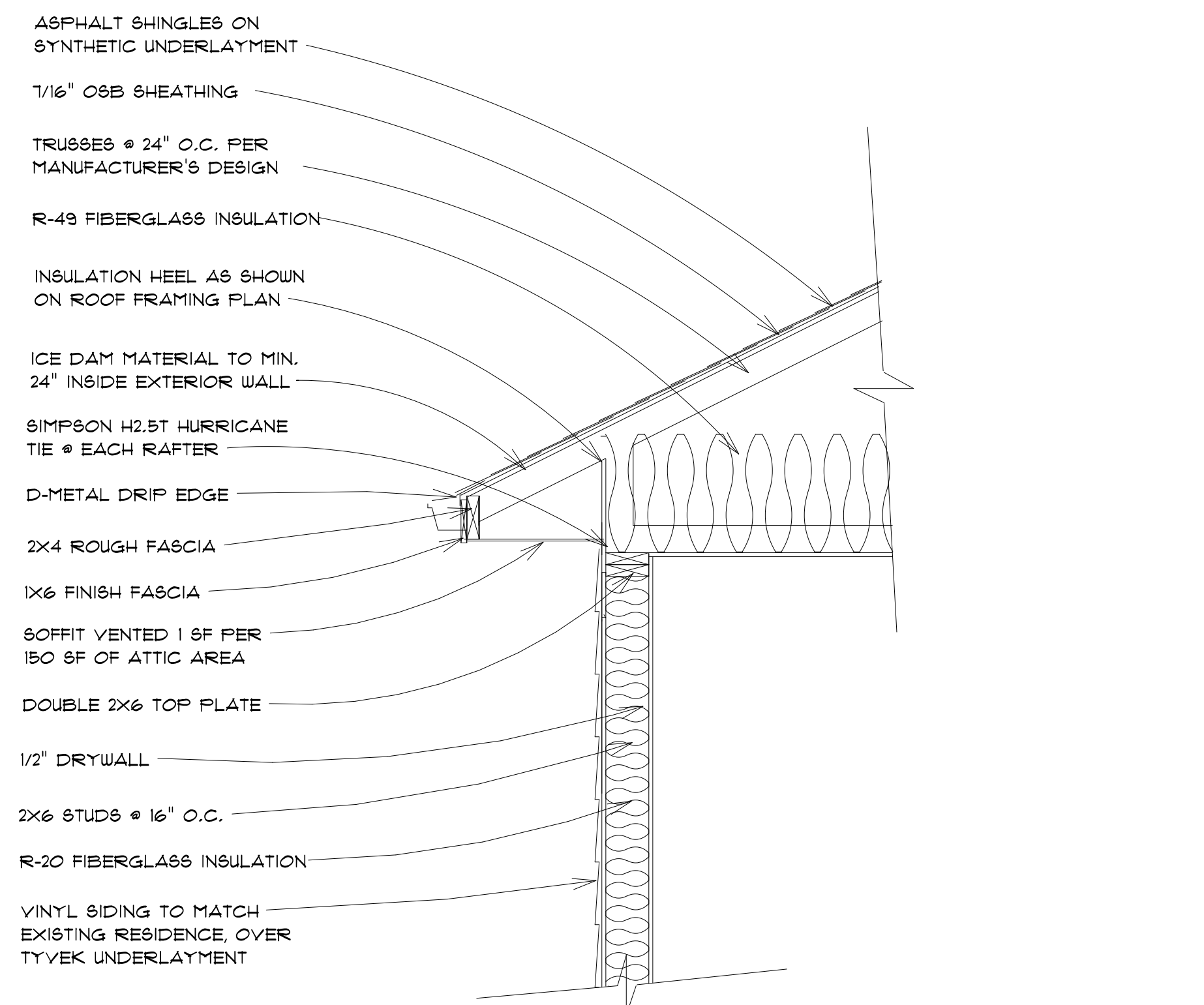
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(C) 2021	P* 20251
JUNE 23, 2021	
A-1	



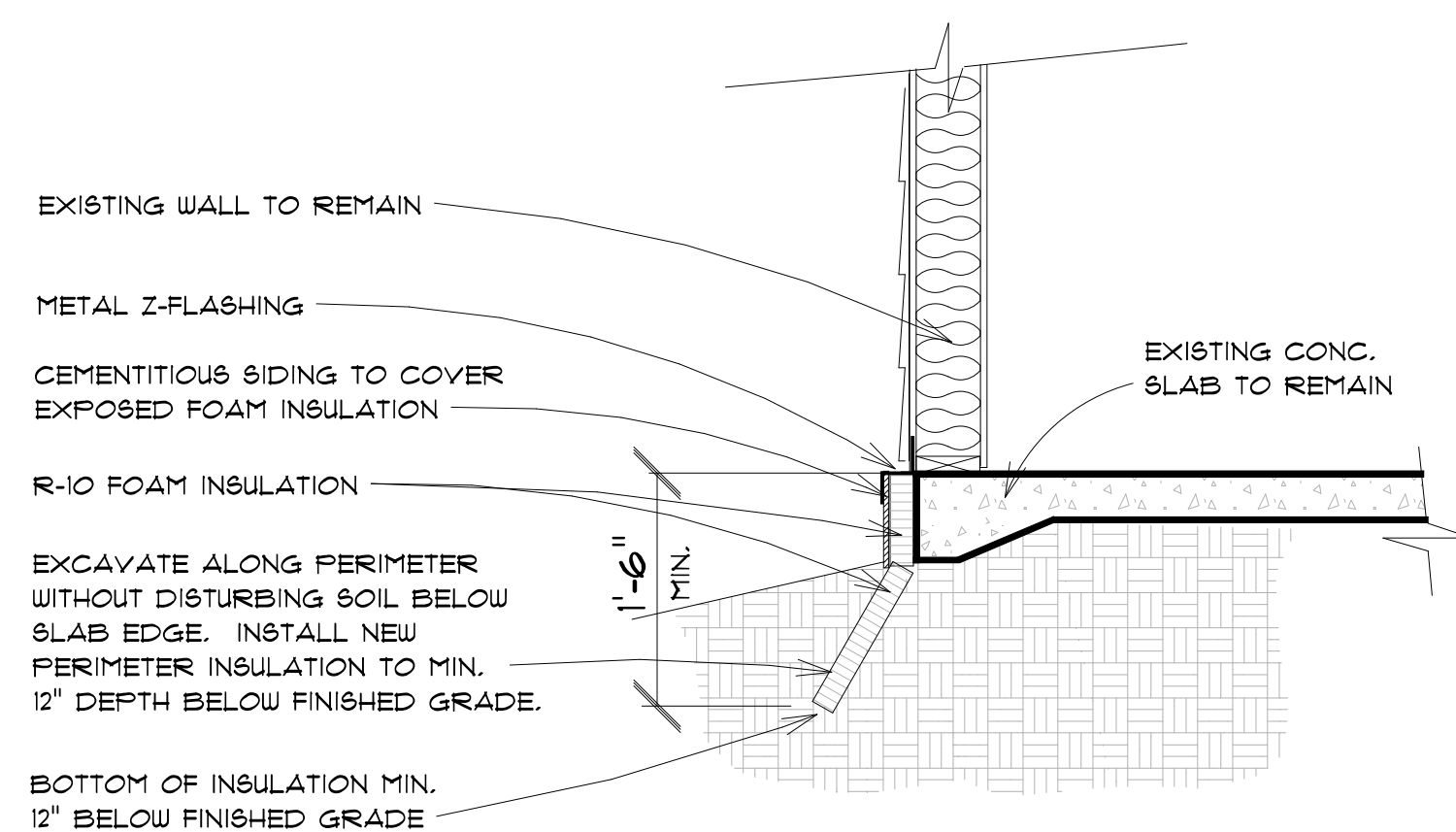
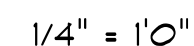
ALL TRUSSES ARE 24" O.C. UNLESS OTHERWISE NOTED

15 PSF DEAD LOAD
30 PSF GROUND SNOW LOAD
WIND LOAD = 115 MPH

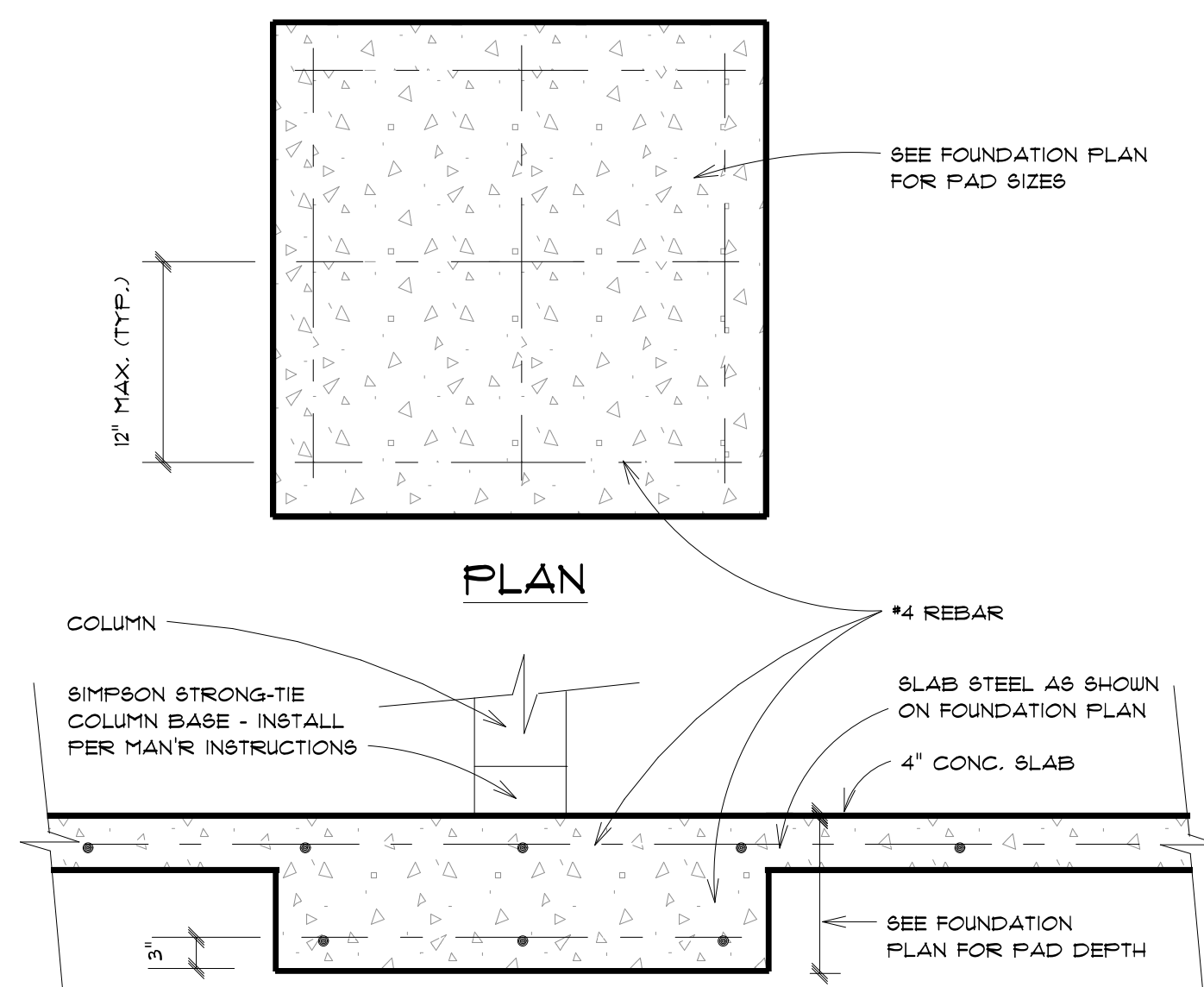

$$\frac{1}{4}'' = 1'0''$$


AIR FREEZING INDEX = 1000

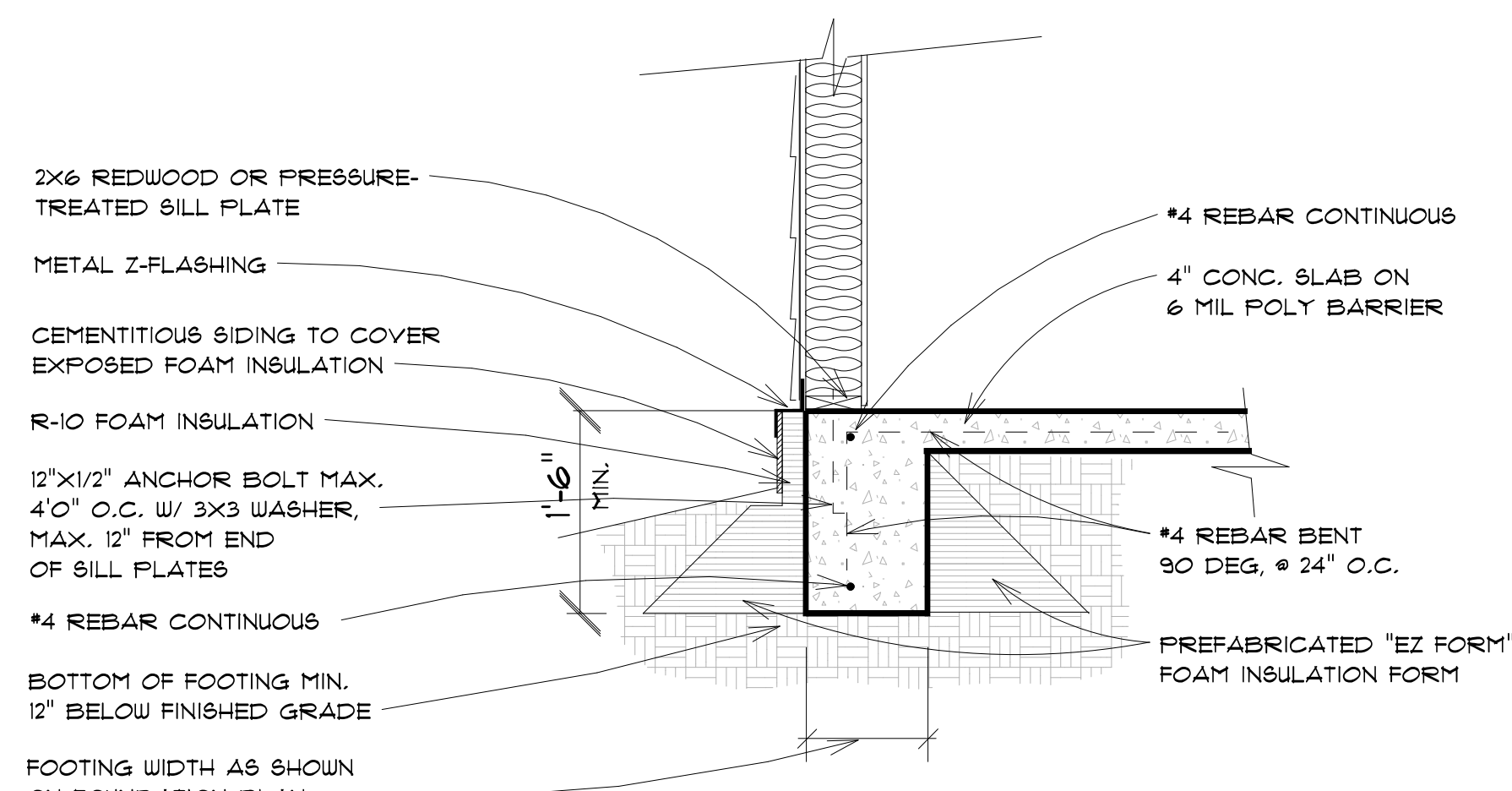
SCALE: 3/4" = 1'0'



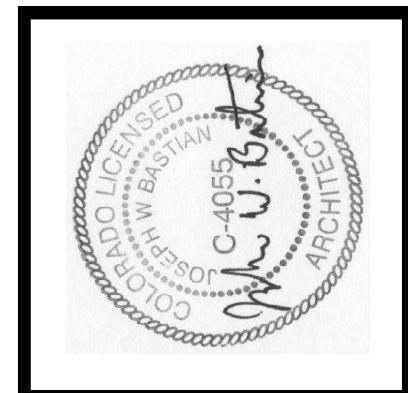
SCALE: 3/4" = 1'0"



SCALE: 3/4" = 1'0"



SCALE: 3/4" = 1'0"



Joe Bastian, Registered Architect
PO Box 54
Maconville, CO 80541
(970) 631-7725

McCloskey Garage

33T WELCH AVE, PARCEL # 9423120010
BERTHOUD, CO

[illegible]

(C) 2021	F# 2051
JUNE 23, 2021	
A-2	

Welch Ave

Welch Ave

N Fourth St

N Fourth St



337 Welch Ave

it appears that the neighbors fence has encroached on their property but the existing structure is 2'6" off of fence line

new 16x20
addition

16'

20'

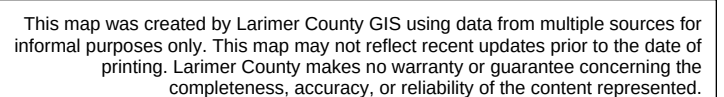
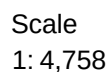
20' from fence
line to new
addition and 36"
to existing garage



NOTICE MAP



- ## Notes



Date Prepared: 7/15/2021 10:05:23 AM

To Whom It May Concern,

I would like to express my support for the garage expansion plan at 337 Welch Ave. The building plan will not impact my property value or lifestyle and I see no reason why Aaron McCloskey and Emily Taylor should not be able to proceed with their plan.

Thanks so much,

Name: Erin Baynes

Signature: 

Address: 327 Welch Ave.
Berthoud, Co.
80513

To Whom It May Concern,

I would like to express my support for the garage expansion plan at 337 Welch Ave. The building plan will not impact my property value or lifestyle and I see no reason why Aaron McCloskey and Emily Taylor should not be able to proceed with their plan.

Thanks so much,

Name: Whitney Way

Signature: 

Address: 349 Welch Ave Berthoud, CO 80513

To Whom It May Concern,

I would like to express my support for the garage expansion plan at 337 Welch Ave. The building plan will not impact my property value or lifestyle and I see no reason why Aaron McCloskey and Emily Taylor should not be able to proceed with their plan.

Thanks so much,

Name: Lynsey Morgan

Signature: 

Address: 390 Welch Ave
Berthoud, CO 80513

To Whom It May Concern,

I would like to express my support for the garage expansion plan at 337 Welch Ave. The building plan will not impact my property value or lifestyle and I see no reason why Aaron McCloskey and Emily Taylor should not be able to proceed with their plan.

Thanks so much,

Name: Robb Deeter

Signature: 

Address: 326 4th St. Burnham 86513



**Garden
Spot of
Colorado**

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STAFF REPORT: PHOENIX WEAPONRY SIGN CONDITIONAL USE/USE BY SPECIAL REVIEW

DATE: August 26, 2021

GENERAL INFORMATION

Applicant:	Kelly Dunkelberger, Agent for Phoenix Weaponry
Site Location:	550 N 2 nd St
Applicant's Request:	A conditional use application for an off-site sign to be erected on Berthoud Storage's property at 550 2 nd St for a business at 504 2 nd St.
Current Zoning:	M-2 (Industrial)

ZONING DISTRICT INFORMATION

	<u>M-2</u>
Max Density	N/A
Min. Lot Size	N/A
Min. Lot Width	50'
Front Setback	25'
Side Setback	0' (20' abutting a different zoning district)
Rear Setback	20'
Building Height:	50'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning/Buffer required if rezoned</u>
North: M-1 (Light Industrial)	Industrial Uses	None
South: M-1 (Light Industrial)/M-2 (Industrial)	Industrial Uses	None
East: M-1 (Light Industrial)	Industrial Uses	None
West: M-1 (Light Industrial)	Industrial Uses	None

PROPOSAL

The applicant is requesting conditional use approval for an 8.5'x 12' off-site sign at 550 N. Second Street. The sign, should it be approved, would advertise Phoenix Weaponry which operates out of 504 N. Second Street. Every business is allowed on-site signage for each public street frontage, but this on-site signage is limited to the businesses located on-site or at that specific property. Off-site signs (billboards or any sign located on a property in which the business is not operating and located on the same property) are prohibited.

In this case, 504 Second Street was developed (and platted and developed many decades ago) without any direct frontage on Second Street, and instead relying on an alley off Second Street for access. The storage unit property at 550 N. Second Street does have direct access onto Second Street; the owner of 550 N. Second Street has consented to this application. Should the sign be approved, it would satisfy basic sign setbacks and sight clearance afforded on-site signs.

Development Code Requirement on Off-Site Signs

Off-site signs are prohibited in the Town of Berthoud unless they receive conditional use approval under Section 30-7-109 H: "Off-premises signs. Off-premises signs, also known as off-site signs, are permitted with a conditional use permit."

Explanation of Conditional Use Approval Process

Conditional Uses, or Uses by Special Review, are intended for zoning land uses which may fit into the surrounding area, if specific conditions of approval are placed upon them. These are uses which may create negative externalities (noise, aesthetics, traffic, etc.), that as aforementioned may either be made to fit within the surrounding uses with reasonable conditions to mitigate the use, or uses that should be turned down, as they are not compatible with the surrounding area.

The Planning Commission acts as quasi-judicial body during Conditional Use applications; therefore any conditions placed on approval, must have reasonable nexus to the use being approved. Conditional Use conditions placed on the property, run with the use and the property, and continue throughout the legal existence of the use. Should a condition of approval not be followed, the PC and the Town has the authority to cause a rehearing, and potentially turn down the use, or place new conditions upon it.

CONDITIONAL USE CRITERIA

Section 30-3-106 Conditional Use review criteria. The Town may approve a conditional use application if it finds that each of the following criteria are satisfied:

1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
 - ✓ N/A, off-site signage is only allowed with a Conditional Use application.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.
 - ✓ The Innovation District proposes a design overlay along First Street, and general improvement of the industrial area. The sign should not impact this vision.
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
 - ✓ The sign does not place any burden on any of these public utilities or improvements.
4. The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.
 - x. The sign may impact the aesthetic character of the district and negatively impact the development of the adjoining commercial and industrial uses.
 - ✓ The district is industrial in nature, developed decades before regulation, with smaller non-campus like industrial uses.
5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 - ✓ From a traffic perspective, allowing a sign demarcating the business at 504 N. Second Street may improve traffic flow and safety as trucks and visitors to the business will be able to more easily locate the business from the street.
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.
 - x. Staff has concerns about allowing such a large sign and its impact on the aesthetics of the corridor. Off- site signs create sign pollution which detracts from the design and aesthetics of a critical corridor into Town.
7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.
 - ✓ Should the request be approved, proper permits must be obtained.

PUBLIC NOTICE

Notice of the Town Board public hearing has been mailed to property owners within 300 feet of the subject property, a legal ad published, and the property was posted as required.

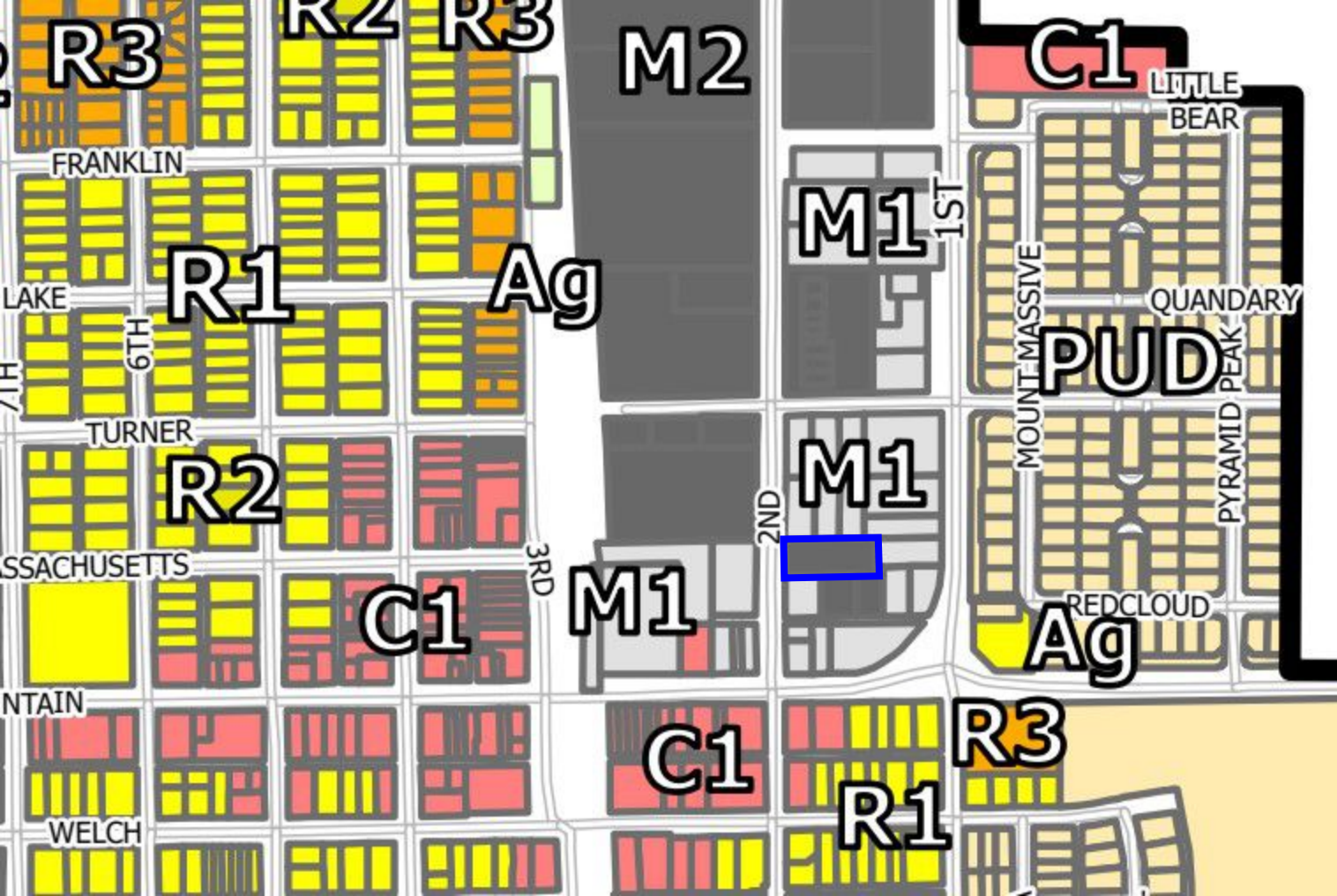
FINDINGS AND RECOMMENDATIONS

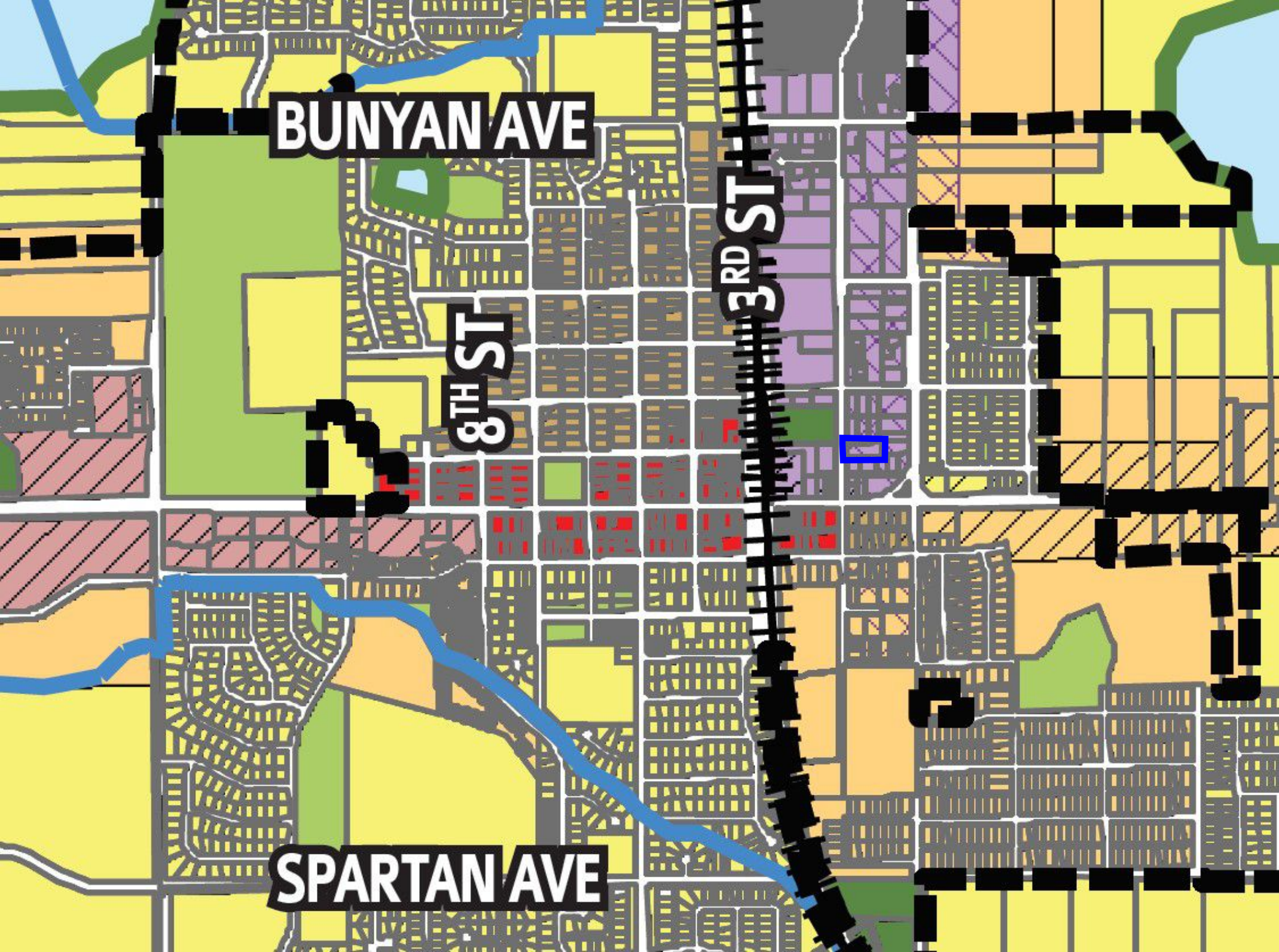
Phoenix Weaponry Off-site Sign Conditional Use 550 N. Second Street:

Staff recommends approval of the conditional use request, as it satisfies conditions 1,2,3,4 ,6 of Section 30-3-106 (found on page 3 of this Staff Report), with the following conditions:

1. The sign be no more than 3' x 4' in total sign area,
2. The sign be no more than 4' in height with base.
3. The Sign shall not be internally lit, and any lighting shall be downward cast and satisfy dark sky requirements.
4. A sign easement on 550 N. Second Street is recorded for use by 504 N Second Street; proof of said easement must be presented before a permit may be issued.

**ZONING
AND
PREFERRED
LAND USE
MAP**





BUNYAN AVE

8TH ST

3RD ST

SPARTAN AVE

Larimer County Web Map



Legend

Addresses	Railroads	City or Town
Subdivisions	Major Road System	County
Tax Parcels	Road System	State
Platted Lots	Lakes and Ponds	Federal
Home Owners Assoc & Severed Minors	Major Rivers and Streams	Other

Notes

Sign will be 10' from 2nd St and inline with the fencing on property.

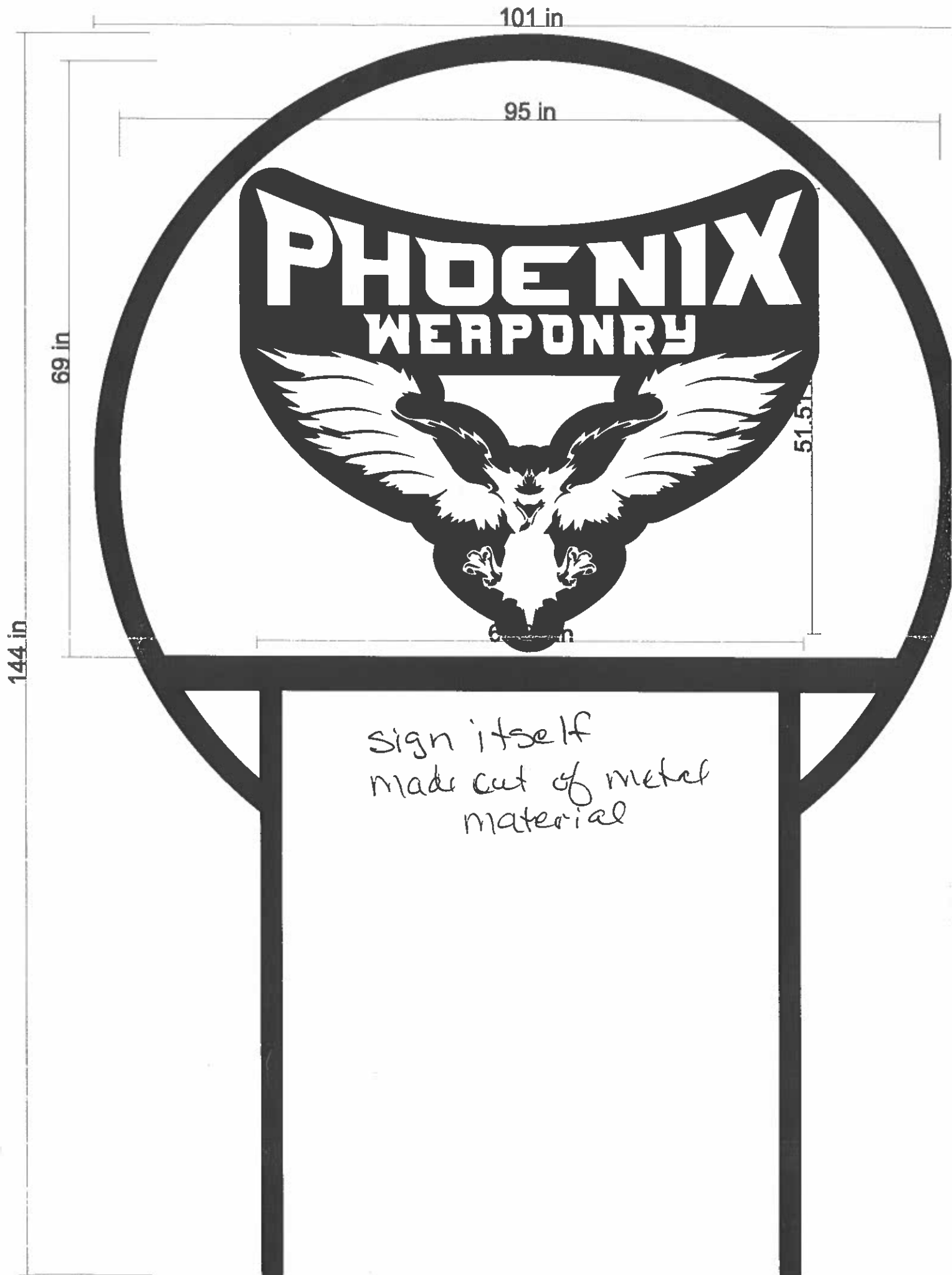
0.0 0 0.0 Miles

Date Prepared: 7/7/2021 10:01:29 AM

Scale
1:600



This map was created by Larimer County GIS using data from multiple sources for informal purposes only. This map may not reflect recent updates prior to the date of printing. Larimer County makes no warranty or guarantee concerning the completeness, accuracy, or reliability of the content represented.



101 in

95 in

69 in

51.5 in

6 in

144 in

sign itself
made out of metal
material

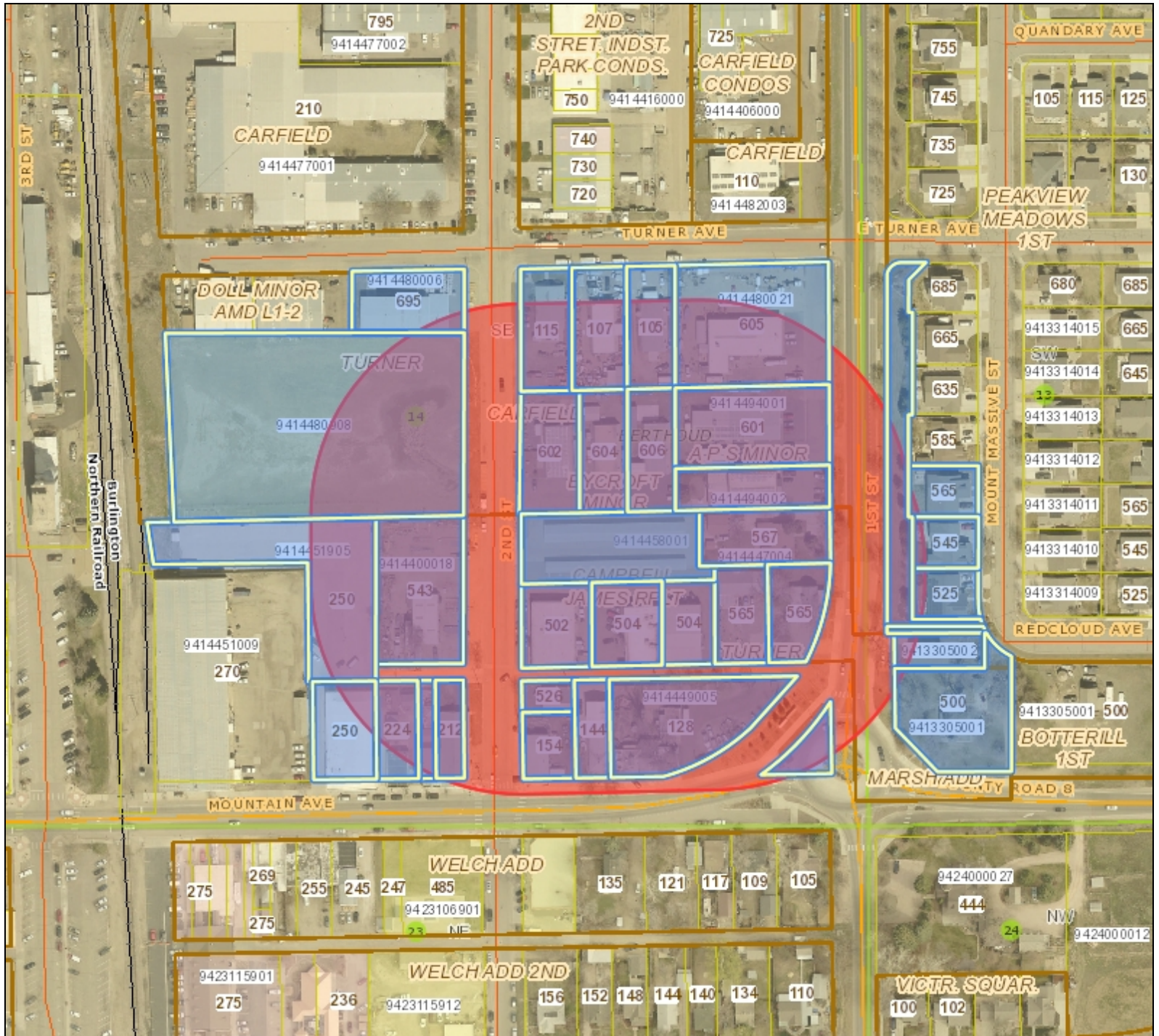






**NOTICE
MAP
(NO
RESPONSES)**

Larimer County Web Map



Legend

Addresses	Road System	State
Subdivisions	Lakes and Ponds	Federal
Tax Parcels	Major Rivers and Streams	Other
Recorded Dimensions	Rivers and Streams	
PLSS Township and Range	County Boundary	

Notes

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0.0 0 0.0 Miles

Date Prepared: 7/12/2021 11:15:20 AM

Scale
1: 2,379



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