



## PLANNING COMMISSION

Bruce Davis  
Lynne Derby  
Lucas Marone

Mike Simone, Chairperson

Dan Parrish  
Paul Weber  
Bushrod White, Vice-Chairperson

**Planning Commission Agenda  
Regular Meeting  
Tuesday, November 8, 2016  
6:00 P.M.**

*(Order & Contents Subject to Change by Action of the Commission)*

**Call to Order – Roll Call**

**Approval of Agenda**

**Consent Agenda** – Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- a. Approval of the Minutes of the November 1, 2016 meeting

**Discussion Items**

- b. **MSD2016-001**      Thomas Minor Subdivision
- c. Upcoming land use applications and updates

**Future Business**

# MINUTES

**RECORD OF PROCEEDINGS  
FORT LUPTON PLANNING COMMISSION  
November 1, 2016**

The Planning Commission of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Planning Commission, on Tuesday, November 1, 2016. Chairperson Mike Simone called the meeting to order at 6:04 p.m.

**ROLL CALL**

Planning Technician Mari Peña called the roll. Those present were Chairperson Mike Simone, Commission members Bruce Davis, Bush White, Dan Parrish, Lucas Marone and Paul Weber. Also present were Planning Director Todd Hodges, Planner Alyssa Knutson, and Planning Technician Mari Peña.

**APPROVAL OF AGENDA**

It was moved by Bruce Davis and seconded by Dan Parrish to approve the Agenda as submitted.

Motion carried unanimously by voice vote.

**CONSENT AGENDA**

It was moved by Bush White and seconded by Bruce Davis to approve the Consent Agenda as submitted. The following item was part of the Consent Agenda:

Approval of the Minutes of the September 20, 2016 meeting.

Motion carried unanimously by a voice vote.

**DISCUSSION ITEMS**

**P2016-007 Dave's Earthworks, Inc.'s Site Plan and Special Use Permit**

The Planning Chair disclosed that he knows Kelly Deitman personally and Ms. Deitman notified him that she would be attending the meeting; however, he noted that no conversation occurred over the project.

The Planning Chair asked for a brief description of the project.

The City Planner, Alyssa Knutson, stated the site plan was for a landscape business, Dave's Earthworks Inc., located west and adjacent to County Road 27 and approximately one-half mile north of County Road 8 on Lots 2 and 3 of the Yarbrough Acres Minor Subdivision. The property contains two (2) parcels currently zoned I-1 Light Industrial and contains approximately ten (10) acres. The southern parcel will have the majority of the planned improvements for Phase 1 of the project and is directly north of Maxum Enterprises (d/b/a Pilot Thomas). The northern parcel for this project is a planned Phase II and will include

**RECORD OF PROCEEDINGS  
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November 1, 2016**

drainage and septic improvements and landscaping. The special use permit for this project includes three (3) above ground fuel tanks. Ms. Knutson indicated all notification requirements have been met and stated Kerr McGee Oil and Gas has submitted a letter, dated November 1, 2016, informing the City of an oil and gas lease on the property. Kerr McGee Oil and Gas is requesting the applicant identify the existing well location with a 200' setback on the site plan.

The Planning Director, Todd Hodges stated that due to the letter from Kerr McGee Oil and Gas, a condition of approval be added that the owner shall delineate the well and setback prior to recording the site plan map.

The Owner, Dave Hunt, and his Representative, Kelly Deitman, are present for the hearing and have prepared a presentation.

Kelly Deitman, an architect for Halcyon Design LLC, presented the proposed project. The address to the site will be 3355 County Road 27 and includes two (2) parcels. The property to the north is residential along with two (2) properties to the east and across the street are also residential. Street pictures of the north and south views were provided indicating the ditch along the east property line and west of County Road 27. A chain link fence similar to the surrounding properties on the south and west will be placed on the north and east. Due to the ditch, the current temporary access is from Maxum Enterprises LLC. There is an agreement to use the access until access over the ditch is approved by the ditch company. The existing storage building will remain and the owner is currently storing a minimum amount of vehicles on site. The landscape materials will be stored on the northern parcel. The site plan includes one entry point for the two (2) parcels. The septic and leach field will be constructed and a large detention pond will service both lots. Ms. Deitman also indicated the location of three (3) fuel tanks on the site plan. She noted that comments received from the Fort Lupton Fire Protection District indicated a need for a 20 foot wide access drive to loop around the main building. She noted she will be having further discussions with the Fire District regarding the access drive. Also presented, were the front elevations of the main office, utility plans, and type of lighting fixtures. The landscaping plan consists of landscaping surrounding the property.

Dave Hunt, the owner of Dave's Earthworks, Inc., gave a brief overview of his business. He indicated his operation is typically small, with 33 employees but no more than 50. On the north parcel he plans for concrete and asphalt recycling, but added that it is not a big operation. He is coordinating with the ditch company to provide access from County Road 27 to his property. The ditch company will need to shut off the water in order for him to construct the access.

The Planning Chair opened the public hearing at 6:24 p.m. however there was no public. The public hearing was closed at 6:24 p.m.

The Planning Chair asked Ms. Deitman about the chain link fencing on the property.

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The Planning Director indicated that the fence needs to be addressed because all outside storage must be screened. The fence must be delineated on the site plan and requires a building permit.

The Planning Chair asked if sidewalk is being proposed. Mr. Hunt indicated that a public sidewalk is not being proposed.

Member Lucas Marone asked for clarification on the number of tanks and their volume. Mr. Hunt indicated that two (2), 6,000 gallon tanks and one (1) 4,000 gallon tank is being proposed. Mr. Hodges stated that there are State requirements for the fuel tanks and the Fire District must also approve the tanks. A new condition has been placed on the Resolution to address the maximum volume permitted for each tank.

Member Dan Parrish asked if a septic system is provided to the existing building. Ms. Deitman answered that the current storage building is not connected to a septic system. He noted concern over the flat land on this property and water saturating the leach field. Ms. Deitman indicated that the building would be constructed at a high point on the property for water to drain away from the building. Mr. Hunt added that the sub detention areas will also have adequate drainage as well as the septic and leach field. Mr. Parrish noted that stipulations were made for a 100 year flood and he thought the Colorado mandated planning for a 500 year flood. The Planning Director stated that the standard that was used was directed from Public Works and should be sufficient. Mr. Parrish also inquired about the "future flows and the loop to hit the capacity" and what that referred to. Ms. Deitman indicated that the Fire District was referring to the sprinkler system for the main building.

Member Bush White inquired over the chain link fence and asked if any other type of fence was proposed. Mr. Hunt indicated that he is open to suggestions on the fence. Discussion occurred over security and type of fences.

Mr. White asked if the landscape will have an irrigation system to keep the landscape from dying. The City Planner, Alyssa Knutson, indicated that a condition of approval (Item No. 2 on the Resolution) states, "Dead and dying landscaping material shall be replaced at the earliest reasonable date as determined by the City." This should cover any concerns over the dying landscape.

Member Bruce Davis asked if there a requirement for a fence along the northern property line. Mr. Hodges added that the fence could be labeled as an option to the owner.

Mr. Davis also inquired over the 20 foot access required by the Fire District. Mr. Hodges explained that the access drive is providing access to fire trucks around the main building. This will keep any vehicles from blocking the fire trucks in case of emergency.

**RECORD OF PROCEEDINGS  
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Member Paul Weber asked about setbacks for the leach field. Mr. Hunt answered that there are setbacks from the ditch. Mr. Hodges added that a septic permit must be obtained from the Weld County Health Department. Ms. Deitman indicated that the septic tank is at least 50 feet away from the ditch. Mr. Hodges indicated that prior to Certificate of Occupancy, the owner must provide evidence of a final permit.

The Planning Chair asked if there was a requirement to connect to the City sewer line. Mr. Hodges indicated that there is a requirement to connect to the City's water line; however, he does not believe there is a requirement for sewer connection. Mr. Hodges will review the Annexation Agreement for sewer connection requirements.

The Planning Chair asked if the applicant would agree to install a "decorative" gate at the entrance of the property for staff approval. The applicant agreed and it was determined that this requirement would be added as a condition of approval on the Resolution.

Dan Parrish made a motion to approve Resolution P2016-007 and Bush White seconded the motion.

Mr. Hodges proposed that the following conditions be added to the Resolution:

Item I (d) (8). The existing wells oil and gas well shall be delineated on the plat.

Item I (d) (9). The three (3) proposed fuel tank sized shall be limited to two (2) tanks that are no more than 6,000 gallons each and one (1) tank to be no more than 4,000 gallons, and all three (3) fuel tanks must be approved by the Fire District and labeled on the site plan.

Item I (d) (10). The applicant shall delineate an optional chain link fence along the perimeter of the property.

Item I (d) (11). A decorative gate for the entrance shall be proposed and approved by the Fire District and City Staff.

The Planning Chair asked Dan Parrish if he approved the additional conditions. Dan Parrish approved the changes to the Resolution and Bush White seconded the motion. There being no further discussion, motion passed on voice vote.

**Upcoming land use applications and updates**

The Planning Chair asked that a planning refresher workshop with DOLA be coordinated for the new members on the Planning Commission.

The City Planner, Alyssa Knutson, indicated that the next meetings will be on Tuesday, November 8, 2016 for a minor subdivision, and Tuesday, November 29, 2016 for a change of zone.

**RECORD OF PROCEEDINGS  
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November 1, 2016**

Ms. Knutson presented the members with the adopted changes to the Commercial and Industrial Zone Districts. She briefly updated members on the status of the Comprehensive Plan update and encouraged members to provide feedback on the new webpage at [picturefortlupton.com](http://picturefortlupton.com). She also confirmed that the members received the link to current development projects on the City webpage so they can review project documents prior to packets being distributed.

**ADJOURNMENT**

It was moved by Bruce Davis and seconded by Bush White to adjourn the November 1, 2016 Planning Commission meeting at 7:06 p.m.

Motion carried on voice vote.

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Mari Peña, Planning Technician

Approved by Planning Commission

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Mike Simone, Chairperson

## **PROPOSED RESOLUTION**

**RESOLUTION NO. P2016-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE THOMAS MINOR SUBDIVISION FOR A PROPERTY LOCATED AT 13516 COUNTY ROAD 8 AND IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO**

**WHEREAS**, the Planning Commission held a public hearing on November 8, 2016, for the purpose of reviewing the minor subdivision application for Villano Brothers Family Investments, LLC.; and

**WHEREAS**, after review of the application and supporting documentation, find the request for a minor subdivision to include four (4) lots conforms with City codes and requirements and policies therein; and

**WHEREAS**, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet and posting of the hearing on the site; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission has considered the application and has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the Thomas Minor Subdivision for a property located at 13516 County Road 8 and in the North Half of the Northeast Quarter of Section 20, Township 1 North, Range 66 West of the 6<sup>th</sup> P.M., with the following conditions:

- I. Prior to recording the minor subdivision plat:
  - A. The title of the minor subdivision map shall include the Project Number: MSD2016-001.
  - B. An offsite improvements agreement for County Road 8 shall be submitted, reviewed and approved.
  - C. A pre-annexation agreement for the Brennan Sand and Gravel property located south and adjacent shall be submitted, reviewed and approved.
  - D. Applicant shall submit written evidence that the comments from the Fort Lupton Fire Protection District have been adequately addressed.

- E. The plat shall be amended to show the following items:
1. A joint access and emergency access for the entire 110-foot future right-of-way shall be delineated and labeled.
  2. A 10-foot perimeter utility easement shall be delineated and labeled.

**DONE THIS 8<sup>th</sup> DAY OF NOVEMBER, 2016 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.**

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**Chairman**

**ATTEST:**

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**Planning Director**

# STAFF REPORT



**THOMAS MINOR SUBDIVISION REQUEST  
STAFF REPORT  
MSD2016-001**

**PROJECT DESCRIPTION**

Project No.: MSD2016-001

Project Name: Thomas Minor Subdivision

Owner's Name: Villano Brothers Family Investments LLC ("Applicant")

Location of Request:

13516 County Road 8.

Located south of and adjacent to Weld County Road 8 and approximately one and a half miles east of U.S. Highway 85("Property").

The Property is located east of an industrial business (Halliburton Energy Services, Inc.), north of a planned gravel mining operation (Brannan Sand and Gravel Company LLC), and has agricultural uses to the south and east.

Nature of Request:

The Applicant has submitted a request for a minor subdivision of the Property into four lots. Lot 4 will be used as an access into the planned gravel mining operation to the south. The plan for Lot 4 is to become a future right-of-way. An amended plat will be required after the right-of-way is dedicated to the City. The remaining three lots (Lots 1, 2 & 3) will continue to be used for agriculture until a later date. The future plans for these lots include undetermined industrial uses.

Site Size: The Property is 26 acres, more or less, with the planned subdivided lots measuring as follows: Lot 1: 8.5 +/- acres, Lot 2: 8.5 +/- acres, Lot 3: 7.0 +/- acres, and Lot 4: 1.8 +/- acres.

Zone District: I-2 Heavy Industrial.

Proposed Use: Agricultural, Industrial, and Access.

Existing Use: Agricultural.

Hearing Dates: Planning Commission – November 8, 2016 at 6:00 PM; and  
City Council – November 21, 2016 at 7:00 PM.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

## **SUMMARY OF PREVIOUS APPLICATIONS**

In 2010, this property was annexed and initially zoned to I-2 Heavy Industrial by the City of Fort Lupton.

## **APPLICATION PROCESS**

The Applicant is requesting approval of a minor subdivision.

A minor subdivision is processed under [Section 17-30](#) of the Fort Lupton Municipal Code (“Code”).

After required public notice of the minor subdivision, the Planning Commission shall consider the application, referral comments and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions or deny the minor subdivision. The Planning Commission’s comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City’s standards, regulations and policies.

The City Council shall then conduct a public hearing and evaluate the minor subdivision, referral agency comments, Planning Commission recommendation and any public testimony, and shall approve, conditionally approve, continue for additional information or for further study or deny the application based on the evidence presented and compliance with the City’s standards, regulations and policies and other guidelines.

## **NOTIFICATION REQUIREMENTS**

The Subdivision Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton press on October 19, 2016.

Notice of the public hearings were posted on the Property on October 20, 2016, pursuant to the Subdivision Regulations, which require the Applicant post the Property with notice of the hearings at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on October 14, 2016 and oil and gas lessees on October 4, 2016.

## **CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES**

The intent of a minor subdivision is to expedite the process of subdivisions that are minor in size and scope (Section 17-30). A minor subdivision must consist of four or fewer lots, meet zoning and subdivision regulations of the city, and must not include a dedication of public right-of-way. There also may not be other minor plats within the same subdivision that, in combination with the proposed minor plat, would circumvent the intent of Chapter 17 – Subdivision of the Code. The Thomas Minor Subdivision meets all of the necessary criteria.

The Applicant has submitted the required documents pursuant to the Code.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The Fort Lupton Comprehensive Plan designates this area as the Employment Area Tier 2 land use type. This land use type is intended to serve as a heavy industrial job center. The large lots provided by this minor subdivision are conducive to future establishment of large-scale industrial development.

There is no development planned at this time, however the location has close access to U.S. Highway 85 off of County Road 8 and so may encourage future industrial development.

The Property is within Growth Tier Two (secondary growth boundary), as defined in the Comprehensive Plan. Growth Tiers are based on the proximity of infrastructure. Since the adoption of the Comprehensive Plan, infrastructure has been extended to County Road 8, allowing the City to efficiently provide services to this location.

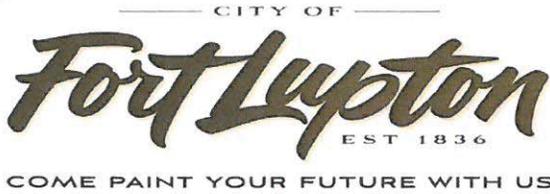
**REFERRALS**

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

City Engineer	City Attorney	Police Chief
Public Works Director	GIS Specialist	Zoning Compliance
Wastewater Plant Supervisor	Fort Lupton Fire Protection District	Fulton Ditch Company
CDOT	United Power	Comcast
CenturyLink	Xcel Energy	Weld County Public Works
Weld County Department of Planning	City of Brighton	

***For more information on this development, please refer to the Planning Commission packet provided. Additional documents are available for review at the Fort Lupton City Hall.***

# **LAND USE APPLICATION & PROJECT DESCRIPTION**



### Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694  
 Fort Lupton, CO 80621 Fax: 303.857.0351  
[www.fortlupton.org](http://www.fortlupton.org)

Project No. \_\_\_\_\_

## Land Use Application Form

### A. CONTACT INFORMATION

1) Property Owner Name: Villano Brothers Family Investments LLC

Company: Villano Brothers Family Investments LLC

Phone: 303 893 5252 Email: \_\_\_\_\_

Address: 13050 CR 10, Fort Lupton, CO 80621

Preferred method of contact? Email:  Phone:  Mail:

2) Representative Name: Kelsey Bruxvoort

Company: AGPROfessionals

Phone: (970) 535-9318 Email: kbruxvoort@agpros.com

Address: 3050 67th Ave #200, Greeley, CO 80634

Preferred method of contact? Email:  Phone:  Mail:

3) Billing Contact (where invoices should be directed to): Kelsey Bruxvoort

Billing Company: AGPROfessionals

Phone: (970) 535-9318 Email: kbruxvoort@agpros.com

Address: 3050 67th Ave #200, Greeley, CO 80634

### B. SITE DESCRIPTION

Site Address: 13516 CR 8, Fort Lupton, CO 80621

Parcel Number: 147120100100

Existing Zone Classification: I-2 Proposed Zone Classification: I-2

Water Type: Public Name: City of Fort Lupton - at time of development

Sewage Type: Public District Name or Location Hauled to: City of Fort Lupton - at time of development

### C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Sketch Plat                  | <input type="checkbox"/> Administrative Site Plan  | <input type="checkbox"/> PUD Plan (Preliminary & Final) |
| <input type="checkbox"/> Preliminary Plat             | <input type="checkbox"/> Special Use Permit        | <input type="checkbox"/> Variance                       |
| <input type="checkbox"/> Final Plat                   | <input type="checkbox"/> Oil & Gas Permit          | <input type="checkbox"/> Administrative Variance        |
| <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Annexation & Initial Zone | <input type="checkbox"/> Appeal                         |
| <input type="checkbox"/> Amended Plat                 | <input type="checkbox"/> Change of Zone            | <input type="checkbox"/> Other: _____                   |
| <input type="checkbox"/> Site Plan                    | <input type="checkbox"/> Comp Plan Amendment       |   |

**D. PROJECT DESCRIPTION**

Project Name: Thomas Minor Subdivision

Please provide a short description of the proposed project in the space provided below:

4-Lot Minor Subdivision for an existing 26 +/- acre parcel in the I-2 zone district. Lot 4 will be used for  
future right-of-way that will serve Lots 1, 2 and 3 and provide access to the parcel south of the site  
No other development is proposed at this time. There is an existing home on Lot 1 which will remain  
until the property is developed.

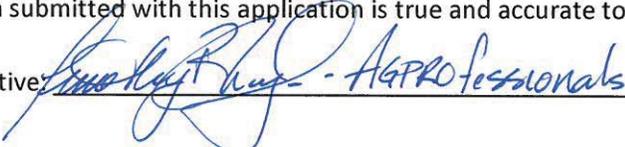
**E. REQUIRED DOCUMENTS**

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

**F. CERTIFICATIONS**

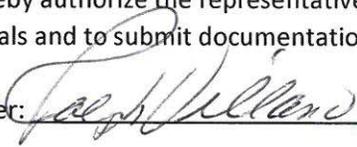
**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative:  - AG Professionals Date: 9/20/16

**Owner Certification**

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I hereby authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner:  Date: 9/21/16

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**For Office Use Only**

Received Date: \_\_\_\_\_

If the application is not complete, state reasons why it is incomplete:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Deemed Complete Date: \_\_\_\_\_

Fees Submitted: \_\_\_\_\_ Escrow Submitted: \_\_\_\_\_

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**Thomas Minor Subdivision  
City of Fort Lupton Minor Subdivision Application**

**Owner/Applicant Information**

**Owner:**

Villano Brothers Family Investments LLC  
13516 Weld County Road 8  
Fort Lupton, CO 80621

**Owner Representative:**

AGPROfessionals  
3050 67<sup>th</sup> Avenue, Suite 200  
Greeley, CO 80634  
970-535-9318

**Legal Description**

Lot B of Recorded Exemption No. 1471-20-1 RE-4890, recorded April 6, 2009 at Reception No. 3614856, being a portion of land located in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 20, Township 1 North, Range 66 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado.

**Location**

The property is located south of and adjacent to Weld County Road 8, approximately 1- $\frac{1}{2}$  miles east of U.S. Highway 85. A site vicinity map is included on the Minor Subdivision Plat.

**Project Description**

The applicant proposes a 4-Lot Minor Subdivision for an existing 26+/- acre parcel. Proposed lot sizes are as follows: an 8.5+/- acre parcel (Lot 1), an 8.5+/- acre parcel (Lot 2), a 7.0+/- acre parcel (Lot 3) and a 1.8+/- acre parcel (Lot 4). Lot 4 will be used for future right-of-way that will serve Lots 1, 2 and 3 and provide access to the parcel south of the site. No other development is proposed at this time. There is an existing home on Lot 1 which is unaffected by this application.

The subject property is currently zoned I-2, Heavy Industrial, and Lots 1, 2 and 3 are intended to be developed for industrial or commercial uses in the future as allowed by the I-2 zone district.

**Access**

Lot 4 will be used for access to Lots 1, 2 and 3 and the parcel south of the site. It is located on Weld County Road 8 approximately 3,300 feet east of Weld County Road 27. No new accesses are proposed at this time, though relocation of a current driveway on the property may occur in the future, as an eastbound right turn lane is proposed for the project in response to warrants described in the Traffic Impact Study produced for the parcel to the south.

## **Project Impact and Benefits**

The proposal is consistent with the Fort Lupton Comprehensive Plan. This site is within the Tier 1 priority growth area.

The site is adjacent to properties compatible with proposed future development in the I-2 zoning district. Adjacent land uses and zoning districts are listed below:

North: Weld County Road 8 & R-O (Residential Office – Fort Lupton)  
East: A (Agriculture – Weld County) & I-2 (Heavy Industrial – Fort Lupton)  
South: I-3 (Industrial – Weld County)  
West: Halliburton Energy Services, I-2 (Heavy Industrial – Fort Lupton)

This proposal represents the initial step toward development of business uses in the immediate vicinity of the project site. The proposal creates a separate parcel to access landlocked property to the south. In addition, this new Lot 4 establishes an alignment for the future arterial/collector road to serve industrial and commercial sites in the area. As a preliminary step toward implementation of commercial/industrial land use planning, such as the Fort Lupton Comprehensive Plan, the proposal also rationalizes parcel boundaries for such development – for example, creating rectangular lots and distinct parcels for existing residential and oil and gas structures. New lots are appropriately-sized for business uses, and logically organized for extension of urban services to the affected area.

## **Utilities: Drainage, Sanitary Service, Water Supply**

The current proposal does not result in development requiring urban services; therefore, planning for infrastructure to serve such development is deferred to the time of such future development, as noted below.

Stormwater detention and water quality features will be designed and implemented at the time of future development and shall be required to meet the engineering criteria adopted by the City of Fort Lupton.

Fort Lupton will provide sanitary service to the property in the future. Extension of an existing sanitary main line (located along Weld County Road 8, west of the property) shall occur at the time of development and shall be the responsibility of the owners of Lots 1, 2 and 3.

Water will be supplied to the site by the City of Fort Lupton at the time of future development. A 12-inch water line is located along Weld County Road 8, approximately 60-feet west of the property. Extension of the existing service line shall occur at the time of development and shall be the responsibility of the owners of Lots 1, 2 and 3.

## **Fire Protection**

Fire Protection will be provided by the Fort Lupton Fire Protection District. A turnaround shall be provided for the service of the proposed lots at the time of development.

# MAPS



## **REFERRAL RESPONSES**

**From:** [Marisa Dale](#)  
**To:** [Alyssa Knutson](#)  
**Cc:** [Todd Hodges](#); [Mari Pena](#); [Angela Snyder](#)  
**Subject:** RE: Thomas Minor Subdivision; Project No. 2016-001  
**Date:** Wednesday, October 12, 2016 4:16:36 PM  
**Attachments:** [image001.png](#)  
[Thomas Minor Subdivision.pdf](#)

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Good afternoon,

Thank you for allowing United Power, Inc. to review and comment on the Thomas Minor Subdivision, Project No. 2016-001 referral.

United Power, Inc. would like to request that a 10' Utility Easement be dedicated on the minor subdivision in a manner in which all lots will have access to electric facilities.

Attached is an aerial with our existing facilities in this area.

Thank you,  
Marisa

Marisa Dale, RWA| [Engineering & Rates ROW](#)  
500 Cooperative Way, Brighton, CO 80603 | O 303.637.1387 | C 720.334.5282

Schedule: M-T-W-F 7:00-4:30, Th 7:00-3:30  
Off Friday Oct 7 & 21, Nov 4 & 18, Dec 2, 16 & 30



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**From:** Alyssa Knutson [mailto:[AKnutson@fortlupton.org](mailto:AKnutson@fortlupton.org)]  
**Sent:** Monday, October 10, 2016 9:23 AM  
**Cc:** Todd Hodges; Mari Pena; Angela Snyder  
**Subject:** Thomas Minor Subdivision; Project No. 2016-001

Good Morning,

The documentation located at the link <http://www.fortlupton.org/578/Thomas-Minor-Subdivision> is submitted to you for review and recommendation for a minor subdivision. Any comments you consider relevant to this request would be appreciated. Please reply by **October 31, 2016** so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department. If you have any questions, you may either contact me or Todd A. Hodges, Planning Director, at [thodges@fortlupton.org](mailto:thodges@fortlupton.org) or 303-857-6694.

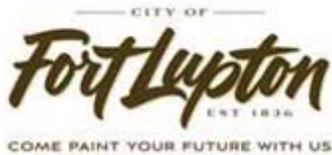
The hearings for this matter are scheduled for **Tuesday, November 8, 2016 at 6:00 P.M.** with the Fort Lupton Planning Commission and **Monday, November 21, 2016 at**

**7:00 P.M.** with the Fort Lupton City Council.

Comments may be sent via mail, faxed to 303.857.0351 or emailed to [thodges@fortlupton.org](mailto:thodges@fortlupton.org) and [aknutson@fortlupton.org](mailto:aknutson@fortlupton.org).

Your time in this matter is greatly appreciated!

Best,  
Alyssa Knutson  
Planner  
130 S. McKinley Ave.  
Fort Lupton, CO 80621  
Office: 303.857.6694  
Direct: 720.466.6128  
Mobile: 303.304.4498



*This institution is an equal opportunity provider and employer*

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DEPARTMENT OF PLANNING SERVICES  
1555 N. 17<sup>TH</sup> AVENUE  
GREELEY, CO 80631  
970.400.3549  
FAX 970-304-6498  
kogle@weldgov.com

October 13, 2016

Todd Hodges, Planning Director  
City of Fort Lupton  
130 McKinley Avenue  
Fort Lupton, CO 80621

Subject: Thomas Minor Subdivision

Dear Mr. Hodges:

The Weld County Department of Planning Services has reviewed the request and has the following comments.

Transportation and Public Roads

The proposed industrial and/or commercial development will access onto County Road 8, a paved publically maintained road by the City of Fort Lupton. The minimum right-of-way for a publically maintained street is sixty (60) feet if this development were to occur in the County. The applicant is proposing a four parcel minor subdivision with no user or use identified. The configuration of the parcels does not allow for a public right-of-way, rather there is a proposal for one parcel to be a future roadway with the three remaining parcels created via a flagpole drive configuration.

If this development were to occur within Weld County, at a minimum, one paved street should serve the development with the arrangement, extent, width, type and location of all streets designed in relation to existing or planned streets, topographic conditions, public convenience and safety, and the proposed use of land to be served. Streets shall be extended to the boundaries of each building site, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. All building sites shall have access to a public internal street system.

The applicant is proposing a through street onto lands that are not a part of this development proposal. At a minimum, a public right-of-way street serving all lots may be permitted as a cul-de-sac and must be provided with a right-of-way turnaround of sixty-five (65) feet radius or more, and the outside curb or pavement edge radius must be fifty (50) feet or more. Maximum cul-de-sac length between intersecting streets shall be one thousand five hundred (1,500) feet. This distance shall be measured from centerline to centerline. The configuration as proposed, is a dead end street and affords emergency responders, service providers and others no means for a safe and adequate turnaround.

The multiple points of access into the development from County Road 8 should be revisited by the City. Parallel roadway alignment for internal streets without adequate separation is undesirable.

The speed limit within an industrial and /or commercial subdivision should be restricted to 25 miles per hour as there may be large trucks requiring turning movements, including backing. Increasing the speed

limit may result in several unforeseen circumstances associated with this development and potentially future developments to the south.

#### Lot size standards and Use of Lots

All lots within a subdivision shall meet the minimum regulations established by the City, the State and the federal government. The depth and width of properties designed for commercial and industrial purposes shall be adequate to provide for paved off-street parking, landscaping, screening and paved loading areas when required by the type of use and underlying zone district. From the submitted materials, Lot 4 does not meet this minimum standard.

If this site were developed in Weld County the residential structure would be deemed non-conforming as permanent residential structures are not an allowed use. Residential structures for night watchpersons are considered a temporary use and are allowed a single wide trailer only.

If this development were to occur in Weld County further review of each use on each parcel of land would be required. Weld County reserves the right to provide further comment on the uses of the subdivision as the application moves forward

#### Drainage Patterns

The application materials did not include a preliminary drainage report. An overview of the entire development drainage plan was not included in this submittal review, therefore Weld County will provide additional comments for each Filing.

#### Environmental Concerns

The Weld County Department of Health and Environment was unable to respond to this referral. The following comments are generic in nature and may not address unique or related issues regarding this referral request.

Development of this site may result in dusty conditions and storm water runoff. The developer should obtain appropriate storm water discharge and emission permits from the Colorado Department of Public Health & Environment.

#### Water Availability

As required in Section 30-28-136(1)(h)(II), C.R.S., a municipality or quasi-municipality which is designated as the source of water for a proposed subdivision or other use, shall file a report with the county and state engineer documenting the amount of water which can be supplied without causing injury to existing water rights. Such a report should include a summary of water rights owned or controlled by the District, the yield of these rights both in an average year and a dry year, the present demand on the system and the anticipated demand due to commitments for service entered into by the District, and the amount of uncommitted firm supply the District has available for future development. A copy of the Water Supply Information Summary may be obtained from the Colorado Division of Water Resources.

The application materials did not include evidence of potable water. Recorded Exemption 1958 designated a private well would be utilized to serve the property initially. Property owners are advised that the quantity of water available for usage may be limited to specific uses, i.e., "Commercial Use Only," et cetera. Because each situation is unique, the property owners should contact the Office of the State Engineer, Division of Water Resources (1313 Sherman Street, Room 818, Denver, Colorado 80203. Phone 303-866-3581), to discuss each individual situation.

Each development must comply with all applicable Colorado Department of Public Health & Environment, EPA and/or Oil & Gas regulations and any other agencies having jurisdiction over the proposed development activities. Contact the appropriate agency for site specific requirements. Potential developers should be aware

that the parcel may not be eligible for a commercial well permit which allows for outside irrigation and/or the watering of plant materials. The State Division of Water Resources issues all well permits. Further, the potential developer should be aware that groundwater may not meet all drinking water standards as defined by the Colorado Department of Public Health and Environment. The Colorado Department of Public Health and Environment strongly encourages well users to test their drinking water prior to consumption and periodically thereafter.

#### Public Service Provision

There may be undocumented oil and gas easements associated with each proposed parcel. Additionally, subdivisions are required to provide utility corridor easements typically located adjacent to the front and rear property lines and in some instances adjacent to the side yards. There may be instances when a side yard easement is required for a utility service provider to gain access to better serve the development.

#### Oil and Gas Development

There is an existing well located to the southeast of the property and identified on Thomas Minor Subdivision as a Kerr-McGee OnShore LP well. Additionally there is a tank battery located in the far southwest quadrant of the property, each with established setbacks from habitable space and possibly structures. The developer should be required to obtain a Surface Use Agreement between the mineral estate and the producer and the developer for the existing well and for the future wells to be drilled within the development.

#### Adjacent and Surrounding Properties

Lands located north are large tract vacant land without improvements and lands to the west are associated with Halliburton and have been annexed into the City of Fort Lupton. Lands located immediately adjacent to the east are zoned (A) Agriculture and have residential improvements and lands to the south are also in the County jurisdiction.

Owners of property in the area of this proposal should be made aware that agricultural uses, even when done in a manner consistent with good Agricultural practices, may generate, but are not limited to, noise, dust, flies, odors, aerial spraying and slow moving equipment on County roadways. New residents cannot expect all agricultural practices to stop for their convenience. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County supports the Right to Farm Statement (Section 22-2-20.J, Weld County Code) and recommends it be placed on all plats adjacent to unincorporated areas:

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged

to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high speed traffic, sand burs, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

Thank you for the opportunity to respond to this proposal. This response addresses general requirements, concerns or issues and is intended to assist in your community's decision making process regarding this Land use proposal. The county respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,



Kim Ogle  
Planner

Case File: City of Fort Lupton  
Development Review – Thomas Minor Subdivision



## **Fort Lupton Fire Protection District**

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: [www.fortluptonfire.org](http://www.fortluptonfire.org)

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**Date: 10/27/2016**

**Project name: Thomas Minor Subdivision**

**Project address: Approximately 1 ½ miles East of Highway 85 on WCR 8, Fort Lupton, CO 80621**

**FLFPD Project # 2016-107**

**Plan reviewer: Randall S. Weigum**

The Fire District has reviewed the submitted Site Plan for Thomas Minor Subdivision located at the above noted location. The plans were reviewed for compliance with *2012 International Fire Code (IFC)* as adopted by the Fort Lupton Fire Protection District and the City of Fort Lupton. The Thomas Minor Subdivision is not approved until the following comments are addressed.

1. An emergency access road 20' in width shall be delineated on Lot 4 of the plan. The emergency access road shall extend from WCR 8 to the south end of Lot 4. *2012 IFC 503.1.1*
2. The turning radius of the entrance off of WCR 8 shall meet a 19'5" inside and 44'2" outside turning radius. See the attached turning radius template for more information. *2012 IFC 503.2.4*
3. Lots 1, 2, and 3's fire code requirements will be address when these Lots are developed. A couple of items that will need to be addressed at that time, is extending the water line into this subdivision and looping the water line to make sure that there is only one fire hydrant on a dead end water line. There may be requirements of a fire sprinkler system with a fire pump if the water demand is not adequate for the size, construction type or function of the proposed buildings on these Lots.

If you have any questions, please contact me at [rweigum@ftluptonfire.com](mailto:rweigum@ftluptonfire.com) or 303-710-3968.





# Turning Performance Analysis

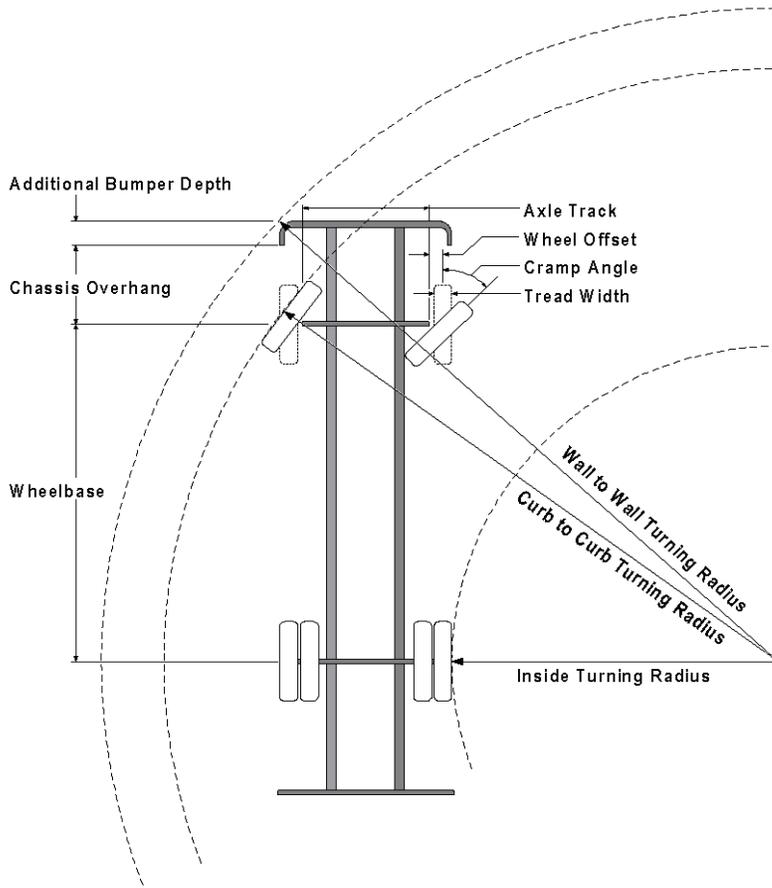
12/6/2012

**Bid Number:** 299

**Department:**

**Chassis:** Arrow-XT Chassis, PAP/SkyArm/Midmount MUX, 2010

**Body:** Aerial, Platform 100', Alum Body



**Parameters:**

Inside Cramp Angle:	45°
Axle Track:	82.92 in.
Wheel Offset:	5.25 in.
Tread Width:	17.4 in.
Chassis Overhang:	68.99 in.
Additional Bumper Depth:	19 in.
Front Overhang:	156.6 in.
Wheelbase:	247 in.

**Calculated Turning Radii:**

Inside Turn:	19 ft. 5 in.
Curb to curb:	35 ft. 6 in.
Wall to wall:	44 ft. 2 in.

**Comments:**

CategoryID	Category Description	OptionCode	OptionDescription
6	Axle, Front, Custom	0018453	Axle, Front, Oshkosh TAK-4, Non Drive, 22,800 lb, DLX/Enf/Qtm/AXT
30	Wheels, Front	0001656	Wheels, Front, 22.50" x 12.25", Steel, Hub Pilot
31	Tires, Front	0594821	Tires, Front, Goodyear, G296 MSA, 425/65R22.50, 20 ply
38	Bumpers	0550016	Bumper, 19" Extended, AXT, Dash CF
437	Aerial Devices	0592931	Aerial, 100' Pierce Platform, 50 MPH Wind Rating, 150lb Tip Load Allowance

**Notes:**

Actual Inside Cramp Angle may be less due to highly specialized options.

Curb to Curb turning radius calculated for a 9.00 inch curb.



# Turning Performance Analysis

12/6/2012

**Bid Number:** 299

**Chassis:** Arrow-XT Chassis, PAP/SkyArm/Midmount MUX, 2010

**Department:**

**Body:** Aerial, Platform 100', Alum Body

---

**Definitions:**

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Inside Cramp Angle	Maximum turning angle of the front inside tire.
Axle Track	King-pin to King-pin distance of the front axle.
Wheel Offset	Offset from the center-line of the wheel to the king-pin.
Tread Width	Width of the tire tread.
Chassis Overhang	Distance of the center-line of the front axle to the front edge of the cab. This does not include the bumper depth.
Additional Bumper Depth	Depth that the bumper assembly adds to the front overhang.
Wheelbase	Distance between the center lines of the vehicle's front and rear axles.
Inside Turning Radius	Radius of the smallest circle around which the vehicle can turn.
Curb to Curb Turning Radius	Radius of the smallest circle inside of which the vehicle's tires can turn. This measurement assumes a curb height of 9 inches.
Wall to Wall Turning Radius	Radius of the smallest circle inside of which the entire vehicle can turn. This measurement takes into account any front overhang due to chassis, bumper extensions and/or aerial devices.

## **LEGAL NOTIFICATIONS**

October 4, 2016

**VIA CERTIFIED MAIL –**

**RETURN RECEIPT REQUESTED: 9414 8118 9956 4869 6961 99**

Kerr-McGee Oil & Gas Onshore LP  
Attn: Land Manager/ Wattenberg  
1099 18<sup>th</sup> Street, Suite 1500  
Denver, CO 80202

Re: Mineral Deed Notice – Weld County, Colorado

To Whom It May Concern,

This letter is being prepared on behalf of Villano Brothers Family Investments, LLC, who are owners of a 26 +/- acres parcel of land. This parcel is situated in a portion of Section 20, Township 1 North, Range 66 West, 6<sup>th</sup> P.M., Weld County, CO (see attached legal description) and is referred to as the “Property.” An application for a Minor Subdivision entitled the “Thomas Minor Subdivision” is currently being reviewed by the City of Fort Lupton for approval.

Through title research, your name was listed as apparent mineral leasehold owners on the aforementioned Property. According to Colorado State Law, notice of public hearings related to this application must be provided to owners of minerals and oil and gas leases. You are hereby notified that two hearings have been set for the Thomas Minor Subdivision on the following dates and times:

- **Planning Commission Hearing on Tuesday, November 8, 2016 at 6:00 PM**
- **City Council Hearing on Monday, November 21, 2016 at 7:00 PM**

Enclosed with this notice is a list of mineral owners and mineral lessees prepared by Zeren Land Services and a reduced copy of the proposed Minor Subdivision records.

If you have any questions regarding this matter, please do not hesitate to contact me at (970) 535-9318.

## LEGAL DESCRIPTION

**PARCEL:** 147120100100

**LEGAL DESCRIPTION:** LOT B, RECORDED EXEMPTION NO. 1471-20-1 RE 4890, BEING LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF COLORADO





LAND SERVICES  
OIL AND GAS TITLE

P.O. Box 336337  
Greeley, CO 80633-0606

Phone (970) 351-0733  
Fax (970) 351-0867

LIST OF MINERAL OWNERS AND MINERAL LESSEES for NOTIFICATION  
(RTD & Villano Property)

Subject Property:

Township 1 North, Range 66 West, 6th P.M., Weld County, CO  
Section 20: All that part thereof more particularly described on Exhibit A,  
being a part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$

Zeren Land Services, an oil and gas title research company, states that to the best of its knowledge the following is a true and accurate list of the names and addresses of the mineral owners and mineral leasehold owners entitled to notice under the Surface Development Notification Act, Colorado Revised Statutes §24-65.5-101, et seq. in the Subject Property based upon the records of the Weld County Assessor and Clerk Recorder as of September 2, 2016 at 7:45 a.m.:

Mineral Owners:

None (entitled to notice)

Mineral Leasehold Owners:

Kerr-McGee Oil & Gas Onshore LP  
Attn: Land Manager/Wattenberg  
1099 18<sup>th</sup> Street, Suite 1500  
Denver, CO 80202

Dated this 13<sup>th</sup> day of September, 2016.

ZEREN LAND SERVICES

By: Cynthia A. E. Zeren, CPL  
Certified Professional Landman #4044

At the request of AGPROfessionals ("Client"), Zeren Land Services, an independent land consulting firm, has prepared the foregoing list of mineral estate owners entitled to notice under the Surface Development Notification Act, Colorado Revised Statutes §24-65.5-101, et seq.

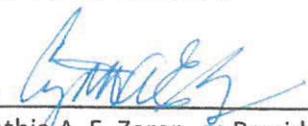
Zeren Land Services, searched (i) the records of the Weld County Assessor relating to the Subject Property for persons identified therein as mineral estate owners, and (ii) the records of the Weld County Clerk and Recorder relating to the Subject Property for recorded requests for notification in the form specified in the Surface Development Notification Act. The results of these searches are set forth above in this List of Mineral Owners Entitled to Notice. At the date of the search, the records of the Assessor and the Clerk and Recorder were posted through September 2, 2016 at 7:45 A.M.

Zeren Land Services, agreed to prepare this listing for the Client only if the Client agreed that the liability of Zeren Land Services, would be strictly limited to the amount paid by the Client for such services. Zeren Land Services, makes no warranty, express, implied or statutory, in connection with the accuracy, completeness or sufficiency of such listing of mineral estate owners. In the event the listing proves to be inaccurate, incomplete, insufficient or otherwise defective in any way whatsoever or for any reason whatsoever, the liability of Zeren Land Services, shall never exceed the actual amount paid by Client to Zeren Land Services, for the listing.

In order to induce Zeren Land Services, to provide such services, Client further agreed to indemnify and hold Zeren Land Services, its managers, members and employees, harmless from and against all claims by all persons (including, but not limited to Client) of whatever kind or character arising out of the preparation and use of each such listing of mineral estate owners, to the extent that such claims exceed the actual amount paid to Client by Zeren Land Services, for such listing. Client specifically intends that both the foregoing limitation on liability and foregoing indemnification shall be binding and effective without regard to the cause of the claim, inaccuracy or defect, including, but not limited to, breach of representation, warranty or duty, any theory of tort or of breach of contract, or the fault or negligence of any party (including Zeren Land Services) of any kind or character (regardless of whether the fault or negligence is sole, joint, concurrent, simple or gross). Client's use of this listing evidences Client's acceptance of, and agreement with, this limitation on liability and the indemnification.

ZEREN LAND SERVICES

Date: September 13, 2016

By:   
Cynthia A. E. Zeren, as President

**Exhibit A**

Township 1 North, Range 66 West, 6<sup>th</sup> P.M.

Section 20: S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 20, Township 1 North, Range 66 West of the 6<sup>th</sup> P.M., EXCEPT a parcel of land conveyed in Deed recorded in Book 1088 at Page 10, AND EXCEPT right-of-way for the line of railroad of the Union Pacific Railroad Company over the Westerly portion of land, as evidenced by Affidavit recorded October 25, 1977 in Book 812 under Reception No. 1734043.

AND

SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPT a parcel of land conveyed by Agreement recorded in Book 208 at Page 105

AND

That portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$  lying East of the Union Pacific Railroad right-of-way

AND

Lot B, Recorded Exemption No. 1471-20-1-RE 4890, being a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$



**AGPRO**professionals  
DEVELOPERS OF AGRICULTURE

3050 67TH AVENUE, SUITE 200  
GREELEY, CO 80634

**CERTIFIED MAIL**



9414 8118 9956 4869 6961 99

Kerr-McGee Oil & Gas Onshore LP  
Attn: Land Manager / Wattenberg  
1099 18th St, Suite 1500  
Denver CO 80202-1908

**\$5.115**  
US POSTAGE  
FIRST-CLASS  
FROM 80634  
OCT 04 2016  
stamps.com



062S0007163262

Sincerely,



Kelsey Bruxvoort  
Land Planning Technician  
AGPROfessionals

Enclosures

- Legal Description
- List of Mineral Owners and Mineral Lessees for Notification
- Proposed Minor Subdivision plat

U.S. Postal Service **Certified Mail Receipt**

ARTICLE NUMBER: 9414 8118 9956 4869 6961 99

ARTICLE ADDRESSED TO:

Kerr-McGee Oil & Gas Onshore LP  
Attn: Land Manager / Wattenberg  
1099 18th St, Suite 1500  
Denver CO 80202-1908

**FEES**

Postage Per Piece	\$1.81½
Certified Fee	3.30
Total Postage & Fees:	5.11½

Postmark  
Here

Date: October 7, 2016

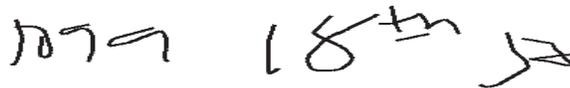
maria bruin:

The following is in response to your October 7, 2016 request for delivery information on your Certified Mail™/RRE item number 9414811899564869696199. The delivery record shows that this item was delivered on October 6, 2016 at 11:02 am in DENVER, CO 80202. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,  
United States Postal Service

**PROOF OF PUBLICATION  
FORT LUPTON PRESS  
COUNTY OF WELD SS.  
STATE OF COLORADO**

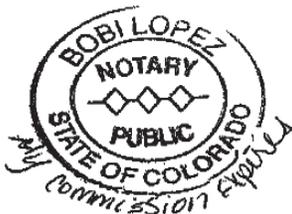
I, Tim Zeman, do solemnly swear that I am the Publisher of the **Fort Lupton Press** is a weekly newspaper printed and published in the County of Weld State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the **period of ONE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **19th day of October 2016** the last on the **19th day of October 2016**



Managing Editor, Subscribed and sworn before me, this **19th day of October, 2016**



Notary Public.  
Notary ID No. 20024002511



My Commission Expires February 2, 2018

**CITY OF FORT LUPTON  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a minor subdivision, referred to as the Thomas Minor Subdivision located south and adjacent to CR 8 and approximately one-half mile east of CR 27, Fort Lupton, Colorado in the I-2 Heavy Industrial Zone District, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on November 8, 2016, at 6:00 P.M., and before the City Council on November 21, 2016, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the City Planning and Building Department at (303) 857-6694, Extension 128.

**ALL INTERESTED PERSONS MAY  
ATTEND.**

**LEGAL DESCRIPTION**

LOT B OF RECORDED EXEMPTION NO. 1471-20-1 RE-4890 BEING PART OF THE NW ¼ OF THE NE ¼ OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

Published in the Fort Lupton Press  
October 19, 2016

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**CERTIFICATE OF MAILING**

I, the undersigned, hereby certify that on the 14<sup>th</sup> day of October 2016, a true and correct copy of the foregoing Notice of Public Hearings and site plan map for Thomas Minor Subdivision was sent via United States Mail, postage pre-paid, to the following addresses:

Regional Transportation District  
1600 Blake St.  
Denver, CO 80202

Katherine & Theodore Dean  
13746 County Road 8  
Fort Lupton, CO 8062

Villano Brothers Properties, Inc.  
13050 County Road 10  
Fort Lupton, CO 80621

Carrie & Joseph Sack  
13750 County Road 8  
Fort Lupton, CO 80621

Veryl Schoen  
13916 County Road 8  
Fort Lupton, CO 80621

Halliburton Energy Services Inc.  
P.O Box Drawer 1431  
Duncan, OK 73536

  
\_\_\_\_\_  
**City Official**



---

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WELD COUNTY  
ONLINE MAPPING

# Thomas Minor Subdivision



### Legend

- Parcels
- Highway
- County Boundary



999.9

0 499.97 999.9 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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### Notes

Enter Map Description

**Sign Posting Affidavit**  
Thomas Minor Subdivision  
Project No. MSD2016-001



County Road 8

I, Kelsey Bruxvoort hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 20<sup>th</sup> day of October, 2016.

Kelsey Bruxvoort  
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kelsey Bruxvoort, this 20<sup>th</sup> day of October, 2016. Witness my hand and seal.

My commission expires 11-20-18.

Jodi L Reed  
Notary Public

Jodi L Reed  
Notary Public  
State of Colorado  
Notary ID 20024037286  
My Commission Expires November 20, 2018