

City of Fort Lupton
City Council Agenda
Regular Meeting
Tuesday, March 3, 2020
7:00 p.m.
130 South McKinley Avenue

Pledge Of Allegiance

Call To Order - Roll Call

Persons To Address Council

This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval Of Agenda

Review Of Accounts Payables

a. **03032020 Accounts Payable**

Documents:

[03032020 Accounts Payable.pdf](#)

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 Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

a. **02182020 City Council Meeting Minutes**

Documents:

[02182020 City Council Meeting Minutes .Pdf](#)

b. **Second Reading Ordinance 2020-1076 An Ordinance Annexing**

Land Legally Described In Exhibit 'A' Known As The Wade Annexation And Approving The Annexation Agreement

Documents:

[Second Reading Ordinance 2020-1076 An Ordinance Annexating Land Known As The Wade Annexation And Approving The Annexation Agreement.pdf](#)

- c. **Second Reading Ordinance 2020-1077 An Ordinance Initially Zoning Land Known As The Wade Initial Zoning, Legally Described In Exhibit A, To The 'A' Agricultural Zone District**

Documents:

[Second Reading Ordinance 2020-1077 An Ordinance Initially Zoning Land Known As The Wade Initial Zoning, To The Agricultural Zone District.pdf](#)

- d. **AM 2020-054 Approving Resolution 2018RXXX Ratifying The Mayor's Appointment Of The Attached List Of Candidates (Exhibit "A") To The Corresponding Advisory Committees For A Term Beginning March 3, 2020 And Ending December 31, 2020 And Restating City Liasons**

Documents:

[AM 2020-054 Approving Resolution 2018RXXX Ratifying The Mayors Appointment Of The Attached List Of Candidates.pdf](#)

- e. **AM 2020-057 Approving A Resolution To Dedicate Underground Power Easement To United Power Across City Owned Property At Coyote Creek Golf Course And Golf Course**

Documents:

[AM 2020-057 Approving A Resolution To Dedicate Underground Power Easement To United Power.pdf](#)

Action Memorandum

- a. **AM 2020-059 Approving A Resolution For The Fulton Ranch Sketch PUD Plat Submitted By Coyote Creek North, LLC To Create A Residential Subdivision**

Documents:

[AM 2020-059 Approve A Resolution For The Fulton Ranch Sketch PUD Plat Submitted By Coyote Creek North To Create A Residential Subdivision.pdf](#)

- b. **AM 2020-055 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For Planning Commission Membership, Appointments, And Terms.**

Documents:

[AM 2020-055 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For Planning Commission.pdf](#)

- c. **AM 2020-056 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For The Board Of Adjustment**

Documents:

[AM 2020-056 Adopt An Ordinance Amending Specific Provisions Of The Fort Lupton Municipal Code For The Board Of Adjustment.pdf](#)

- d. **AM 2020-058 Approve Change Order Number 2 To JBS Pipeline Contractors For An Amount Not To Exceed \$84,035.00 From Water Sales Tax Fund**

Documents:

[AM 2020-058 Approve Change Order Number 2 To JBS Pipeline Contractors For An Amount Not To Exceed 84035 From Water Sales Tax Fund.pdf](#)

- e. **AM 2020-060 Approve A Resolution Accepting An Annexation Petition For The C&M Rodriguez NOS. 1 - 5 And To Set A Public Hearing Date For April 21, 2020**

Documents:

[AM 2020-060 Approve A Resolution Accepting An Annexation Petition For The Rodriguez Annexation.pdf](#)

- f. **AM 2020-061 Approving A Resolution Of The Fort Lupton City Council Establishing An Economic Incentive Via A Rebate On Personal Property Tax For New And Expanding Companies**

Documents:

[AM 2020-061 Approving A Resolution Establishing An Economic Incentive Via A Rebate On Personal Property Tax For New And Expanding Companies.pdf](#)

Staff Reports

Mayor/Council Reports

Future City Events

a. 03032020 Upcoming Events

Documents:

[03032020 Upcoming Events.pdf](#)

Executive Session

- a. Executive Session - To Hold A Conference With The City Attorney To Receive Legal Advice On Specific Legal Questions, Pursuant To CRS 24-6-402 (4) (B). "Related To Investigation Into Matters Involving City Business"**

Adjourn



Check Report

By Check Number

Date Range: 02/19/2020 - 03/03/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Golf Course-Golf Course						
000024	ACE HARDWARE OF FORT LUPTON	02/25/2020	Regular	0.00	78.78	83579
80919	Invoice	02/01/2020	GOLF-SML FILM-PRO SHOP	0.00	17.99	
80931	Invoice	02/01/2020	GOLF-INTERIOR PAINT-PRO SHOP	0.00	39.73	
80952	Invoice	02/01/2020	GOLF-FASTENERS-MAINT	0.00	0.94	
80954	Invoice	02/01/2020	GOLF-FASTENERS-MAINT	0.00	0.35	
81175	Invoice	02/19/2020	GOLF-BATTERIES-PRO SHOP	0.00	9.59	
81205	Invoice	02/19/2020	GOLF-JOINT TAPE,LEVEL LINE,FASTENERS-P...	0.00	10.18	
000239	CITY OF FORT LUPTON	02/25/2020	Regular	0.00	979.14	83580
INV00654	Invoice	12/31/2019	Golf ComData Purchases	0.00	979.14	
000307	COMCAST CABLE COMM, LLC	02/25/2020	Regular	0.00	245.95	83581
120790 FEB20	Invoice	02/19/2020	GOLF-INTERNET/VOICE FEB20-PRO SHOP	0.00	245.95	
000735	LL JOHNSON DISTRIBUTING	02/25/2020	Regular	0.00	34.70	83582
1821508-00	Invoice	02/19/2020	GOLF-TAKE UP BEARING-MAINT	0.00	34.70	
000974	SAFE SYSTEMS INC	02/25/2020	Regular	0.00	395.07	83583
870192-1036	Invoice	12/31/2019	GOLF-SECURITY MONITORING	0.00	131.69	
870192-1037	Invoice	02/01/2020	GOLF-SECURITY MONITORING	0.00	131.69	
870192-1038	Invoice	02/19/2020	GOLF-SECURITY MONITORING	0.00	131.69	
001137	UNITED POWER	02/25/2020	Regular	0.00	1,134.34	83584
1194602 FEB20	Invoice	02/13/2020	United Power	0.00	484.00	
1195001 FEB20	Invoice	02/13/2020	United Power	0.00	282.19	
1195701 FEB20	Invoice	02/13/2020	United Power	0.00	322.38	
19595600 FEB20	Invoice	02/13/2020	United Power	0.00	25.17	
6601202 FEB20	Invoice	02/13/2020	United Power	0.00	20.60	
001301	AAA AUTO PARTS INC	03/03/2020	Regular	0.00	246.94	83585
78997	Invoice	01/31/2020	GOLF-COMBINATION WRENCH-PRO SHOP	0.00	26.49	
79011	Invoice	02/01/2020	GOLF-WATER PUMP/COOLANT,99CHEV 3/4...	0.00	201.21	
79032	Invoice	02/01/2020	GOLF-AIR FILTER, AIR FLOW SENSOR-MAINT	0.00	19.24	
000024	ACE HARDWARE OF FORT LUPTON	03/03/2020	Regular	0.00	144.12	83586
80949	Invoice	02/01/2020	GOLF-ROLL FILM-PRO SHOP	0.00	17.99	
81053	Invoice	02/26/2020	GOLF-PAINTING SUPPLIES-MAINT	0.00	34.67	
81057	Invoice	02/26/2020	GOLF-PAINT-MAINT	0.00	81.47	
81333	Invoice	02/26/2020	GOLF-PEG BOARD-PRO SHOP	0.00	9.99	
002009	C.W. ELABORATIONS INC.	03/03/2020	Regular	0.00	1,620.00	83587
67741	Invoice	02/26/2020	GOLF-SANDING, POWDER COATING SIGNS-...	0.00	810.00	
67742	Invoice	02/26/2020	GOLF-SANDING/POWDER COAT SIGNS-MAI...	0.00	810.00	
000183	CALLAWAY GOLF SALES COMPANY	03/03/2020	Regular	0.00	390.18	83588
931194626	Invoice	02/01/2020	GOLF-2020 GOLF BALL 1-PRO SHOP	0.00	390.18	
000768	MASEK GOLF CAR OF COLORADO	03/03/2020	Regular	0.00	149.28	83589
1-59717	Invoice	02/26/2020	GOLF-TUNEKIT-PRO SHOP	0.00	149.28	
001860	NORTH VALLEY DESIGNS LLC	03/03/2020	Regular	0.00	108.00	83590
150	Invoice	02/26/2020	GOLF-VINYL FOR TEE SIGNS-MAINT	0.00	108.00	
001105	TOSHIBA FINANCIAL SERVICES	03/03/2020	Regular	0.00	226.50	83591
407433465	Invoice	02/14/2020	Golf Copier Lease	0.00	226.50	

Check Report

Date Range: 02/19/2020 - 03/03/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000285	COLORADO DEPARTMENT OF REVENUE	02/20/2020	Bank Draft	0.00	540.66	DFT0001174
22020	Invoice	02/20/2020	GOLF-JANUARY SALES TAX	0.00	540.66	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	30	13	0.00	5,753.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	1	1	0.00	540.66
EFT's	0	0	0.00	0.00
	31	14	0.00	6,293.66

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
000035	ADVANCED BACKFLOW LLC	02/25/2020	Regular	0.00	-85.00	66915
000035	ADVANCED BACKFLOW LLC	02/25/2020	Regular	0.00	85.00	66915
51593	Invoice	12/31/2019	GF-DOT EXAM, ADAME L-PW SHOP	0.00	85.00	
000037	ADVANCED URGENT CARE AND OCC MED	02/25/2020	Regular	0.00	180.00	66916
51361	Invoice	12/31/2019	GF-PRE EMPLOYMENT FLYINGHAWK-HR	0.00	125.00	
51388	Invoice	12/31/2019	GF-PRE EMPLOYMENT FLYINGHAWK-HR	0.00	55.00	
000040	AFLAC	02/25/2020	Regular	0.00	2,915.52	66917
491680	Invoice	02/18/2020	GF-SUPP;EMENTAL INSURANCE FEB2020	0.00	2,915.52	
001947	AMERICAN UNITED LIFE INSURANCE COMPANY	02/25/2020	Regular	0.00	5,288.95	66918
G 00617833 MAR...	Invoice	03/01/2020	LI, AD&D, LTD, STD Ins Prem	0.00	5,288.95	
000215	CHALLENGER SPORTS TEAMWEAR	02/25/2020	Regular	0.00	868.90	66919
9327	Invoice	02/19/2020	CPR-YOUTH VOLLEYBALL JERSEYS-ATHL	0.00	868.90	
000216	CHAMBER OF COMMERCE	02/25/2020	Regular	0.00	48.00	66920
4900	Invoice	02/18/2020	GF-FEBRUARY 2020	0.00	48.00	
000230	CINTAS FIRST AID & SAFETY	02/25/2020	Regular	0.00	15.57	66921
5016080236	Invoice	02/18/2020	REC-FIRST AID SUPPLIES	0.00	15.57	
001962	CRISTOBAL ARELLANO	02/25/2020	Regular	0.00	78.58	66922
021120	Invoice	02/19/2020	UF-CO RURAL WATER ASSOC LUNCH	0.00	78.58	
000421	ECOLAB INSTITUTIONAL	02/25/2020	Regular	0.00	472.91	66923
6253974666	Invoice	02/19/2020	REC-CADDIE SOLUTION	0.00	472.91	
002242	ELLIOT BECERRA	02/25/2020	Regular	0.00	150.00	66924
2006022_001	Invoice	12/31/2019	REC-WINTERFEST SOFTBALL REFUND	0.00	150.00	
000513	G & G EQUIPMENT	02/25/2020	Regular	0.00	105.48	66925
94502	Invoice	02/19/2020	GF-HYD FLUID GAL-PARKS	0.00	105.48	
000552	HACH	02/25/2020	Regular	0.00	21,057.05	66926
11829643	Invoice	02/18/2020	UF- Organic Carbon Analyzer- WTP	0.00	21,057.05	
001930	HUMANA HEALTH PLAN INC	02/25/2020	Regular	0.00	81,260.35	66927
379450672	Invoice	03/01/2020	GF-HEALTH,DENTAL,VISION FOR MAR2020	0.00	81,260.35	
000691	KONE INC	02/25/2020	Regular	0.00	140.80	66928
959475099	Invoice	02/01/2020	CPR-ELEVATOR REPAIR-COM CTR	0.00	140.80	
000698	L.G. EVERIST, INC	02/25/2020	Regular	0.00	34,365.78	66929
021820	Invoice	02/19/2020	GF-2019 SALES TAX REBATE	0.00	34,365.78	
001377	LESLIE JEWELRY	02/25/2020	Regular	0.00	34.50	66930
1475	Invoice	02/18/2020	GF-DOORPLATES, CROSS, ARETXULOETA-A...	0.00	34.50	
000783	MEANDERING WITH MARY	02/25/2020	Regular	0.00	150.00	66931
021320	Invoice	02/18/2020	CPR-FEB CASINO TRIP-SENIORS	0.00	150.00	
002194	METROWEST NEWSPAPERS	02/25/2020	Regular	0.00	783.20	66932
202001	Invoice	02/19/2020	GF-PUBLIC NOTICES	0.00	783.20	
000896	PETTY CASH-FINANCE	02/25/2020	Regular	0.00	391.18	66933
021420	Invoice	02/18/2020	GF-POP/WATER FUND REIMB	0.00	391.18	
000901	PLAINS EAST MECHANICAL SERVICES LLC	02/25/2020	Regular	0.00	510.00	66934
2803-1071	Invoice	02/19/2020	REC-FITNESS ROOM RTU REPAIR	0.00	340.00	
2804-1072	Invoice	02/19/2020	REC-LOBBY RTU REPAIR	0.00	170.00	
001643	PROCEDURE INC	02/25/2020	Regular	0.00	13,854.55	66935
1789	Invoice	02/18/2020	GF-JAN20 PERMIT/INSPECTION FEE-BLDG INS	0.00	13,854.55	

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000935	RAQUEL FERSZT	02/25/2020	Regular	0.00	181.25	66936
994057	Invoice	02/18/2020	GF-TRANSLATOR SERVICES JAN20-COURT	0.00	181.25	
001635	THE TALLENT COMPANY	02/25/2020	Regular	0.00	2,750.00	66937
1034	Invoice	02/18/2020	GF-COMplete COMMUNICATION-CITY ADM	0.00	2,750.00	
002241	TIMOTHY HICKEY	02/25/2020	Regular	0.00	121.36	66938
3618	Invoice	02/01/2020	GF-DUPLICATE PERMIT REFUND	0.00	121.36	
001101	TODD HODGES DESIGN LLC	02/25/2020	Regular	0.00	10,693.75	66939
3186	Invoice	02/18/2020	GF-PLANNING SERVICES 02/03 - 02/16	0.00	10,693.75	
001137	UNITED POWER	02/25/2020	Regular	0.00	5,241.37	66940
10553102 FEB20	Invoice	02/13/2020	United Power	0.00	22.32	
1196401 FEB20	Invoice	02/14/2020	United Power	0.00	33.82	
1279801 FEB20	Invoice	02/14/2020	United Power	0.00	24.72	
14427100 FEB20	Invoice	02/14/2020	United Power	0.00	152.22	
15232500 FEB20	Invoice	02/13/2020	United Power	0.00	21.59	
17149700 FEB20	Invoice	02/11/2020	United Power	0.00	60.52	
17761600 FEB20	Invoice	02/14/2020	United Power	0.00	20.00	
17868800 FEB20	Invoice	02/13/2020	United Power	0.00	20.00	
18498400 FEB20	Invoice	02/13/2020	United Power	0.00	477.61	
726705 FEB20	Invoice	02/13/2020	United Power	0.00	50.23	
7280200 FEB20	Invoice	02/13/2020	United Power	0.00	21.90	
803908 FEB20	Invoice	02/13/2020	United Power	0.00	4,336.44	
000037	ADVANCED URGENT CARE AND OCC MED	02/25/2020	Regular	0.00	85.00	66941
51593	Invoice	12/31/2019	GF-DOT EXAM, ADAME L-PW SHOP	0.00	85.00	
002238	C & S ENTERPRISES	02/26/2020	Regular	0.00	4,925.00	66942
168	Invoice	02/25/2020	Fencing for Diamonds 1 and 2 at Pearson Pa...	0.00	4,925.00	
000024	ACE HARDWARE OF FORT LUPTON	03/03/2020	Regular	0.00	14.41	66943
76671	Invoice	12/31/2019	CPR-GORILLA SPAY ADHESIVE-COM CTR	0.00	12.99	
76701	Invoice	12/31/2019	CPR-FASTENERS-COM CTR	0.00	1.42	
79116	Invoice	12/31/2019	GF-POLY ROPE 50'-PARKS	0.00	14.99	
79117	Credit Memo	12/31/2019	GF-POLY ROPE RETURN-PARKS	0.00	-14.99	
000031	ADAMSON POLICE PRODUCTS	03/03/2020	Regular	0.00	527.25	66944
INV316680	Invoice	12/31/2019	GF-BIKE PATROL UNIFORM GALLEGOS-PD	0.00	134.94	
INV316813	Invoice	12/31/2019	GF-UNIFORMS-MIRAGLIA-PD	0.00	233.95	
INV316838	Invoice	12/31/2019	GF-UNIFORMS HART-PD	0.00	158.36	
000051	ALBERTSONS/SAFEWAY	03/03/2020	Regular	0.00	144.00	66945
72271002022010...	Invoice	02/26/2020	REC-POOL PARTY (2)	0.00	72.00	
72433402232010...	Invoice	02/26/2020	REC-POOL PARTY SUPPLIES	0.00	36.00	
72661802092010...	Invoice	02/26/2020	REC-POOL PARTY	0.00	36.00	
000085	ANDREW JOSE ADAME	03/03/2020	Regular	0.00	200.00	66946
020720	Invoice	02/26/2020	REC-DJ FEB20 TEEN NIGHT	0.00	200.00	
000182	CEM SALES & SERVICE INC	03/03/2020	Regular	0.00	640.00	66947
151501	Invoice	02/26/2020	REC-ANNUAL POOL/SPA HEATER SERVICE	0.00	640.00	
000215	CHALLENGER SPORTS TEAMWEAR	03/03/2020	Regular	0.00	752.60	66948
102	Invoice	02/26/2020	CPR-VOLLEYBALL JERSEYS ADULT-ATHL	0.00	752.60	
000306	COMCAST BUSINESS	03/03/2020	Regular	0.00	3,018.89	66949
117309 FEB2020	Invoice	02/26/2020	REC-CABLE SERVICES	0.00	268.05	
96204404	Invoice	02/15/2020	Comcast Phones	0.00	2,750.84	
000306	COMCAST BUSINESS	03/03/2020	Regular	0.00	-3,018.89	66949
000307	COMCAST CABLE COMM, LLC	03/03/2020	Regular	0.00	306.81	66950
6460164533 FEB20	Invoice	02/13/2020	Comcast 0164533	0.00	306.81	

Check Report

Date Range: 02/19/2020 - 03/03/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000400	DOUGLAS M PERRY	03/03/2020	Regular	0.00	268.96	66951
021420	Invoice	02/26/2020	GF-UNIFORMS-PD	0.00	268.96	
000410	E-470 PUBLIC HIGHWAY AUTHORITY	03/03/2020	Regular	0.00	39.90	66952
2053921438	Invoice	02/26/2020	GF-VEHICLE TOLLS-PD	0.00	39.90	
000436	ENVIROTECH SERVICES, INC	03/03/2020	Regular	0.00	2,831.53	66953
CD202011636	Invoice	02/26/2020	Ice Slicer / Sand	0.00	1,517.53	
CD202011637	Invoice	02/26/2020	Ice Slicer / Sand	0.00	1,314.00	
000489	FORT LUPTON RECREATION CTR	03/03/2020	Regular	0.00	410.00	66954
2019 BOOT	Invoice	02/26/2020	GF-B&G CLUB REC RENTAL-LEGIS	0.00	410.00	
000489	FORT LUPTON RECREATION CTR	03/03/2020	Regular	0.00	900.00	66955
2020 BANQUET	Invoice	02/26/2020	GF-JAN2020 ANNUAL BANQUET RENTALS-L...	0.00	900.00	
000545	GREELEY TRIBUNE	03/03/2020	Regular	0.00	140.40	66956
7298432 2020	Invoice	02/26/2020	GF-ANNUAL SUBSCRIPTION-CITY ADM	0.00	140.40	
000640	JEANELLE ANDERSEN	03/03/2020	Regular	0.00	70.16	66957
022020	Invoice	02/26/2020	GF-CML TRAVEL-COURT	0.00	70.16	
000655	JOHN DEERE FINANCIAL	03/03/2020	Regular	0.00	133.17	66958
826854	Invoice	02/26/2020	GF-OIL FILTER, BATTERY, CORE-PARKS	0.00	133.17	
000820	MUNICODE	03/03/2020	Regular	0.00	3,000.00	66959
339769	Invoice	02/26/2020	Phase I Codification	0.00	3,000.00	
002230	MUSCO LIGHTING	03/03/2020	Regular	0.00	187,193.00	66960
333188	Invoice	02/26/2020	CPR- Pearson Park Lighting	0.00	187,193.00	
000865	OFFICE DEPOT	03/03/2020	Regular	0.00	424.86	66961
435828124001	Invoice	02/01/2020	GF-ENVELOPES, TAPE, TONER	0.00	65.76	
435828324001	Invoice	02/01/2020	GF-BROTHER TONERS-FIN	0.00	254.97	
436281433001	Invoice	02/26/2020	GF-INDEX CARDS, HP TONER-ADMIN	0.00	104.13	
000862	O'REILLY AUTO PARTS	03/03/2020	Regular	0.00	51.21	66962
4489-187216	Invoice	02/26/2020	GF-RETAINER, NEEDLE-PARKS	0.00	18.98	
4489-187229	Invoice	02/26/2020	GF-HEADLIGHT-PARKS	0.00	32.23	
001943	PINNACOL ASSURANCE	03/03/2020	Regular	0.00	11,255.67	66963
19909174	Invoice	02/26/2020	GF- 2020 Workman's Comp Coverage	0.00	11,255.67	
000901	PLAINS EAST MECHANICAL SERVICES LLC	03/03/2020	Regular	0.00	1,916.50	66964
2805-1073	Invoice	02/26/2020	Server Room AC Repair	0.00	1,916.50	
002244	RICHARD GERMAINE	03/03/2020	Regular	0.00	21.50	66965
2006060.001	Invoice	02/26/2020	REC-PRO RATED MEMBERSHIP REFUND	0.00	21.50	
001075	THE CONSOLIDATED MUTUAL	03/03/2020	Regular	0.00	1,163.85	66966
10442702 FEB20	Invoice	02/26/2020	UF-JAN20 ELECTRICAL PERRY PIT WELL C-W ...	0.00	33.68	
10443102 FEB20	Invoice	02/26/2020	UF-JAN20 ELECTRICAL PERRY PIT WELL B-W ...	0.00	1,026.00	
17273902 FEB20	Invoice	02/26/2020	UF-JAN20 ELECTRICAL PERRY PIT DISCHARGE...	0.00	104.17	
001105	TOSHIBA FINANCIAL SERVICES	03/03/2020	Regular	0.00	260.45	66967
407430180	Invoice	02/14/2020	Copier Lease	0.00	260.45	
001137	UNITED POWER	03/03/2020	Regular	0.00	28,195.50	66968
1195501 FEB20	Invoice	02/21/2020	United Power	0.00	1,434.85	
1207701 FEB20	Invoice	02/21/2020	United Power	0.00	21.05	
1223101 FEB20	Invoice	02/21/2020	United Power	0.00	20.00	
1240301 FEB20	Invoice	02/21/2020	United Power	0.00	239.05	
1241801 FEB20	Invoice	02/21/2020	United Power	0.00	160.50	
1241903 FEB20	Invoice	02/21/2020	United Power	0.00	92.85	
1276101 FEB20	Invoice	02/21/2020	United Power	0.00	409.12	

Check Report

Date Range: 02/19/2020 - 03/03/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
1295501 FEB20	Invoice	02/21/2020	United Power	0.00	69.92	
1296101 FEB20	Invoice	02/21/2020	United Power	0.00	417.83	
1299501 FEB20	Invoice	02/21/2020	United Power	0.00	112.00	
1302801 FEB20	Invoice	02/21/2020	United Power	0.00	1,390.70	
1302901 FEB20	Invoice	02/21/2020	United Power	0.00	155.94	
1316801 FEB20	Invoice	02/21/2020	United Power	0.00	480.87	
1322501 FEB20	Invoice	02/21/2020	United Power	0.00	6,196.89	
1360303 FEB20	Invoice	02/21/2020	United Power	0.00	56.87	
13842400 FEB20	Invoice	02/21/2020	United Power	0.00	41.97	
18057500 FEB20	Invoice	02/21/2020	United Power	0.00	519.02	
18762100 FEB20	Invoice	02/21/2020	United Power	0.00	93.52	
19545100 FEB20	Invoice	02/21/2020	United Power	0.00	727.08	
20040100 FEB20	Invoice	02/21/2020	United Power	0.00	398.80	
3399301 FEB20	Invoice	02/20/2020	United Power	0.00	52.13	
6612303 FEB20	Invoice	02/20/2020	United Power	0.00	21.07	
6779701 FEB20	Invoice	02/21/2020	United Power	0.00	5,954.74	
704901 FEB20	Invoice	02/21/2020	United Power	0.00	7,599.41	
7225800 FEB20	Invoice	02/21/2020	United Power	0.00	21.94	
733101 FEB20	Invoice	02/21/2020	United Power	0.00	317.09	
762901 FEB20	Invoice	02/21/2020	United Power	0.00	544.57	
8976200 FEB20	Invoice	02/21/2020	United Power	0.00	645.72	
001145	UPSTATE COLORADO ECONOMIC	03/03/2020	Regular	0.00	10,000.00	66969
PSI2020-05	Invoice	02/26/2020	GF-UPSTATE ANNUAL FEES-PLAN	0.00	10,000.00	
001149	UTILITY NOTIFICATION CENTER	03/03/2020	Regular	0.00	211.58	66970
219120451	Invoice	12/31/2019	SSTX-DEC19 RTL TRANSMISSIONS-STREETS	0.00	211.58	
001963	WASTE CONNECTIONS OF COLO, INC	03/03/2020	Regular	0.00	205.10	66971
4062023	Invoice	02/26/2020	GF-31177334 3YD PU 1XWEEK-PARKS	0.00	102.55	
4062656	Invoice	02/26/2020	CEM-3YD TRASH PU	0.00	102.55	
000306	COMCAST BUSINESS	03/03/2020	Regular	0.00	2,750.84	66973
96204404	Invoice	02/15/2020	Comcast Phones	0.00	2,750.84	
000307	COMCAST CABLE COMM, LLC	03/03/2020	Regular	0.00	268.05	66974
117309 FEB2020	Invoice	02/26/2020	REC-CABLE SERVICES	0.00	268.05	
000285	COLORADO DEPARTMENT OF REVENUE	02/20/2020	Bank Draft	0.00	15.23	DFT0001173
022020	Invoice	02/20/2020	REC-JANUARY SALES TAX	0.00	15.23	
000119	BANK OF COLORADO	02/28/2020	Bank Draft	0.00	5,875.60	DFT0001176
INV0000723	Invoice	02/28/2020	HSA DISTRIBUTION	0.00	5,875.60	
000119	BANK OF COLORADO	02/28/2020	Bank Draft	0.00	691.27	DFT0001177
INV0000724	Invoice	02/28/2020	HSA DISTRIBUTION	0.00	691.27	
001416	VALIC_1	02/28/2020	Bank Draft	0.00	27,844.58	DFT0001178
INV0000725	Invoice	02/28/2020	VALIC - 457(b) \$ Contributions	0.00	27,844.58	
001265	IRS	02/28/2020	Bank Draft	0.00	44,557.46	DFT0001179
INV0000726	Invoice	02/28/2020	Federal Withholding	0.00	44,557.46	
001418	CO DEPARTMENT OF REVENUE	02/28/2020	Bank Draft	0.00	6,967.98	DFT0001180

Check Report

Date Range: 02/19/2020 - 03/03/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
INV0000727	Invoice	02/28/2020	CO Withholding	0.00	6,967.98	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	114	59	0.00	444,070.24
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	-3,103.89
Bank Drafts	6	6	0.00	85,952.12
EFT's	0	0	0.00	0.00
	120	67	0.00	526,918.47

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	144	72	0.00	449,823.24
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	-3,103.89
Bank Drafts	7	7	0.00	86,492.78
EFT's	0	0	0.00	0.00
	151	81	0.00	533,212.13

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	2/2020	3,408.64
600	GOLF ENTERPRISE FUND	3/2020	2,885.02
999	POOLED CASH/CONSOLIDATED CASH	2/2020	272,621.17
999	POOLED CASH/CONSOLIDATED CASH	3/2020	254,297.30
			533,212.13

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 18, 2020**

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, February 18, 2020. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Council Members, Chris Ceretto, David Crespin, Michael Sanchez and Bruce Fitzgerald. Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, Public Works Director, Roy Vestal, Sergeant David Hempel and City Attorney, Andy Ausmus.

PERSONS TO ADDRESS COUNCIL

There was no one from the public wishing to address the Council.

APPROVAL OF AGENDA

It was moved by David Crespin and seconded by Bruce Fitzgerald to add the following items to the Consent Agenda: Item 'c' Second Reading of Ordinance 2020-1074 An Ordinance Amending Specific Provisions of Chapter 19, Metropolitan Districts, Article I General Provisions, Section 19-5 Procedures of the Fort Lupton Municipal Code and Item 'd' Second Reading of Ordinance 2020-1075 an Ordinance accepting the MP Subdivision Public Right of Way. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 4, 2020 payables; there were no questions or comments.

CONSENT AGENDA

It was moved by Chris Ceretto and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: 02042020 City Council Meeting Minutes, Approving Payment to Axon Enterprise Inc. for Annual Payment for Body and In-Car Camera System Purchase, Maintenance and Data Storage for 2020 (AM 2020-050), Second Reading of Ordinance 2020-1074 AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF CHAPTER 19, METROPOLITAN DISTRICTS, ARTICLE I GENERAL PROVISIONS, SECTION 19-5 PROCEDURES OF THE FORT LUPTON MUNICIPAL CODE and Second Reading of Ordinance 2020-1075 AN ORDINANCE ACCEPTING THE MP SUBDIVISION PUBLIC RIGHT OF WAY DEDICATION. Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2020-051 Ordinance to Accept Public Right of Way from Gregg Ten Evck and Corrin Campbell for 543.53 Feet of the Southern Portion of County Road 24

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 18, 2020

To accept the dedication of a 25 feet wide public Right of Way located south of the centerline of County Road 24 approximately 547.53-feet along the frontage of the Ten-Eyck special use permit site plan, in the north half of Section 10 Township 2N, Range 67W from Gregg Ten Eyck and Corrin Campbell. The Ten Eyck and Campbell Special Use Permit Site Plan was required to dedicate Right of Way along County Road 24 as part of the planning process (Project No. LUP2019-0031, & Plan No. SUP2018-0008) approved with Resolution No. 2019R077 on November 18, 2019.

It was moved by Bruce Fitzgerald and seconded by David Crespin to adopt Ordinance 2020-1078 AN ORDINANCE ACCEPTING THE TEN EYCK AND CAMPBELL PUBLIC RIGHT OF WAY DEDICATION FOR COUNTY ROAD 24. Motion passed unanimously on roll call vote.

AM 2020-052 Renew Agreement with Williams and Weiss Consulting LLC to Provide Water Engineering Services for the City of Fort Lupton for an Amount of \$95,440 from the Utility Fund and Water Sales Tax Funds

Williams and Weiss was employed in 2012 to provide water engineering services. The scope of service includes Decree accounting and water resource planning. Todd Williams of Williams and Weiss has been instrumental in maintaining the City's water accounting as well as handling all leases of excess water for additional revenues. The 2020 estimate totals \$95,440 for all services listed in the letter including hours assisting him from J&T Consulting valued at \$22,650. As has been done in the past, the estimate is a not to exceed and billed on a time and material basis. Historically, the actual cost is much lower than the anticipated amount.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to renew the agreement with Williams and Weiss Consulting LLC to provide water engineering series for the City of Fort Lupton for an amount of \$95,440 from the Utility Fund and Water Sales Tax Fund. Motion passed unanimously on roll call vote.

AM 2020-053 Adopting an Ordinance Amending Chapter 10 General Offenses, Article XII Miscellaneous Offenses, Section 10-264 Fireworks Prohibited, of the Fort Lupton Municipal Code

The City's firework ordinance covers fireworks that are allowable in city limits. Based upon the ordinance, fireworks are not allowed. The City has adopted the International Fire Code. The most recent International Fire Code updated the article addressing fireworks and is no longer in Article 78. This ordinance change renews the reference to International Fire Code. In addition, the current ordinance does not mention State of Colorado firework regulations. This change will align our code with what the State allows.

It was moved by Michael Sanchez and seconded by David Crespin to adopt Ordinance 2020-1079 AN ORDINANCE AMENDING CHAPTER 10, ARTICLE XII MISCELLANEOUS

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 18, 2020**

OFFENSE, SECTION 10-264 FIREWORKS PROHIBITED OF THE FORT LUPTON MUNICIPAL CODE. Motion passed unanimously on roll call vote.

STAFF REPORTS

There were no reports.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

February 17, 2020 City Offices Closed in Observance of Presidents Day
February 18, 2020 City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave.
February 25, 2020 Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave.

ADJOURNMENT

Mayor Stieber moved to adjourn the meeting at 7:07 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

ORDINANCE NO. 2020-1076

INTRODUCED BY: BRUCE FITZGERALD

ADOPT ORDINANCE 2020-1076 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE WADE ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 4th day of February 2020.

PUBLISHED in the Fort Lupton Press the 12th day of February 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 3rd day of March 2020.

PUBLISHED BY TITLE ONLY the 11th day of March 2020.

EFFECTIVE (after publication) the 10th day of April 2020.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A

LOT A, RECORDED EXEMPTION NO. 1311-10-01 RECX18-0071, ACCORDING TO THE MAP RECORDED SEPTEMBER 27, 2018 AT RECEPTION NO. 4434367, BEING PART OF THE N 1/2 OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

SAID PARCEL CONTAINS 2.85 ACRES, MORE OR LESS.

ORDINANCE NO. 2020-1077

INTRODUCED BY: TOMMY HOLTON

ADOPT ORDINANCE 2020-1077 INITIALLY ZONING LAND KNOWN AS THE WADE INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE ‘A’ AGRICULTURAL ZONE DISTRICT.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 4th day of April 2020.

PUBLISHED in the Fort Lupton Press the 12th day of February 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 3rd day of March 2020.

PUBLISHED BY TITLE ONLY the 11th day of March 2020.

EFFECTIVE (after publication) the 10th day of April 2020.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk
Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A

LOT A, RECORDED EXEMPTION NO. 1311-10-01 RECX18-0071, ACCORDING TO THE MAP RECORDED SEPTEMBER 27, 2018 AT RECEPTION NO. 4434367, BEING PART OF THE N 1/2 OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

SAID PARCEL CONTAINS 2.85 ACRES, MORE OR LESS.

VIII. Detail of Issue/Request:

As indicated, letters and applications were sent to all existing advisory committee members during the month of November. In addition, vacancies for committee appointments have been solicited at City web page, and social media.

Exhibit "A" represents a list of the active general advisory committees with the proposed member list. Current policy establishes that, "Newly elected Mayors shall appoint members to all advisory/governing committees to be ratified by the City Council and members so appointed shall serve at the pleasure of the Mayor."

It is anticipated that another round of appointments may need to occur in the future.

IX. Legal/Political Considerations:

None noted.

X. Alternatives/Options:

Continue to solicit for applications through announcements including the City's social media accounts for vacancies that remain unfilled.

XI. Financial Considerations:

None noted.

XII. Staff Recommendation:

Staff seeks approval.

RESOLUTION 2020Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE MAYOR'S APPOINTMENT OF THE ATTACHED LIST OF CANDIDATES (EXHIBIT "A") TO THE CORRESPONDING ADVISORY COMMITTEES FOR A TERM BEGINNING MARCH 3, 2020 AND ENDING DECEMBER 31, 2021 AND RESTATING CITY LIAISONS

WHEREAS, each candidate has submitted a request in the form of an application for the Mayor to consider appointment or reappointment to committee positions allowing them the opportunity to serve the City of Fort Lupton, and;

WHEREAS, each committee has a City liaison to provide communication between the committee and the City Council.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby ratifies the Mayor's appointment of the attached list of candidates to the corresponding Advisory Committees for a term beginning March 3, 2020 and ending December 31, 2021 and restate City liaisons.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 4th DAY OF FEBRUARY 2020.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT "A"
Advisory Committee Appointments

BOARD OF ADJUSTMENT		
Todd Hodges		City Liaison
CEMETERY COMMITTEE		
Roy Vestal		City Liaison
Mari Peña		City Liaison
CULTURE, PARKS AND RECREATION COMMITTEE AND MUSEUM		
Megan Crespin	03/02/2020 – 12/31/2020	
Monty Shuman		City Liaison
Brian Oswalt		City Liaison
GOLF COMMITTEE		
Tyler Tarpley		City Liaison
FINANCE COMMITTEE		
Leann Perino		City Liaison
FORT LUPTON PUBLIC AND SCHOOL LIBRARY		
Sarah Frank		City Liaison
HISTORIC PRESERVATION BOARD		
Alyssa Knutson		City Liaison
FLURA		
Alyssa Knutson		City Liaison
PLANNING COMMISSION		
Todd Hodges		City Liaison
PUBLIC SAFETY COMMITTEE		
John Fryar		City Liaison
SENIOR CITIZEN COMMITTEE		
Monty Schuman		City Liaison
SPECIAL PROJECTS		
Chris Cross		City Liaison

Crespin 



CITY OF FORT LUPTON APPLICATION FOR CITIZEN ADVISORY BOARD/ COMMISSION APPOINTMENT

City Boards and Commissions play an important role in forming City policy. To be considered as a candidate, please complete this application and return it to the City Clerk's Office at 130 South McKinley Avenue, Fort Lupton, CO 80621; Phone: 720-466-6101. The City Clerk will submit your application to the Mayor for review. Thank you for your interest!

Date: 2-3-2020

City of Fort Lupton Resident? Yes No

Name: Megan Crespin Home Phone: [REDACTED]
Address: [REDACTED] Cell Phone: [REDACTED]
CO 80621 Work Phone: [REDACTED]
Occupation: Child Care e-mail: [REDACTED]

Board or Commission you are applying for: (Please use a separate application if applying for more than one.)

Culture Parks Recreation and Museum Committee

1. Please list your work experience, community involvement, and other interests which apply to this Board or Commission: (Information may be continued on back of form or attached.)

Child Care

2. List any licenses, certificates of special training, or education which apply to this Board or Commission:

N/A

3. Briefly describe the reasons for your interest in serving on this City Board or Commission:

my Child and my child care families are involved in many Rec activities.

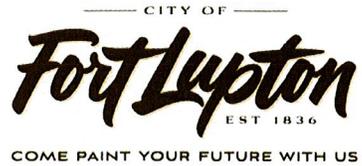
4. Please list supporting documents if not continued on other side:

N/A

Signature of Applicant: by signing this application I agree that I have received a copy of the City Council Code of Ethics and Conduct.

M. Crespin

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-057

APPROVING A RESOLUTION TO DEDICATE UNDERGROUND POWER EASEMENT TO UNITED POWER ACROSS CITY OWNED PROPERTY AT COYOTE CREEK GOLF COURSE AND GOLF COURSE

-
- I. **Agenda Date:** Council Meeting – March 3, 2020

 - II. **Attachments:**
 - a. Resolution 2020-0xx.
 - b. Easement Dedication.

 - III. **Summary Statement:**

To dedicate an underground power easement on City owned property located at Coyote Creek Golf Course to United Power.

-
- IV. **Submitted by:** 
Public Works Director

 - V. **Finance Reviewed** 
Finance Director

 - VI. **Approved for Presentation:** 
City Administrator

 - VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. Certification of Council Approval: _____
City Clerk Date

IX. Detail of Issue/Request:

United Power requires a new underground power line route that crosses City property at Coyote Creek Golf Course adjacent to 9th Street future Right-of-Way. The ten feet wide easement gives United Power the ability to construct and access their facilities within the Coyote Creek Golf Course for maintenance and operations. The proposed line is undergrounding of the overhead lines along the south side of 9th Street from the eastern edge of Twombly Elementary School, east to College Avenue. The proposed lines will not interfere with existing golf course facilities.

This is in association with the current undergrounding project with United Power undergrounding funds approved by council with AM 2019-170 on September 3, 2019.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Accept Dedication*
- *Do not approve*
- *Do nothing*

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

City staff recommends approval of the Resolution and executing the easement agreement with the United Power.

RESOLUTION NO. 2020Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE UNITED POWER EASEMENT AGREEMENT ACROSS THE GOLF COURSE PROPERTY ADJACENT TO 9TH STREET.

WHEREAS, Unite Power requires an underground power line crossing property of the City's located within the Coyote Creek Golf Course adjacent to future 9th Street Right-of-Way; and,

WHEREAS, after review of the easement agreement and consideration of staff comments, staff recommended approval to City Council; and

WHEREAS, the City Council finds that the easement agreement is in conformance with the Fort Lupton Land Use Plan, zoning code and is consistent with the goals and policies therein; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the easement agreement with supporting documentation. Based upon review of the applicable policies and goals in the Fort Lupton Land Use Plan, and analysis of staff comments, the City hereby approves the United Power easement agreement and authorizes the Mayor to sign.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 3rd DAY OF MARCH 2020.

CITY OF FORT LUPTON, COLORADO:

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved to Form:

Andy Ausmus, City Attorney

GRANT OF EASEMENT

CITY OF FORT LUPTON, GRANTOR (whether one or more), whose address is 130 S McKinley Ave., Fort Lupton, CO 80621, in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, grants and conveys unto UNITED POWER, INC., GRANTEE, whose address is 500 Cooperative Way, Brighton, Colorado 80603, its successors and assigns, a perpetual easement and the right to construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove utility, electrical and communications facilities and all fixtures and devices appurtenant thereto, as may from time to time be useful to, or required by Grantee, on, over, under, and across the following described property in the County of Weld, State of Colorado to-wit:

Easement description as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Those facilities may be underground and/or at grade and may include, but shall not be limited to conduits, wire, conductors, transformers, manholes and supports of whatever materials, including braces, guides, and other fixtures or devices used or useful in connection therewith.

Grantee shall have the right of ingress and egress 24 hours a day, 7 days a week, over and across the lands of the Grantor to and from the easement described in Exhibit A to survey, construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove utility, electrical and communications facilities and all fixtures and devices appurtenant thereto, and the right to remove any objects interfering therewith, including but not limited to, the trimming of trees and bushes as may be necessary. Grantee shall have the right to use the adjacent lands of Grantor, described as Temporary Workspace in Exhibit "A", during construction, maintenance, replacement, enlargement, reconstruction, improvement, inspection, repairs and removal as may be required to permit the operation of standard utility construction or repair machinery or the operation of any other company within the boundaries of this easement.

Grantor reserves the right to occupy, use, and landscape said easement for all purposes not inconsistent with the rights granted to Grantee so long as said use does not damage or interfere with the Grantee's facilities or the construction, operation, maintenance, replacement, enlargement, reconstruction, improvement, inspection, repair and removal thereof. Grantor shall not plant any tree or bush within 5.0 feet of any existing Grantee facilities or within 10.0 feet of the opening side of any transformer or cabinet without the prior written approval of Grantee. Grantor shall not install, or permit the installation of, any buildings or permanent structures or facilities of any kind on, over, under, or across said easement without the prior written approval of Grantee.

Upon completion of construction, Grantee shall restore the surface of Grantor's property to substantially the same level and condition as existed prior to construction.

Each and every one of the benefits and burdens of this Grant of Easement shall run with the land and shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto. The rights of Grantee hereunder may be exercised by its employees, licensees, contractors and permittees.

Grantor warrants that Grantor is the fee owner of the encumbered property and has the full right and lawful authority to make the grant contained herein and promises and agrees to defend Grantee in the exercise of the Grantee's rights hereunder against any defect in Grantor's title to the land involved or Grantor's right to make the grant contained herein.

OSHA REQUIREMENTS. Grantee agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Grantee shall at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Grantee acknowledges and agrees that with respect to the use of this easement, it shall comply with all obligations and assume all responsibilities imposed upon the Grantee as such term is defined and construed under all OSHA rules and regulations. The Grantee shall adhere to all federal, state and local safety and health regulations, laws and ordinances.

EXHIBIT "A"

DESCRIPTION

A PORTION OF LOT B AS SHOWN ON RECORDED EXEMPTION NO. 1471-05-1-RE1350, FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2259411 (1), TRACT H AS SHOWN ON THE COYOTE CREEK FILING NO. 2 FINAL PLAT, FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2832670 (2) AND THAT PARCEL OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO CITY OF FORT LUPTON, FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2498088 (3). SAID PARCELS ARE LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 5 AND THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CENTERLINE EASEMENT

A FIFTEEN (15) FOOT WIDE STRIP, BEING SEVEN AND ONE-HALF (7.5) FEET, AS MEASURED PERPENDICULAR, LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 5, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 14823 2003", THENCE SOUTH 87°50'03" EAST, A DISTANCE OF 1,090.17 FEET TO A POINT ON A WEST LINE OF SAID LOT B AND THE **POINT OF BEGINNING**;

THENCE OVER AND ACROSS SAID PARCELS OF LAND THE FOLLOWING TWO (2) COURSES AND DISTANCES;

1. NORTH 89°32'14" EAST, FIFTY (50) FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT B, SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5, A DISTANCE OF 1,555.13 FEET TO THE EAST LINE OF SAID LOT B, SAID LINE ALSO BEING THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 5;
2. NORTH 89°24'15" EAST, FIFTY (50) FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID PARCEL OF LAND (3), SAID LINE ALSO BEING THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 4, A DISTANCE OF 2,644.31 FEET, MORE OR LESS, TO THE EAST LINE OF SAID PARCEL OF LAND (3), SAID LINE ALSO BEING THE EAST LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 4 AND THE **POINT OF TERMINUS**, FROM WHICH THE NORTH ONE-QUARTER CORNER OF SAID SECTION 4, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 38091 2017" BEARS NORTH 00°11'57" WEST, A DISTANCE OF 50.00 FEET.

THE TOTAL LENGTH OF THE ABOVE DESCRIBED CENTERLINE EASEMENT IS 4,199.44 FEET, CONTAINING 1.446 ACRES (62,992 SQUARE FEET) OF LAND, MORE OR LESS.

THE SIDELINES OF THE HEREIN DESCRIBED EASEMENT ARE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON A WEST LINE OF SAID LOT B AND THE EAST LINE OF SAID PARCEL OF LAND (3). SAID STRIP BEING BOUND WITHIN THE LANDS OWNED BY THE PARTIES NAMED HEREON OR THEIR SUCCESSORS AND ASSIGNS.

TOGETHER WITH ALL TEMPORARY WORKSPACE BEING PARALLEL, CONTIGUOUS, ADJACENT AND LYING SOUTH OF THE ABOVE DESCRIBED CENTERLINE EASEMENT, WITHIN SAID PARCELS OF LAND AND AS DEPICTED ON SHEETS 2 AND 3 OF 3.

NOTES:

1. SEE THE ATTACHED EXHIBIT "A" ILLUSTRATION BY WHICH THIS REFERENCE IS MADE PART HEREOF.
2. THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "VRS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106).
4. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GROUND. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999725020.
5. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M. SAID LINE BEING MONUMENTED ON THE WEST BY THE NORTH ONE-QUARTER CORNER OF SAID SECTION 5, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 14823 2003" AND ON THE EAST BY THE NORTHEAST CORNER OF SAID SECTION 5, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 13155 1995" AND BEARS NORTH 89°32'14" EAST.

PROJ. NO. 196034
PREPARED BY: H. LAWRENCE SINCO
DATE PREPARED: 02/12/2020
FOR AND ON BEHALF OF ACKLAM, INC.
133 S. 27th AVENUE BRIGHTON, CO 80601
303.659.6267
WO_201906006_FORT_LUPTON_DESC.docx
PRINTED: 2/12/2020 3:08:00 PM Lawrence Sinco

REVISIONS

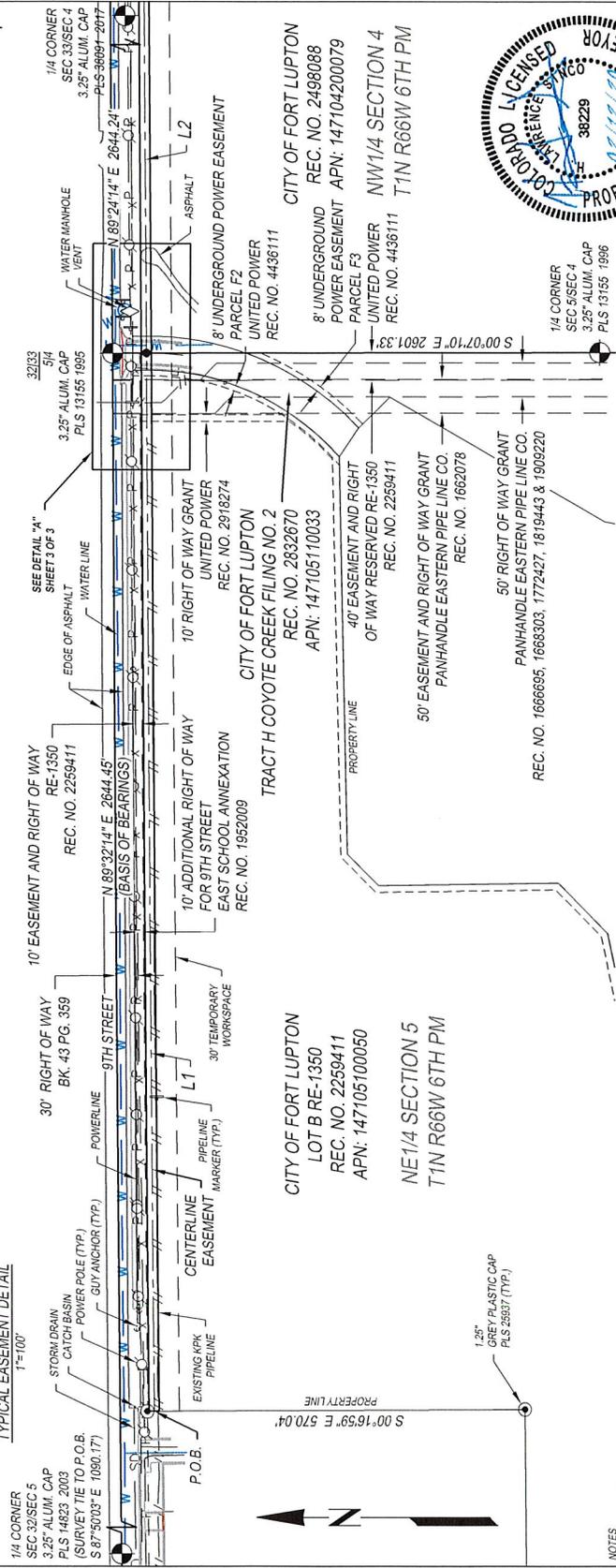
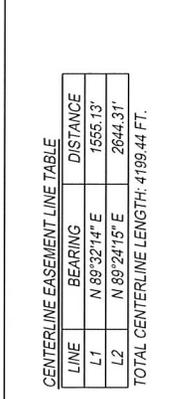
NO.	DATE	BY	DESCRIPTION

SW1/4 SECTION 33
T2N R66W 6TH PM

CENTERLINE EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°32'14" E	1555.13'
L2	N 89°24'15" E	2644.31'

TOTAL CENTERLINE LENGTH: 4199.44 FT.

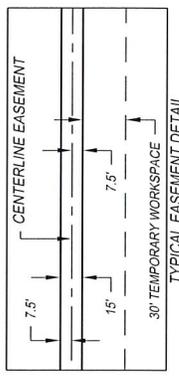
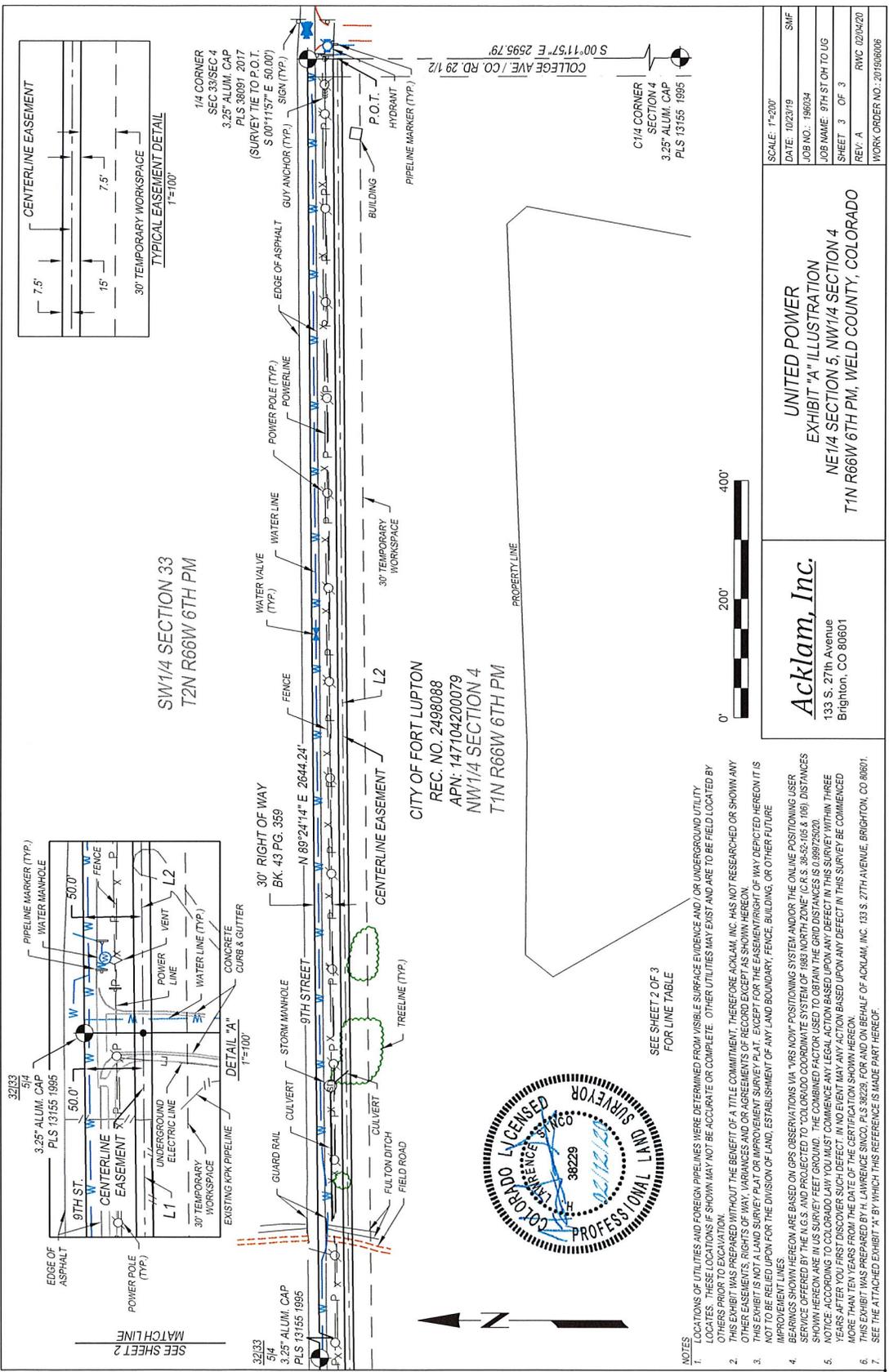


- NOTES
- LOCATIONS OF UTILITIES AND FOREIGN PIPELINES WERE DETERMINED FROM VISIBLE SURFACE EVIDENCE AND/OR UNDERGROUND UTILITY LOCATES. THESE LOCATIONS IF SHOWN MAY NOT BE ACCURATE OR COMPLETE. OTHER UTILITIES MAY EXIST AND ARE TO BE FIELD LOCATED BY OTHERS PRIOR TO EXCAVATION.
 - THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
 - THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, EXCEPT FOR THE EASEMENT RIGHT OF WAY DEPICTED HEREON IT IS INTENDED FOR THE DIVISION OF LAND, ESTABLISHMENT OF ANY LAND BOUNDARY, FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.
 - BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "RTS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 86-55-103 & 109). DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GROUND. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999752029.
 - NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 - THIS EXHIBIT WAS PREPARED BY H. LAWRENCE SACCO, PLS 38229, FOR AND ON BEHALF OF ACKLAM, INC. 133 S. 27TH AVENUE, BRIGHTON, CO 80801.
 - SEE THE ATTACHED EXHIBIT "A" BY WHICH THIS REFERENCE IS MADE PART HEREOF.

United Power
EXHIBIT "A" ILLUSTRATION
NE1/4 SECTION 5, NW1/4 SECTION 4
T1N R66W 6TH PM, WELD COUNTY, COLORADO

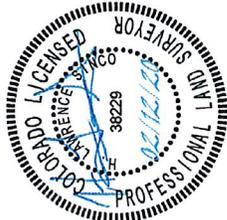
Acklam, Inc.
133 S. 27th Avenue
Brighton, CO 80601

SCALE: 1"=200'
DATE: 10/23/19
JOB NO.: 190824
JOB NAME: 9TH ST OH TO LUG
SHEET 2 OF 3
REV. A
WORK ORDER NO.: 201908206



SW1/4 SECTION 33
T2N R66W 6TH PM

CITY OF FORT LUPTON
REC. NO. 2498088
APN: 147104200079
NW1/4 SECTION 4
T1N R66W 6TH PM



SEE SHEET 2 OF 3
FOR LINE TABLE

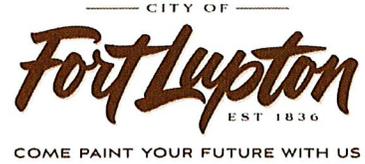
- NOTES
1. LOCATIONS OF UTILITIES AND FOREIGN PIPELINES WERE DETERMINED FROM VISIBLE SURFACE EVIDENCE AND/OR UNDERGROUND UTILITY LOCATES. THESE LOCATIONS IF SHOWN MAY NOT BE ACCURATE OR COMPLETE. OTHER UTILITIES MAY EXIST AND ARE TO BE FIELD LOCATED BY OTHERS PRIOR TO EXCAVATION.
 2. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER INTERESTS, ENCUMBRANCES, OR LIENS AND OR LOCATIONS NOT RECORDED EXCEPT AS SHOWN HEREON.
 3. THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. EXCEPT FOR THE EASEMENT RIGHT OF WAY DEPICTED HEREON IT IS NOT TO BE RELIED UPON FOR THE DIVISION OF LAND, ESTABLISHMENT OF ANY LAND BOUNDARY, FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.
 4. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "YARS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 36-52-105 & 106). DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GROUND. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999725201.
 5. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 6. THIS EXHIBIT WAS PREPARED BY H. LAWRENCE SISCO, P.L.S. 38229, FOR AND ON BEHALF OF ACKLAM, INC. 133 S. 27TH AVENUE, BRIGHTON, CO 80801.
 7. SEE THE ATTACHED EXHIBIT "A" BY WHICH THIS REFERENCE IS MADE PART HEREOF.

SCALE: 1"=200'
DATE: 10/23/19
JOB NO.: 196034
JOB NAME: 9TH ST OH TO UG
SHEET 3 OF 3
REV. A
RWC 02/04/20
WORK ORDER NO.: 201906006

UNITED POWER
EXHIBIT "A" ILLUSTRATION
NE1/4 SECTION 5, NW1/4 SECTION 4
T1N R66W 6TH PM, WELD COUNTY, COLORADO

Acklam, Inc.
133 S. 27th Avenue
Brighton, CO 80801

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-059

APPROVE A RESOLUTION FOR THE FULTON RANCH SKETCH PUD PLAT SUBMITTED BY COYOTE CREEK NORTH, LLC TO CREATE A RESIDENTIAL SUBDIVISION

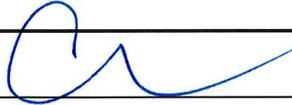
I. Agenda Date: Council Meeting – March 3, 2020

- II. Attachments:**
- a. Proposed Resolution
 - b. Planning Commission Resolution, Minutes & Staff Report
 - c. Land Use Application & Project Description
 - d. Maps
 - e. Geotechnical Report
 - f. Traffic Impact Study
 - h. Drainage Memo
 - i. Referral Responses
 - j. Legal Notifications

III. Summary Statement:

The Applicant, Sun Communities, has submitted a request for a sketch PUD plat on a property that is approximately 127.5 acres. The property is located east and adjacent to County Road 29, and south and adjacent to 14th Street. The proposal is for a residential subdivision that will include 466 single family manufactured homes, with associated amenities that will include an amenity center, pocket parks and interconnecting trails. The zoning is PUD Planned Unit Development, and the proposed land use conforms to this zoning.

IV. Submitted by:



Planner

V. Finance Reviewed



Finance Director

VI. Approved for Presentation:



City Administrator

VII. Attorney Reviewed

Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

The Applicant, Sun Communities, has submitted a request for a sketch PUD plat on a property that is approximately 127.5 acres. The property is located east and adjacent to County Road 29, and south and adjacent to 14th Street. The proposal is for a residential subdivision that will include 466 single family manufactured homes, with associated amenities that will include an amenity center, pocket parks and interconnecting trails. There are four planned phases, and the development will include roadways, two neighborhood pocket park, open space, and trails. Future submittals will include more detail pertaining to the planned phasing of the project.

The zoning is PUD Planned Unit Development, and the proposed land use conforms to this zoning. In addition, the comprehensive plan supports this proposed development, which is designated as the Single Family Detached land use type.

This sketch PUD plat is meant to be conceptual, and full details and engineering will be developed during the next phase, which is the preliminary and final PUD plat phase. More information on the intent of the sketch phase is detailed in the Legal/Political Considerations under Section X below.

Additional information on this application is included in the enclosed packet materials included with this Action Memorandum.

X. Legal/Political Considerations:

Pursuant to the Fort Lupton Municipal Code Section 16-45, a sketch PUD plan (or plat) is an initial review of a proposed Planned Unit Development and is processed per Section 17-21 of the Code. The sketch PUD plan phase is required prior to submitting a preliminary PUD plan and final PUD plan. The sketch PUD plan should generally define the layout of streets, lots and location of any public uses, such as schools and parks, and proposed zoning classifications.

All notification requirements were met, including mailing notice to property owners within 500 feet of the site and sending notice to mineral owners and lessees of record on the properties.

The intent of the sketch PUD plan is to provide a general concept that describes the applicants' development vision and plan for a proposed PUD. The sketch PUD plan gives the City an opportunity to describe the community's vision to the applicant, provides basic information to the City that will affect the planning and design of the site, and gives the applicant an opportunity to hear comments and concerns from the public prior to proceeding with detailed project design. A sketch PUD plan is not intended to provide final comments or requirements, or restrict the City's discretion in subsequent stages of the review process.

XI. Alternatives/Options:

The City Council has the following three options for the request:

- a) Approve the sketch PUD plat;*
- b) Conditionally approve the sketch PUD plat;*
- c) Remand the sketch PUD plat to Planning Commission; or*
- d) Deny the sketch PUD plat.*

XII. Financial Considerations:

The Applicant has paid all applicable land use application fees and are covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends conditional approval of the Fulton Ranch Sketch PUD Plat.

RESOLUTION NO. 2020R0xx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FULTON RANCH SKETCH PUD PLAT SUBMITTED BY SUN COMMUNITIES TO CREATE A SINGLE LOT RESIDENTIAL SUBDIVISION LOCATED EAST AND ADJACENT TO COUNTY ROAD 29, AND SOUTH AND ADJACENT TO 14TH STREET IN A PART OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on February 13, 2020, for the purpose of reviewing the Fulton Ranch Sketch PUD Plat submitted by Sun Communities; and

WHEREAS, the Sketch PUD Plat proposes to develop the property for a single lot residential subdivision with 466 lease spaces, with associated amenities that will include an amenity center, pocket parks and interconnecting trails; and

WHEREAS, after review of the application for a Sketch PUD Plat, and consideration of staff comments, applicant's presentation, and any public input, Planning Commission recommended approval of the Fulton Ranch PUD Plat; and

WHEREAS, all legal requirements for the public hearing have been met, including mailing of public hearing notices to adjacent property owners within 500 feet; and

WHEREAS, the City Council held a public hearing to consider and review the request for a Sketch PUD Plat on March 3, 2019; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the plans and supporting documentation, all referral comments and any citizen input in response to this application. Based upon review of the applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Subdivision and Zoning Regulations, an analysis of referral comments and facts presented on this date, the City Council hereby recommends approval of the Fulton Ranch Sketch PUD Plat located in a part of Section 33, Township 2 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado with the following conditions:

- I. Prior to submittal of a Preliminary PUD Plat:
 - A. The title of the Sketch PUD Plat map shall include the Project No. LUP2019-0039& Plan No. SPL2019-0005.
 - B. Any redline comments provided by City staff shall be made to the sketch plat.

C. Applicant shall submit a pre-application meeting request within 2 weeks of the City Council hearing and meet with City Staff to determine requirements of the submittal.

II. As part of the Preliminary PUD Plat submittal, the applicant shall include the following:

- A. Applicant shall adequately address the referral comments from the Department of the Army Corps of Engineers.
- B. Applicant shall adequately address the referral comments from CDOT.
- C. Applicant shall adequately address the referral comments from Colorado Parks and Wildlife.
- D. Applicant shall adequately address the referral comments from the Fort Lupton Fire Protection District.
- E. Applicant shall adequately address the referral comments from the Public Works Director.
- F. Applicant shall adequately address the referral comments from United Power.
- G. Applicant shall adequately address the referral comments from the Weld County Planning Department.
- H. Applicant shall provide a plan for how existing trees and vegetation will be preserved.
- I. Applicant shall provide proposed street names.
- J. Applicant shall provide information concerning any existing surface use agreements and provide details on how the agreements have been addressed on the design of the development.
- K. Applicant shall provide information concerning any existing metro district and/or homeowners' association.
- L. Applicant shall address high ground water on the site and how ground water affects proposed site layout.
- M. Applicant shall address the Fort Lupton Parks and Trails Master Plan, specifically addressing the Main Fulton Ditch Trail and a trail head located on 14th Street.
- N. Applicant shall provide description of any deviations from residential design standards and regular zone district requirements, including setbacks, lot sizes & dimensions, height, lot coverage, etc.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO THIS 3rd DAY OF MARCH 2020.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña,
City Clerk

Approved as to form:

Andy Ausmus, City Attorney

MINUTES

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 13, 2020**

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 Thursday, February 13, 2020. Chair Mike Simone called the meeting to order at 5:57 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, and Commission Members Lynne Derby, David Hushbeck, Thomas Meyers, and Paul Weber. Also in attendance was Planning Director Todd Hodges, City Planner II Alyssa Knutson, Planner I Maria Lancto and Planning Technician Stephanie Darnell.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Member Paul Weber to approve the agenda, and it was seconded by Member Thomas Meyers.

Motion carried unanimously by voice vote.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Member Paul Weber to approve the consent agenda, and it was seconded by Member Lynne Derby.

Motion carried unanimously by voice vote.

PUBLIC COMMENT

The Chair asked if anyone from the audience was present to make comments not otherwise related to the agenda. Seeing none, the public comment portion was closed at 5:58 p.m.

ACTION ITEMS

Fulton Ranch Sketch PUD Plat

Planning Director Todd Hodges introduced the project and stated that it was a sketch PUD plan. He stated that the PUD (Planned Unit Development) process has three steps: sketch, preliminary, and final plat. He stated that the sketch plat is a conceptual stage for referral agencies, staff, as well as Planning Commission and City Council direction on the application on how it meets the intent of the comprehensive plan, the goals of the city, and details of items needed through referral agencies such as utilities, grading, and drainage. He stated that the project is part of the old Cottonwood PUD, north of the ditch, and it's been fragmented over the years from the original PUD that was a master plan community. He stated that Cottonwood is on the south side of the ditch that is moving into the final plat stage for single family. He stated that the parcel is north and adjacent to the ditch and is separated by that

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 13, 2020**

ditch adjacent to County Road 29 and the extension of 14th Street. He stated that it is a 127.5 acre site with a current zoning of PUD, which would allow for single family dwellings. He stated that this project is a single parcel that is proposed for 466 lease spaces for single family manufactured homes. He stated that the City Council hearing is set for March 3, 2020. He stated that there are conditions of approval, and referral comments are included in the packet. He stated that there are several conditions that need to be addressed and they will be addressed as part of the next submittal if successful with the sketch plat. He stated there are several individuals in attendance to present the project, and the applicant is Sun Communities, and the project name is Fulton Ranch PUD. He concluded by stating he'll entertain any questions that the Commission may have for staff.

Bill Anderson with Atwell, LLC, 311 N. Main Street, Ann Arbor, MI 48104, approached the Commission to represent the applicant, and stated that with him is John McLaren, the President of Sun Communities. They have a presentation and video to present tonight.

John McLaren with Sun Communities, 27777 Franklin Road, Southfield, MI 48034, stated that he will be speaking about this project and Sun Communities in general. He stated that he is currently located in Michigan, however he grew up in Colorado. He stated that Sun Communities is a real estate investment trust, publicly traded on the New York Stock Exchange. The statistics provided in this presentation were current as of October 31, 2019. At that time, they had 420 communities across North America. He stated they are a blend of different types of communities, but primarily manufactured home communities, which is what is being proposed tonight. Manufactured home communities compose two thirds of Sun Community's portfolio. He stated that recently Sun Communities has also gotten into the RV resort class. He stated that the company's portfolio is evenly split between family communities and age restricted (55+) communities. He stated that the key point he wants to highlight is that Sun Communities has been in this field for nearly four decades. He stated that to him, that longevity is a tribute to the culture of the organization and the Sun Communities team, and speaks to the wealth of experience within the company. John McLaren then discussed their five core success attributes. First is commitment. He stated that commitment means they do their best and they take care of each other, their residents, guests, and communities. He stated that this results in the continued reinvestment in their communities. Second is intensity. He stated that intensity refers to the fact that Sun Community team members get the job done – if there is an issue they address it. He stated that things don't always go right, but Sun Communities puts the effort into seeing it through. Third is empowerment. He stated that empowerment is important due to the decentralized nature of Sun Communities. Due to this, the team members located at each site are expected to make decisions and take care of issues. Fourth is accountability. He stated that accountability means that every member of the team is responsible for what happens or doesn't happen. Fifth is service. He stated that this is the most important attribute. He stated that service means leading from the top and leading by example. He stated that he and all employees walk through the communities and talk to residents. He referred to the photos in the PowerPoint as examples of recent Sun Communities developments, including Carolina Pines RV Resort in North Carolina, Cava Robles RV Resort in Paso Robles, California, and

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 13, 2020**

River Run RV Resort in Granby, Colorado. He stated that Sun Communities has been a manufactured housing community owner/operator since 1975, and publicly traded since 1993. Each community has an on-site manager that lives and works in the community. Regional Vice Presidents oversee 10-12 properties, and are expected to spend time with each community and those team members. Monthly inspections are performed for each community. There is an outline for these evaluations, but important issues can be discussed during this time as well. He stated that he personally is willing to perform no more than two property visits per day. During this he will talk to residents and team members. He stated that reinvestment is a competitive advantage of Sun Communities. He stated they are committed to capital improvements such as maintaining roads, as well as enhancing the community in other ways. He stated residents may provide input for this reinvestment. He stated that community standards are important to Sun Communities. Homes need to look good for communities to look good. He recognizes that other manufactured home sites have reputations for disrepair. He recognized that pre-conceived notions exist regarding manufactured housing communities. He affirmed that that is not Sun Communities. He told a story about taking investors to a 50-year-old community in Michigan and allowing them to talk to any team member at the community. He stated that this highlighted the depth of Sun Communities team members, and their pride in communities of all ages. He stated that to accomplish this, they have rules. With 400 households, there will be issues. Onsite managers who enforce rules keep the community in order, which helps to maintain the value of the neighborhood. He then discussed several indicators of success. Sun Communities has been honored nationally on two occasions for "community operator of the year". Sun Communities current occupancy is 96.7%, with over 70% of the communities having an occupancy of over 98%. To this point, he stated that Sun Communities foresees an incredible need for attainable housing in Fort Lupton. Sun Communities have historical rental rate increases just 2-4% per year. He stated that a portion of this rent increase goes into capital improvements and reinvestment in the communities. The average resident tenure at Sun Communities is about 14 years, which is twice the national average for which people generally live in a dwelling. Yearly home move-outs for Sun Communities are less than 1%. He then discussed the manufactured housing product. He stated that he has been in the manufactured housing industry since 1995, starting in Colorado. He described how the product has evolved incredibly, and Sun Communities has influenced this evolution due to the fact that Sun Communities is the single largest purchaser of manufactured houses in the United States. He referred to the PowerPoint for visual renderings of manufactured homes expected for this community. These homes will be 1,600 to 1,800 square feet. There are a couple different designs and orientations. The interior designs are open floor plans with different finishing options. These are typically 2-4 bedroom units. These manufactured homes are energy efficient. In addition to the images in the PowerPoint, Sun Communities is willing to provide more examples upon request. He then turned the presentation over to Bill Anderson.

Bill Anderson stated that he will speak more about the Fulton Ranch Sketch PUD Plat. He stated that the site is 127 acres located at the southeast corner of Northrup and 14th street. The property is currently vacant with the Fulton Ditch running along the east and south portion of the property. The property also contains several wells. Sun Communities is

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 13, 2020**

proposing 466 home sites, and calculates 3.6 dwelling units per acre, which is similar to properties to the east and west. There will be a three-acre amenity center area and boulevard entrances. There will be a couple large parks on the east and west sides of the subdivision. Sun Communities is planning a significant trail system and trail connections. A green corridor and trail will run along the main street going east to west. A north-south trail is also included in the site plan. About one third of the site is dedicated to open space, not including parks. This is over 38 acres of open space planned for the community. He then discussed the home sites. There are a couple options – perpendicular and parallel units. All units come with three parking spaces, a sidewalk up to door area, and a building envelope. The main entry way into the community is proposed to have nice signage. He also referred to images from the PowerPoint for the various signage at all entrances and the amenity center. Sun Communities is proposing accent fencing along Northrop avenue. He described walking through the community. As you come in the entry way, to the left will be open space with an anticipated dog park for both large and small dogs. As you continue, you get to the amenity core, with three acres of open space. This area may include a clubhouse, fire pit, swimming pool, open area, sports courts, and a play-scape for children. There will also be parking. Next is the easterly open space, this contains a water quality basin. Also included may be an open field play area, play-scape, and sports courts. He then referred to the PowerPoint images for an idea of the project character. Sun Communities anticipates using native plants and natural materials. He then played a video that was a two-minute fly through of the community. He stated that they are open to any questions.

Chair Simone opened the Public Hearing to public comments at 6:32 p.m.

Julie Lowe, 4700 Eagle Crest Boulevard, Firestone, Colorado, stated that she is a new manager at Eagle Crest, a Sun Community, and has been with Sun Communities for eight years. She stated that she ran the community in Evans, Colorado. She stated that she has letters from residents who were unable to attend, and she will read those.

Joe and Denise Avila, Cave Creek community write: We moved into Cave Creek almost 6 years ago. We selected this community over several others because it was so well kept and looked like a regular neighborhood. We don't mind the rules, as that's why it is so clean. People are made to keep the lawns mowed and no outdoor storage. It makes a difference when selecting where to live. It is a great place to live whether you are young and have a family or older and just enjoying the quiet. We would recommend the community to anyone looking for a new home.

Arnold and Jodell Griffin write: The people who work in the office are the nicest people. We've lived here for 16 years and everyone has always been very nice and friendly. Everyone keeps their lots nice and clean. I'm so happy to live here.

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Earl and Joanne Anderson write: We have lived in the park, moving here in 2007. Our life here has been good. We have had good people keep the park in good shape – maintenance people and office personal. The streets are kept clean, the park has strict rules and are enforced. I am 96 years old, my wife is 86 years old. We plan on living here until life changes it. Our experience has been good. We would recommend it as a good place to live.

Shirley Hampton writes: Eagle Crest is a great place to live. When I was looking at modular homes at Eagle Crest, I was really impressed on the upkeep on the park, homes and club house. Everyone keeps their homes and yards looking good. You have the amenities like the pool, club house and a nice park for the kids to play in or family fun. The office staff is the best. Friendly and helpful. The people are friendly. I have lived in the park for almost a year and love it. Have never regretted my decision to move here.

Jack and Sharon Beckfield write: Our names are Jack and Sharon Beckfield and we live at 4815 Aspen Street in Firestone, we moved into our 1800 sq/ft modular home in December of 2008, after selling our 4100 sq/ft home on 18 acres in Kiowa. As we began our retirement years, we no longer wanted the burden of a fairly large home. Nor the upkeep associated with a large yard and land. Economics played a large roll in this decision. We still have a nice size living area, plus four bedrooms, for family and friends to visit. Most important, we have the financial ability to enjoy life instead of just sitting around watching the television. We spent several months visiting numerous modular or manufactured home parks looking for available lot space, room between units, cleanliness, swimming pools, playgrounds, etc. We finally decided on Eagle Crest and have been pretty happy here. Nothing is perfect, but the bad apples have been very limited. Like anything, management plays an important role and we recommend Sun Communities as the place to set you roots.

Julie stated that she was in favor of the application.

Valerie Richards, 3117 Antelope Way, Evans, Colorado, stated that she is in the Cave Creek community of Sun Communities. She and her husband have been their 5.5 years. They love it there. They love the rules. They moved there because of the way that it looked, the amenities, and club house. They loved it so much, her mom moved up from Arizona and moved in next door to her. Two of her daughters live there now, too. The upkeep and rules regarding the yards is a big deal there and makes it look nice. The management has been wonderful to work with. She stated that she has also worked there in the summer at the pool. She stated that she is in favor of the application.

Lawrence Fehr, 1861 14th Street, Fort Lupton, indicated to his property on the map. He stated that when he tried to develop in this area he ran into a lot of trouble. They would have been required to have almost an acre pond. He doesn't see how there will be an adequate

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amount of water storage on the proposed site. He stated that the ditch fills with water after a heavy rain. He stated that all the houses will be under water without adequate water storage. He questioned who would pave 14th Street. he indicated travel would likely go down his road to get to the four lane. He questioned who would maintain it with the added traffic. He stated that the city sewer runs on 14th Street. He questioned if the sewer had the capacity to handle the proposed development, and if adding capacity would become a massive construction project. He stated that his property is on septic. He stated that he has 12 oil pipe lines running through his land, which make it challenging to develop. He stated that he doesn't see any of these pipelines on the map. He stated that he is mostly concerned with the drainage and the traffic.

Theresa Skillet, 4683 Timberline Avenue, Firestone, CO, stated that she lives in the Eagle Crest community. She stated that she believes in giving good reviews when they are due. She stated that she lived in Eagle Crest 6 years ago, and moved away for 4 years to be closer to her husband's work. Then her husband passed away. She was looking to downsize and thought of Eagle Crest – so she has chosen this community twice. She stated that the construction of her home is good. She enjoys that the walls are not paneled. She stated that it is like living in a trend house and not a mobile home. She stated that the amenities are good. She stated that this year they remodeled the club house and pool area, they are constantly doing upgrades. She stated that she has had a really good experience there. She mentioned that they provide landscaping packages for the elderly or someone not able to take care of their lawn. She stated that it's been a really good community for her and her kids.

Bob Leino, 1122 Valley Road, Littleton, Colorado, stated that he is the owner of the 127-acre site and wants to go on record saying that Sun Communities is a top notch company. They have done everything on time or early. He has worked with 5 or 6 employees, and everything has been better than he expected. He did a lot of investigation on them before going under contract with them, and hopes the Planning Commission approves their application.

Adela Rodriguez, 10616 Bearing Circle, Firestone CO, stated that she lives in the Eagle Crest community. She stated that she and her husband moved there in 2008, and have been very happy. They like the location and it is clean. She is going on 2 years of employment with Sun Communities. She works in the office and really enjoys it. She stated that they try to do their best for their residents. She stated that they are going on 12 years and really enjoy it.

Lisa Felix, 27777 Franklin Road, Southfield, Michigan, stated that she lives here in Colorado and has had the privilege of working for Sun Communities. She hails from California, but has enjoyed living in Colorado. She enjoys working as a regional vice president, and that she would be the regional vice president managing this community. She enjoys what she does and her team members. She stated that she is totally committed to providing affordable housing to their residents and upholding their core values. She stated that one of the things she enjoys most is talking with residents and listening to their concerns. She stated that she would be honored to manage the Fulton Ranch Project.

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Chair Simone asked if anyone else would like to speak; seeing no one, he closed the public comments portion at 6:49 p.m.

Chair Simone asked the applicants if they would like to respond to the public comments.

John McLaren stated that he was pleased to get affirmation on the things that he spoke to earlier. He stated that Sun Communities believes in treating others the way you would like to be treated. He stated that they are very pleased to be here and for this opportunity to partner with Fort Lupton.

Bill Anderson stated that they are committing to a substantial amount to road work on their frontages. They have submitted a traffic study to the City. They are looking to mitigate any impacts that they might have. He stated that in terms of the drainage concerns, they have several water quality basins. They are working on onsite and offsite drainage solutions, and are comfortable with discussions so far.

Chair Simone asked the Commissioners if they had any questions.

Thomas Meyers asked if Sun Communities addressed the oil and gas lines referenced by Lawrence Fehr.

Bill Anderson said yes. He stated that there are several wells on site. Some have already been abandoned and plugged, and some are in that process. He stated that only one would remain active. He stated that they have had multiple meetings with oil and gas operators and they have surveyed for lines and underground flow. He stated that this will be an ongoing component of the project.

Thomas Meyers asked for clarification on the residency requirements.

John McLaren stated that Sun Communities has underwriting standards for every resident. Part of the application process is a credit check and an income verification to make sure they can afford to live there. A criminal background check is also required.

Thomas Meyers asked if there was an income cap.

John McLaren said no.

Lynne Derby asked for clarification about enforcement of the rules. She asked if they had an HOA or if they would hire an HOA.

John McLaren stated that there is no homeowner's association. He stated that there is an onsite community manager who oversees the community with a team who collectively enforces the community rules.

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Paul Weber asked if there is fencing around the whole community or if it will be open.

Bill Anderson stated that he doesn't believe there are any plans for fencing.

Paul Weber asked what is being projected for 14th Street, west of the development.

Bill Anderson stated that 14th Street is an arterial, with four lanes and 110 foot right-of-way. He stated that they will be dedicating the right-of-way for the south half and making half of the roadway improvements.

Paul Weber referred to the detention ponds, and asked if those would be capable of handling flooding like what was seen several years ago.

Bill Anderson stated that he believed the drainage for this area flowed east to west, although the drainage pond is on the east side of the property. He stated that most of the flow will go westerly on 14th Street to the City's regional basin.

Paul Weber recalled large swaths of this area getting flooded. He questioned what could be done to mitigate that.

Bill Anderson stated that he is anticipating some ditch improvements west of the property on 14th street.

Roy Vestal, Public Works Director, stated that the City is in the process of evaluating and modeling the entire basin in that area.

Paul Weber asked if that would happen around the same time as this development.

Roy Vestal said yes.

Paul Weber stated that he has been to a couple of manufactured home developments and has been impressed with what he has seen. His perception has been changed.

David Hushbeck wanted to verify that Sun Communities was leasing the property and residents were buying the manufactured homes.

John McLaren stated that was correct.

David Hushbeck wanted to verify that the 1% move-out referenced earlier was when they picked up the home and moved it out of the site resulting in an empty lot.

John McLaren stated that is right.

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David Hushbeck asked if every resident of this community was required to buy from Sun Communities.

John McLaren stated no.

David Hushbeck asked if they could bring it from somewhere else.

John McLaren stated that they broker a lot of resident-to-resident transactions. He stated that some communities will not allow outside homes to be brought in, however he is of the belief that competition is healthy for business and home values.

David Hushbeck asked if there were criteria for homes that are brought in.

John McLaren stated that they would set criteria. He stated that essentially all new product would be brought into the community. He stated that Sun Communities has communities with older homes, but that is not the concept here. The concept is to bring in newer double section homes. He stated anything that was pre-owned would have to be pretty new in order to fit in.

David Hushbeck asked if street parking was allowed or if everyone would have to park in their driveways.

John McLaren stated that everyone would be required to park in their driveways.

David Hushbeck asked how they would go about enforcing the rules.

John McLaren stated that first they start with a good relationship with residents and team visibility. This results in self-enforcement. They have pride ownership competitions and homes of the month competitions. If someone is not maintaining their property, the first step is a conversation. The next step is a written violation. The next step is legal action, such as eviction.

David Hushbeck asked if it would be owner occupied or if there would be rentals.

John McLaren stated that it would be a combination. They have a rent-to-own program.

David Hushbeck asked if residents would rent through Sun Communities or if they would rent through another owner.

John McLaren stated that they would rent through Sun Communities. He stated that there may be a few owners that rent out their houses, but that is rare.

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David Hushbeck asked if there was an age qualification for this site.

John McLaren stated no.

Paul Weber asked what the family type demographic generally consisted of.

John McLaren stated that there was a mix of ages.

Chair Simone commended the applicant on their presentation. He stated that he was involved in town government in Firestone and has been in Eagle Crest a lot. He stated that he was originally skeptical of Eagle Crest because it was denied by Firestone, and went through Weld County for approval. He stated that when he became involved in town government in Firestone, the town's attitude was changing because the impression of Eagle Crest had been positive, so they decided to allow them to annex into the town. Chair Simone stated that after the annexation, he watched Eagle Crest closely. He stated that everything said tonight is true, and that when he saw that Sun Communities was the applicant he was very pleased. He stated that the community reminded him of military housing with structure, rules, and cleanliness. He stated that he knows this will be a good product. He also stated that Sun Communities worked with Firestone on several items including fencing and a police department satellite area and it was a great relationship with the city. He stated that Sun Communities is a great company. He hopes Planning Commission and City Council will approve this and knows Sun Communities will work with the City. He stated that he has no reservations, and Sun Communities has a good reputation. He thinks it will fit in perfectly.

Chair Simone asked the Commissioners if they had any additional questions; seeing none, he requested a motion to approve Resolution P2020-006. It was moved by Member Paul Weber and seconded by Member Lynne Derby.

Motion carried by unanimous voice vote.

DISCUSSION ITEMS

Review of Meeting Discussion

The group discussed the Fire Station 3 Site Plan and Wade Annexation and Initial Zoning.

Development Code Update

Alyssa Knutson reminded the group that several Planning Commission members were asked to be on the Development Code Update Steering Committee. That meeting is scheduled for February 26, 2020 at 6:00pm in Council Chambers. At that meeting the consultant will have their general overview of the Code.

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FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting will be held Thursday, March 26, 2020 at 6:00 p.m.

ADJOURNMENT

It was moved by Member Paul Weber and seconded by Member Lynne Derby to adjourn the February 13, 2020 Planning Commission meeting at 7:24 p.m.

Motion carried unanimously by voice vote.

Stephanie Darnell, Planning Technician

Approved by Planning Commission

Mike Simone, Chair

RESOLUTION P2020-006

RESOLUTION NO. P2020-006

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE FULTON RANCH SKETCH PUD PLAT TO CREATE A SINGLE LOT RESIDENTIAL SUBDIVISION LOCATED IN A PART OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on February 13, 2020, for the purpose of reviewing the Fulton Ranch Sketch PUD Plat; and

WHEREAS, the Sketch PUD Plat proposes to develop a property for a single lot residential development with 466 lease spaces, with associated amenities that will include an amenity center, pocket parks and interconnecting trails; and

WHEREAS, after review of the application for a Sketch PUD Plat, and consideration of staff comments, applicant's presentation, and any public input, the Planning Commission finds the request for the Fulton Ranch Sketch PUD Plat conforms with City codes, and requirements and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met, including mailing of public hearing notices to adjacent property owners within 500 feet; 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 Fulton Ranch Sketch PUD Plat located in a part of Section 33, Township 2 North, Range 66 West of the 6th P.M., City of Fort Lupton, County of Weld, State of Colorado with the following conditions:

- I. Prior to submittal of a Preliminary PUD Plat:
 - A. The title of the Sketch PUD Plat map shall be updated to include the Project No. LUP2019-0039 & Plan No. SPL2019-0005.
 - B. Any redline comments provided by City staff shall be made to the sketch PUD plat.
 - C. Applicant shall submit a pre-application meeting request within 2 weeks of the City Council hearing, and meet with City staff to determine requirements of the submittal.
- II. As a part of the Preliminary PUD Plat submittal:
 - A. Applicant shall adequately address the referral comments from the Department of the Army Corps of Engineers.

- B. Applicant shall adequately address the referral comments from CDOT.
- C. Applicant shall adequately address the referral comments from Colorado Parks and Wildlife.
- D. Applicant shall adequately address the referral comments from the Fort Lupton Fire Protection District.
- E. Applicant shall adequately address the referral comments from the Public Works Director.
- F. Applicant shall adequately address the referral comments from United Power.
- G. Applicant shall adequately address the referral comments from the Weld County Planning Department.
- H. Applicant shall provide a plan for how existing trees and vegetation will be preserved.
- I. Applicant shall provide proposed street names.
- J. Applicant shall provide information concerning any existing surface use agreements and provide details on how the agreements have been addressed on the design of the development.
- K. Applicant shall provide information concerning any existing metro district and/or homeowners' association.
- L. Applicant shall address high ground water on the site and how ground water affects proposed site layout.
- M. Applicant shall address the Fort Lupton Parks and Trails Master Plan, specifically addressing the Main Fulton Ditch Trail and a trail head located on 14th Street.
- N. Applicant shall provide description of any deviations from residential design standards and regular zone district requirements, including setbacks, lot sizes & dimensions, height, lot coverage, etc.

DONE THIS 13TH DAY OF FEBRUARY, 2020 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

ATTEST:


Planning Director


Chairman

STAFF REPORT

FULTON RANCH SKETCH PUD PLAT
PROJECT NO. LUP2019-0039 / PLAN NO. SPL2019-0005

PROJECT DESCRIPTION

Project No.: LUP2019-0039 / Plan No. SPL2019-0005

Project name: Fulton Ranch Sketch PUD Plat*

Applicant's Name: Sun Communities ("Applicant")

Location of Request:

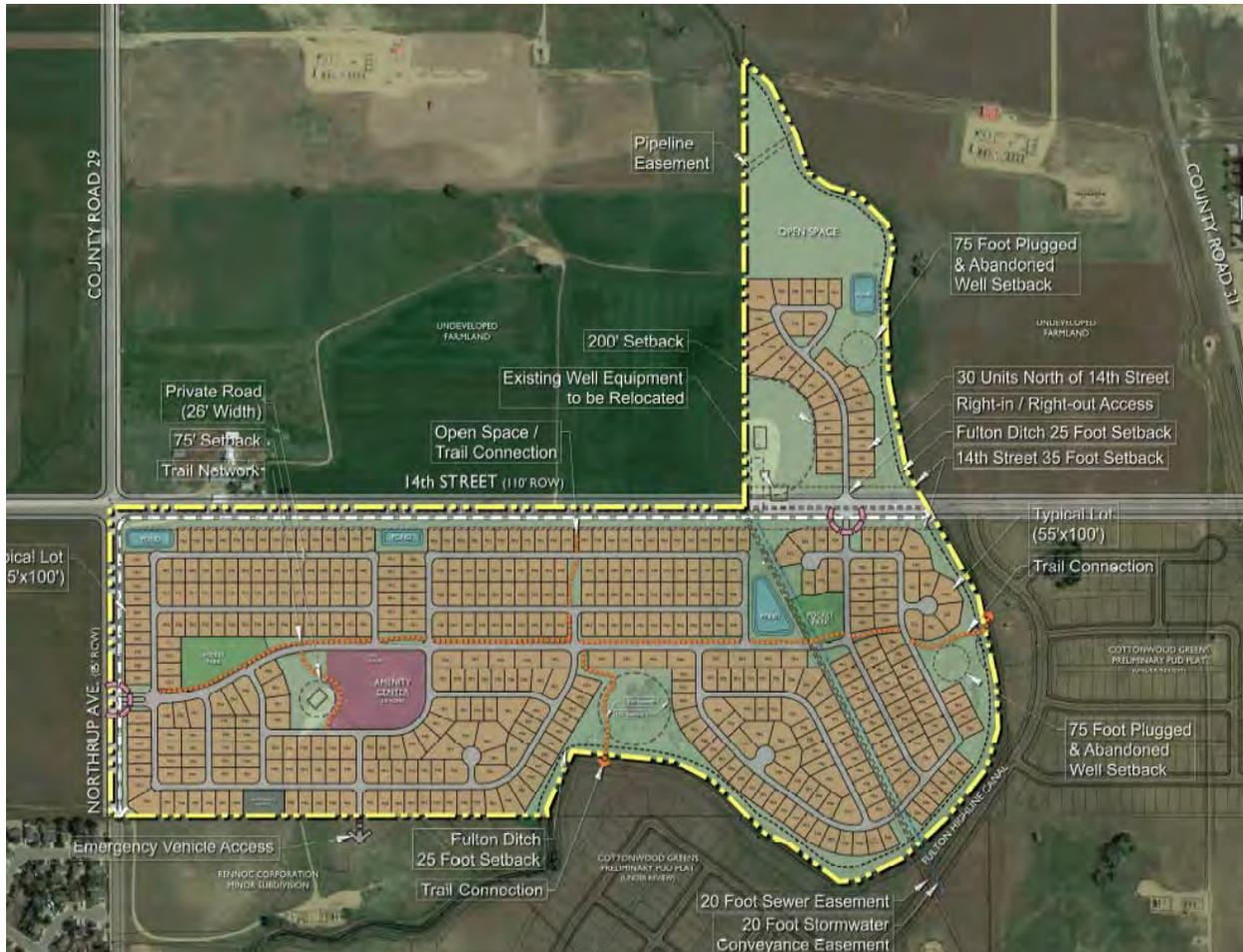
The site consists of a parcel of land located east and adjacent to County Road 29 (also known as Northrup Avenue), and south and adjacent to 14th Street right of way in Fort Lupton (the "Property"). The Property is located in a Part of Section 33, Township 2 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado.



*The term sketch PUD plan and sketch PUD plat are used interchangeably throughout this staff report.

Nature of Request:

The Applicant has submitted a request for a sketch PUD plan for a residential subdivision that will include one parcel of land with 466 lease spaces for single-family manufactured homes. Associated amenities will include an amenity center, pocket parks, and interconnecting trails.



Site Size: 127.5 acres, more or less.

Zone District: PUD Planned Unit Development

Proposed Use: A single parcel residential subdivision that will provide 466 lease spaces for single-family manufactured homes.

Existing Use: Vacant/agricultural.

Hearing Dates: Planning Commission – February 13, 2020 at 6:00 PM; and
City Council – March 3, 2020 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 2006, the City Council approved a metropolitan district, final plat, subdivision improvement agreement, and PUD development plan for this property. However, the subdivision was never developed, and the property ownership became fragmented. The metropolitan district remains in effect, however each separate ownership parcel(s) will be required to start the development process over.

APPLICATION PROCESS

The Planning Commission's review of the sketch PUD plan is intended to be an open exchange of ideas where the Commission members are encouraged to discuss any issues, questions or concerns with the applicants and staff. After the project has been presented, and public input and staff comments have been considered, the Planning Commission shall make a recommendation to the City Council to approve, approve with conditions or deny the sketch PUD plan.

NOTIFICATION REQUIREMENTS

All notification requirements were met, including mailing notice to property owners within 500 feet of the site and sending notice to mineral owners and lessees of record on the properties.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Applicant has submitted a request for a sketch PUD plan for a residential subdivision that will include one parcel of land with 466 lease spaces for single-family manufactured homes. The zoning of the Property is PUD Planned Unit Development Zone District.

Pursuant to the Fort Lupton Municipal Code Section 16-45, a sketch PUD plan is an initial review of a proposed Planned Unit Development and is processed per Section 17-21 of the Code. The sketch PUD plan phase is required prior to submitting a preliminary PUD plan and final PUD plan. The sketch PUD plan should generally define the layout of streets, lots and location of any public uses, such as schools and parks, and proposed zoning classifications.

The intent of the sketch PUD plan is to provide a general concept that describes the applicant's development vision and plan for a proposed PUD. The sketch PUD plan gives the City an opportunity to describe the community's vision to the applicant, provides basic information to the City that will affect the planning and design of the site, and gives the applicant an opportunity to hear comments and concerns from the public prior to proceeding with detailed project design. A sketch PUD plan is *not* intended to provide final comments or requirements, or restrict the City's discretion in subsequent stages of the review process.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map designates this area as Single Family Detached land use. This designation allows for neighborhoods of predominately single-family detached homes on individual lots. This can consist of a variety of development types, including higher density homes within the City's urban core and planned subdivisions within the residential growth areas.

The proposed development plans for smaller lots that are adjacent to the City's urban core, and therefore complies with the Comprehensive Plan.

REFERRALS

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

Buildings/Grounds Manager	City Attorney	Police Chief
Public Works Director	Building Inspector	Recreation Manager
Golf Course Manager	Wastewater Plant Supervisor	GIS Specialist
Finance Director	Fort Lupton Fire Protection District	CDOT
Colorado Parks and Wildlife	Army Corp of Engineers	United Power
Comcast	CenturyLink	Xcel Energy
Postmaster	Weld County Department of Planning	Weld County School District RE-8
NWCWD	Fulton Ditch Company	

RECOMMENDATION

Staff recommends conditional approval of the Fulton Ranch Sketch PUD Plat. Conditions are listed on the proposed Resolution provided to Planning Commission.

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

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Coyote Creek North, LLC
 Company: _____
 Phone: 720-339-8841 Email: bleino@fullerre.com
 Address: 5300 DTC Parkway, #100 Greenwood Village, CO 80111
 Preferred method of contact? Email: Phone: Mail:
- 2) Representative Name: Chris Sveum
 Company: Atwell, LLC
 Phone: 303-928-6733 Email: csveum@atwell-group.com
 Address: 143 Union Blvd., Suite 700 Lakewood, CO 80228
 Preferred method of contact? Email: Phone: Mail:
- 3) Billing Contact (where invoices should be directed to): Chris Sveum
 Billing Company: Atwell, LLC
 Phone: 303-928-6733 Email: csveum@atwell-group.com
 Address: 143 Union Blvd., Suite 700 Lakewood, CO 80228

B. SITE DESCRIPTION

Site Address: Southeast corner of 14th Street and Northrup Avenue
 Parcel Number: 130933000043
 Existing Zone Classification: PUD Proposed Zone Classification: PUD
 Water Type: Municipal Name: City of Fort Lupton
 Sewage Type: Municipal District Name or Location Hauled to: City of Fort Lupton

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|---|--|---|
| <input checked="" 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 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: Fulton Ranch

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

A manufactured housing community is proposed for the site. The project will have private internal roadways, a clubhouse and privately maintained parks and an internal trail system. The project will utilize City water and sewer and construct the adjacent half of both 14th Street and Northrup Avenue.

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: Christina Swanson Date: 11-20-19

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: Robert R. Helms MANAGING MEMBER to Coyote Creek North, LLC Date: 11-13-19

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: _____

Instructions for Submitting the Land Use Application Form

DEFINITIONS

Words in the singular include the plural and words in the plural include the singular.

Application refers to the official submittal to the City of Fort Lupton's Planning Department for review of the proposed land use development identified in the land use application form. The application includes the form, all materials submitted for review of the project, including those documents required under the Land Use Regulations of the Municipal Code, and any additional information provided.

Project refers to the land use development identified on the land use application form and application materials.

Property refers to the land that is being proposed for development as described in the land use application form and application materials.

A. CONTACT INFORMATION

- 1) Provide contact information for all owners of any property that is the subject of the application. If the contact information for all property owners will not fit on the space provided, submit a separate sheet for the additional owners.
- 2) Provide contact information for all persons, firms or businesses that are authorized by the owners identified in Section A(1) to work on the land use application, including, but not limited to, discussing the project, submitting application materials, and attending meeting and hearings. If the contact information for all representatives will not fit on the space provided, submit a separate sheet for the additional representatives.
- 3) Provide contact and mailing information for the person that should receive all invoices for the project. If this person changes at any time, contact the Planning Department immediately to update this information.

B. SITE DESCRIPTION

Provide all information requested. Parcel numbers and address information may be found at the Weld County Property Portal at <https://www.co.weld.co.us/maps1/propertyportal/>. Current zoning can be found at <http://www.fortlupton.org/405/Zoning>.

C. APPLICATION TYPE

Select the land use application that is applicable to the project. If there are multiple land use application types being submitted to run concurrently, select all that apply. The land use application types will be identified during the required pre-application meeting. If you have any questions about this, please contact the Planning Department at 303.857.6694 or planningdept@fortlupton.org.

D. PROJECT DESCRIPTION

Please select a project name that will be referenced throughout the project and a description of what the project entails. If you need more space for the project description, please attach a separate sheet.

E. REQUIRED DOCUMENTS

Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

F. CERTIFICATIONS

Representative Certification. Provide the signature of all authorized representatives in this section.

Owner Certification. Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or planningdept@fortlupton.org.



CONSULTING. ENGINEERING. CONSTRUCTION.

Fulton Ranch: Sketch Plan Narrative November 27, 2019

General Description/Site Features and Proposed Land Uses

The property (Site) is located on the south side of future 14th street and east of future Northrup Avenue. The eastern and southern property boundaries are constrained by the Fulton Ditch. The property is approximately 127.5 acres with existing PUD zoning. There is currently one producing gas well on the Site, which will be plugged and abandoned by the operator in the first quarter of 2020. There are gas collection facilities on the north side of future 14th Street that will be relocated with the development plans for the Site. There are two plugged and abandoned gas wells on the Site, which have a 75-foot setback associated with the well locations.

A wetlands investigation was completed and a request for Jurisdictional Determination was submitted to the US Army Corps of Engineers. The determination concluded that the wetlands present on the Site are not jurisdictional and do not need to be preserved with development. A copy of the determination is included with the submittal package. There has been high groundwater historically on the Site as noted in the geotechnical report prepared by AG Wassenaar. Additional geotechnical investigation is scheduled to confirm the groundwater levels.

The proposed land use includes 466 single family manufactured homes with associated amenities that will include an amenity center, pocket parks and interconnecting trails. The overall project density is 3.66 du/ac. The Site will be operated as a land lease manufactured home community built to HUD standards.

Compliance with the City of Fort Lupton Comprehensive Plan

The proposed development integrates the goals set out in the Comprehensive Plan in the following ways:

Growth and Development

The Site is designated as single family residential in the Fort Lupton 2018 Comprehensive Plan and meets the intent of the stated goal of providing greater housing diversity in the City. The Site is designated as a Residential Growth Area in the Comprehensive Plan.

The Site will have trail connections to the proposed Cottonwood Greens development, which is adjacent to the Site on the east side of the Fulton Ditch. The Site has a similar density to the Mountview Subdivision, informally known as the Trees subdivision, which is adjacent to the Site at the southwest corner. The Site is designed to provide connections to existing and adjacent

neighborhoods. In addition, the layout provides continuous, direct, convenient, and safe pedestrian pathways to adjacent subdivisions and proposed parks.

Transportation and Mobility

The Site includes the construction of the south half of 14th Street along the Site's frontage, which is identified as a need in the Comprehensive Plan. The construction of 14th Street will be coordinated with the proposed Cottonwood Greens development, providing a paved roadway section from County Road 29 to County Road 31. The Site will also construct the east half of Northrup Avenue, providing a paved connection from 9th Street to 14th Street.

This plan provides a safe and efficient transportation network that accommodates pedestrians, vehicles and bicycles. The main entrance is located on Northrup Avenue. The internal roads and trails will be private and maintained by the Owner. The Site is planned to encourage walking and biking through the community with connections to future adjacent neighborhoods.

Parks, Open Space and Environmental Features

The proposed parks, open space and trails within the development will provide high quality recreational opportunities for neighborhood residents and also create connections to future neighborhoods and uses beyond the project boundaries. As shown on the Fort Lupton Proposed Trails Map, the Main Fulton Ditch Trail will be constructed with the Cottonwood Greens development, with proposed connections from the Site and eventually providing pedestrian access to Aims Community College and other destinations surrounding Fort Lupton. In addition, this project will construct the public sidewalks along 14th Street and Northrup Avenue.

Public Facilities and Services

The proposed development is a logical extension of the City of Fort Lupton public services without placing additional burdens on existing residents and businesses. Infrastructure will be provided to meet the requirements of the Comprehensive Plan and/or the Land Use Code. Water will be provided by the City of Fort Lupton. The existing 8" water main in Northrup Avenue will be extended north and routed through the Site in a utility easement. The water main will be upsized to a 12" main in 14th Street and connect to the extension by the Cottonwood Greens project. All water mains outside of the public lines described above and serving the individual home sites will be privately owned and maintained by the Owner.

A non-potable water line will be constructed through the Site, paralleling the 8-inch potable water line from Northrup Avenue to 14th Street and connect to the extension of the Cottonwood Greens system. The open space and park sites will be irrigated with the non-potable system.

Sewer will be provided by the City of Fort Lupton through connections to an existing 10" sanitary sewer main that runs diagonally through the Site and flows west in 14th Street. All sewer mains serving the individual home sites will be privately owned and maintained by the Owner.

Stormwater will be treated using appropriate water quality measures, with on-site detention being utilized throughout the site to maintain stormwater releases at or below historic rates from the Site. Stormwater will be conveyed using a series of storm drains and swales to roadside ditches along 14th Street where it will be conveyed to the west into Golden's Pond, which provides regional drainage detention in this area.

Planned Phasing

The project is proposed to be constructed in four phases. Each phase will include the necessary infrastructure for the lots, including the private roads, water quality ponds and utilities. Each phase will include the portion of the trail system through the project.

Phase 1 consists of 147 lots. Phase 1 will include the construction of the east half of Northrup Avenue and the south half of 14th Street as well as the connection of the off-site utilities. Phase 1 will also include construction of the amenity center and west pocket park.

Phase 2 consists of 156 lots and the required infrastructure for the lots.

Phase 3 consists of 133 lots and the required infrastructure for the lots and the east pocket park.

Phase 4 consists of 30 lots and the required infrastructure for the lots.

Forecast of Projected Construction Timing

The construction of Fulton Ranch infrastructure is described above, with the first phase of development anticipated to take nine months, and the subsequent phases anticipated to be constructed in six months. The commencement of the initial phase of infrastructure is anticipated to occur shortly after approval of the required entitlements/permits from the City of Fort Lupton. While the ultimate commencement of future phases of construction will be based on the market absorption of delivered lots and time of year, the final phase of development is currently expected to be completed by the middle of 2024.

Public Services

Fire and Police Protection

Law enforcement for the property will be provided by the Fort Lupton Police Department. It is not anticipated that there would be special security needs or a specific need for additional officers.

Fire protection for the property will be provided by Fort Lupton Fire Department. Fort Lupton Fire Station #2 is located southeast of the Site at the corner of County Road 31 and 9th Street. It is not anticipated that the project would pose special fire hazards. Fire prevention requirements, fire detection, fire lanes, emergency access, etc. will be provided as required by code.

Schools

The project is within the Weld RE-8 School District. We will work with the District to identify and address any impacts of this project.

Recreation and Open Space

The project will include pocket parks, an amenity center, including open spaces and trails, and active and passive recreation opportunities.

Traffic Statement

The property is bordered by future 14th Street to the north, future Northrup Avenue to the west and the Fulton Ditch to the south and east. A traffic impact study is included with this submittal. The key conclusions from the report are summarized below:

- The Project is expected to generate approximately 2,330 daily trips, 120 trips during the AM peak hour and 215 trips during the PM peak hour.
- Currently the two study intersections of US 85 at 14th Street and Northrup Avenue at 9th Street are operating at acceptable levels.
- Under the future 2040 conditions it was assumed that Northrup Avenue would be extended north of 14th Street as a two-lane collector. 14th Street would be improved to a 4-lane arterial street.
- Under 2040 projected conditions, the traffic at US 85 and 14th Street will experience long delays. A future junior interchange was suggested for this location in the CDOT *US 85 Planning and Environmental linkages (PEL) Study*. The findings of this study support that recommendation.
- Under 2040 projected conditions, the north and southbound traffic at Northrup Avenue and 14th Street will experience long delays. The future traffic volumes at this location suggest that signalization may be appropriate. With a signal, this intersection would operate acceptably in 2040.
- The northbound direction of traffic at the proposed Access Street B at 14th Street will experience long delays during the PM peak hour. These volumes are very low and this is typical for intersections of local streets with 4-lane arterials. The City Engineer has indicated that this location may need to be restricted to right-in/right-out only for both the north and southbound directions. If the applicant desires full movement for the northbound direction, it is suggested that this intersection be moved to the west. This location should be approximately midway between Northrup Avenue and the proposed Cottonwood Greens access to the east.

- Under 2040 conditions a southbound left-turn lane would be needed on Northrup Avenue at the proposed Access Street A.

Statement of Commercial Mineral Deposits

There are currently oil & gas facilities within the property but there are no known commercial mineral deposits on-site.

Public Land Dedication

Land dedication for Parks is calculated at 3 residents per single family detached unit and 2.5 residents per Townhome unit. Based on historic data from the developer, the average occupancy of a manufactured home is less than 3 residents and the land dedication is based on the townhome rate. With the current site plan, the total number of manufactured housing units is 466, resulting in 1,165 residents. Calculating the land dedication at 10 acres / 1000 persons, the required dedicated open space would be 11.65 acres. Open space to be dedicated to the City includes the trail corridor along the Fulton Ditch which meets the required open space dedication.

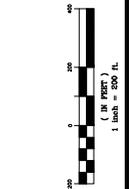
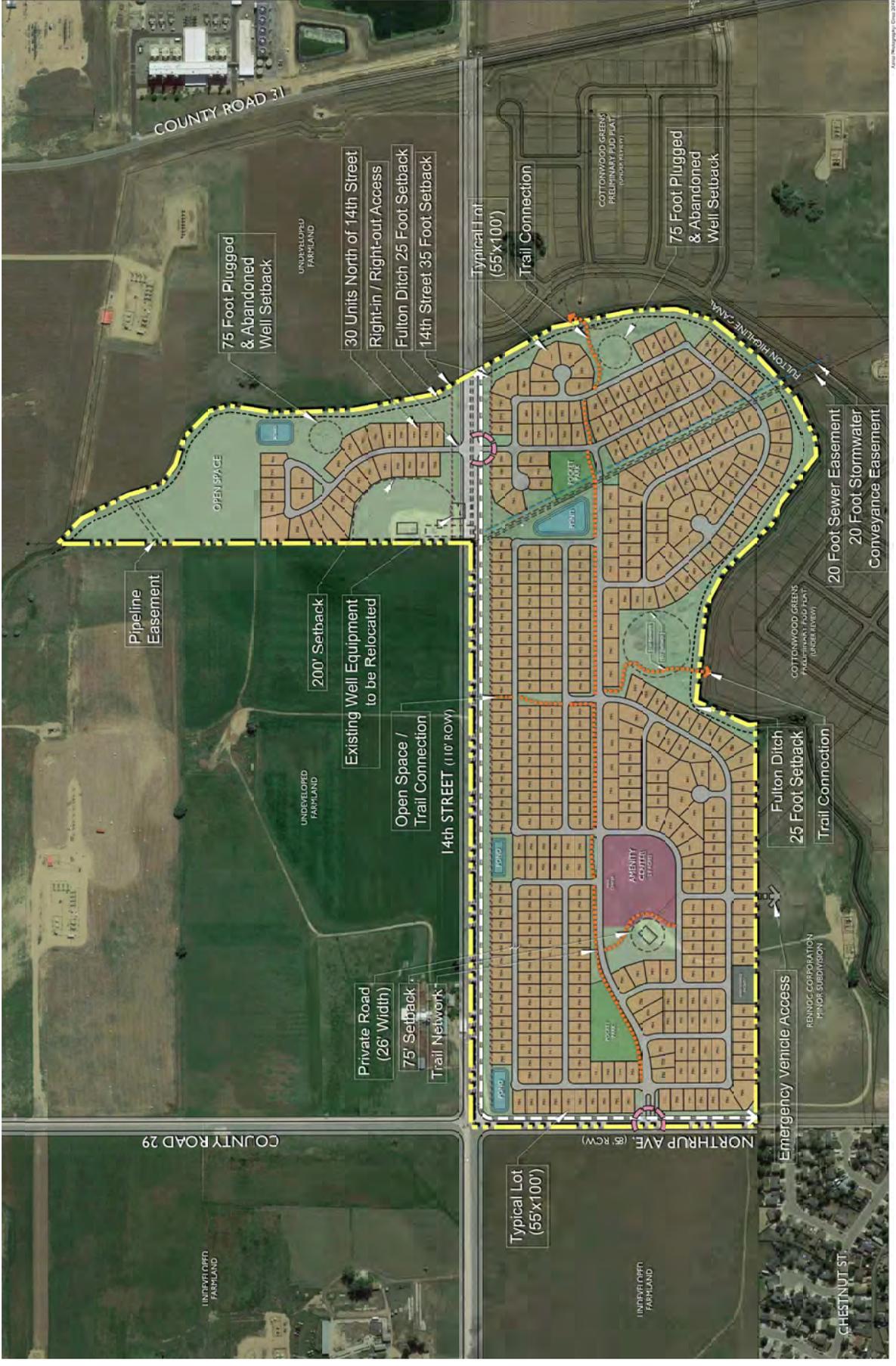
The developer will work with the School District to determine the school site requirement. It is anticipated that cash-in-lieu will be the means to meet the school site dedication requirement.

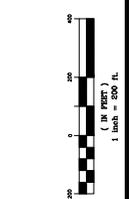
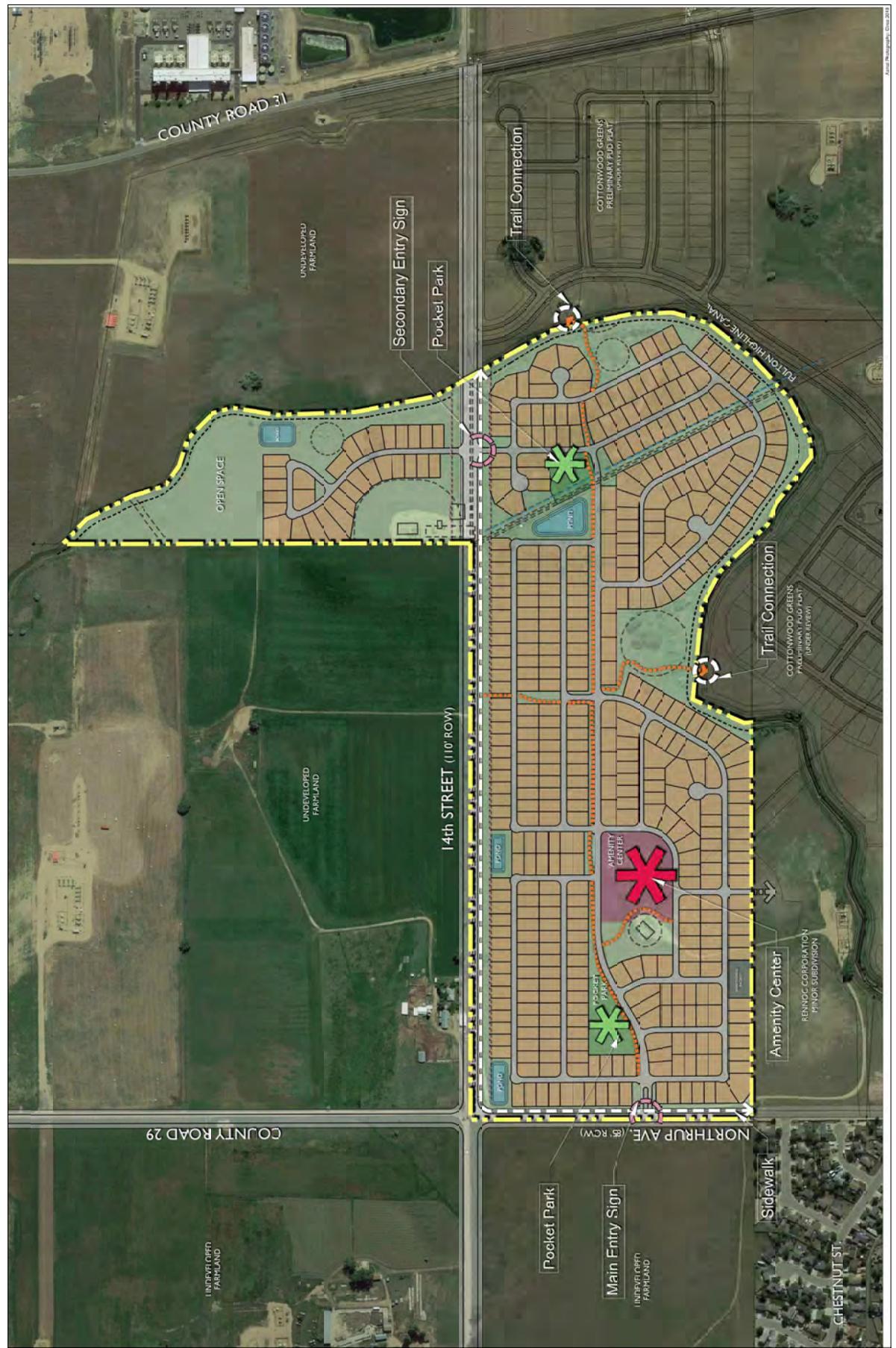
LETTER OF AUTHORIZATION

MAPS



NO.	DATE	BY	CHK.	DESCRIPTION
1	10/10/2019	J.B.	J.B.	ISSUED FOR PERMITS
REVISIONS				





NO.	DATE	BY	CHK.
1	08/20/2019	AD	CS
2	08/20/2019	AD	CS

REVISIONS

DATE: 10/10/2019
 PROJECT: SUN COMMUNITIES
 CLIENT: SUN COMMUNITIES

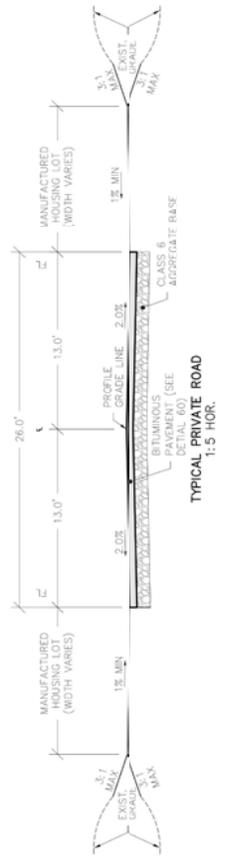
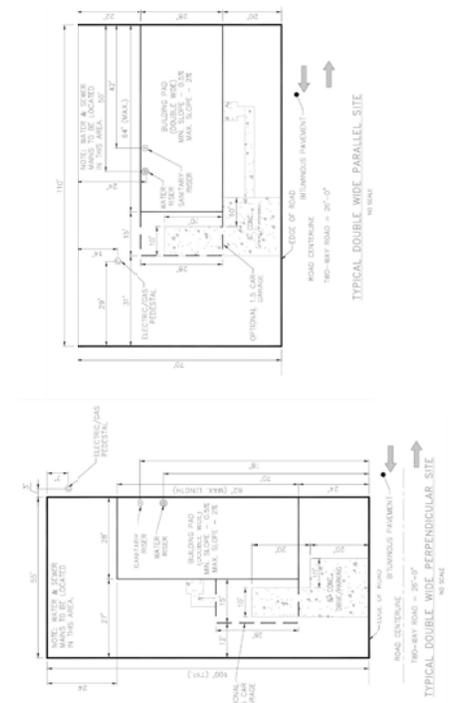
ARCHITECTURAL ELEVATIONS
 SKETCH PLAT
 FULTON RANCH
 FORT LUPON, COLORADO

DEVELOPER
 JOHN B. MCLAREN
 (248) 208-2556
 27777 FANKLIN ROAD
 SUITE 200
 SOUTHFIELD, MI 48114

ATWELL
 888.550.4300
 143 UNION BOULEVARD, SUITE 700
 LANSING, MI 48226
 WWW.ATWELL.COM

SUN COMMUNITIES, INC.

IRVI
 143 UNION BOULEVARD, SUITE 700
 LANSING, MI 48226
 WWW.IRVI.COM



GEO TECHNICAL REPORT

A.G. Wassenaar

Geotechnical and Environmental Consultants

Inc.

2180 South Ivanhoe Street, Suite 5
Denver, Colorado 80222-5710

303-759-8100 Fax 303-756-2920

www.agwassenaar.com

GEOTECHNICAL SITE DEVELOPMENT STUDY FOR

PROPOSED RESIDENTIAL DEVELOPMENT
COYOTE CREEK NORTH
SOUTHEAST OF WELD COUNTY ROAD 14½ AND WELD COUNTY ROAD 29
FORT LUPTON, COLORADO

PREPARED FOR

COYOTE CREEK NORTH, LLC
% CIMARRON CONSULTANTS, INC.
6551 SOUTH REVERE PARKWAY, SUITE 265
ENGLEWOOD, COLORADO 80111

JANUARY 22, 2018
PROJECT NUMBER 174095

January 22, 2018

Coyote Creek North, LLC
% Cimarron Consultants, Inc.
6551 South Revere Parkway, Suite 265
Englewood, Colorado 80111

Attention: Mr. O. Karl Kasch

Subject: Geotechnical Site Development Study
Proposed Residential Development
Coyote Creek North
Southeast of Weld County Road 14½ and Weld County Road 29
Fort Lupton, Colorado
Project Number 174095

Dear Mr. Kasch:

We have conducted the geotechnical site development study for the proposed residential development at the subject site. Our summary of the data collected during our field and laboratory work and our analysis, opinions, and conclusions are presented in the attached report. The purpose of our study is to provide design criteria for planning and site development, and preliminary design concepts for foundation systems, interior floor support, and streets for the proposed development.

In general, the subsurface materials encountered consist of natural topsoil, sand, clay, and weathered claystone overlying sedimentary bedrock. Claystone or sandstone bedrock was encountered at depths ranging from 1½ to 27½ feet. Ground water was measured at depths ranging from ½ to 24½ feet in during this study.

Site development considerations should include provisions for the presence of shallow ground water and associated loose soils, and shallow weathered claystone and claystone bedrock with high to very high expansion potential. Where shallow weathered claystone and claystone bedrock is present, the option for overexcavation of the site and replacement of the excavated materials as moisture treated fill can be considered. A barrier system and/or other dewatering techniques will be necessary to control ground water on the site. Raising the elevation of the site may also be considered. Difficulty developing the site must be anticipated due to the depth of ground water.

Based upon the results of this preliminary study, we anticipate 65% to 70% of the structures will be founded on straight shaft piers drilled into competent bedrock. Casing of the drilled piers will likely be necessary. Alternatively, soil modification may be considered. This will be difficult due to the shallow ground water. Where sufficient sand is found (30% to 35% of the site) footings may be possible. Stabilization of the loose soils will likely be necessary. This must be reviewed once grading plans have been completed and the depth of foundations have been decided. Preliminary foundation design concepts are presented in the report.

Slabs-on-grade will require some special consideration because of the expansion potential the shallow weathered claystone and claystone bedrock. Where the structures are founded upon straight shaft piers, engineered structural floors can be anticipated. Where footings are constructed, slabs-on-grade may be possible depending on the expansion potential and the Client's expectations.

Perimeter subsurface drainage systems will be necessary for all below grade areas. Extensive subsurface drainage systems can be anticipated on 85% to 90% of the structures.

Sulfate test results indicate that foundation concrete should be designed for severe (S2) sulfate exposure. Preliminary pavement guidelines and other recommendations are presented in the following report.

If you have any questions regarding the contents of this report or our analyses of the subsurface conditions which will influence the proposed development, please call us. We have appreciated the opportunity to provide this service for you.

Sincerely,

A. G. WASSENAAR, INC.


Ashley A. McDaniels,
Project Engineer



Reviewed by:


Keith D. Seaton, P. E.
Senior Engineer

AAM/KDS/aam/bab

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SPECIFICATIONS FOR PLACEMENT OF STRUCTURAL FILL APPENDIX

GEOTECHNICAL SITE DEVELOPMENT STUDY

Proposed Residential Development
Coyote Creek North
Southeast of Weld County Road 14½ and Weld County Road 29
Fort Lupton, Colorado
January 22, 2018

PURPOSE

This report presents results of a geotechnical site development study for a proposed residential development to be located southeast of Weld County Road 14½ and Weld County Road 29 in Fort Lupton, Colorado (see Figure 1). The study was made to assist in determining preliminary design criteria for planning and site development, and preliminary design concepts for foundation systems, slabs-on-grade, and drainage. Preliminary geotechnical design concepts are also presented for street construction. Factual data gathered during the field and laboratory work is summarized on Figures 1 through 29 and Table I. Our opinions and recommendations presented in this report are based on the data generated during this field exploration, laboratory testing, our experience with similar type projects, and our understanding of the proposed project.

This report was performed in general accordance with our Proposal Number 174095, dated October 4, 2017. This report is not intended to provide design criteria for individual foundations or street construction. Additional geotechnical studies will be required to develop these types of final design criteria and construction recommendations.

PROPOSED CONSTRUCTION

We understand the proposed 127-acre development will consist of 222 single-family residential structures and the associated utility and roadway infrastructure. The west half of the site will

consist of lots sized between 50 to 70 feet wide. The east half of the site will consist of lots sized from ½ to 4 acres. The approximate locations of our test borings are shown on Figure 1. Preliminary overlot grading plans were not available at the time of this study. Existing elevations were provided by the civil engineer at each of our boring locations. We have assumed maximum cut/fill depths will not exceed 5 to 10 feet across the site. The recommendations in this study should be reviewed once grading plans are available.

SITE CONDITIONS

The parcel is bounded by undeveloped agricultural land to the north and northeast, Fulton Ditch to the east and south, and County Road 29 to the west. Vegetation consists of natural grasses, weeds, cattails (in the southeast portion) and sparsely located mature trees along the ditch. Water was observed in Fulton Ditch at the time of our field work. Two existing oil and gas wells are located on the site in the center of the western half and in the northeast portion of the site. An additional three oil and gas wells are located adjacent to the site to the south, southeast and east. The site slopes gently to the north and west. No bedrock outcrops were observed.

FIELD EXPLORATION

Subsurface conditions were explored by drilling 23 test borings at the approximate locations indicated on Figure 1. The test borings were advanced using a 4-inch diameter, continuous flight auger powered by truck-mounted and all terrain vehicle-mounted drill rigs. At frequent intervals, samples of the subsurface materials were obtained using a Modified California sampler and a split spoon sampler which were driven into the soil by dropping a 140-pound hammer through a free fall of 30 inches. The Modified California sampler is a 2.5-inch outside diameter by 2-inch inside diameter device. The split spoon sampler is a 2.0-inch outside diameter by 1.5-inch inside diameter device. The number of blows required for the sampler to penetrate 12 inches and/or the

number of inches that the sampler is driven by 50 blows gives an indication of the consistency or relative density of the soils and bedrock materials encountered. Results of the penetration tests and locations of sampling are presented on the “Test Boring Logs”, Figures 2 through 6. Ground water measurements were made at the time of drilling and subsequent to drilling. Slotted PVC was installed in 12 of the 23 test borings to prevent caving prior to ground water level measurements. The PVC was removed after the subsequent measurements were obtained.

LABORATORY TESTING

The samples obtained during drilling were returned to the laboratory where they were visually classified by a geotechnical engineer. Laboratory testing was then assigned to specific samples to evaluate their engineering properties. The laboratory tests included 26 swell-consolidation tests to evaluate the effect of wetting and loading on the selected samples. The results of the swell-consolidation tests are presented on Figures 7 through 19. Twenty gradation analysis and Atterberg limits tests were conducted to evaluate grain size distribution and plasticity. These results are presented on Figures 20 through 29. In addition, four representative samples were tested for water soluble sulfates, pH, resistivity, and chlorides. The test results are summarized on Figures 2 through 6 and on Table I.

SUBSURFACE CONDITIONS

Our test borings indicate the subsurface materials encountered consist of natural topsoil, sand, clay, and weathered claystone overlying sedimentary bedrock. Claystone or sandstone bedrock was encountered at depths ranging from 1½ to 27½ feet. Ground water was measured at depths ranging from ½ to 24½ feet in during this study. A more complete description of the subsurface conditions is shown on Figures 2 through 6 and in the following sections.

NATURAL SOIL

Topsoil was encountered in all of the test borings. The topsoil encountered consisted of sandy clay and was up to 1½ feet thick. It was organic, moist, and dark brown. The topsoil is not considered capable of supporting structures and should be removed. Construction on topsoil is at the sole risk of the Owner.

Sand was encountered in all of the test borings. The sand encountered was loose to dense, slightly silty to very silty, clean to very clayey, with clay lenses, moist to wet, and brown to light brown. The sand is considered to possess low expansion potential and low to moderate settlement potential.

Clay was encountered in 6 of the 23 test borings. The clay encountered was medium stiff to stiff, silty, sandy to very sandy, with sand lenses, very moist to wet, and brown. This clay is considered to possess low expansion and compression potential.

Weathered claystone was encountered in eight of the 23 test borings. The weathered claystone encountered was stiff, silty, trace sand to sandy, moist to very moist, and brown to olive to gray to rust. The weathered claystone is considered to possess high expansion and low compression potential.

BEDROCK

Claystone bedrock was encountered in 19 of the 23 test borings at depths ranging from 1½ to 27½ feet. The claystone was firm to hard, silty, trace sand to very sandy, with sandstone lenses, iron stained, slightly moist to moist, and brown to olive to rust to gray. The claystone is assessed to possess high to very high expansion potential.

Sandstone was encountered in six of the 23 test borings at depths ranging from 9½ to 29 feet. The sandstone encountered was medium hard to hard, poorly cemented, silty to very silty, clean to very clayey, with claystone lenses, moist to wet and brown to light brown to light gray to olive to rust. The sandstone is assessed to possess low expansion potential. Plans showing estimated depth and elevation of bedrock are presented on Figures 30 and 31.

GROUND WATER

Ground water was measured at depths of ranging from ½ to 32 feet in 18 of the 23 test borings at the time of drilling. When we returned 19 to 43 days after drilling, ground water was measured at depths ranging from ½ to 24½ feet in 21 of the 23 test borings. Test Boring 14 was caved at a depth of 1 foot when checked 20 days after drilling. Test Boring 6 was dry 43 days after drilling. Maps indicating the estimated depth and elevation of the ground water are shown on Figures 32 and 33.

GEOTECHNICAL CONCERNS

GROUND WATER

Ground water was encountered at depths ranging from ½ to 24½ feet in 21 of the 23 test borings 19 to 43 days after drilling (see Figures 32 and 33). The shallowest ground water was encountered in the eastern two thirds and northern boundary of the site. The ground water was found at depths that will influence construction across the majority of the site. This water appears to be influenced by the irrigation ditch located along the south, southeast, and east perimeter of the site. The ground water will pose significant problems during site grading, utility construction, and pavement construction. We typically recommend that foundations be constructed at least 3 or preferably 4

feet of more above ground water level. Site development should be planned to avoid (e. g., raise the site grade, only at-grade construction) or remove the ground water. A Geohydrologist specializing in ground water issues should be consulted regarding dewatering the site. These issues are discussed more fully in the following sections.

SOFT SOILS

Loose natural sandy soils were encountered across the site. The loose sand will present soil stability concerns for site grading, foundation excavations, and during pavement construction. As stated previously, the sand exhibited low to moderate settlement potential. It is likely that large, rubber tired equipment will cause severe rutting and may not be able to traverse the area. It will likely be necessary to stabilize the loose, wet areas prior to fill placement. It may also be necessary to stabilize the soils prior to foundation construction. These issues are discussed more fully in the following sections.

EXPANSIVE SOILS

Weathered claystone and claystone bedrock with high to very high expansion potential were encountered across the site. The bedrock and weathered claystone was found at depths of less than 20 feet across approximately 70% of the site. The average measured swell in the claystone bedrock across the site was +4.7% under a 1,000 psf surcharge with a range from 1.6% to 9.5%. Approximately 90% of the tests in the bedrock exhibited moderate to very high (2% or more) swell. The average measured swell in the clay and weathered claystone across the site was +3.5% under a 1,000 psf surcharge with a range from -0.7% to 9.9%. Approximately 80% of the tests exhibited moderate to very high (2% or more) swell. Therefore, we believe that completing development of the site using traditional overlot grading techniques will result in a portion of the subdivision being supported upon straight shaft piers bottomed in bedrock. Using current risk

analysis techniques, all of the interior floors for these structures will be supported structurally. An alternative to drilled piers and structural floors is ground modification with an overexcavation and replacement process to reduce swell potential to possibly allow for shallow foundations and slab-on-grade construction. This will be difficult due to the ground water encountered across the site.

SITE DEVELOPMENT

OVERLOT GRADING

We assume the fill materials used at the site will be from on-site cut areas. In general, suitable inorganic on-site or off-site soils may be used for structural fill. Any existing fill, topsoil, or soil containing vegetation or other organic or deleterious material should be removed prior to placement of new fill. Off-site material considered for new fill should be evaluated by our office prior to hauling to the site.

Construction of the fill embankments throughout the site will consist of proper foundation preparation, constructing embankment benching where necessary, disposition of strippings, proper fill placement and compaction, and designing and vegetating slopes in accordance with the analysis performed and the applicable governing regulations. Following are general site grading recommendations:

1. It is recommended that we be called to observe and test the fill placement so that a uniform, compacted fill will be placed.
2. Based upon the subsurface information and our assumption that the near surface soils will be used for fill, we have attached general specifications.
3. All topsoil and vegetation beneath planned fill areas should be thoroughly stripped and removed prior to fill placement. The organic soils or topsoil should be wasted from the site or stockpiled for future use in revegetating exposed

slopes. In no case should these materials be used in new fills or where the stability of slopes will be affected by their low shear strength.

4. Where soft, rutting soils are found beneath planned fill areas, in-place drying or stabilization may be necessary. Stabilization prior to fill placement may be accomplished by placing 6-inch minus crushed rock or equivalent material, which should be evaluated by A. G. Wassenaar, Inc. (AGW) prior to use. The material should be placed in approximately 8-inch loose lifts and rolled into the underlying soft or loose soils with fully-loaded rubber-tired equipment. This procedure should continue until scraper type equipment can be supported on the rock fill with no significant deformation. In some instances, a geogrid or geotextile stabilization fabric may be economical for use in conjunction with rock stabilization.
5. Where natural slopes are steeper than an existing slope of 5:1 (horizontal to vertical), benching will be required for structural integrity of any fills (see Figure 34).
6. After the fill areas have been cleared, the exposed soils should be scarified to a minimum depth of 6 inches, brought to the proper moisture content, and then compacted according to the Appendix.
7. Excavated soil will likely be wet and may require drying or mixing with drier soil to allow proper compaction.
8. The compaction and moisture control of the soils will be dependent upon material types. The specifications outlined in the Appendix are based upon providing a fill with sufficient shear strength to support structures and controlling residual swell of expansive soil used in fill sections.

10. Particular attention should be paid to compaction of the exterior faces of slopes.
11. Other specifications outlined in the Appendix should be followed.

SOIL MODIFICATION

An option to reduce the amount of swell of the expansive soils would be to remove them from beneath foundation areas and to place the excavated material as a moisture treated fill. This procedure can result in a fill that is able to support shallow foundations and involves excavating to a depth below the foundations as determined by the amount of potential swell in the soils. The excavated soil is then wetted to at or above optimum moisture content and compacted into the excavations (see Appendix). We estimate that an overexcavation of the moderate to very highly expansive soils to depths of up to 12 to 14 below the lowest foundation element would be necessary beneath structure foundations depending upon the configuration of the structure foundation (i.e., basements, crawl spaces, etc.). The actual areas of overexcavation need to be determined by drilling additional test borings once the overlot grading plans have been finalized or after grading when the geotechnical design level reports for each specific structure are performed. This procedure would be difficult at this site due to the ground water level. Dewatering the excavations would be required. At this time, we would estimate that about 20% of the site could be overexcavated without dewatering. Additionally, the excavated soils would likely need to be dried prior to placement as new fill.

SLOPES

A slope stability analysis and/or retaining wall analysis was not conducted as part of this study. Where natural slopes exceed 5 to 1, horizontal to vertical, benching to maintain structural integrity

may be required (see Figure 34). Construction of conventional fill slopes should be limited to 2 to 1 or flatter. Cut slopes steeper than 2 to 1 should be evaluated for stability.

CONSTRUCTION EXCAVATIONS

In our opinion, the majority of the site grading, utility, and foundation excavations may likely be constructed using conventional earth-moving equipment for the Front Range area. Excavations will encounter soft soils. Excavations deeper than 3 feet should be properly sloped or braced to prevent collapse of potentially caving soils. The overburden sand soils, soft to medium stiff clay soils, and any soil influenced by ground water classify as "Type C" soils, the stiff to very stiff clay soils classify as a "Type B" soil, and the underlying bedrock may be classified as a "Type A" soil according to OSHA regulations. Local, city, county, state, and federal (OSHA) regulations should be followed.

The bedrock, when encountered, should stand vertically unsupported, except where fractured or inundated with water. In the interest of safety, bedrock excavations should be sloped as outlined above. In our opinion, the utility excavations may be constructed using conventional earth-moving equipment for the Front Range area.

The presence of ground water will be a significant constraint upon excavation and utility construction. It will be necessary to dewater all excavations and trenches constructed below the ground water level. Dewatering may include pumping from the work area or construction of well points. The excavation and utility contractor must be made aware of the ground water conditions so that contract bidding will include the appropriate provisions.

Trench backfill should be well compacted to prevent future settlement. Trenches within the lots, as a minimum, should be compacted using the same methods and specifications as required for overlot grading. Trenches in streets should be compacted to the Town of Fort Lupton specifications. Observation and testing of fill placement must be performed during trench backfilling.

SUBSURFACE DRAINAGE

Shallow ground water was encountered across the site. The ground water encountered is anticipated to cause significant problems during site development, utility construction, grading, and overexcavation if the option is selected.

If basements are desired and it is not feasible to raise the site, it will be necessary to lower the ground water level. Due to the direction of flow and the relatively shallow claystone bedrock, it may be feasible to construct a barrier system along the ditch bordering the site to the south and east property lines that prevents ground water from flowing across the site. The barrier would need to be excavated into the bedrock. An interceptor drain could also be considered, provided that a gravity outfall can be located and the ditch company does not object. Another option would be to line the ditch. A Geohydrologist with experience in ground water issues should be consulted. Additionally, an area drain and permanent outfalls (discussed below) would be required.

Clay soils and claystone bedrock were encountered in the test borings. These types of materials have a relatively low permeability that contribute to the ground water conditions across the site. Additionally, after development and construction have taken place, when landscape irrigation and surface drainage conditions have changed, additional water will be added to the site. For these reasons, we recommend an overall area drain be considered for the site. An overall area drain

can also provide for a discharge and collection point for individual foundation drains. Typically, underdrains can be designed and constructed with installation of the sanitary sewer system; however, the Town of Fort Lupton should be consulted to determine where an underdrain system is allowed. The civil engineering company contracted to design the infrastructure should be able to provide this design. We are available to assist in drain design. For the system to work, the area drain must be graded to a positive discharge point. **If a permanent outfall for an area drain cannot be determined, the area drain should not be constructed.**

If the Developer elects not to install or the municipality will not allow an overall area drain, an acceptable alternative would be to establish points of positive gravity discharge for the gravel bedding beneath the sewer. We also recommend any basement or below grade area be provided with a perimeter subsurface drainage system sloped to drain to a positive gravity discharge such as a sump or connected directly to the underdrain system.

SURFACE DRAINAGE

We recommend that provisions be made to divert surface runoff away from development areas. This should reduce potential problems associated with excess water and soils which are susceptible to instability. The site should be designed such that a 10% slope can be established near the structures after foundation construction. Slopes of at least 2% should then be planned in landscaped areas once the water is away from the foundations.

SITE CONCRETE AND CORROSIVITY

Testing performed on selected soil and bedrock samples indicated water soluble sulfate contents of less than 100 parts per million (ppm) to 2,860 ppm. This is considered to be a negligible to severe concentration relative to potential corrosive attack on concrete. Therefore, all concrete in

contact with the soils on the site should be designed for severe sulfate exposure (S2) in accordance with the current American Concrete Institute (ACI) Design Manual.

The pH test results ranged from 7.6 to 7.9. Resistivity test results at in-situ moisture ranged from 273 to 1,510 ohm•cm. Chloride test results ranged from less than 0.0016% to 0.0144%. These results are summarized on Figures 2 through 6 and on Table I. The results of this testing should be used as an aid in choosing the construction materials in contact with these soils which will be resistant to the various corrosive forces. Manufacturer's representatives should be contacted regarding the specific corrosivity resistance to the stated levels of pH, resistivity, and chlorides for their particular product. In addition, municipality specifications should be consulted when selecting pipe materials.

PRELIMINARY FOUNDATION DESIGN CONCEPTS

The foundation recommendations for each structure are dependent upon the subsurface profile and engineering properties of the materials encountered at and near the depth of the proposed foundation. These are dependent upon the final configuration and construction methods used for overlot grading at the site. Therefore, foundation design recommendations for each structure cannot be presented until site grading is complete. **The information presented in the following sections presents preliminary foundation concepts which must be finalized for each building site upon completion of the overlot grading operations.** We should be retained to provide an additional soil and foundation exploration after completion of site grading to provide specific foundation design recommendations for each site.

FOOTINGS

Where there is sufficient natural soil or properly placed and compacted fill between the foundation and claystone bedrock, it is likely that a suitable foundation system for the structures would be spread footings or pad-type footings (approximately 30% to 35% of the site). Stabilization of foundation bearing soils with rock will likely be necessary for most of the site. The footings must be founded below frost depth. The footings will likely be designed for a maximum soil pressure ranging from 1,000 to 3,000 psf. A minimum dead load pressure on the order of 700 to 1,000 psf may be necessary.

PIERS

A suitable foundation system for structures founded where moderately to very highly expansive claystone bedrock is at or near the bottom of the foundation excavations would be straight shaft piers drilled into bedrock. If soil modification is not employed, we estimate that 65% to 70% of the site will require a pier foundation system. The piers will likely be designed for an end bearing pressure in the range of 15,000 to 30,000 psf, a minimum dead load pressure in the range of 10,000 to 25,000 psf, and a side shear in the range of 1,500 to 2,500 psf. The side shear would be applied for that portion of the pier in undisturbed bedrock with the exception of the upper 12 feet of each pier beneath the grade beam or foundation wall. Pier lengths on the order of 25 to 35 feet (with bedrock penetration from 16 to 22 feet) below the basement level can be anticipated. **Casing the piers should be anticipated.** As an alternative to cased piers, helical piles could be constructed to support the foundations.

LATERAL EARTH PRESSURES

Foundation walls with fill on only one side will need to be designed for lateral earth pressures. For this site, lateral earth pressures calculated based upon equivalent fluid densities on the order of 50 to 80 pcf should be anticipated.

INTERIOR FLOOR CONSTRUCTION

If the site is developed using traditional overlot grading techniques, it is likely that the sites where piers are required for foundation support will be assessed with a moderate to very high slab risk performance. If the site is developed using overexcavation and placement of moisture treated fill, it is likely that most of the sites will be assessed with a low to moderate slab risk performance evaluation. Slab-on-grade construction may be appropriate for full unfinished basement construction on sites with low or moderate evaluations. Structural floors are generally recommended on sites with higher evaluations, finished basements, or any site where floor movement or cracking cannot be tolerated. If the risk tolerance for slab movement is zero, structural floors should be constructed.

DRAIN SYSTEMS

Due to the nature of the soils encountered on the site, drain systems will be required around the lowest excavation level for each structure. Either interior or exterior drains may be used for a portion of the sites. The drains must consist of rigid perforated pipe encased in gravel and sloped to a positive gravity outfall or sump. Extensive subsurface drainage systems are anticipated on 85% to 90% of the site. Extensive drain systems will be necessary where the lowest foundation level is within 3 to 4 feet of the ground water. Waterproofing the foundation walls will likely be required. Waterproof foundation construction will be necessary if basements are constructed below existing groundwater levels.

BACKFILL AND SURFACE DRAINAGE

Backfill should be moistened and compacted to reduce potential future settlement. The site grading should consider a slope of 10% away from the foundation at the completion of construction. All other drainage swales in landscaped areas on the lots should slope at a minimum of 2%.

PRELIMINARY STREET PAVEMENT DESIGN

Pavement design procedures are based on strength properties of the subgrade and pavement materials, the assumed design traffic conditions, and the Town of Fort Lupton pavement regulations. The subgrade materials encountered on this site are potentially expansive and require additional precautions be taken to provide for adequate pavement performance. The pavement design procedures outlined address expansive subgrade materials primarily by modifying the subgrade materials in such a manner as to reduce the swell potential and then by attempting to minimize subgrade wetting after construction.

Based upon our preliminary analysis, it appears the proposed pavement subgrade materials will be a mixture of silty to clayey sand and claystone. Their AASHTO soil classification will likely be A-1-b, A-2-4, A-3, A-4, A-6, and A-7-6. From this classification, we have estimated strength values in order to determine the preliminary pavement thicknesses.

Based upon our laboratory testing and our experience in the areas, the weathered claystone and claystone bedrock encountered on this site can be expected to exhibit swell in excess of those allowed by the Town of Fort Lupton pavement regulations. Therefore, these subgrade soils will need to be moisture treated in order to reduce the potential swell of the subgrade. In order to mitigate this potential swell, we recommend that the roadways where the natural weathered

claystone and claystone bedrock are the subgrade material be overexcavated to a depth of at least 5 feet below the pavement subgrade. The excavated material should be placed as moisture treated fill (see Appendix) within the right-of-way. Any new fill within 5 feet of the subgrade elevation should be placed as moisture treated fill. Lime or other chemical treatment of the subgrade may also be required. The overexcavation should be performed during site grading prior to construction of utilities within the right-of-way. Overexcavation should cover the paved area from back of sidewalk (for attached sidewalk areas) or back of curb (for detached sidewalks).

The shallow ground water encountered on the site may cause stabilization issues for pavement construction. This may require chemical or mechanical stabilization based upon the unstable encountered on this site. Chemical stabilization includes the use of lime, fly ash, cement, or other chemical additives to the soil. Mechanical stabilization includes the use of a geogrid beneath the base course. Where soft yielding pavement subgrade is found, stabilization using rock or chemicals (fly ash or cement) may be necessary. The use of pavement drains will be necessary when ground water is within 3 feet of the subgrade to prevent frost heave (see Figure 35).

Based on this information and utilizing structural numbers as determined per the Town of Fort Lupton specifications, the alternatives presented below were calculated.

Pavement Thickness Recommendations

Traffic Category	HBP (in.)	HBP/ABC (in.)
Residential Streets	6.5 to 7.0	5.0 to 6.0 / 8.0 to 10.0
Residential Collector	8.0 to 10.0	5.0 to 6.0 / 10.0 to 12.0

HBP = Hot Bituminous Pavement ABC = Aggregate Base Course

The above preliminary thickness recommendations are based on a 5-foot overexcavation of the expansive subgrade material beneath the proposed pavement subgrade elevation. A design life of 20 years was assumed. It should be emphasized that the design alternatives provided above are preliminary for the materials anticipated. The final design thicknesses could be more or less than indicated.

Proper surface and subsurface drainage is essential for adequate performance of pavements constructed on these types of subgrade materials. It has been our experience that water from landscaped areas can infiltrate pavement subgrade soils and result in loss of subgrade integrity followed by pavement damage. Therefore, provisions should be made to maintain adequate drainage and/or contain runoff from such areas. This is especially important since composite pavement sections which include base course tend to promote further subgrade moisture infiltration and damage. In addition, water and irrigation lines should be thoroughly pressure tested for leaks prior to placement of pavement materials.

It must be reiterated that the information contained in this section is preliminary in nature. More detailed information will be required by the Town of Fort Lupton prior to issuance of a paving permit. Therefore, when overlot grading is complete at the site, a final pavement evaluation must be performed.

FINAL DESIGN CONSULTATION AND CONSTRUCTION OBSERVATION

This report has been prepared for the exclusive use of Coyote Creek North, LLC for the purpose of providing geotechnical criteria for the proposed project. The data gathered and the conclusions and recommendations presented herein are based upon the consideration of many factors including, but not limited to, the type of structures proposed, the configuration of the structures,

the proposed usage of the site, the configuration of surrounding structures, the geologic setting, the materials encountered, and our understanding of the level of risk acceptable to the Client. Therefore, the conclusions and recommendations contained in this report shall not be considered valid for use by others unless accompanied by written authorization from A. G. Wassenaar, Inc.

It is recommended that A. G. Wassenaar, Inc. be retained to provide general review of the final design and specifications in order that the recommendations presented may be properly interpreted and implemented. Our firm should also be retained to provide geotechnical engineering and material testing services during construction of the site grading, utilities, and structures. The purpose is to observe the construction with respect to the geotechnical design concepts, specifications or recommendations, and to facilitate design changes in the event that subsurface conditions differ from those anticipated prior to start of construction.

GEOTECHNICAL RISK

The concept of risk is an important aspect of any geotechnical evaluation. The primary reason for this is that the analytical methods used to develop geotechnical recommendations do not comprise an exact science. The analytical tools which geotechnical engineers use are generally empirical and must be tempered by engineering judgment and experience. Therefore, the solutions or recommendations presented in any geotechnical evaluation should not be considered risk-free and, more importantly, are not a guarantee that the interaction between the soils and the proposed structure will perform as desired or intended. What the engineering recommendations presented in the preceding sections do constitute is our best estimate, based on the information generated during this evaluation and our experience in working with these conditions, of those measures that are necessary to help the development perform in a satisfactory manner. The

Owner must understand this concept of risk, as it is they who must decide what is an acceptable level of risk for the proposed development of the site.

LIMITATIONS

We believe the professional judgments expressed in this report are consistent with that degree of skill and care ordinarily exercised by practicing design professionals performing similar design services in the same locality, at the same time, at the same site and under the same or similar circumstances and conditions. No other warranty, express or implied, is made. In the event that any changes in the nature, design or location of the facility are made, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report are modified or verified in writing. Because of the constantly changing state of the practice in geotechnical engineering, and the potential for site changes after our field exploration, this report should not be relied upon after a period of three years without our firm being given the opportunity to review and, if necessary, revise our findings.

The test borings drilled for this study were spaced to obtain a reasonably accurate picture of underground conditions for design purposes. Variations frequently occur from these conditions which are not indicated by the test borings. These variations are sometimes sufficient to necessitate modifications in the designs. If unexpected subsurface conditions are observed by any party during site development, we should be notified to review our recommendations.

Our scope of services for this project did not include, either specifically or by implication, any research, identification, testing, or assessment relative to past or present contamination of the site by any source, including biological (i.e., mold, fungi, bacteria, etc.). If such contamination were present, it is likely that the exploration and testing conducted for this report would not reveal its

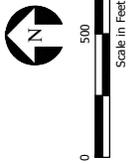
existence. If the Owner is concerned about the potential for such contamination or pollution, additional studies should be undertaken. We are available to discuss the scope of such studies with you.

Our scope of services for this project did not include a local or global geological risk assessment. Therefore, issues such as mine subsidence, slope stability, active faults, etc. were not researched or addressed as part of this study. If the Owner is concerned about these issues, we are available to discuss the scope of such studies upon your request.

COYOTE CREEK NORTH
FORT LUPTON, COLORADO



VICINITY MAP
NOT TO SCALE

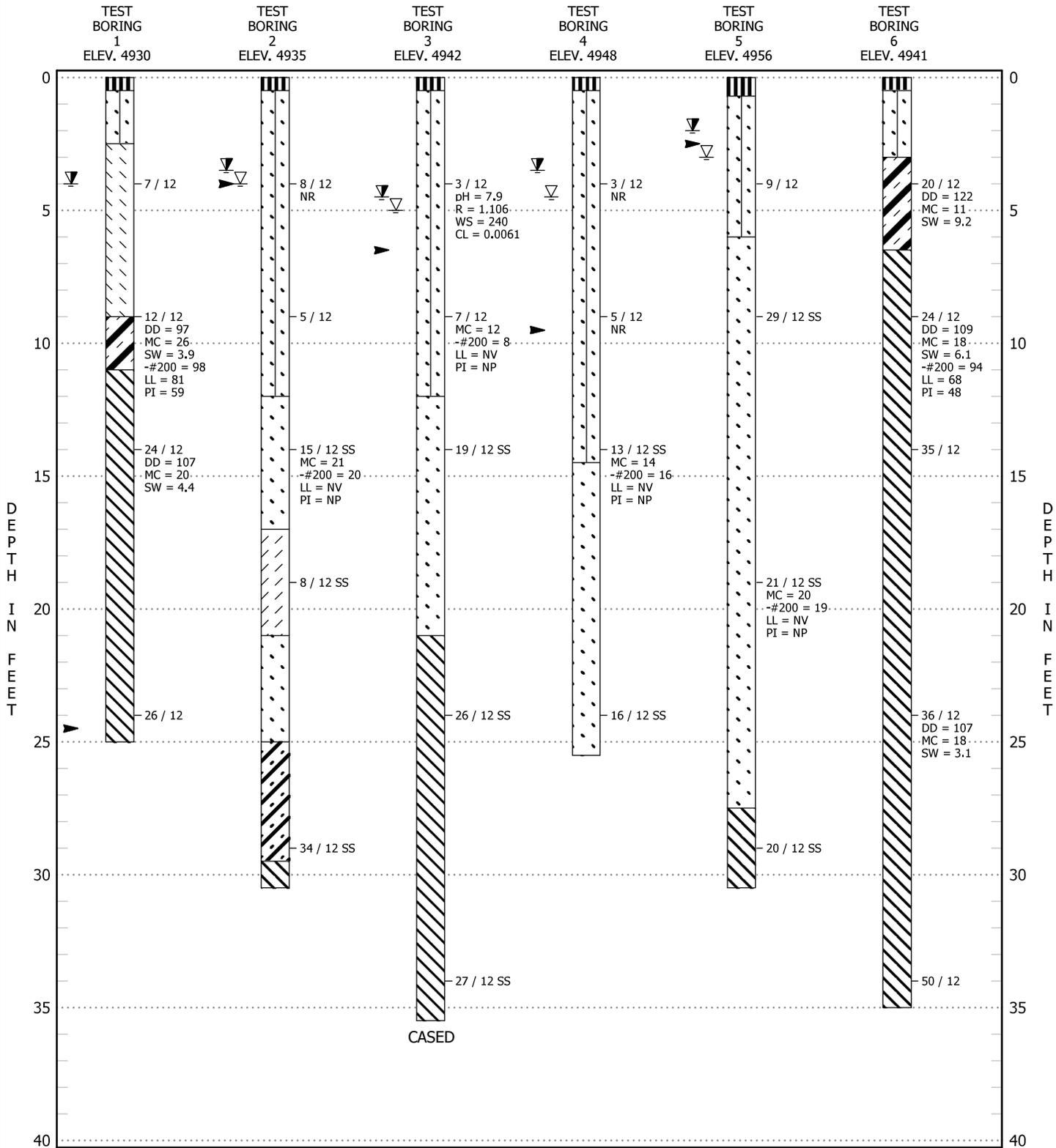


A.G. Wassenaar
Geotechnical and Environmental Consultants

SITE PLAN AND VICINITY MAP
PROJECT NO. 174095
FIGURE 1

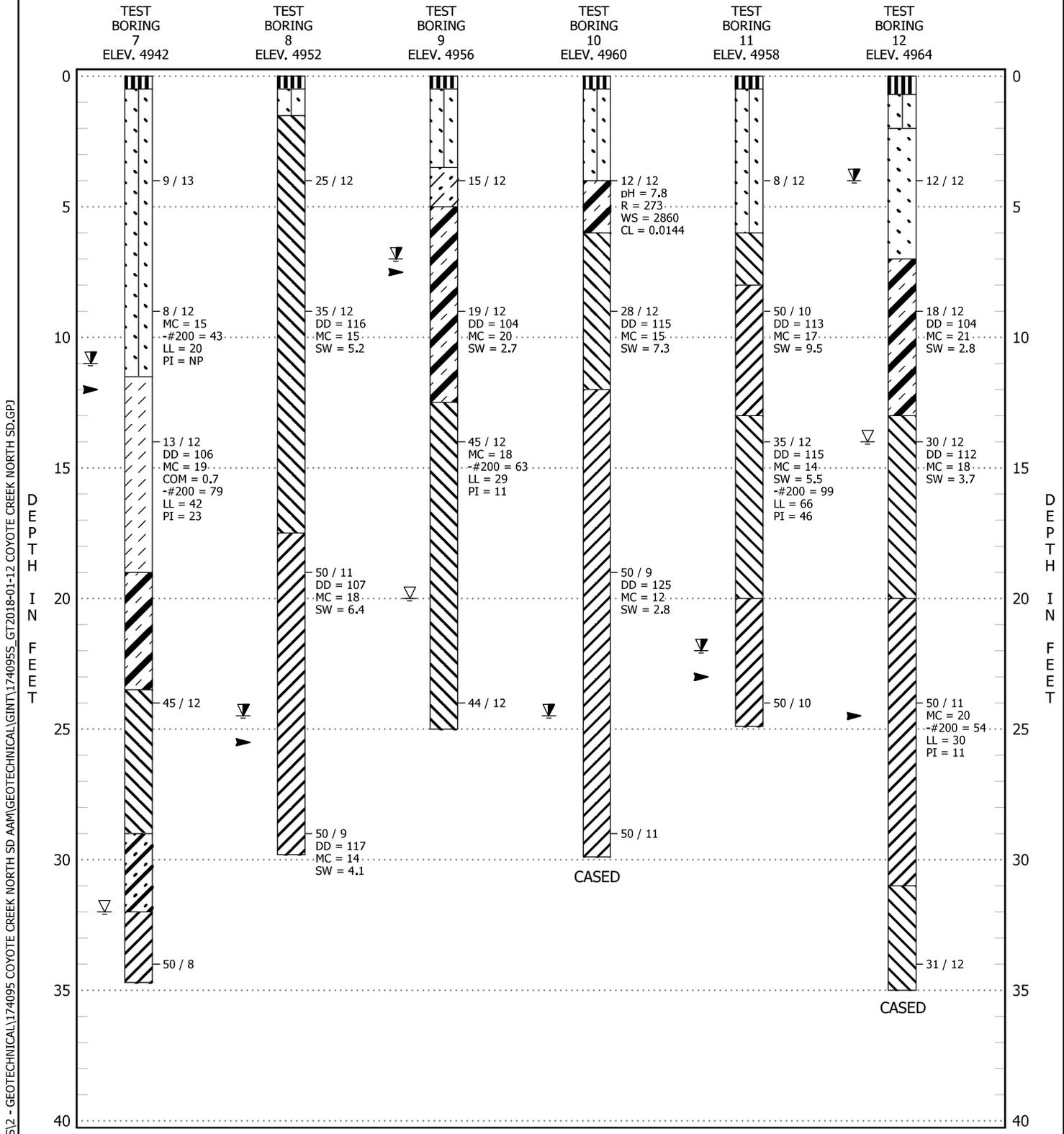
- NOTES:
1. TEST BORINGS ARE OVERLAID ON THE "COYOTE CREEK NORTH, FT. LUPTON, CO-115" DEPTH CONCEPT PLAN - PREPARED BY SANDERSON STEWART, DATED DECEMBER 2017.
 2. ALL LOCATIONS ARE APPROXIMATE.

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SEE FIGURE 6 FOR LEGEND AND NOTES TO TEST BORINGS

TEST BORING LOGS
 FIGURE 2

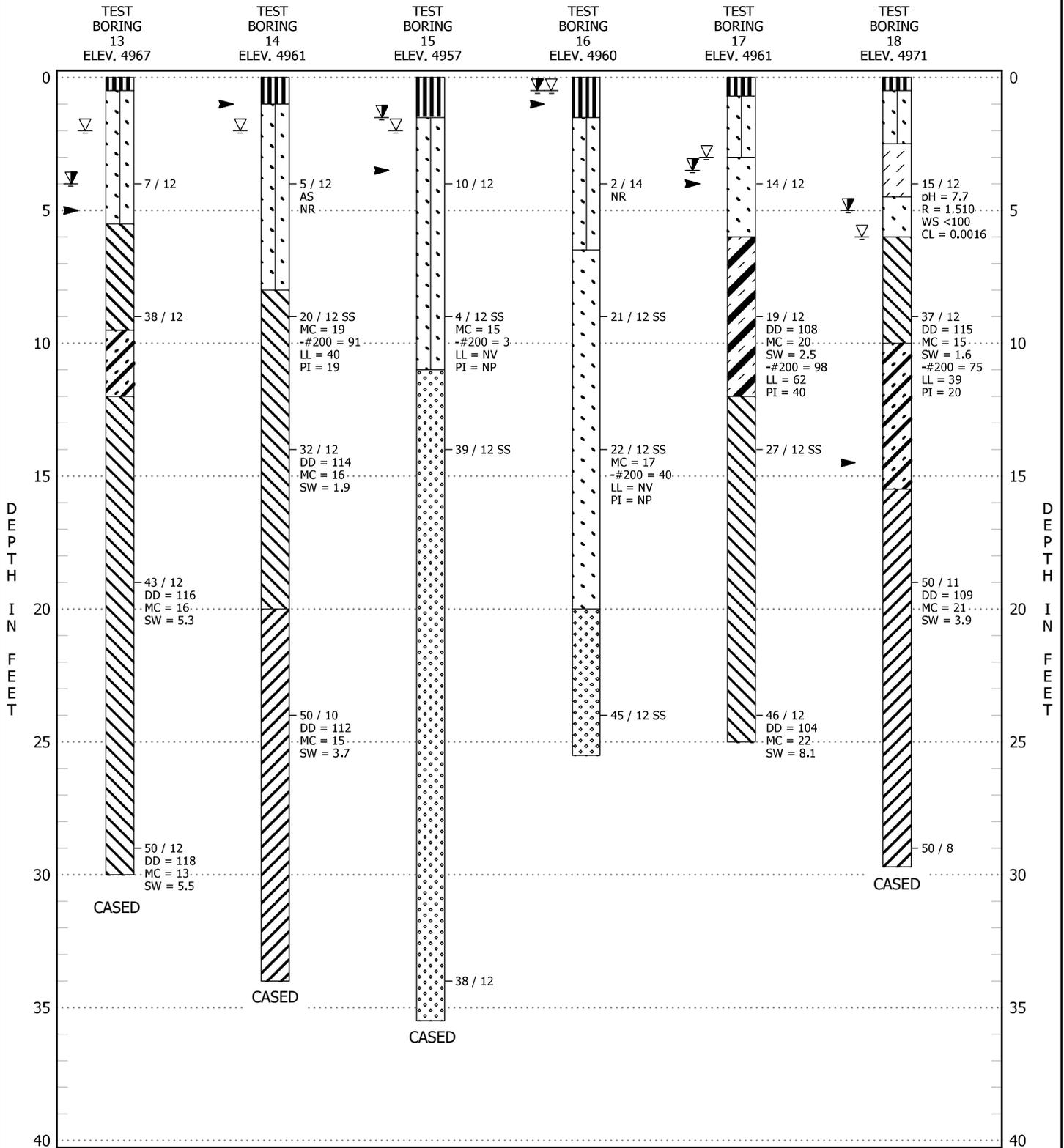


SEE FIGURE 6 FOR LEGEND AND NOTES TO TEST BORINGS

TEST BORING LOGS
 FIGURE 3

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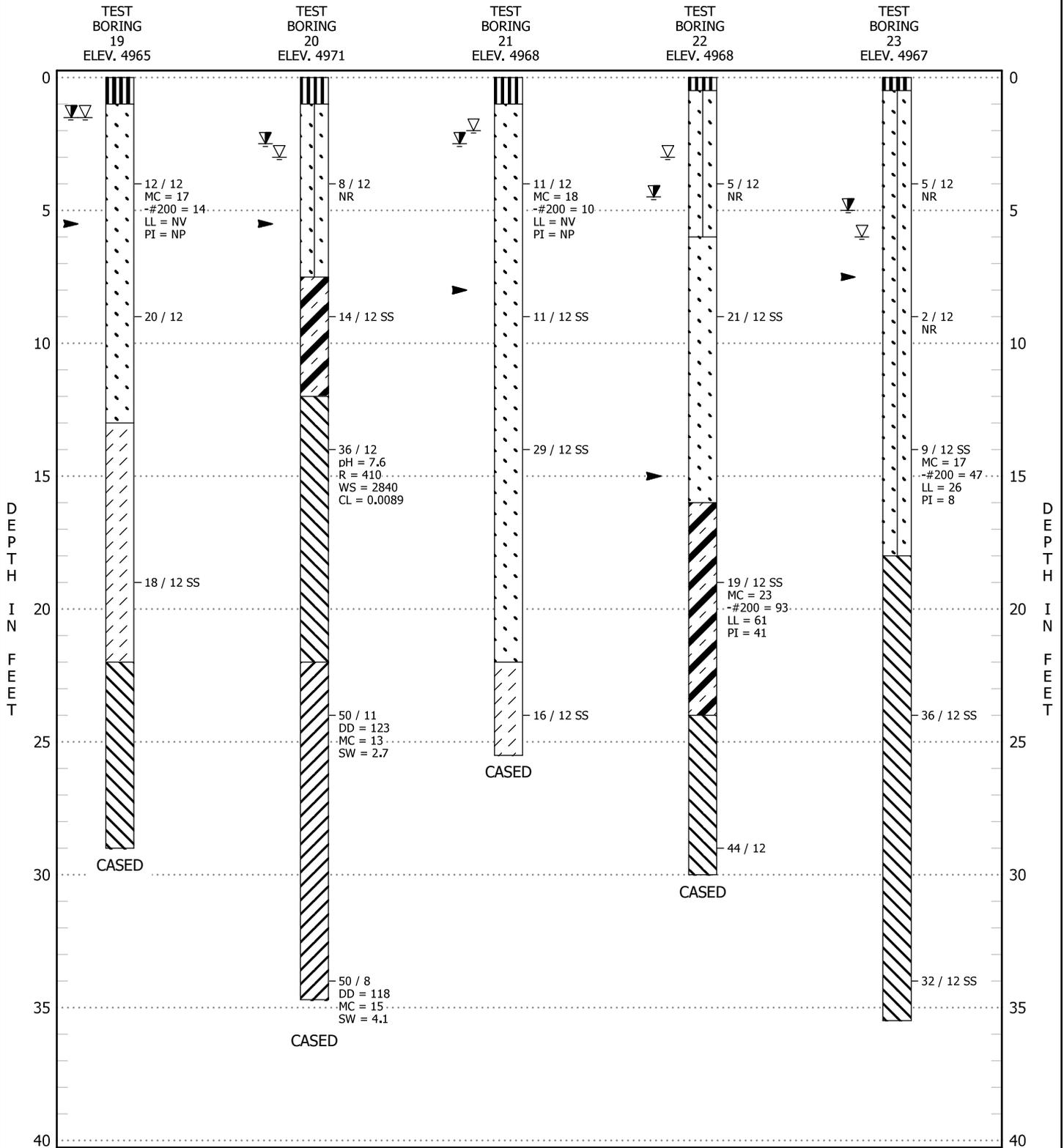
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SEE FIGURE 6 FOR LEGEND AND NOTES TO TEST BORINGS

TEST BORING LOGS
 FIGURE 4

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SEE FIGURE 6 FOR LEGEND AND NOTES TO TEST BORINGS

TEST BORING LOGS
 FIGURE 5

CLIENT Coyote Creek North, LLC

PROJECT NAME Coyote Creek North

PROJECT NUMBER 174095

PROJECT LOCATION Fort Lupton, Colorado

SOIL DESCRIPTIONS

	Topsoil, clay, sandy, organic
	Clay, medium stiff
	Clay, stiff to very stiff
	Sand, loose
	Sand, medium dense, silty
	Sand, medium dense, silty, clayey
	Sand, dense to very dense, silty
	Clay (weathered claystone), medium stiff to stiff
	Claystone (Bedrock), firm to medium hard
	Claystone (Bedrock), hard to very hard
	Sandstone (Bedrock), hard to very hard

ABBREVIATIONS

DD	Dry density of sample in pounds per cubic foot (pcf)
MC	Moisture content as a percentage of dry weight of soil (%)
SW	Percent swell under a surcharge of 1000 pounds per square foot (psf) upon wetting (%)
COM	Percent compression under a surcharge of 1000 pounds per square foot (psf) upon wetting (%)
UC	Unconfined compressive strength in pounds per square foot (psf)
-#200	Percent passing the Number 200 sieve (%)
LL	Liquid Limit
PI	Plasticity Index
NP	Non-Plastic
NV	No Value
pH	Acidity or alkalinity of sample in pH units
R	Resistivity in ohms.cm
WS	Water soluble sulfates in parts per million (ppm)
CL	Chlorides in percent (%)
x/y	X blows of a 140-pound hammer falling 30 inches were required to drive a 2.5-inch outside diameter sampler Y inches
x/y SS	X blows of a 140-pound hammer falling 30 inches were required to drive a 2.0-inch outside diameter sampler Y inches
C-x	Depth of cut to grade (rounded to the nearest foot)
F-x	Depth of fill to grade (rounded to the nearest foot)
FG	Finished grade (rounded to the nearest foot)
NR	No sample recovered
Bounce	Sampler bounced during driving
B	Bulk sample
AS	Auger sample
	Moderately to well cemented layer
—	Approximate depth of cut
	Depth at which practical drilling refusal was encountered
	Water level at time of drilling
	Caved depth at time of drilling
	Water level 19 to 43 days after drilling
	Caved depth 19 to 43 days after drilling

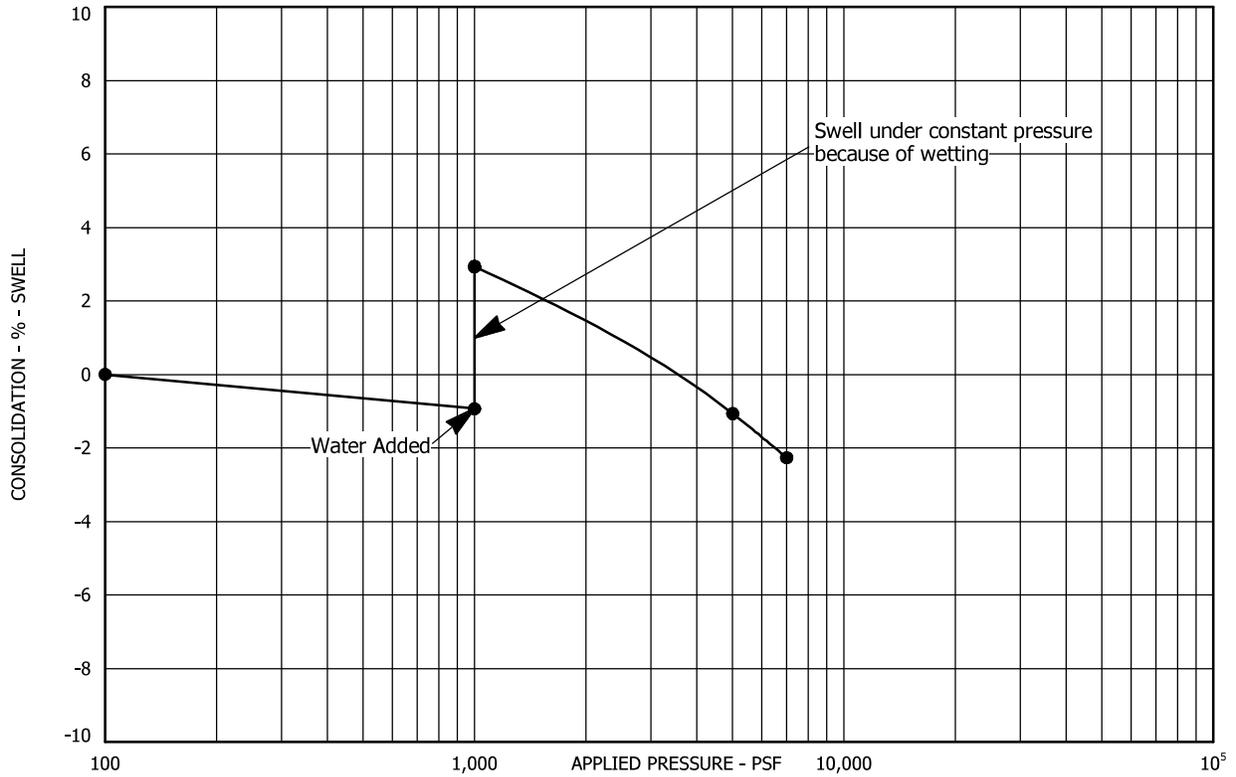
Notes:

1. Test borings were drilled November 21, 2017 to December 15, 2017.
2. Location of the test borings were staked by others at locations chosen by this firm.
3. The horizontal lines shown on the logs are to differentiate materials and represent the approximate boundaries between materials. The transitions between materials may be gradual.
4. Elevations were obtained from staking provided by others and have been rounded to the nearest foot.
5. Boring logs shown in this report are subject to the limitations, explanations, and conclusions of this report.

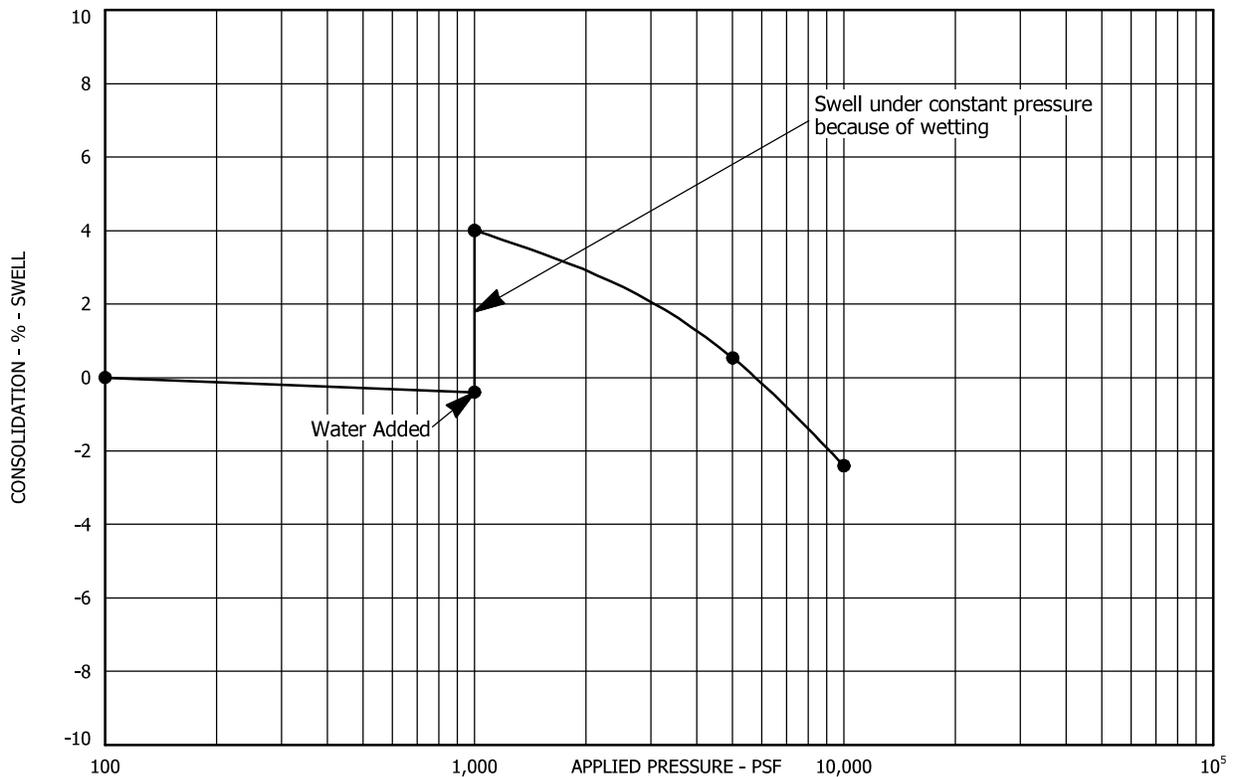
LEGEND AND NOTES

FIGURE 6

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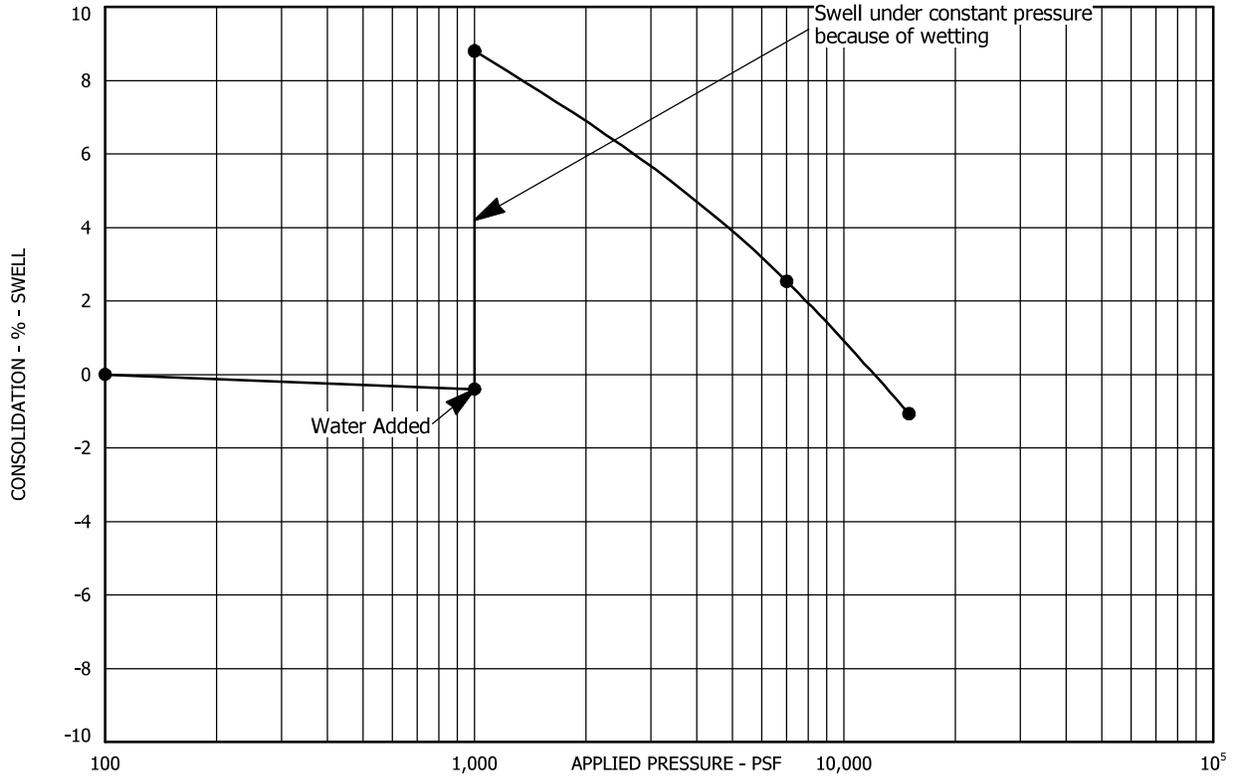
Sample Location Test Boring No. 1 at a depth of 9 feet Dry Unit Weight (pcf) 97
 Sample Description Clay (weathered claystone), trace sand Moisture Content (%) 26



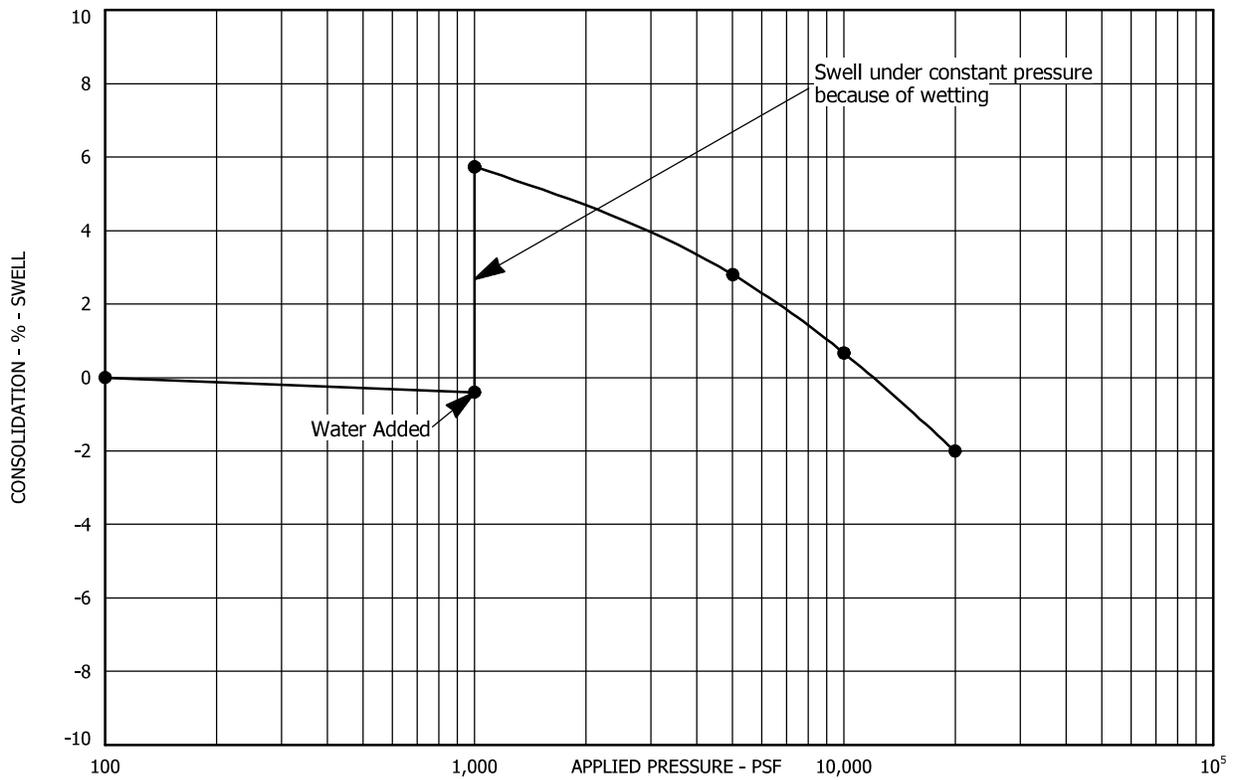
Sample Location Test Boring No. 1 at a depth of 14 feet Dry Unit Weight (pcf) 107
 Sample Description Claystone, slightly sandy Moisture Content (%) 20

SWELL - CONSOLIDATION TEST RESULTS

FIGURE 7



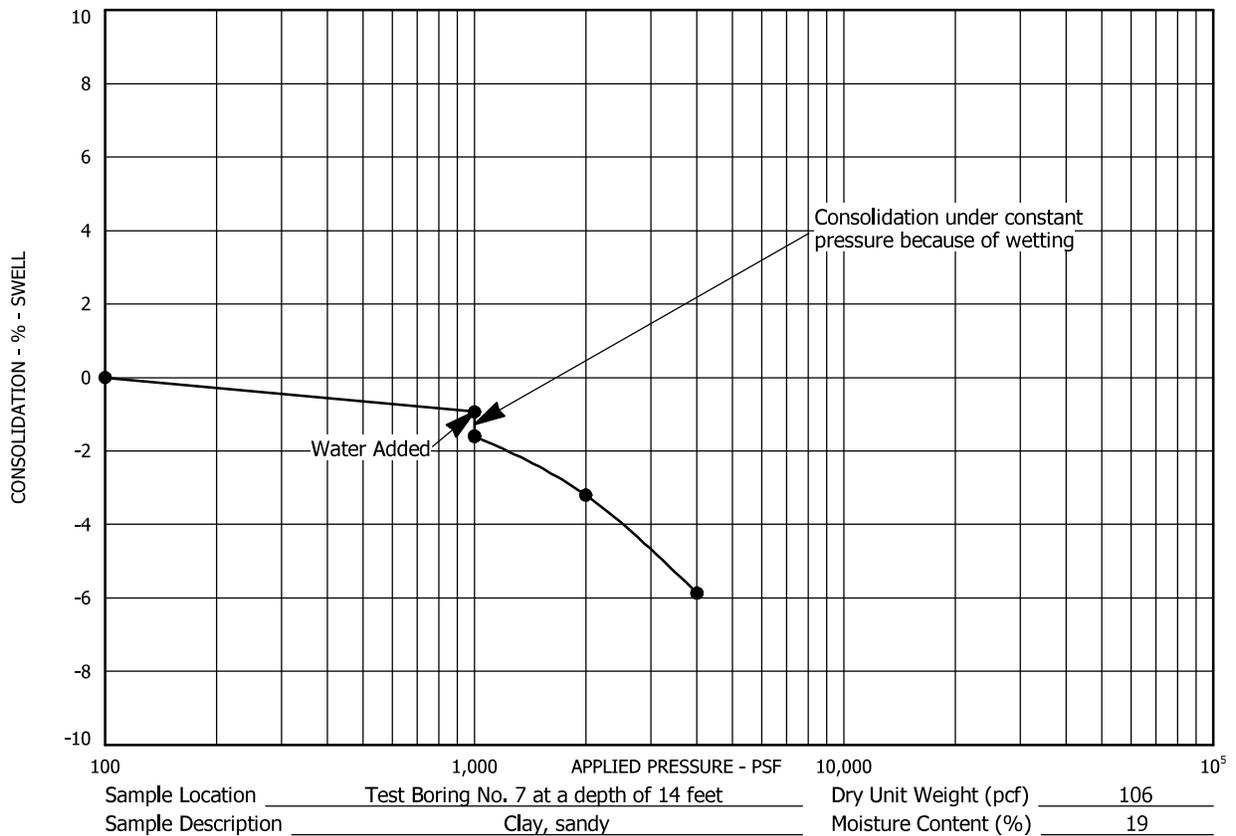
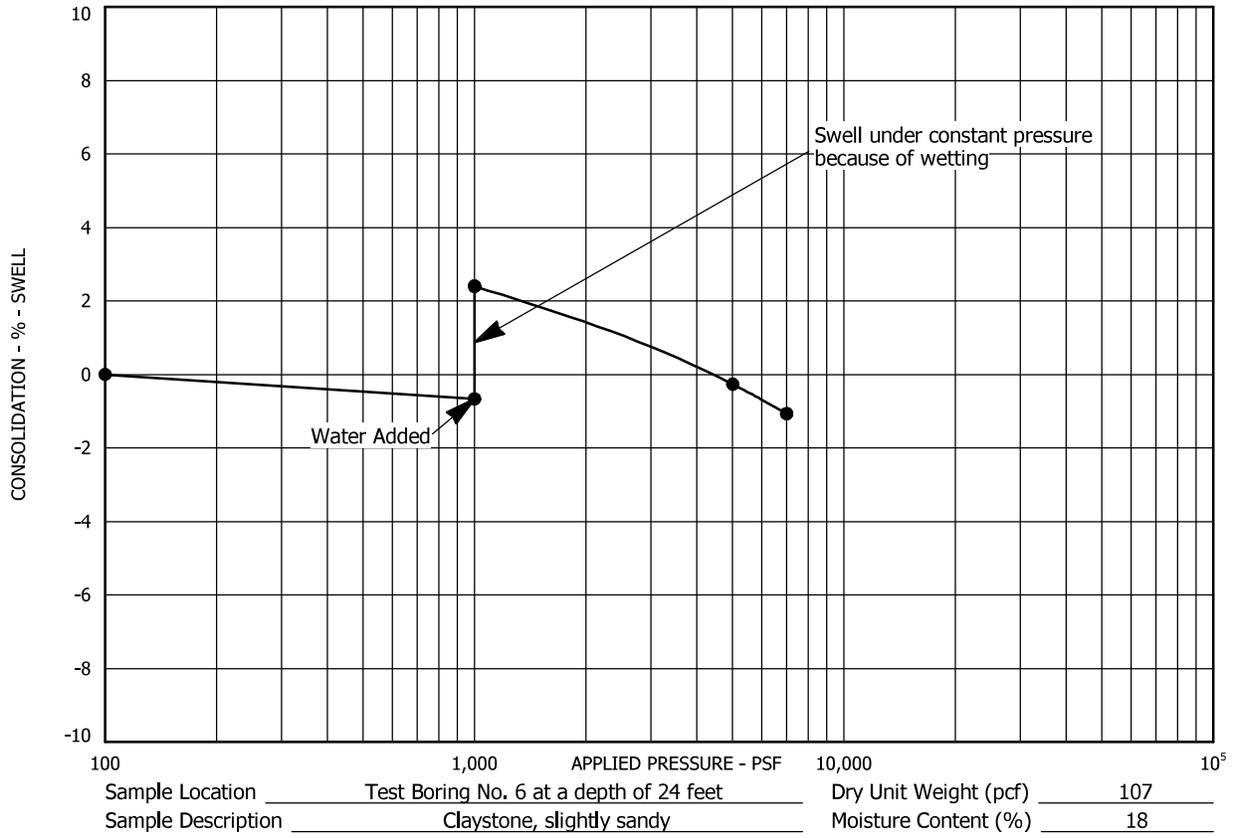
Sample Location Test Boring No. 6 at a depth of 4 feet Dry Unit Weight (pcf) 122
 Sample Description Clay (weathered claystone), sandy Moisture Content (%) 11



Sample Location Test Boring No. 6 at a depth of 9 feet Dry Unit Weight (pcf) 109
 Sample Description Claystone, slightly sandy Moisture Content (%) 18

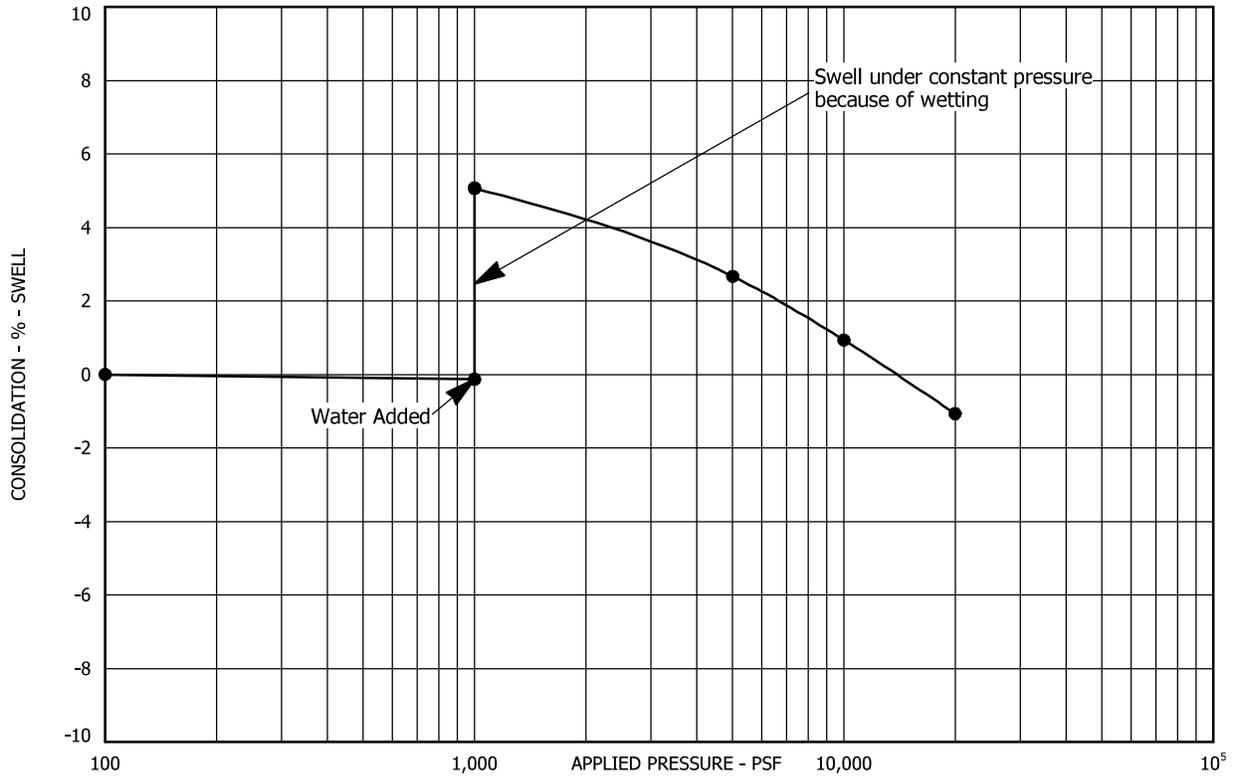
SWELL - CONSOLIDATION TEST RESULTS

FIGURE 8

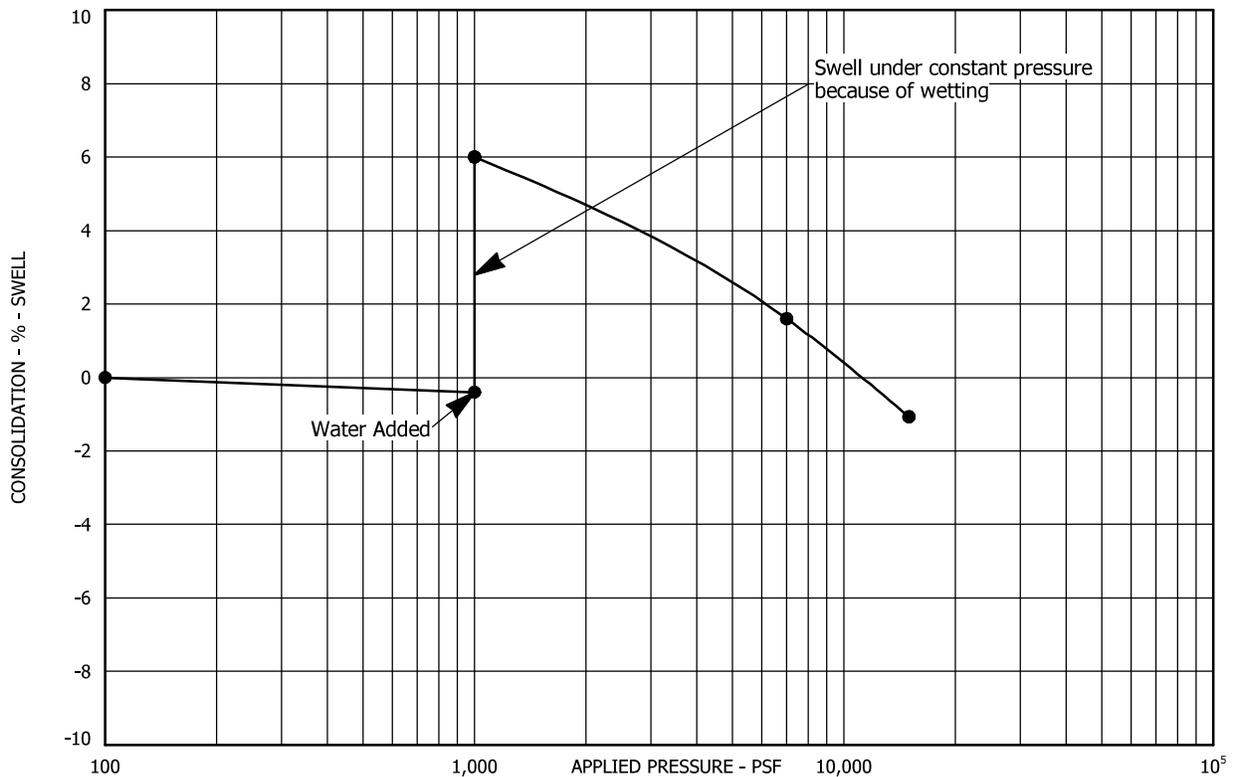


SWELL - CONSOLIDATION TEST RESULTS

FIGURE 9



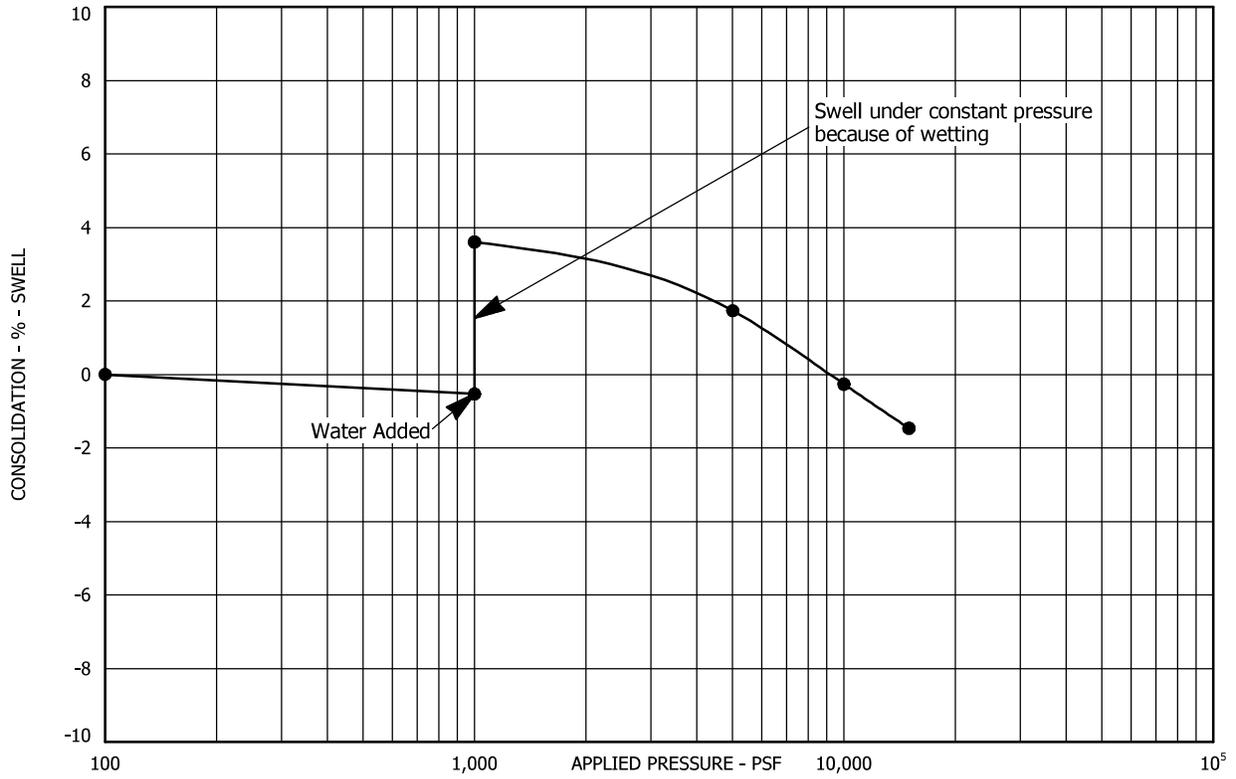
Sample Location Test Boring No. 8 at a depth of 9 feet Dry Unit Weight (pcf) 116
 Sample Description Claystone, slightly sandy Moisture Content (%) 15



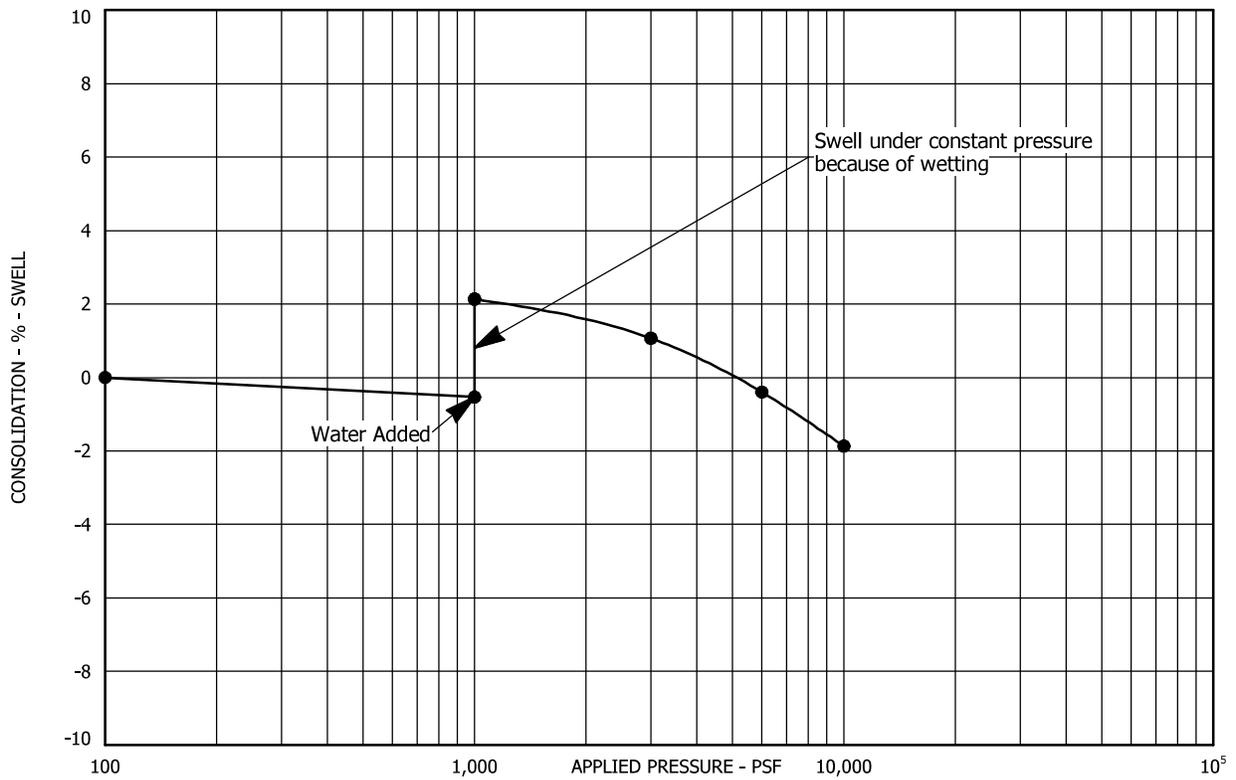
Sample Location Test Boring No. 8 at a depth of 19 feet Dry Unit Weight (pcf) 107
 Sample Description Claystone, slightly sandy Moisture Content (%) 18

SWELL - CONSOLIDATION TEST RESULTS

FIGURE 10



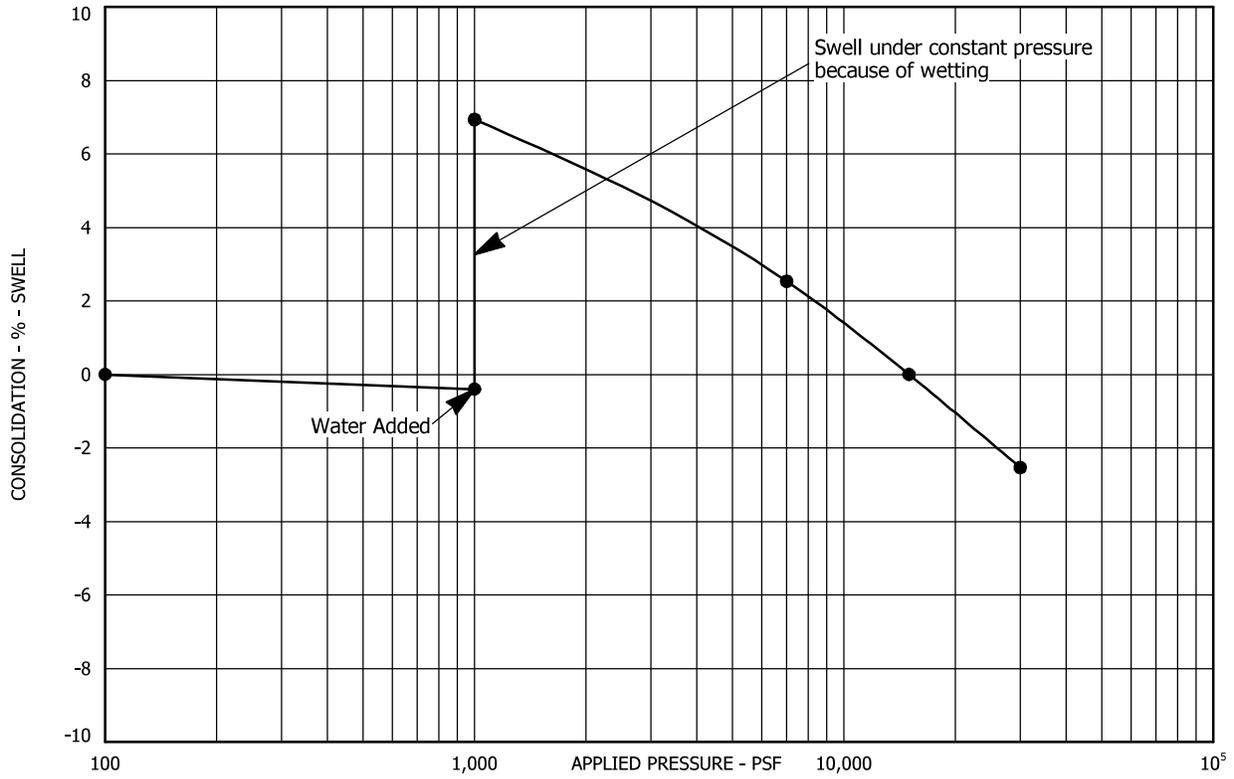
Sample Location Test Boring No. 8 at a depth of 29 feet Dry Unit Weight (pcf) 117
 Sample Description Claystone, slightly sandy Moisture Content (%) 14



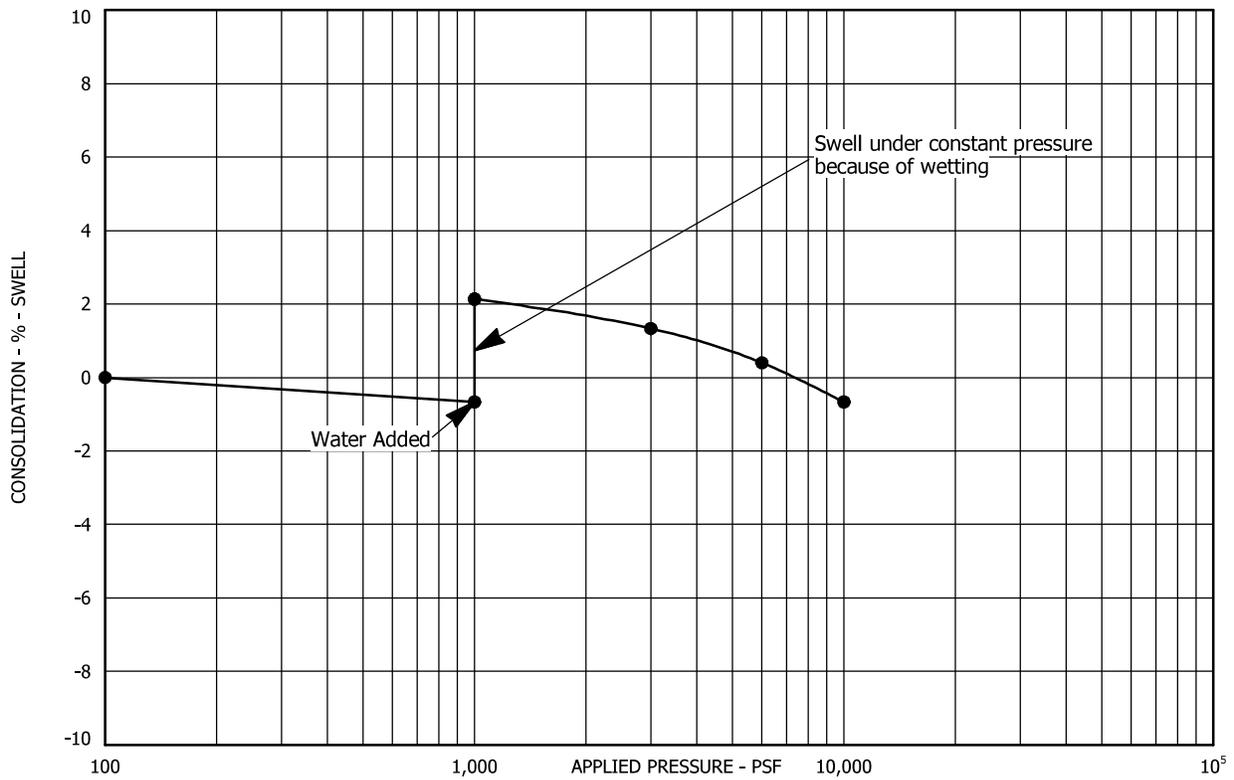
Sample Location Test Boring No. 9 at a depth of 9 feet Dry Unit Weight (pcf) 104
 Sample Description Clay (weathered claystone), slightly sandy Moisture Content (%) 20

SWELL - CONSOLIDATION TEST RESULTS

FIGURE 11

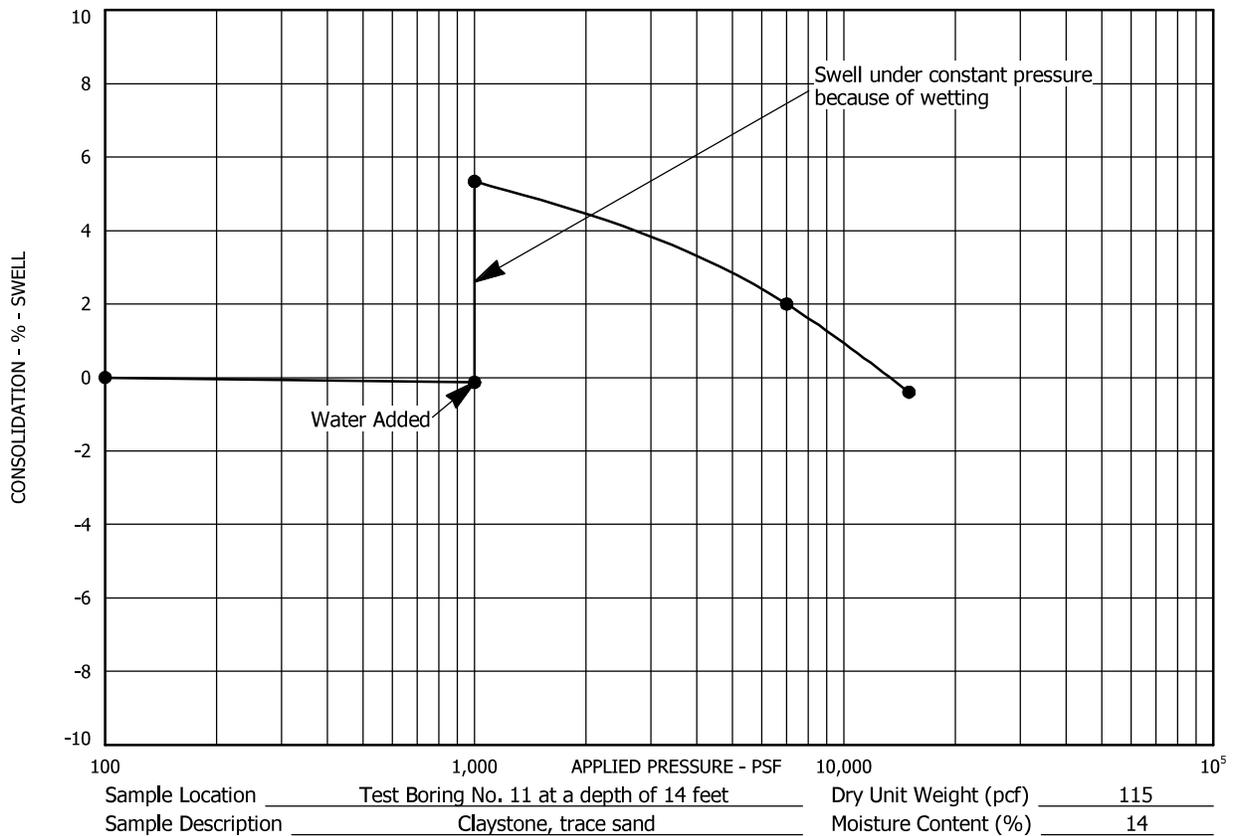
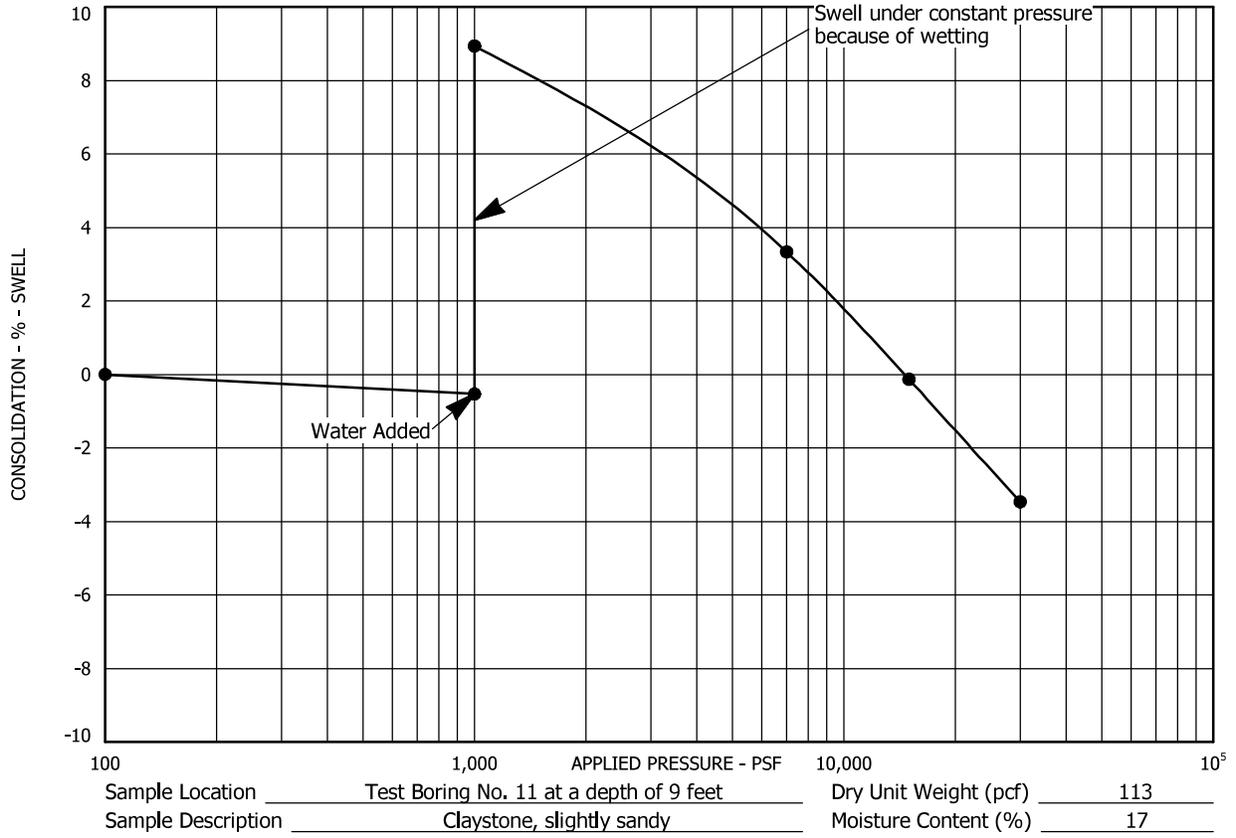


Sample Location Test Boring No. 10 at a depth of 9 feet Dry Unit Weight (pcf) 115
 Sample Description Claystone, slightly sandy Moisture Content (%) 15



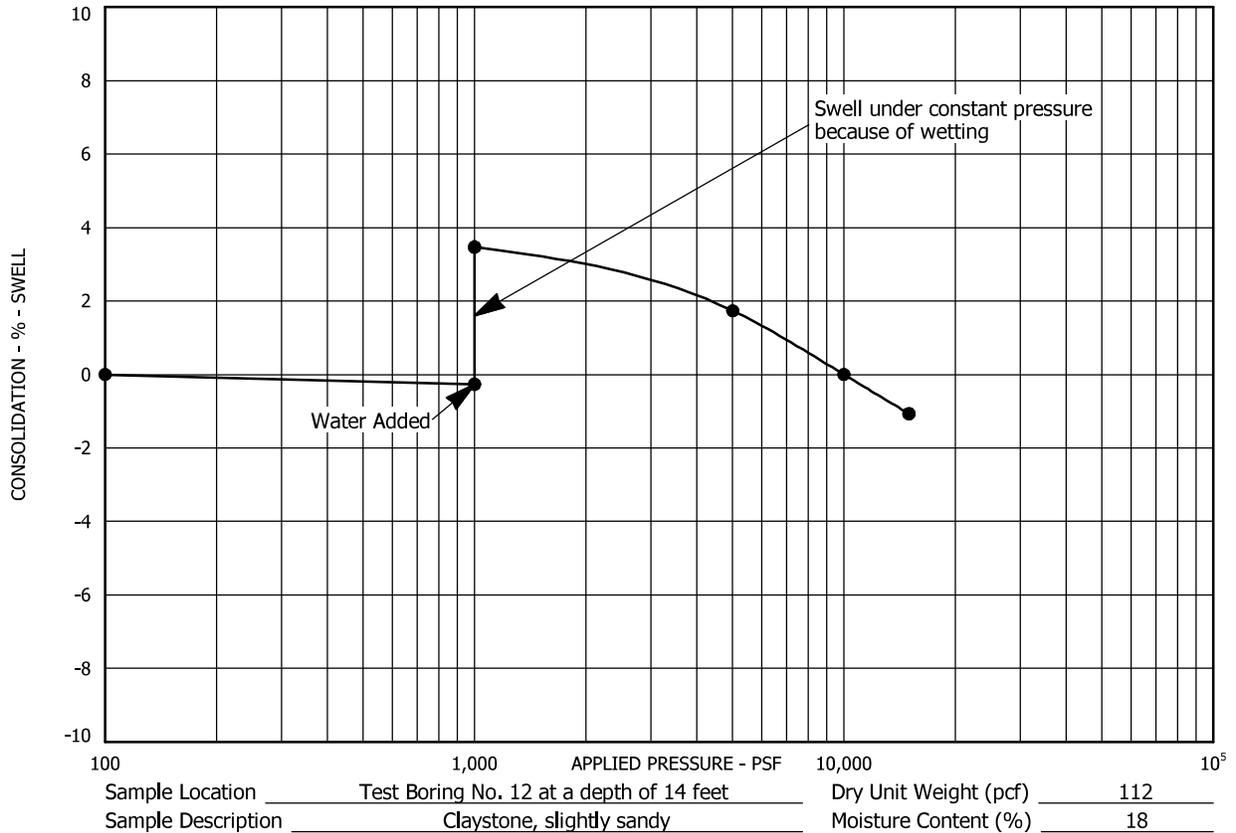
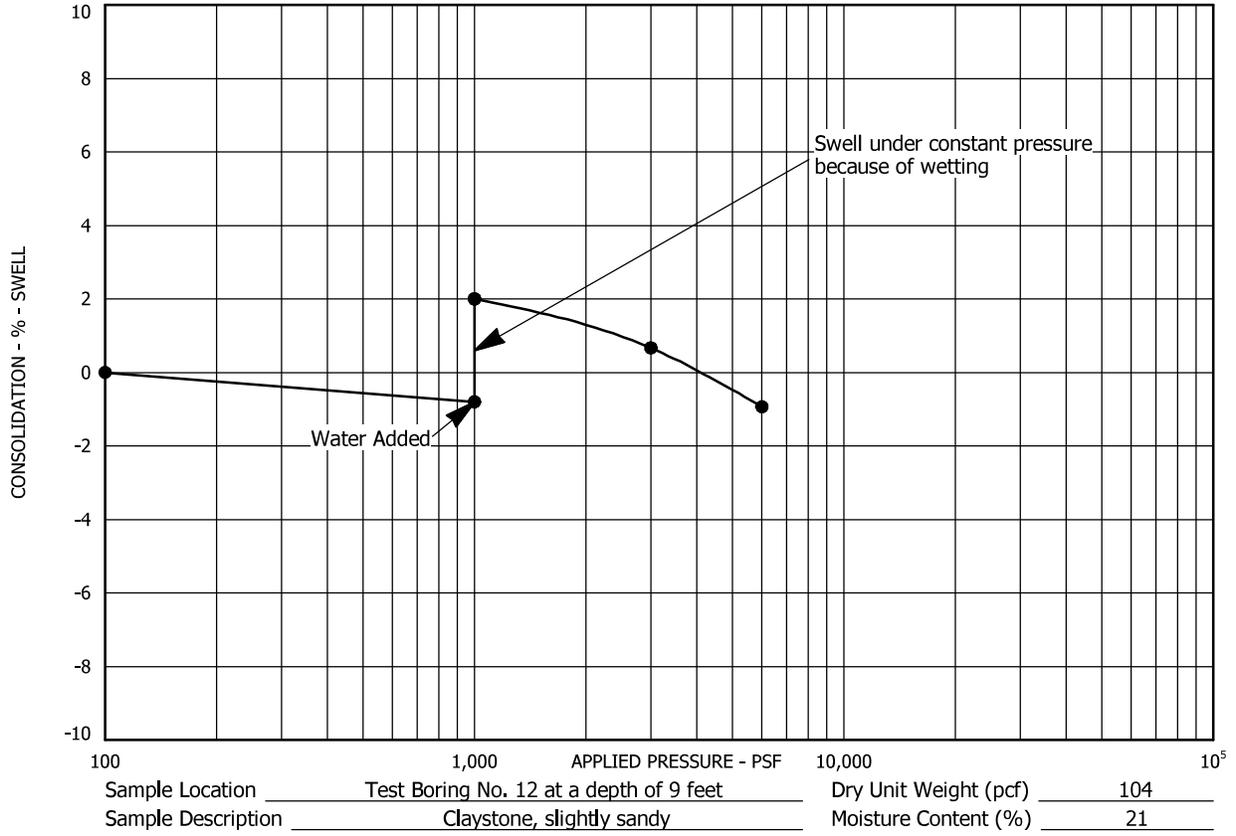
Sample Location Test Boring No. 10 at a depth of 19 feet Dry Unit Weight (pcf) 125
 Sample Description Claystone, slightly sandy Moisture Content (%) 12

SWELL - CONSOLIDATION TEST RESULTS
 FIGURE 12



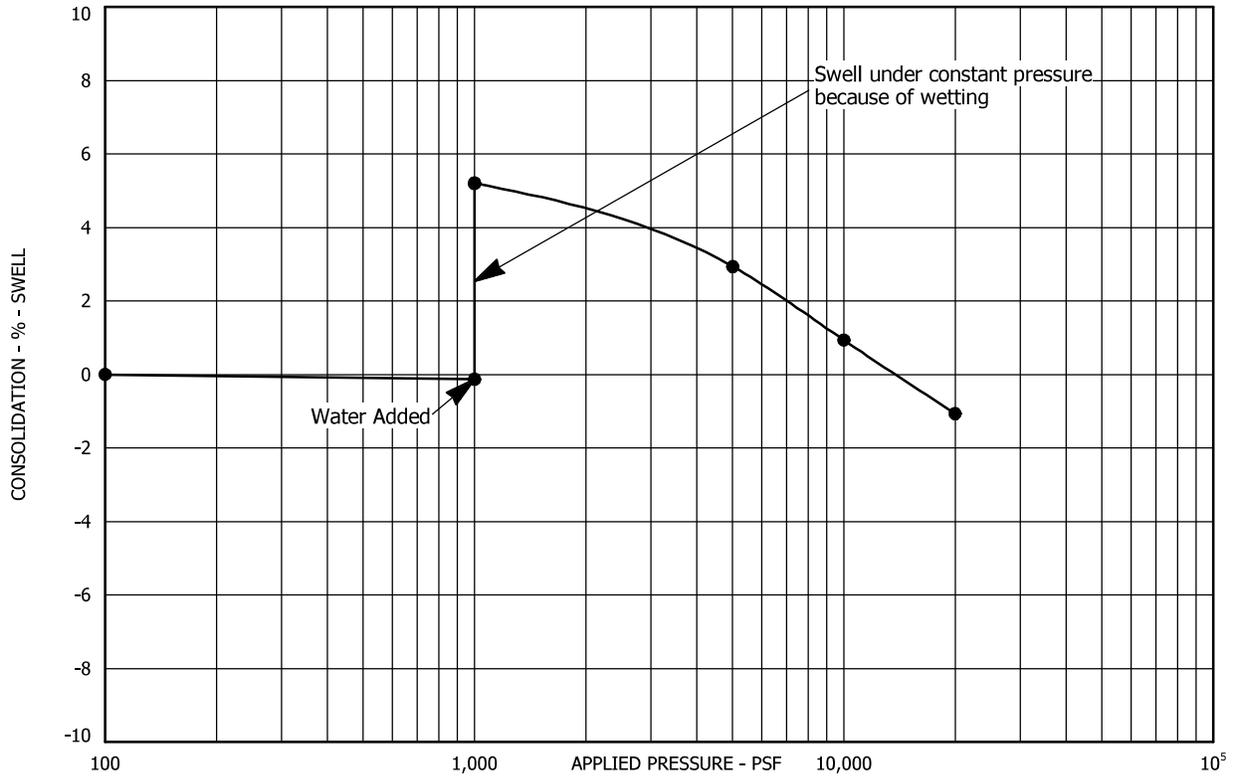
SWELL - CONSOLIDATION TEST RESULTS

FIGURE 13

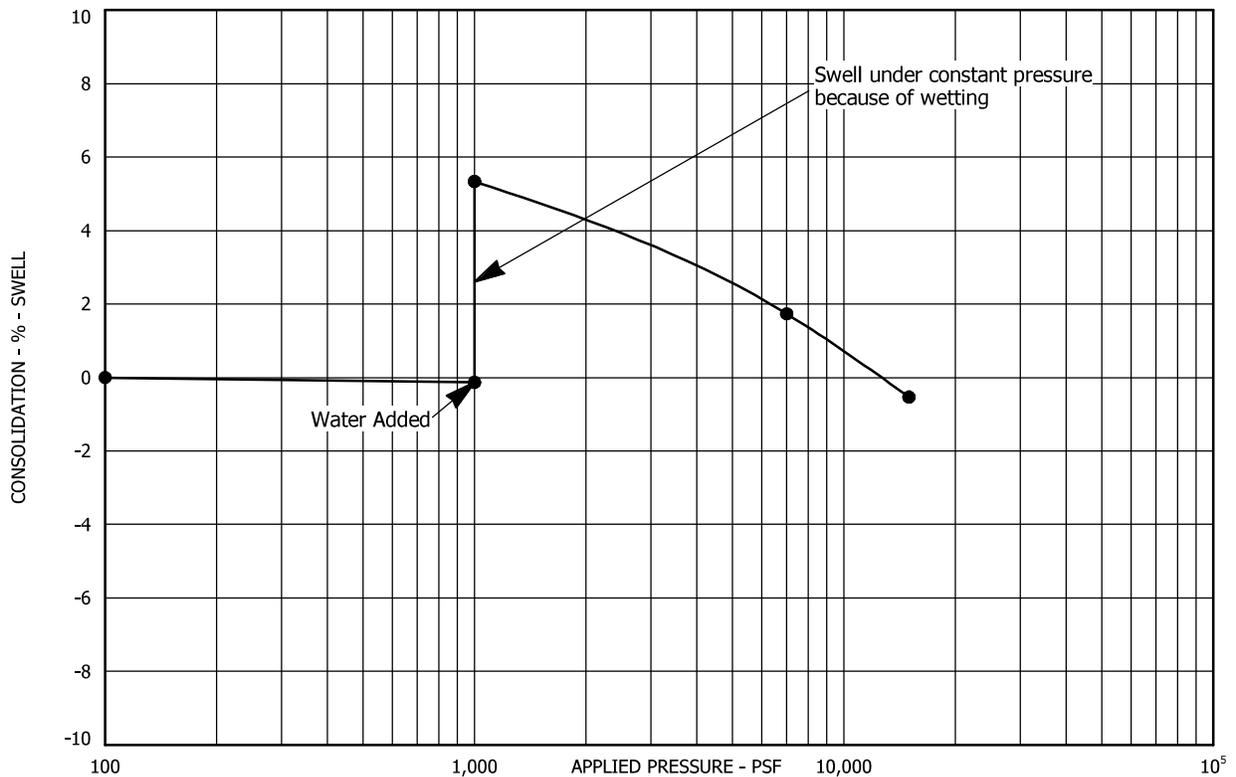


SWELL - CONSOLIDATION TEST RESULTS

FIGURE 14



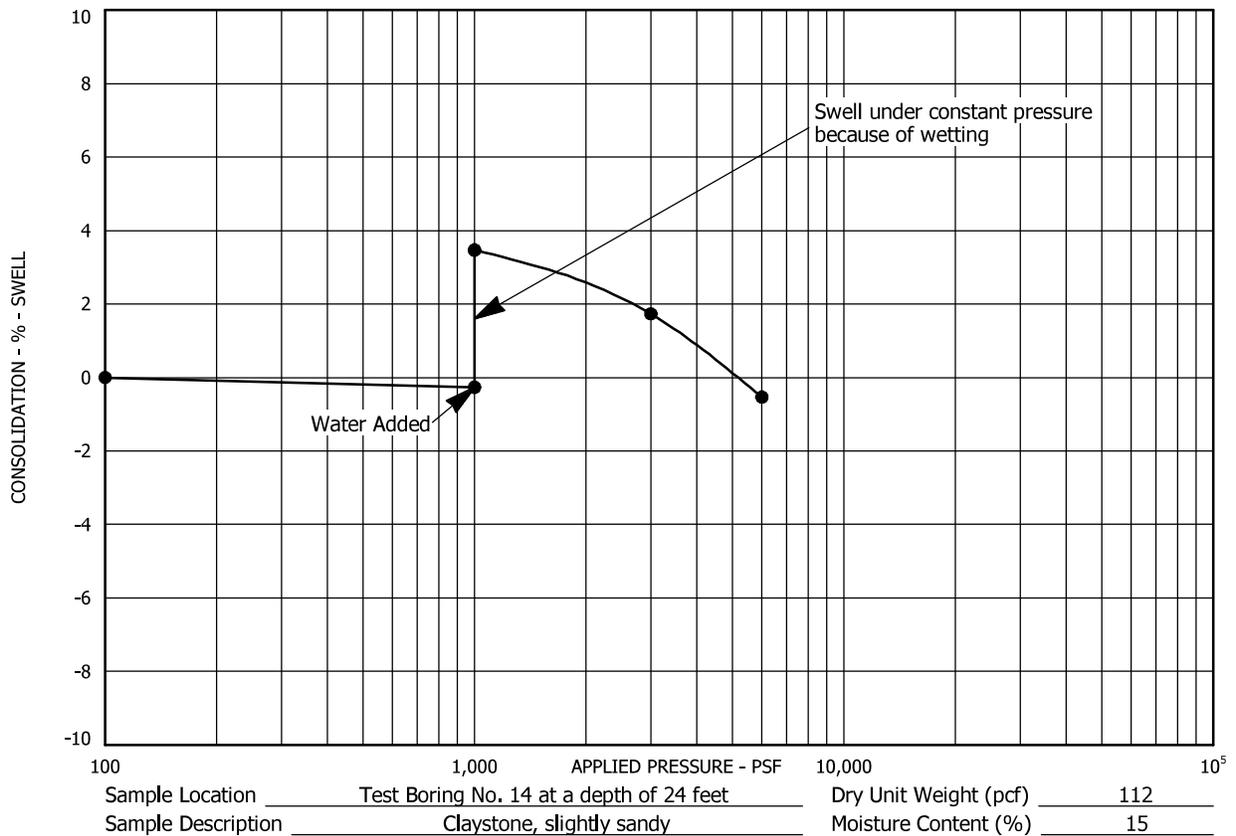
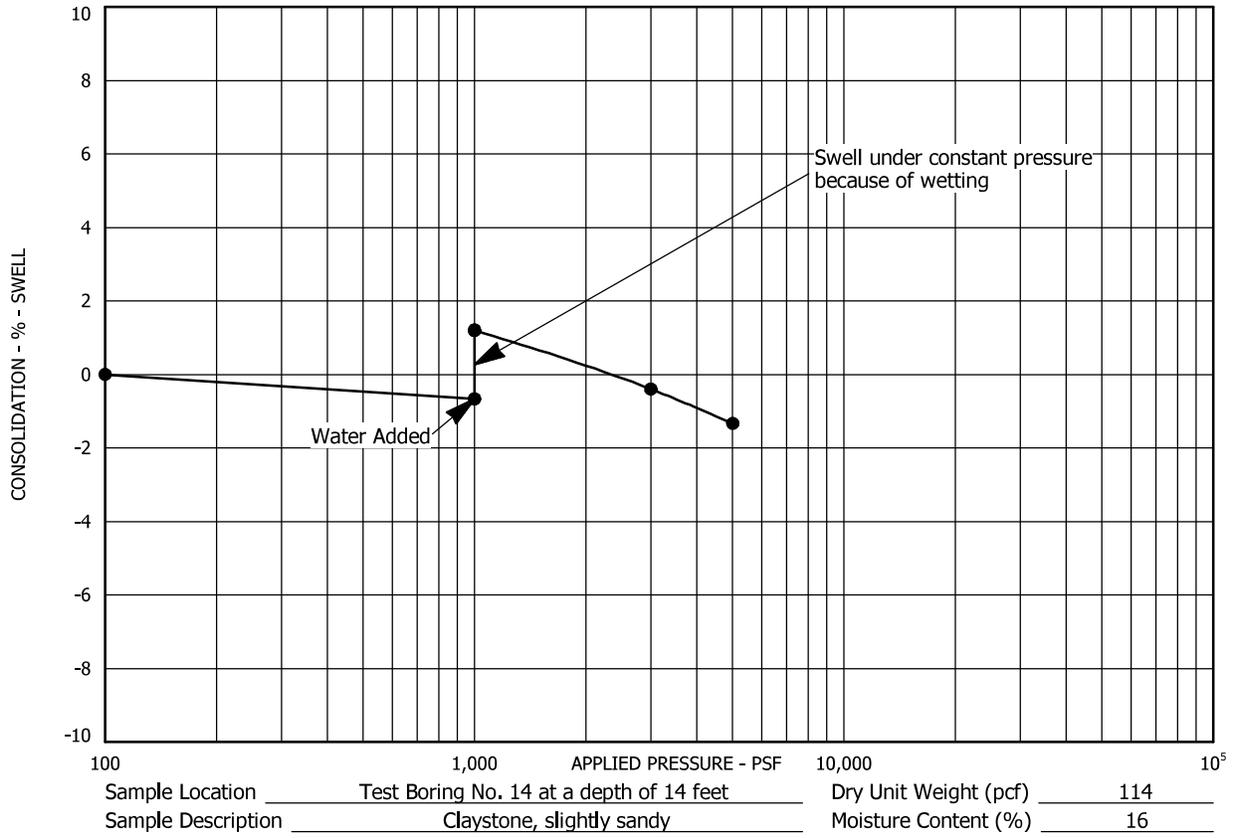
Sample Location Test Boring No. 13 at a depth of 19 feet Dry Unit Weight (pcf) 116
 Sample Description Claystone, slightly sandy Moisture Content (%) 16



Sample Location Test Boring No. 13 at a depth of 29 feet Dry Unit Weight (pcf) 118
 Sample Description Claystone, slightly sandy Moisture Content (%) 13

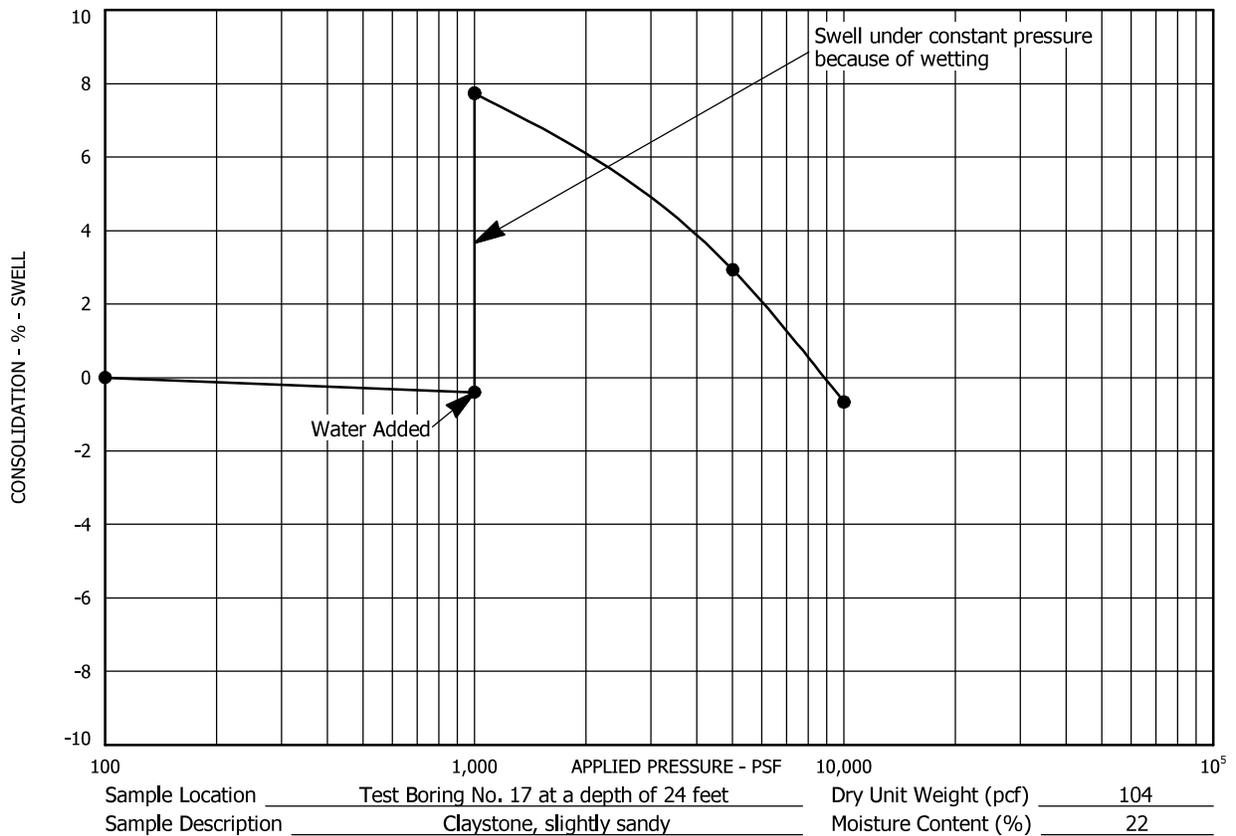
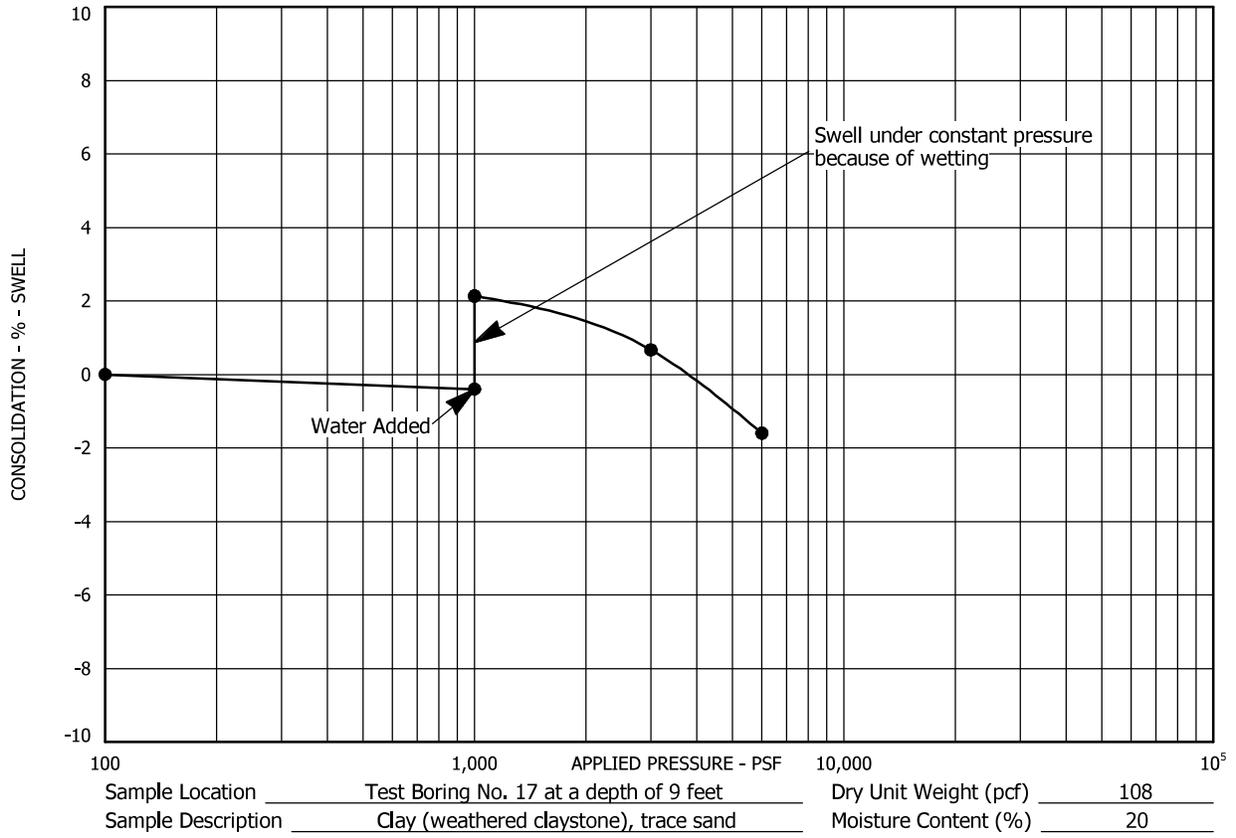
SWELL - CONSOLIDATION TEST RESULTS

FIGURE 15

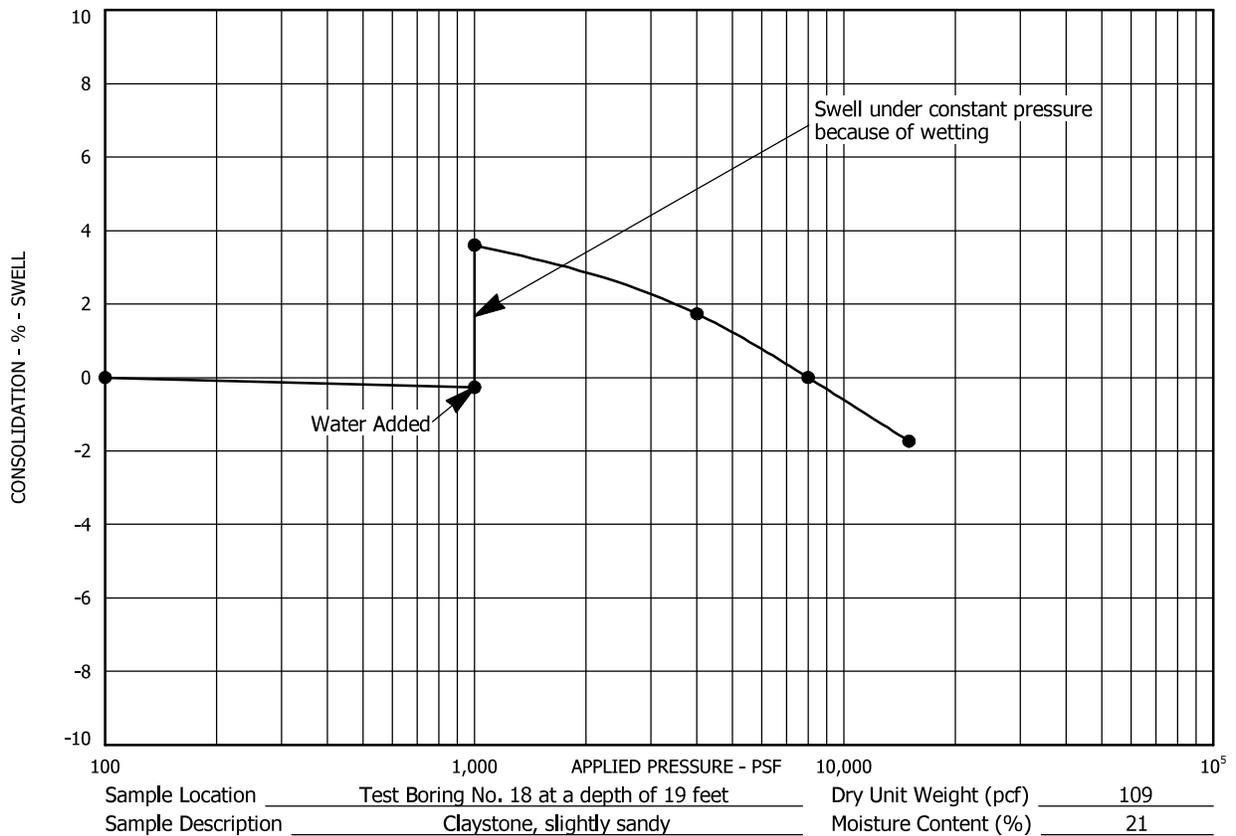
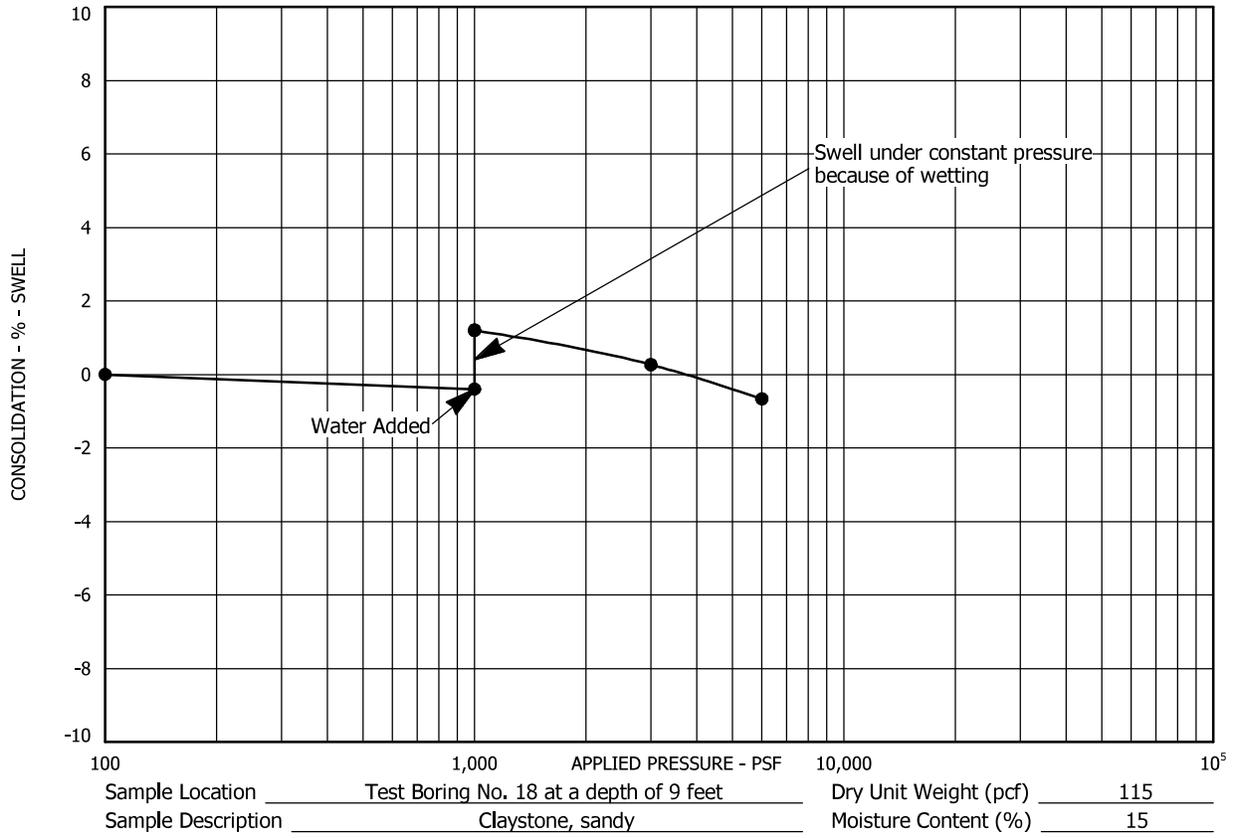


SWELL - CONSOLIDATION TEST RESULTS

FIGURE 16

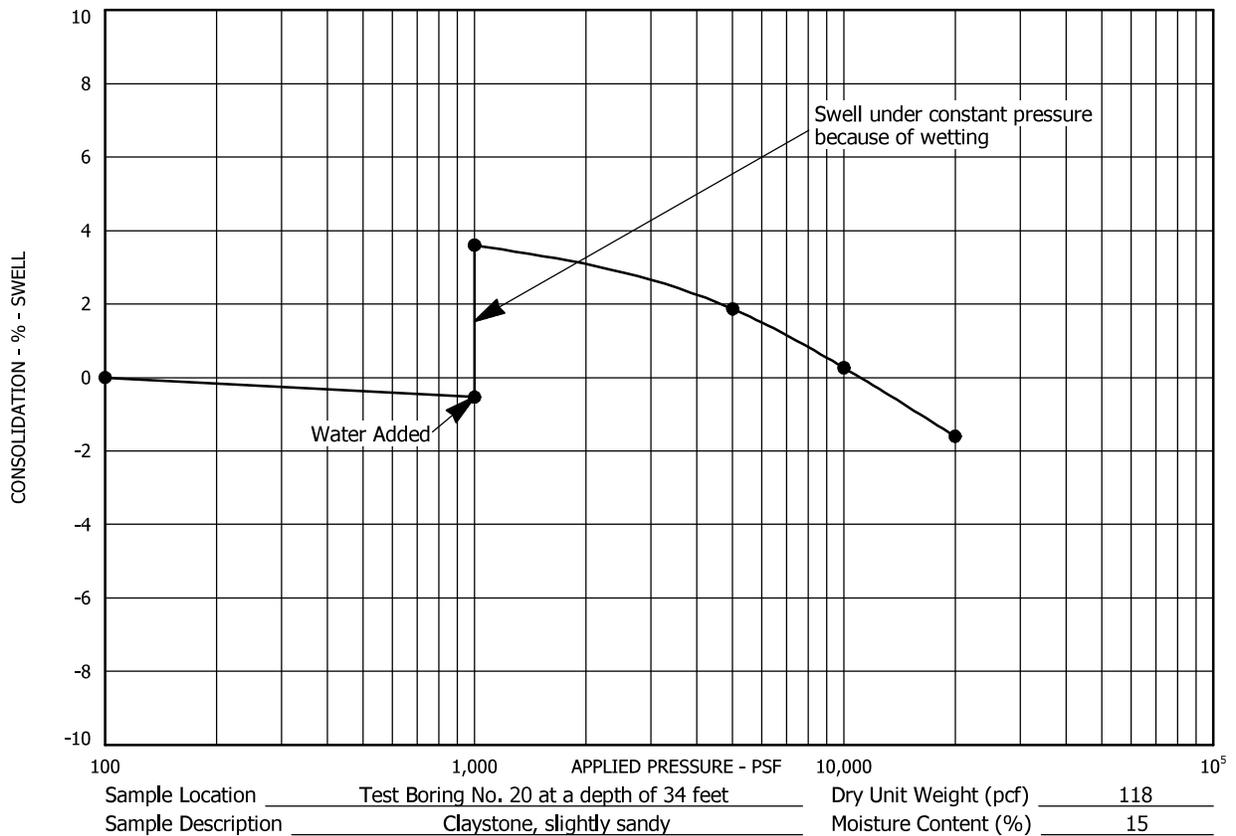
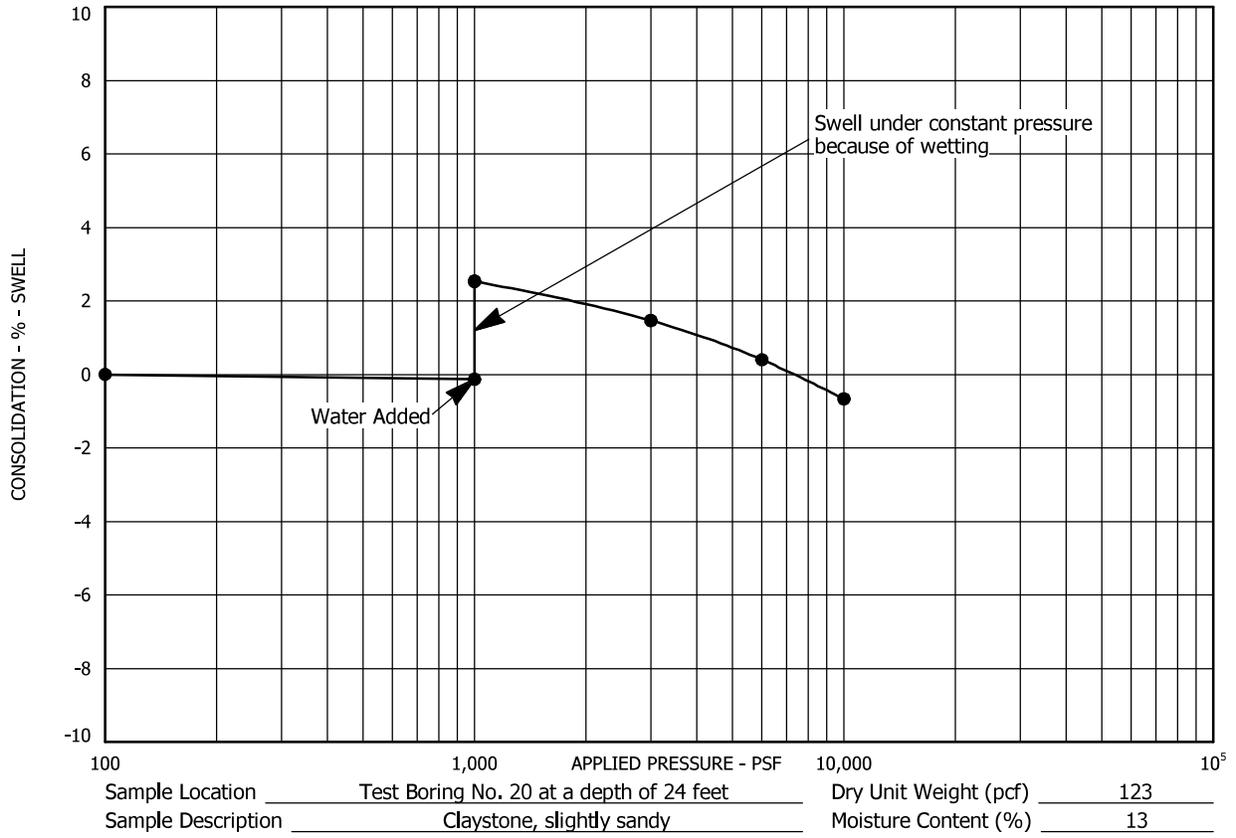


SWELL - CONSOLIDATION TEST RESULTS
 FIGURE 17



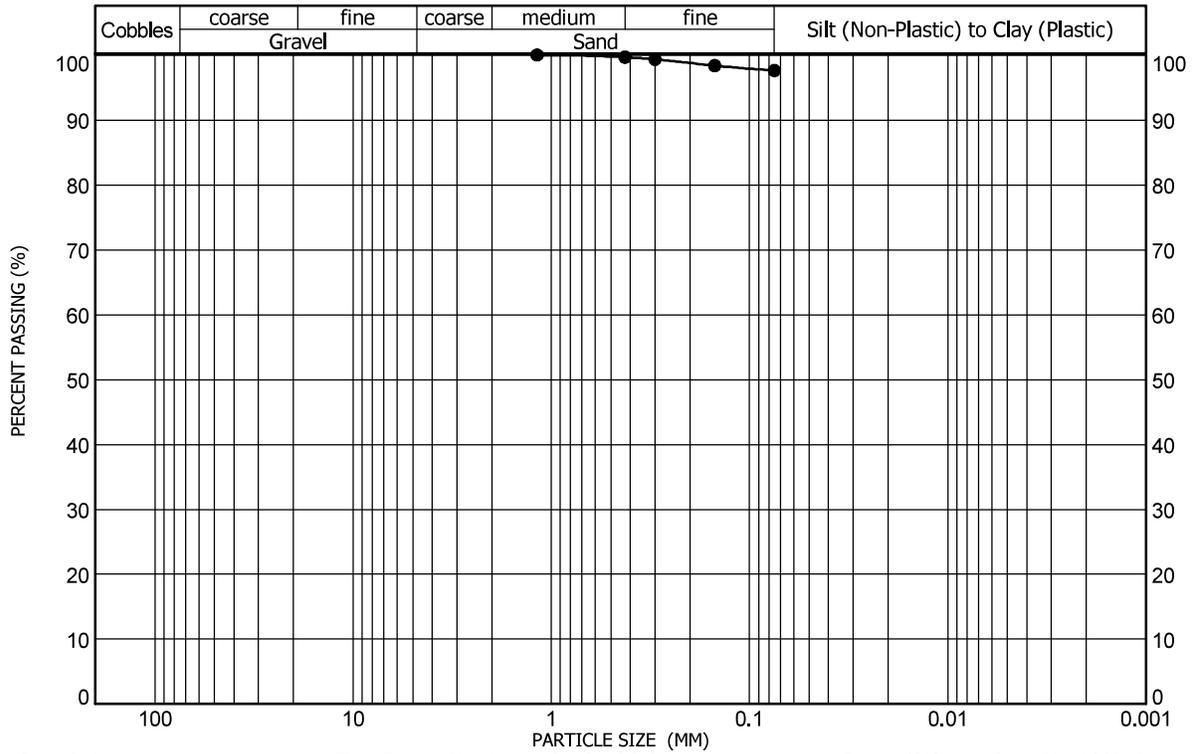
SWELL - CONSOLIDATION TEST RESULTS

FIGURE 18

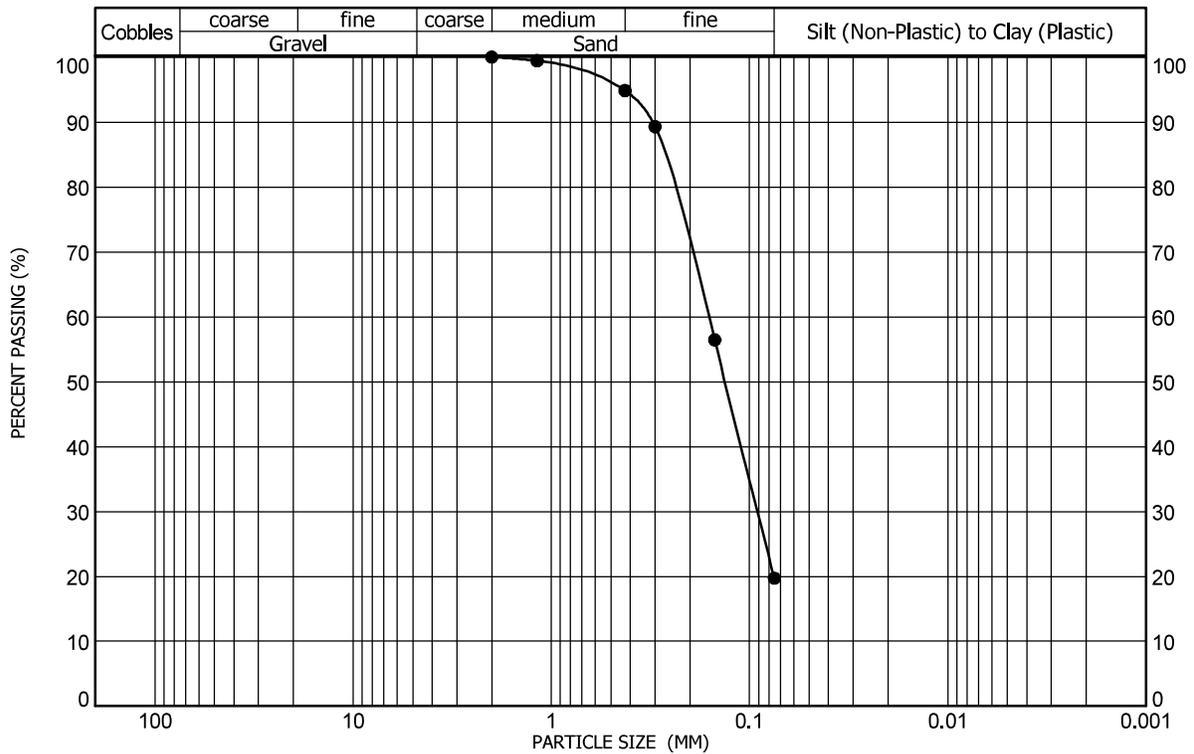


SWELL - CONSOLIDATION TEST RESULTS

FIGURE 19



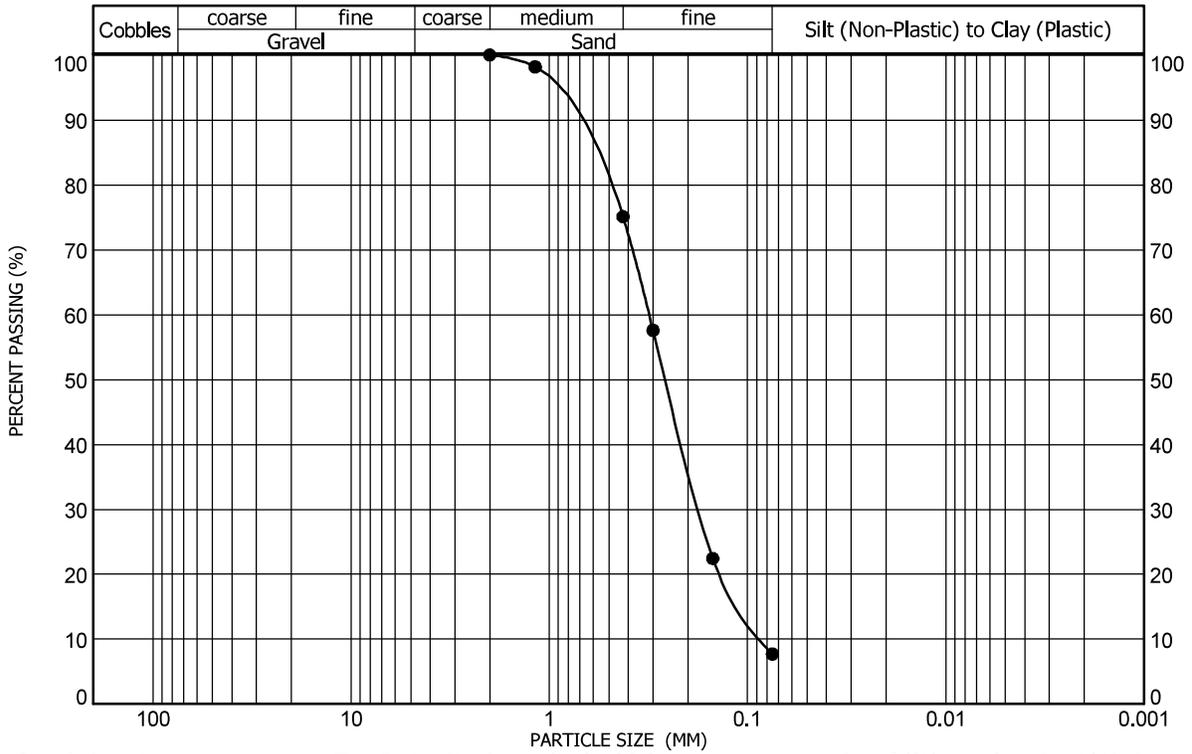
Sample Location _____ Test Boring No. 1 at a depth of 9 feet _____ Gravel (%) 0 Liquid Limit 81
 Sample Description _____ Clay (weathered claystone), trace sand _____ Sand (%) 2 Plasticity Index 59
 Classification _____ A-7-6(66), FAT CLAY(CH) _____ Clay/Silt (%) 98



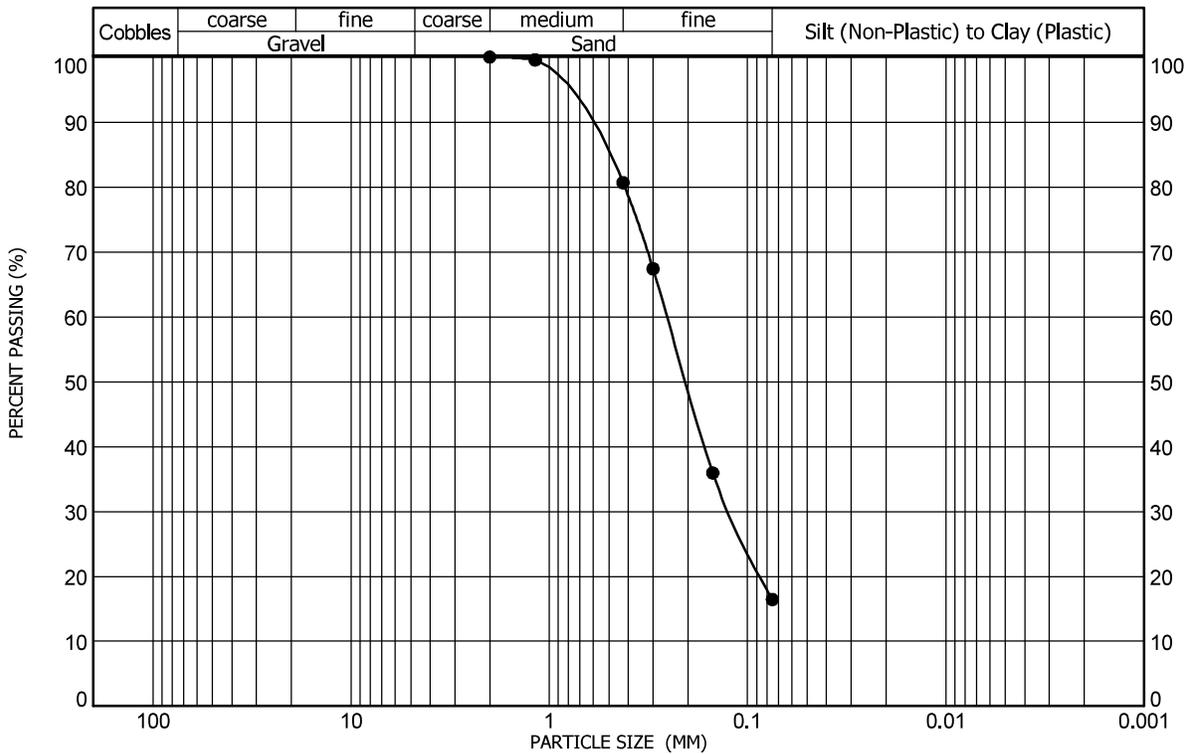
Sample Location _____ Test Boring No. 2 at a depth of 14 feet _____ Gravel (%) 0 Liquid Limit NV
 Sample Description _____ Sand, silty _____ Sand (%) 80 Plasticity Index NP
 Classification _____ A-2-4(0), SILTY SAND(SM) _____ Clay/Silt (%) 20

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 20



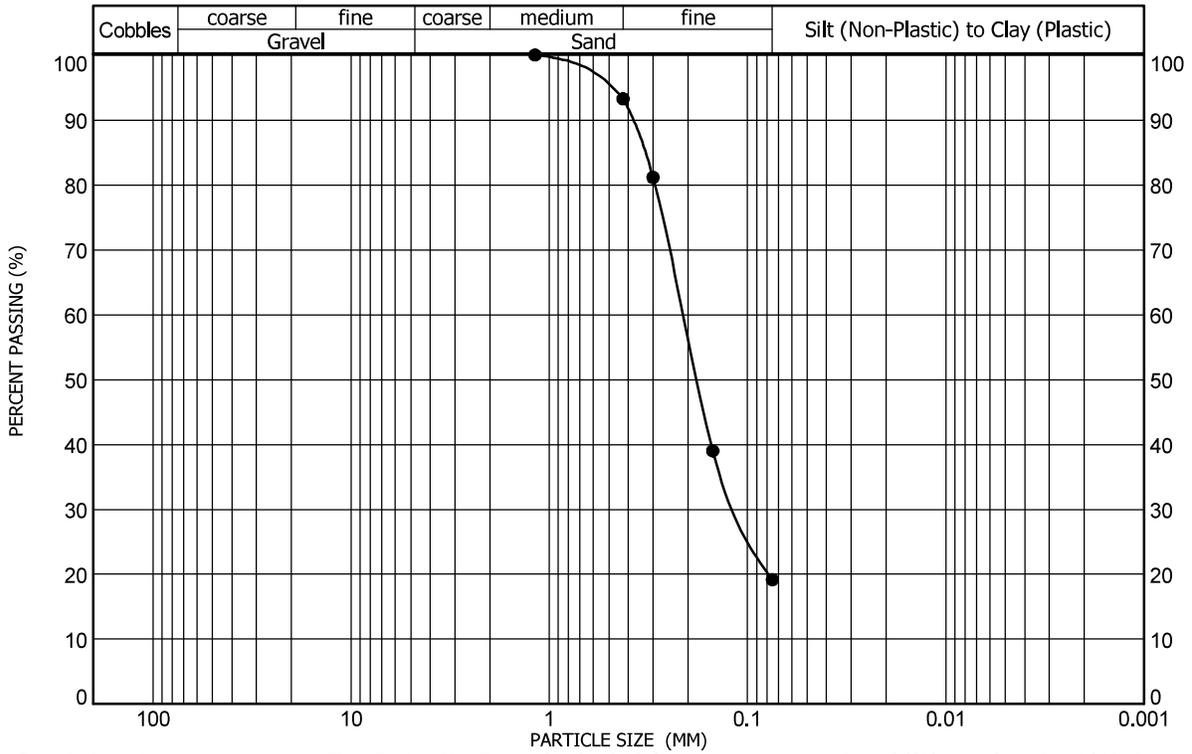
Sample Location Test Boring No. 3 at a depth of 9 feet Gravel (%) 0 Liquid Limit NV
 Sample Description Sand, slightly silty Sand (%) 92 Plasticity Index NP
 Classification A-3(0), POORLY GRADED SAND with SILT(SP-SM) Clay/Silt (%) 8



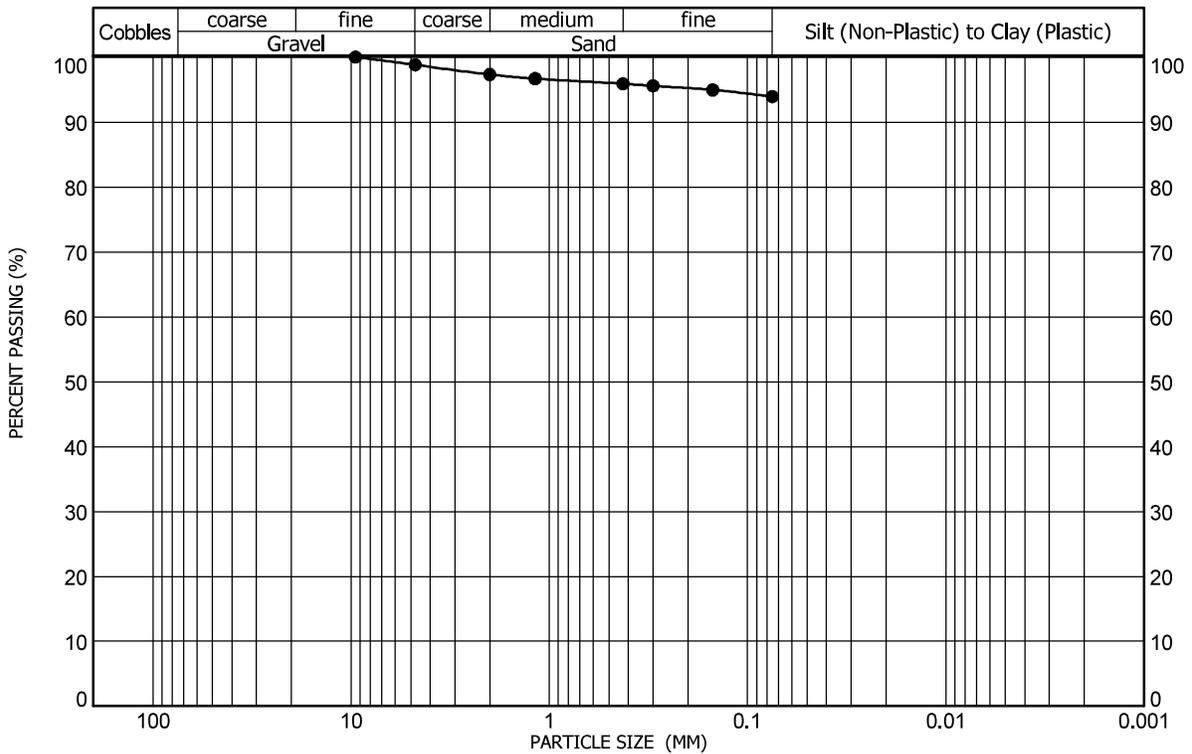
Sample Location Test Boring No. 4 at a depth of 14 feet Gravel (%) 0 Liquid Limit NV
 Sample Description Sand, silty Sand (%) 84 Plasticity Index NP
 Classification A-2-4(0), SILTY SAND(SM) Clay/Silt (%) 16

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 21



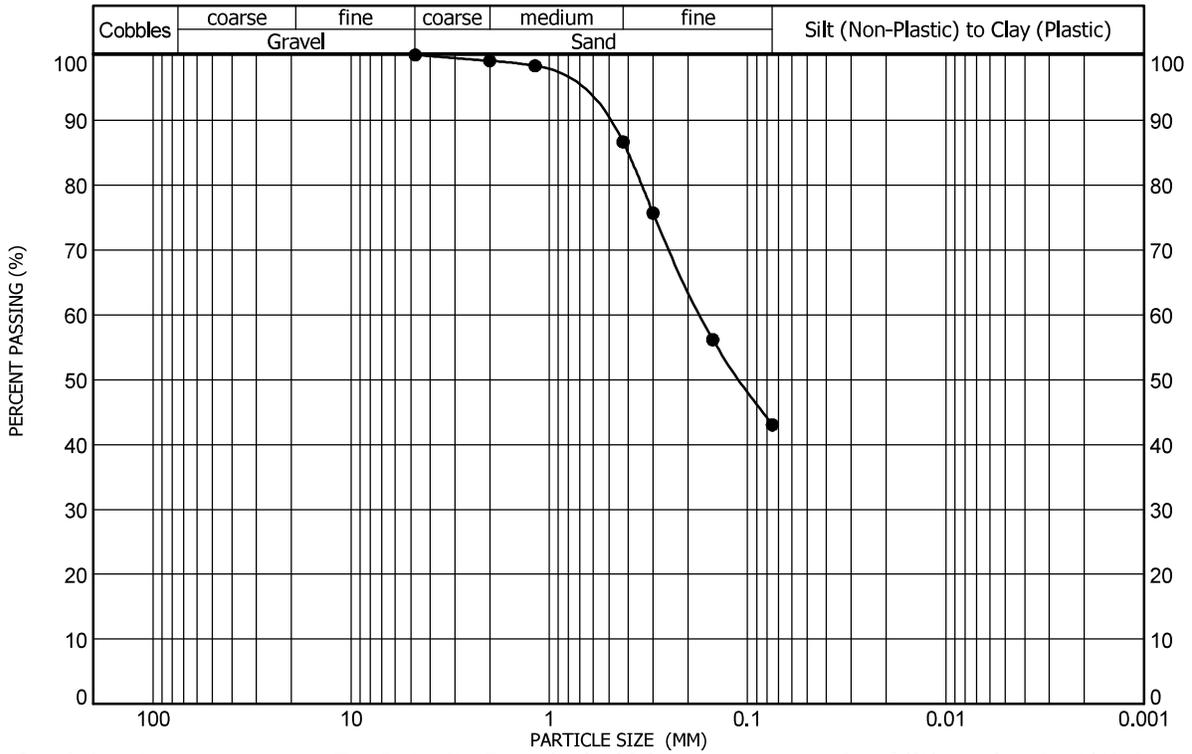
Sample Location Test Boring No. 5 at a depth of 19 feet Gravel (%) 0 Liquid Limit NV
 Sample Description Sand, silty Sand (%) 81 Plasticity Index NP
 Classification A-2-4(0), SILTY SAND(SM) Clay/Silt (%) 19



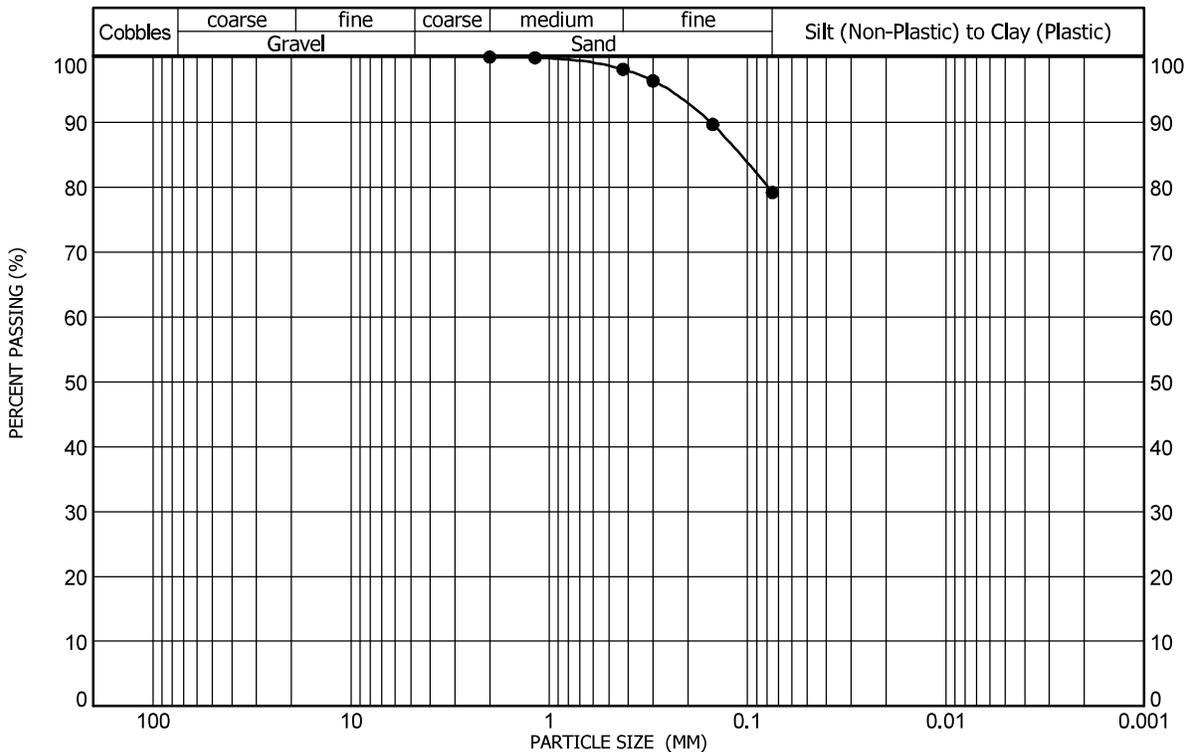
Sample Location Test Boring No. 6 at a depth of 9 feet Gravel (%) 1 Liquid Limit 68
 Sample Description Claystone, slightly sandy Sand (%) 5 Plasticity Index 48
 Classification A-7-6(50), FAT CLAY(CH) Clay/Silt (%) 94

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 22



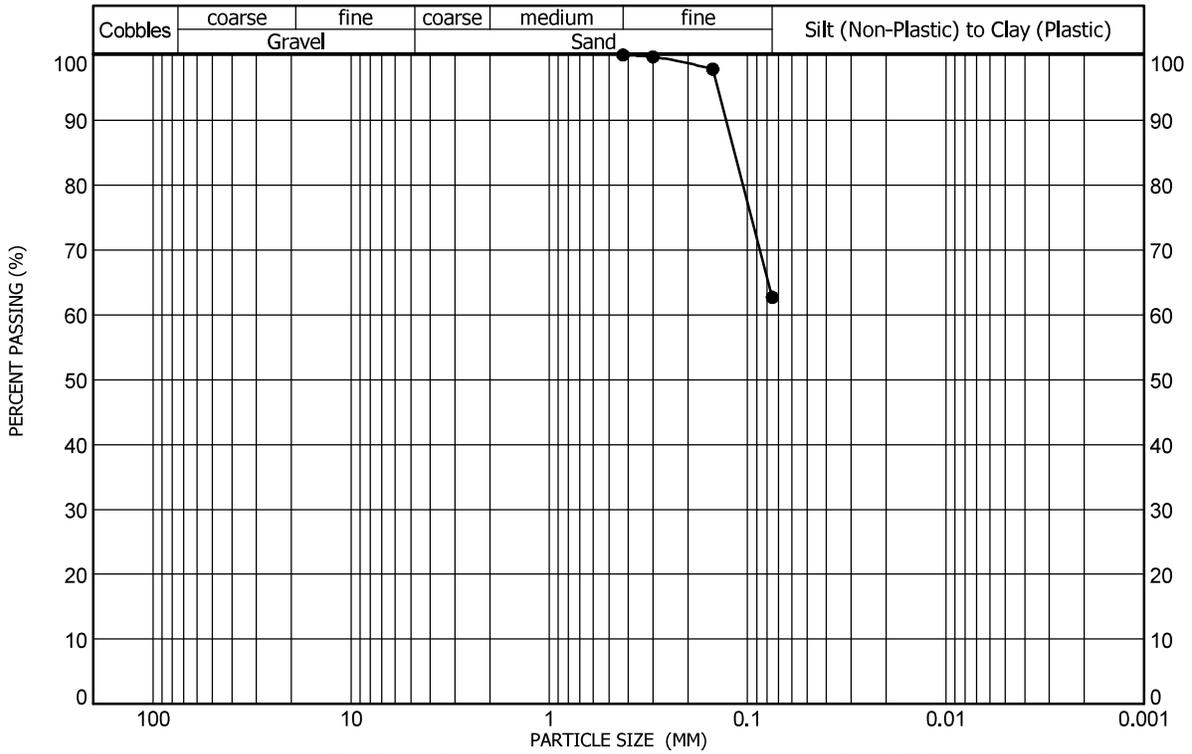
Sample Location _____ Test Boring No. 7 at a depth of 9 feet _____ Gravel (%) 0 Liquid Limit 20
 Sample Description _____ Sand, very silty _____ Sand (%) 57 Plasticity Index NP
 Classification _____ A-4(0), SILTY SAND(SM) _____ Clay/Silt (%) 43



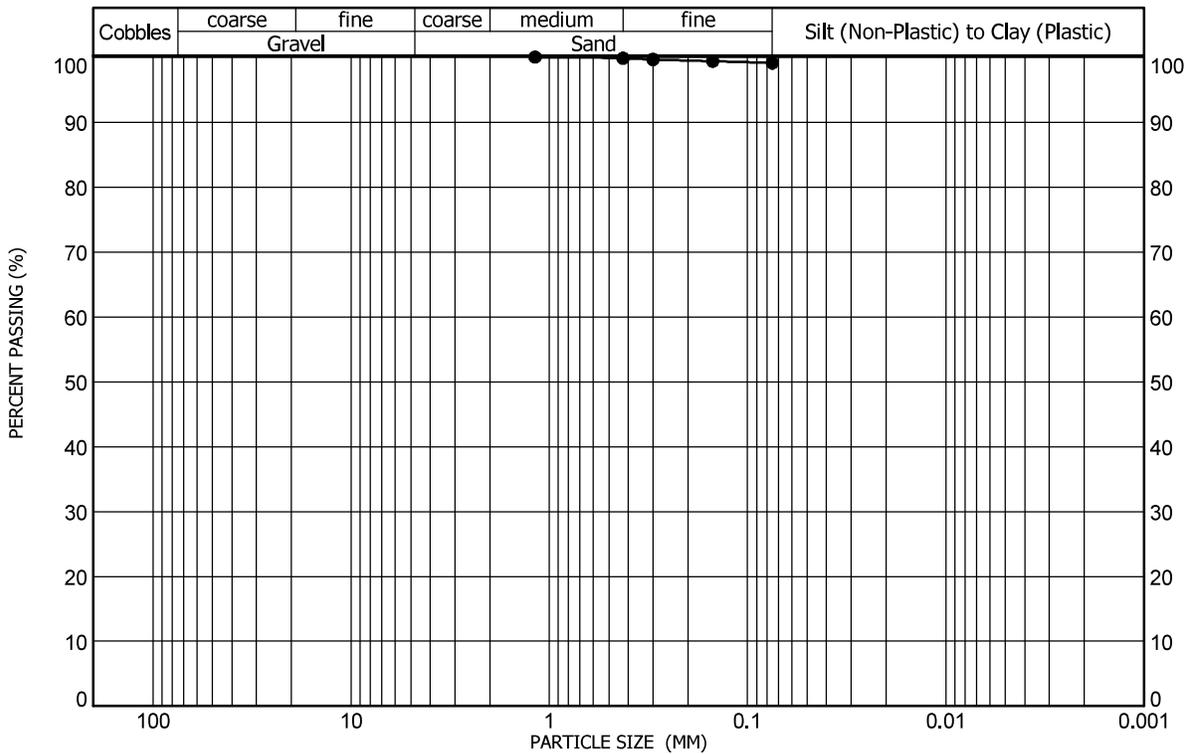
Sample Location _____ Test Boring No. 7 at a depth of 14 feet _____ Gravel (%) 0 Liquid Limit 42
 Sample Description _____ Clay, sandy _____ Sand (%) 21 Plasticity Index 23
 Classification _____ A-7-6(18), LEAN CLAY with SAND(CL) _____ Clay/Silt (%) 79

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 23



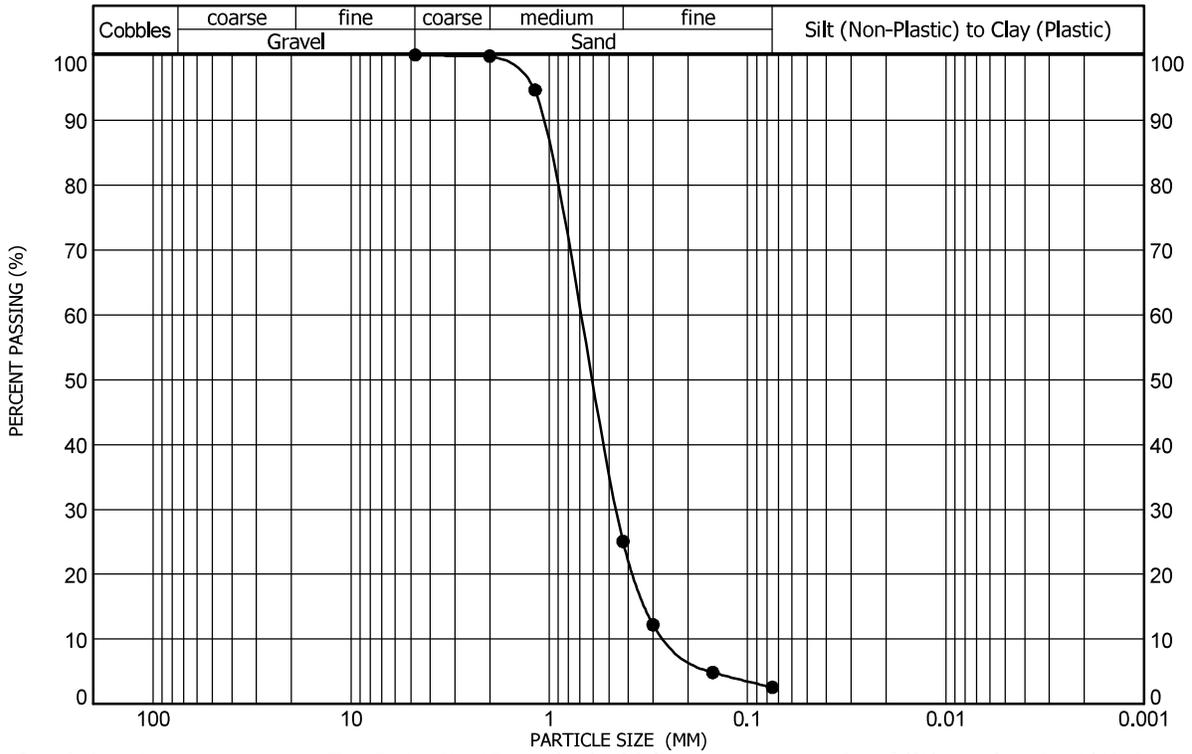
Sample Location _____ Test Boring No. 9 at a depth of 14 feet _____ Gravel (%) 0 Liquid Limit 29
 Sample Description _____ Claystone, very sandy _____ Sand (%) 37 Plasticity Index 11
 Classification _____ A-6(5), SANDY LEAN CLAY (CL) _____ Clay/Silt (%) 63



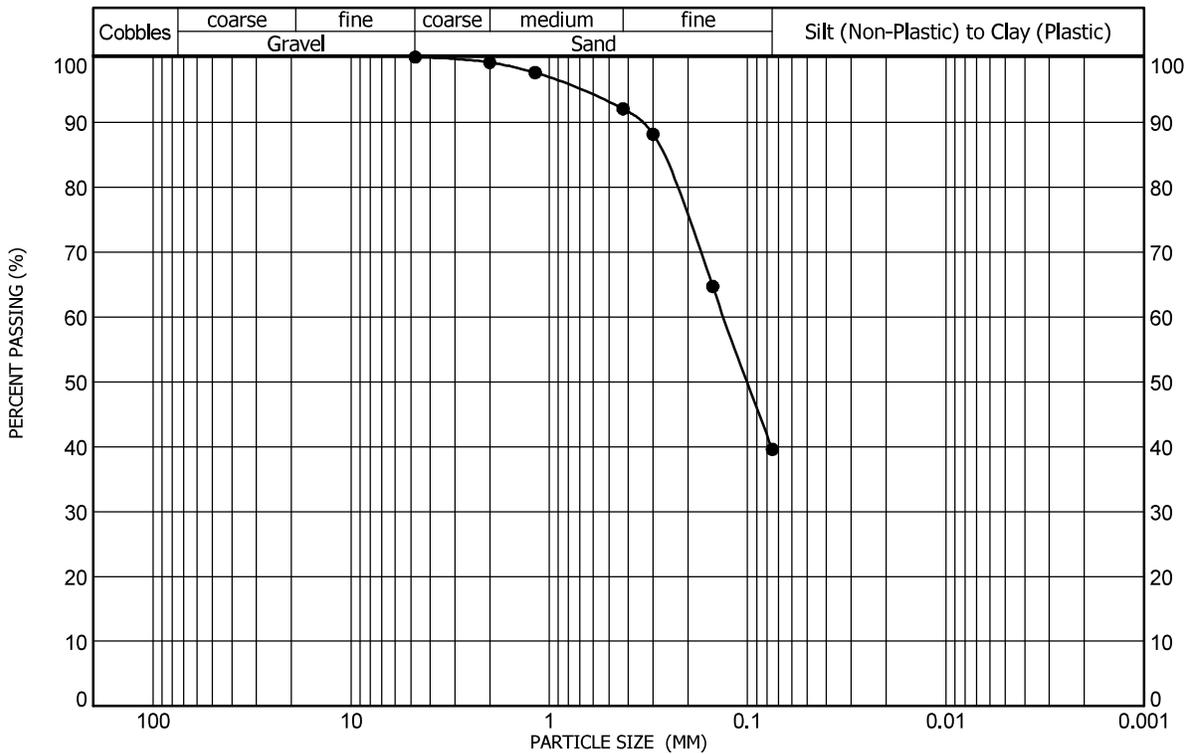
Sample Location _____ Test Boring No. 11 at a depth of 14 feet _____ Gravel (%) 0 Liquid Limit 66
 Sample Description _____ Claystone, trace sand _____ Sand (%) 1 Plasticity Index 46
 Classification _____ A-7-6(51), FAT CLAY (CH) _____ Clay/Silt (%) 99

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 24



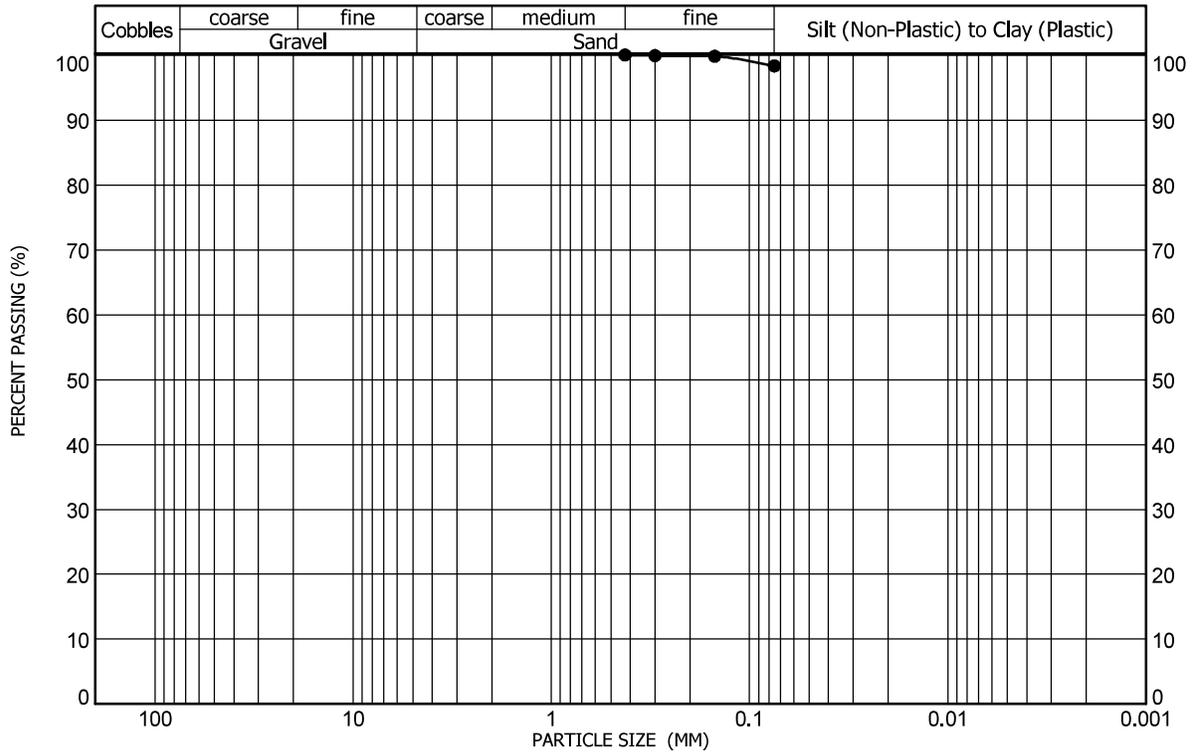
Sample Location _____ Test Boring No. 15 at a depth of 9 feet _____ Gravel (%) 0 Liquid Limit NV
 Sample Description _____ Sand, trace silty _____ Sand (%) 97 Plasticity Index NP
 Classification _____ A-1-b(0), POORLY GRADED SAND(SP) _____ Clay/Silt (%) 3



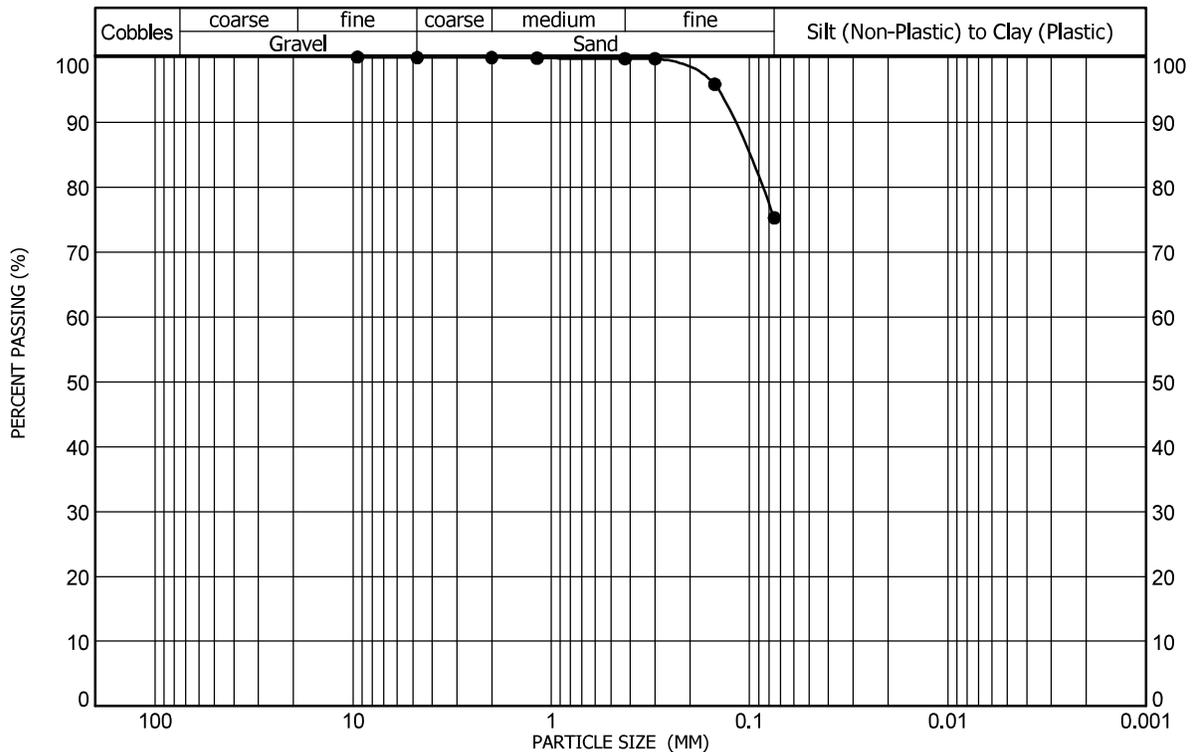
Sample Location _____ Test Boring No. 16 at a depth of 14 feet _____ Gravel (%) 0 Liquid Limit NV
 Sample Description _____ Sand, very silty _____ Sand (%) 60 Plasticity Index NP
 Classification _____ A-4(0), SILTY SAND(SM) _____ Clay/Silt (%) 40

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 26



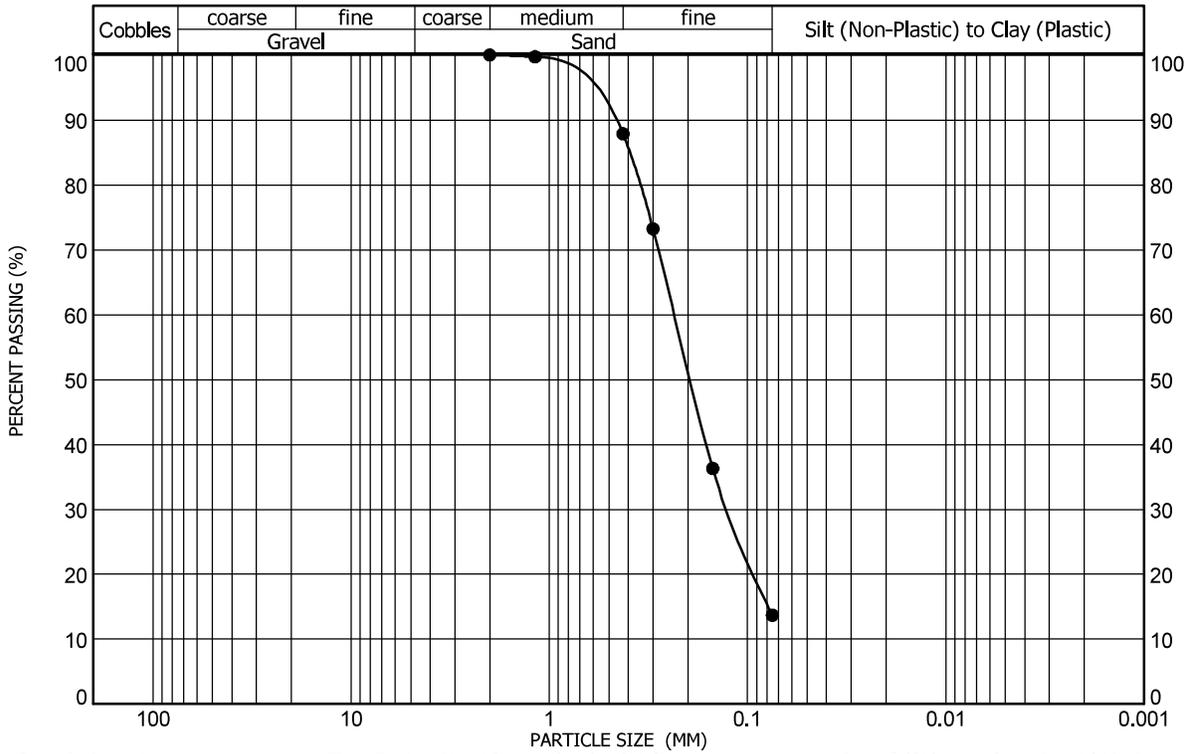
Sample Location Test Boring No. 17 at a depth of 9 feet Gravel (%) 0 Liquid Limit 62
 Sample Description Clay (weathered claystone), trace sand Sand (%) 2 Plasticity Index 40
 Classification A-7-6(44), FAT CLAY(CH) Clay/Silt (%) 98



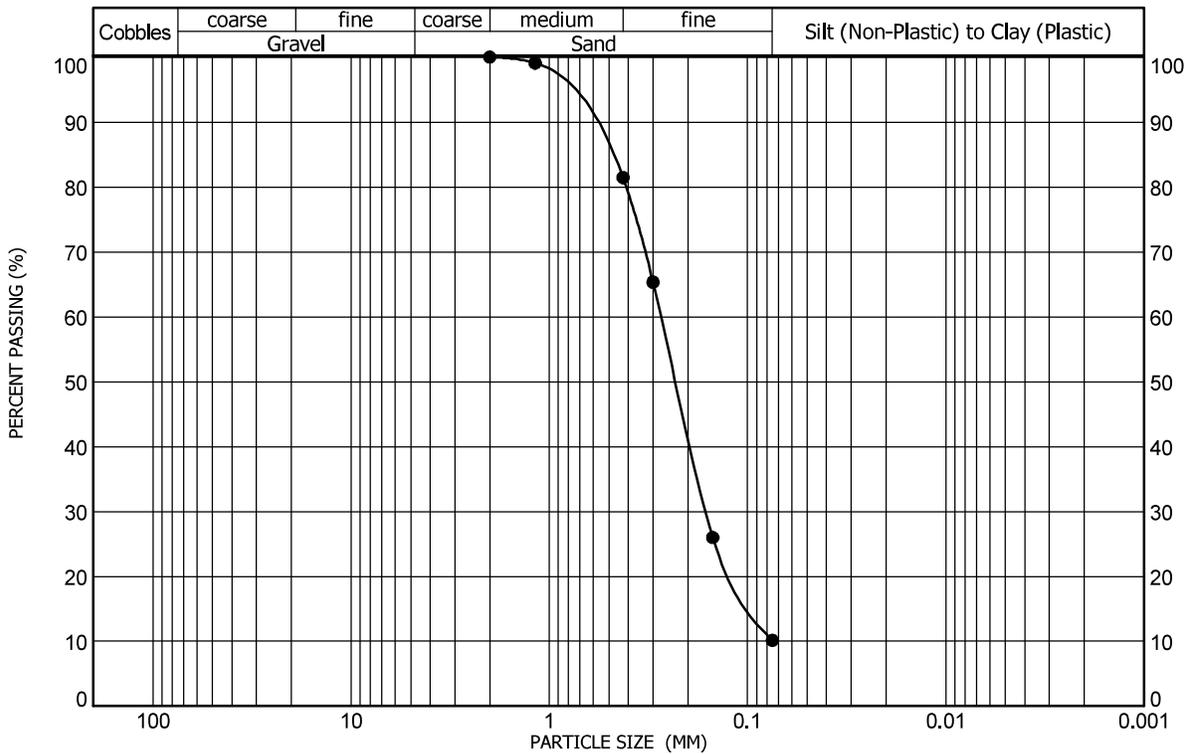
Sample Location Test Boring No. 18 at a depth of 9 feet Gravel (%) 0 Liquid Limit 39
 Sample Description Claystone, sandy Sand (%) 25 Plasticity Index 20
 Classification A-6(14), LEAN CLAY with SAND(CL) Clay/Silt (%) 75

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 27



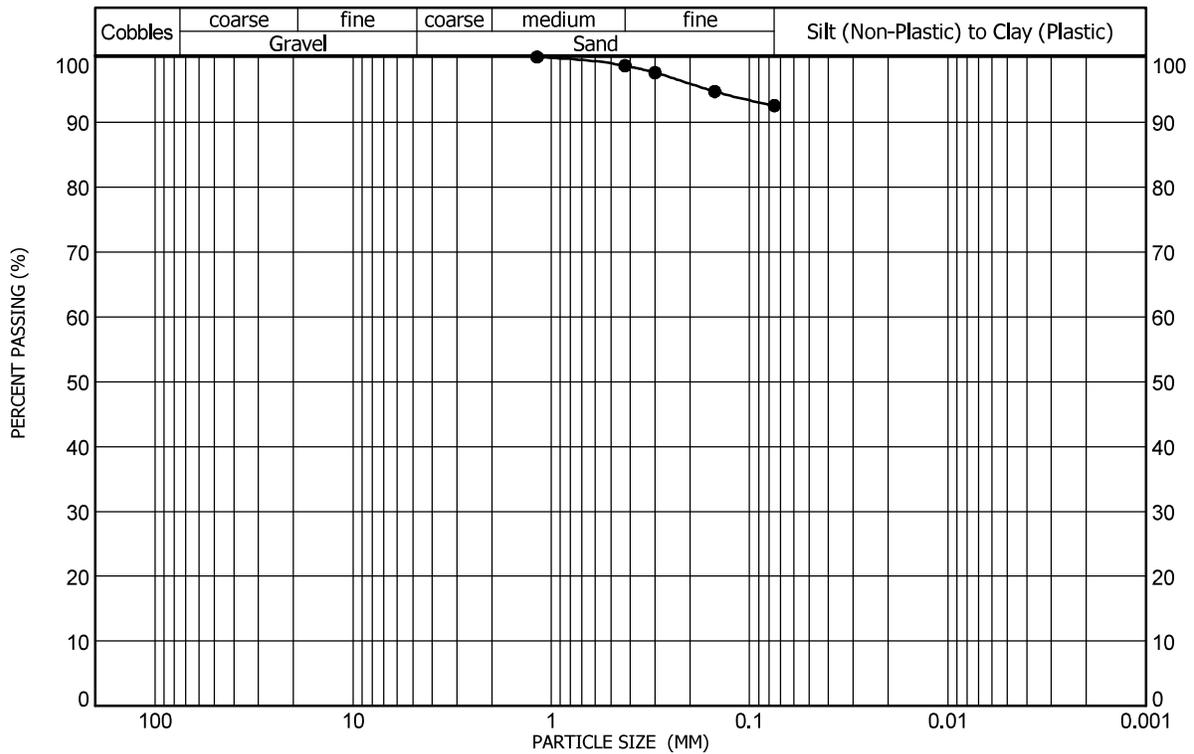
Sample Location Test Boring No. 19 at a depth of 4 feet Gravel (%) 0 Liquid Limit NV
 Sample Description Sand, slightly silty Sand (%) 86 Plasticity Index NP
 Classification A-2-4(0), SILTY SAND(SM) Clay/Silt (%) 14



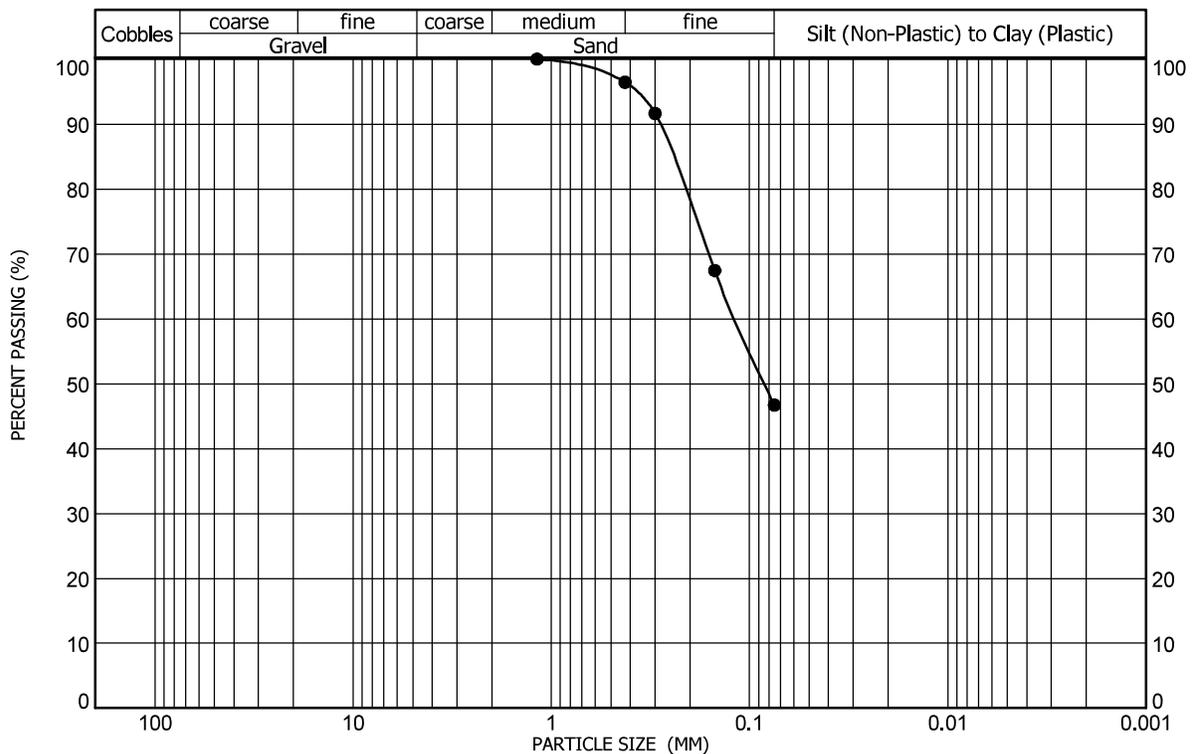
Sample Location Test Boring No. 21 at a depth of 4 feet Gravel (%) 0 Liquid Limit NV
 Sample Description Sand, slightly silty Sand (%) 90 Plasticity Index NP
 Classification A-3(0), POORLY GRADED SAND with SILT(SP-SM) Clay/Silt (%) 10

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 28



Sample Location Test Boring No. 22 at a depth of 19 feet Gravel (%) 0 Liquid Limit 61
 Sample Description Clay (weathered claystone), slightly sandy Sand (%) 7 Plasticity Index 41
 Classification A-7-6(42), FAT CLAY(CH) Clay/Silt (%) 93

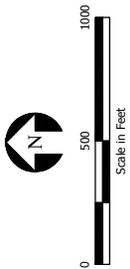


Sample Location Test Boring No. 23 at a depth of 14 feet Gravel (%) 0 Liquid Limit 26
 Sample Description Sand, very clayey Sand (%) 53 Plasticity Index 8
 Classification A-4(1), CLAYEY SAND(SC) Clay/Silt (%) 47

GRADATION AND ATTERBERG TEST RESULTS

FIGURE 29

COYOTE CREEK NORTH
FORT LUPTON, COLORADO



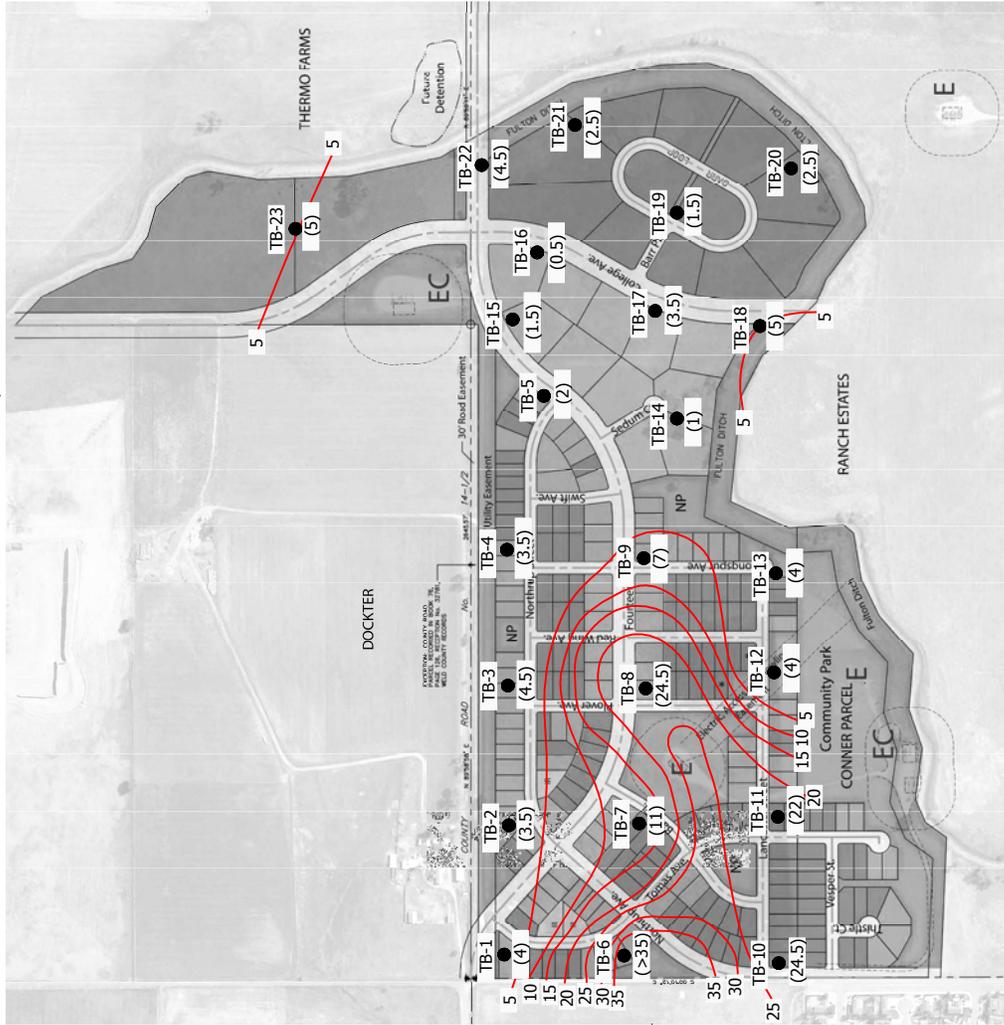
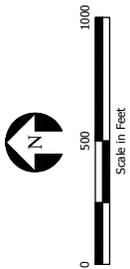
TB-1 ● INDICATES BEDROCK WAS ENCOUNTERED AT AN APPROXIMATE DEPTH OF 11 FEET IN TEST BORING 1

(11)

BEDROCK DEPTH CONTOURS ARE BASED UPON THE EXTRAPOLATION OF DATA FROM WIDELY SPACED TEST BORINGS. LOCAL AND SIGNIFICANT VARIATIONS MAY OCCUR BETWEEN THE BORINGS. THIS MAP REPRESENTS AN OPINION WHICH IS ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHODS USED.

- NOTES:
1. TEST BORINGS ARE OVERLAID ON THE "COYOTE CREEK NORTH, FT. LUPTON, CO-115" DEPTH CONCEPT PLAN," PREPARED BY SANDERSON STEWART, DATED DECEMBER 2017.
 2. ALL LOCATIONS ARE APPROXIMATE.

COYOTE CREEK NORTH
FORT LUPTON, COLORADO

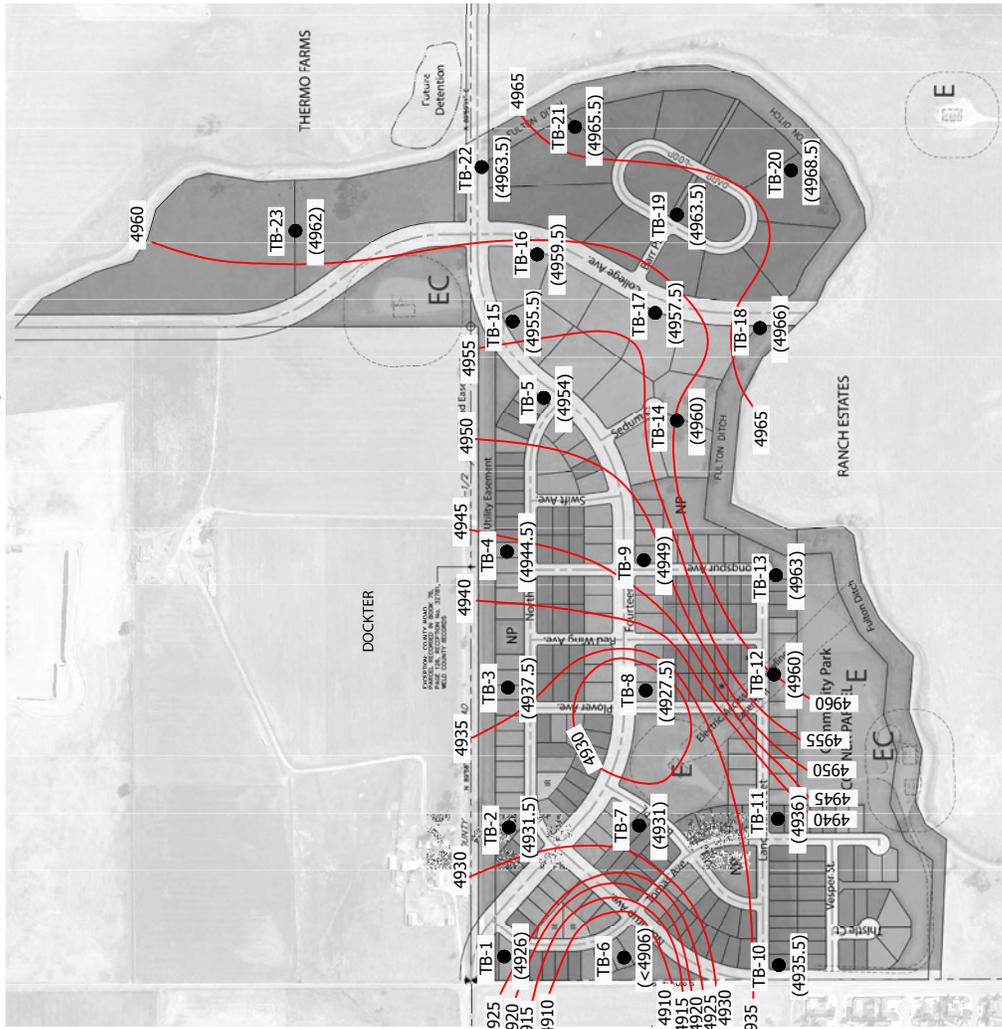
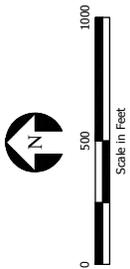


TB-1 ● INDICATES GROUND WATER OR WET CAVE IN WAS
(4) MEASURED AT AN APPROXIMATE DEPTH OF 4 FEET BELOW
THE GROUND SURFACE IN TEST BORING 1

GROUND WATER DEPTH CONTOURS ARE BASED UPON THE
EXTRAPOLATION OF DATA FROM WIDELY SPACED TEST
BORINGS. LOCAL AND SIGNIFICANT VARIATIONS MAY
OCCUR BETWEEN THE BORINGS. THIS MAP REPRESENTS AN
OPINION WHICH IS ACCURATE ONLY TO THE DEGREE
IMPLIED BY THE METHODS USED.

- NOTES:
1. TEST BORINGS ARE OVERLAID ON THE "COYOTE CREEK NORTH, FT. LUPTON, CO-115" DEPTH CONCEPT PLAN," PREPARED BY SANDERSON STEWART, DATED DECEMBER 2017.
 2. ALL LOCATIONS ARE APPROXIMATE.

COYOTE CREEK NORTH
FORT LUPTON, COLORADO



ELEVATIONS ARE BASED UPON THE TEST BORING ELEVATIONS PROVIDED ON THE TEST BORING STAKES AND THE RECORDED DEPTHS TO GROUND WATER OR WET CAVE IN SOILS.

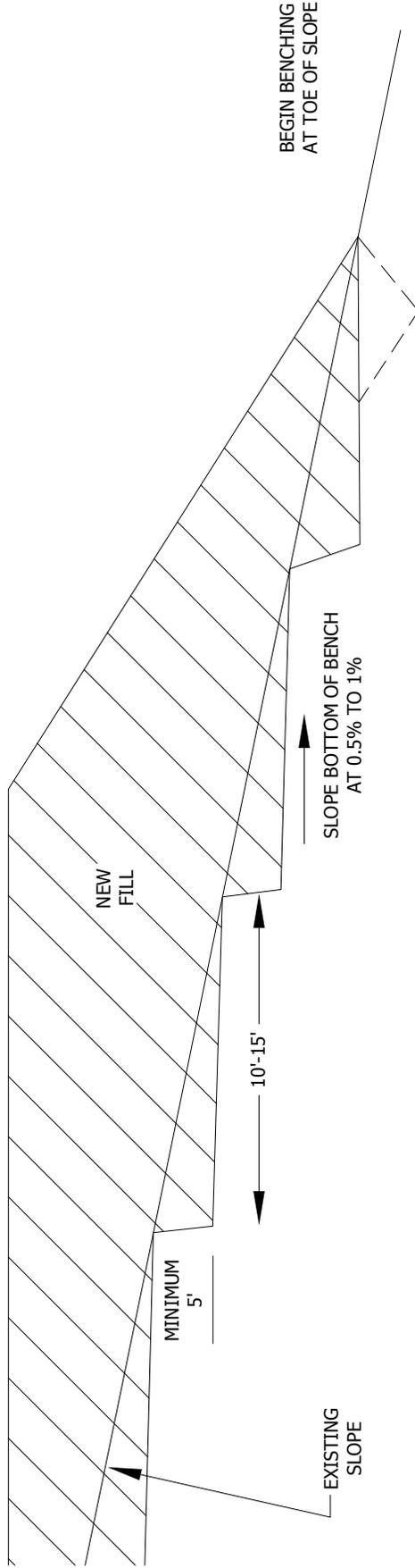
- TB-1 INDICATES GROUND WATER OR WET CAVE IN WAS ENCOUNTERED AT AN APPROXIMATE ELEVATION OF 4,926 (4926) FEET IN TEST BORING 1.

ELEVATION CONTOURS ARE BASED UPON THE EXTRAPOLATION OF DATA FROM WIDELY SPACED TEST BORINGS. LOCAL AND SIGNIFICANT VARIATIONS MAY OCCUR BETWEEN THE BORINGS. THIS MAP REPRESENTS AN OPINION WHICH IS ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHODS USED.

	ESTIMATED ELEVATION OF GROUND WATER
	PROJECT NO. 174095 FIGURE 33

- NOTES:
1. TEST BORINGS ARE OVERLAID ON THE "COYOTE CREEK NORTH, FT. LUPTON, CO-115" DEPTH CONCEPT PLAN," PREPARED BY SANDERSON STEWART, DATED DECEMBER 2017.
 2. ALL LOCATIONS ARE APPROXIMATE.

CONTINUE BENCHING UNTIL NATURAL SLOPE
FLATTENS OR SLOPE DAYLIGHTS



A KEYWAY MAY BE REQUIRED BY GEOTECHNICAL
ENGINEER DEPENDING UPON SLOPE CONFIGURATION.

BENCHING REQUIRED WHEN EXISTING
SLOPE IS 5 : 1 (HORIZONTAL : VERTICAL) OR GREATER

NOTES: DRAINS MAY BE REQUIRED IF GROUND
WATER IS ENCOUNTERED.

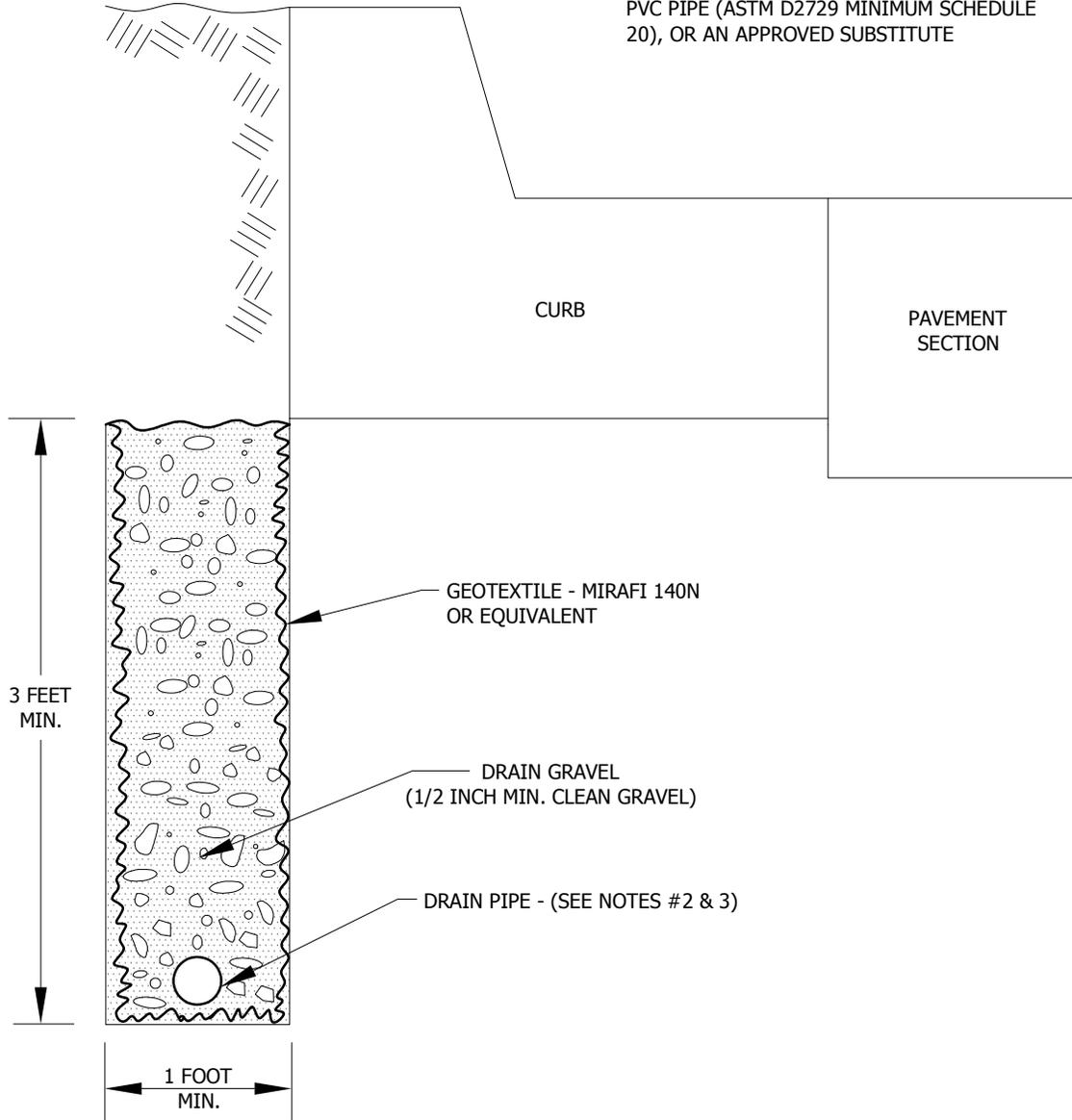
ADDITIONAL CUTTING BACK OF SOME SLOPES
MAY BE REQUIRED BY GEOTECHNICAL ENGINEER
IF SLOPE INSTABILITY IS NOTED.

NOT TO SCALE

<p>GENERALIZED BENCHING DETAIL</p>	<p>PROJECT NO. 174095 FIGURE 34</p>

NOTES:

1. DRAIN MUST SLOPE TO A POSITIVE GRAVITY OUTLET
2. SLOPE BOTTOM OF TRENCH AND PIPE AT A MINIMUM OF $\frac{1}{8}$ INCH PER FOOT (i.e. 1%)
3. 3- OR 4-INCH DIAMETER RIGID PERFORATED PVC PIPE (ASTM D2729 MINIMUM SCHEDULE 20), OR AN APPROVED SUBSTITUTE



NOT TO SCALE

A.G. Wassenaar
Geotechnical and Environmental Consultants **Inc.**

PAVEMENT DRAIN
DETAIL

PROJECT NO. 174095
FIGURE 35
102/188

TABLE I
SUMMARY OF LABORATORY TEST RESULTS
January 22, 2018

Test Boring Number	Depth (feet)	Soil Type	Natural Dry Density (pcf)	Natural Moisture (%)	Swell / Consolidation (%) ¹	Swell Pressure (psf)	% Passing #200 Sieve	Atterberg		Resistivity (ohm-cm)	Water Soluble Sulfates (ppm)	Chlorides (%)
								Liquid Limit LL	Plasticity Index PI			
1	9	Clay (weathered claystone), trace sand	97	26	3.9	4,800	98	81	59			
1	14	Claystone, slightly sandy	107	20	4.4	6,200						
2	14	Sand, silty		21			20	NV	NP			
3	4	Sand, silty								7.9	1,106	0.0061
3	9	Sand, slightly silty		12			8	NV	NP			
4	14	Sand, silty		14			16	NV	NP			
5	19	Sand, silty		20			19	NV	NP			
6	4	Clay (weathered claystone), sandy	122	11	9.2	16,800						
6	9	Claystone, slightly sandy	109	18	6.1	13,200	94	68	48			
6	24	Claystone, slightly sandy	107	18	3.1	5,900						
7	9	Sand, very silty		15			43	20	NP			
7	14	Clay, sandy	106	19	-0.7		79	42	23			
8	9	Claystone, slightly sandy	116	15	5.2	14,500						
8	19	Claystone, slightly sandy	107	18	6.4	12,400						
8	29	Claystone, slightly sandy	117	14	4.1	10,900						
9	9	Clay (weathered claystone), slightly sandy	104	20	2.7	6,300						
9	14	Claystone, very sandy		18			63	29	11			
10	4	Clay (weathered claystone), slightly sandy								7.8	273	0.0144
10	9	Claystone, slightly sandy	115	15	7.3	16,700						
10	19	Claystone, slightly sandy	125	12	2.8	10,000						
11	9	Claystone, slightly sandy	113	17	9.5	16,300						
11	14	Claystone, trace sand	115	14	5.5	13,800	99	66	46			

Notes:

¹ Indicates Percent Swell or Consolidation (-) when wetted under a 1,000 psf load, unless otherwise noted.

NV - indicates No Value
NP - indicates Non-Plastic

TABLE I
SUMMARY OF LABORATORY TEST RESULTS
January 22, 2018

Test Boring Number	Depth (feet)	Soil Type	Natural Dry Density (pcf)	Natural Moisture (%)	Swell / Consolidation (%) ¹	Swell Pressure (psf)	% Passing #200 Sieve	Atterberg		Resistivity (ohm-cm)	Water Soluble Sulfates (ppm)	Chlorides (%)
								Liquid Limit LL	Plasticity Index PI			
12	9	Claystone, slightly sandy	104	21	2.8	5,700						
12	14	Claystone, slightly sandy	112	18	3.7	11,100						
12	24	Claystone, very sandy		20			54	30	11			
13	19	Claystone, slightly sandy	116	16	5.3	14,500						
13	29	Claystone, slightly sandy	118	13	5.5	13,100						
14	9	Claystone, slightly sandy		19			91	40	19			
14	14	Claystone, slightly sandy	114	16	1.9	3,500						
14	24	Claystone, slightly sandy	112	15	3.7	5,500						
15	9	Sand, trace silty		15			3	NV	NP			
16	14	Sand, very silty		17			40	NV	NP			
17	9	Clay (weathered claystone), trace sand	108	20	2.5	4,200	98	62	40			
17	24	Claystone, slightly sandy	104	22	8.1	9,500						
18	4	Sand, silty								7.7	1,510	0.0016
18	9	Claystone, sandy	115	15	1.6	4,900	75	39	20			
18	19	Claystone, slightly sandy	109	21	3.9	8,800						
19	4	Sand, slightly silty		17			14	NV	NP			
20	14	Claystone, slightly sandy								7.6	410	0.0089
20	24	Claystone, slightly sandy	123	13	2.7	7,700						
20	34	Claystone, slightly sandy	118	15	4.1	13,500						
21	4	Sand, slightly silty		18			10	NV	NP			
22	19	Clay (weathered claystone), slightly sandy		23			93	61	41			
23	14	Sand, very clayey		17			47	26	8			

Notes:

¹ Indicates Percent Swell or Consolidation (-) when wetted under a 1,000 psf load, unless otherwise noted.

NV - indicates No Value
NP - indicates Non-Plastic

APPENDIX SPECIFICATIONS FOR PLACEMENT OF STRUCTURAL FILL

GENERAL

The Geotechnical Engineer, as the Client's representative, should observe fill placement and conduct tests to determine if the material, method of placement, and compaction are in reasonable compliance with the specifications. Specifications presented in this Appendix are general in nature. They should be used except where specifically superceded by those presented in the attendant geotechnical study.

For the purpose of this specification, structural areas include those areas that will support constructed appurtenances (e.g., foundations, slabs, flatwork, pavements, etc.) and fill embankments or slopes that support significant fills or constructed appurtenances. Structural areas will be as defined by the Geotechnical Engineer.

FILL MATERIAL

Fill material should consist of on or off-site soils which are relatively free of vegetable matter and rubble. Off-site materials should be evaluated by the Soil Engineer prior to importation. No organic, frozen, perishable, rock greater than 6 inches, or other unsuitable material should be placed in the fill. For the purpose of this specification, cohesive soil should be defined as a mixture of clay, sand, and silt with more than 35% passing a U. S. Standard #200 sieve and a Plasticity Index of at least 11. These materials will classify as an A-6 or A-7 by the AASHTO Classification system. Granular soils should be all materials which do not classify as cohesive.

Proposed import material should be material having 100% finer than 3 inches in diameter and not more than 60% passing a U. S. Standard No. 200 sieve, provided the Plasticity Index is less than 15. Soil not meeting these specifications, but proposed for import fill, must be evaluated by our office.

PREPARATION OF NATURAL GROUND

Vegetation, organic topsoil, any existing fill and any other deleterious materials should be removed from the fill area. The area to be filled should then be scarified, moistened if necessary, and compacted in the manner specified below prior to placement of subsequent layers of fill.

PLACEMENT OF FILL MATERIAL

The materials should be delivered to the fill in a manner which will permit a well and uniformly compacted fill. Before compacting, the fill material should be properly mixed and spread in approximately horizontal layers not greater than 8 inches in loose thickness.

MOISTURE CONTROL

While being compacted, the material should contain uniformly distributed moisture for compaction. The Contractor should be required to add moisture to the materials if, in the opinion of the Geotechnical Engineer, proper and uniform moisture is not being obtained for compaction. If the fill materials are too wet for proper compaction, aerating and/or mixing with drier materials may be required.

APPENDIX
SPECIFICATIONS FOR PLACEMENT OF STRUCTURAL FILL

Page 2

MOISTURE CONTROL (continued)

Moisture content should be controlled as a percentage deviation from optimum. Optimum moisture content is defined as the moisture content corresponding to the maximum density of a laboratory compacted sample performed according to ASTM D 698 for cohesive soils or ASTM D 1557 for granular soils. The moisture content specifications for the various areas are as follows:

	<u>Cohesive Soils</u>	<u>Granular Soils</u>
1. Beneath Structural Areas:	0 to +4%	-2 to +2%
2. Beneath Non-Structural Areas:	-3 to +3%	-3 to +3%
3. Moisture Treated Fill:	0 to +4%	-2 to +2%

COMPACTION

When the moisture content and conditions of each layer spread are satisfactory, it should then be compacted. Moisture-density tests should be performed on typical fill materials to determine the maximum density. Field density tests must then be made to determine fill compaction. The compaction standard to be utilized in determining the maximum density is ASTM D 698 for cohesive soils or ASTM D 1557 for granular soils. The following compaction specifications should be followed for each area:

1. Beneath Structural Areas:	95% of Maximum Dry Density
2. Beneath Non-Structural Areas:	90% of Maximum Dry Density
3. Moisture Treated Fill:	95% of Maximum Dry Density

Note: In areas where fill depths exceed 20 feet, additional compaction considerations will be required to reduce fill settlement. We recommend any fill placed within 20 feet of final subgrade elevation be compacted as required above, and that deeper fills be compacted to 100% of maximum dry density at a moisture content of ± 2 percent of optimum moisture content.

If the structural fill contains less than 10 percent passing the No. 200 sieve, it may be necessary to control compaction based on relative density (ASTM D 2049). If this is the case, then compaction around the structures and beneath slabs should be to at least 70% relative density, and compaction beneath foundations and pavements should be to at least 80% relative density.

Any mention of essentially full-time testing and observation does not mean A. G. Wassenaar, Inc. (AGW) will accept responsibility for future fill performance. AGW shall not be responsible for constant or exhaustive inspection of the work, the means and methods of construction or the safety procedures employed by Client's contractor. Performance of construction observation services does not constitute a warranty or guarantee of any type, since even with diligent observation, some construction defects, deficiencies or omissions in the Contractor's work may occur undetected. Client shall hold its contractor solely responsible for the quality and completion of the project, including construction in accordance with the construction documents. Any duty hereunder is for the sole benefit of the Client and not for any third party, including the contractor or any subcontractor.

DRAINAGE MEMO



MEMORANDUM

To: Roy Vestal, Public Works Director, City of Fort Lupton

From: Craig Rothluebber, PE, Atwell

Date: November 11, 2019

Re: **Fulton Ranch**

Introduction

The Fulton Ranch site is a tract of land located in the South Half of Section 33, Township 2 North, Range 66 West of the 6th Principal Meridian, Fort Lupton, County of Weld, State of Colorado. The site is bounded by the Fulton Ditch to the East and South, 14th Street to the North, and the Future Northrup Ave to the West.

To the South, between Fulton Ditch and 9th Street is another portion of the Cottonwood Greens P.U.D., which has a development application in with the City at this time. To the North, across 14th Street, is undeveloped land. The Trees Subdivision is located to the Southwest of the property.

The proposed site is approximately 127.5 acres and will consist of 466 manufactured housing units with amenities, open space and water quality treatment ponds. The site is part of the Cottonwood Greens P.U.D., recorded April 13th, 2006, and is currently undeveloped land used for farming, and several gas facilities that are incorporated in the concept plan. The site's topography generally slopes from the southeast to northwest with the slopes ranging between 3 percent and 9 percent.

A soil report for the site is included from the Web Soil Survey from the National Resource Conservation Service (NRCS) website. The soil report indicates that site is made up of various sandy loam soils. The majority of the Site consists of Hydrologic Soil Group A, approximately 70.2 percent, while the rest consists of Hydrologic Soil Group B.

The Fulton Ditch, an irrigation ditch adjacent to Fulton Ranch, outlines the southern and eastern boundary of the proposed development location and flows southwest-to-northeast, ending at the

nearby South Platte River. Golden's Pond, an existing regional detention pond for the 14th Street Basin, is located 1 mile to the west on the south side of 14th Street.

Historic Drainage Basin

Per the "Storm Drainage Utility Plan" adopted by the City of Fort Lupton in March 2015, the site is part of the 14th Street Basin, bounded by County Road 29 to the West, County Road 31 to the East, County Road 16 to the North, and Colorado highway 52 to the South. Historic flow direction for the 14th Street Basin is West-Northwest, with the South Platte River as the ultimate outfall. Approximately half of the 14th Street Basin is undeveloped but is designated for residential development.

The project area is not within a FEMA regulated floodplain as shown on FEMA Map No. 08123C2110E. As illustrated, the project site designated as Zone X - determined to be outside of the FEMA 100 and 500-year floodplains.

Historic flow paths and patterns will be generally maintained, and no irrigation facilities including the Fulton Ditch, will not be impacted by the development of this site.

For the development area, the existing topography slopes generally southeast to northwest and is bounded by the Fulton Ditch to the South and East, 14th Street to the North, and future Northrup Avenue to the West. It is assumed that with proposed cross pans located at the site entrances, no flows will run onto the site from 14th Street or Northrup Ave. Runoff flows along 14th Street west to Golden's Pond (as described in "Storm Drainage Utility Plan") and then on to the South Platte River. Per conversations with Fort Lupton, it was agreed upon that detention will not be provided on site and that water quality treatment would only be required on the site. Detention would be provided by the downstream Golden's Pond. As such, on-site runoff will be treated for water quality and released at the rate specified by the City of Fort Lupton.

Furthermore, assuming our sub-basin is fully developed for the purposes of drainage calculations ensures that future development will not create drainage problems downstream of the Cottonwood Greens Subdivision development.

Proposed Drainage Basin

Currently, it is proposed to treat runoff in four separate water quality ponds, with restricted outlets for each. Water released by the outlets will then combine and be piped under 14th Street. The outlet pipe will release storm water into a ditch or pipe system along the North side of 14th Street, continuing West to Golden's Pond and ultimately the South Platte River. The outlet pipes will be designed to meet the minimum slope providing the 3 ft/sec cleaning velocity required under the Mile High Flood District (MHFD) design regulations, and trickle channel at 0.4% slope

will be installed to ensure each pond drains to the ditch or pipe system along the south side of 14th Street.

The Southeast to Northwest drainage pattern will be maintained with minor changes to ensure proper cover over proposed sanitary sewer. Water quality treatment ponds are proposed along 14th Street, as the ditch is the natural low point of the site. The project sub-basin is 137.85 Acres, which is comprised of the site and two additional offsite drainage basins that drain through the site, so the rational method will be used as specified by the City of Fort Lupton.

Maintenance access will be provided to each pond and every outlet in order to allow maintenance. All access to the water quality treatment ponds will be provided from within the site and not from 14th Street.

Hydrology and Hydraulics

In order to facilitate drainage design, preliminary drainage flows have been calculated for the project area. First, minor basins were drawn based on assumed grading to each water quality treatment pond, and the runoff coefficient was calculated for each assuming 75% imperviousness for each of the developed basins. The time of concentration was then calculated for each, giving the duration of the design storm event. Using the rational method, the drainage flow of each basin was calculated for both the 5-year and 100-year events. Combining these flows gives the overall drainage flows, shown below:

Sub-Basin	Area	C ₅	C ₁₀₀	T _c (min)	Q ₅ (cfs)	Q ₁₀₀ (cfs)
A	34.44	0.64	0.78	24.39	57.98	131.89
B	33.70	0.64	0.78	19.81	63.48	144.40
C	33.70	0.64	0.78	20.23	62.79	142.84
D	20.38	0.64	0.78	17.73	40.64	92.44
OS-A	9.89	0.01	0.44	26.17	0.25	20.54
OS-B	5.75	0.01	0.44	25.41	0.15	12.14

Preliminary volume calculations have been completed in order to allocate enough area for water quality treatment. The total required water quality treatment volume under City of Fort Lupton Standards is 3.046 acre-feet. Total water quality treatment volume provided on the site is 3.745 acre-feet which is a 23% increase in the required volume in order to account for freeboard. Detailed calculations for each sub-basin's water quality treatment volume and the volume can be found in Appendix D. These volume calculations include all 137.85 acres bounded by 14th Street to the North, Fulton Ditch to the South and East and Northrup Ave to the West.

In order to prevent flooding downstream, outlet structures will need to release detained storm water at the 5-Year historic rate, per the following recommendation by J&T Consulting in the Storm Drainage Utility Plan on page 17:

“In order to mitigate the risk of increased flooding within the City, over-detention should be required for all new developments east of the Union Pacific Railroad tracks/embankment ... basins must then be designed to contain the excess volume for all storms above the 5 year storm up to the 100 year storm while only releasing at the 5 year rate.”

As such, the historic 5-year release rate can be calculated using Table 2 below.

Storm Frequency	Soil Group		
	A	B	C&D
5-Year	0.07	0.13	0.17
100-Year	0.50	0.85	1.00

Table 2 – Historic Runoff Rates (cfs/acre)

With predominantly group A soils and a basin area of 137.85 acres, the maximum release rate for the entire basin is 9.6 CFS. This 5-Year historic release rate necessitates the use of a Type 1 outlet with a restrictor plate installed on the outlet pipe with orifices sized to release at 9.6 CFS. Using this release rate, downstream drainage facilities will not be impacted for storms up to and including the 100-year storm.

Conclusions

While additional calculations and design are necessary, this drainage analysis shows that the proposed drainage system will operate as specified by the City of Fort Lupton. Releasing at the historic 5-year rate ensures drainage facilities downstream will not be impacted, while planning for higher density residential use in undeveloped land of the project sub-basin ensures that there will be enough volume in the Fulton Ranch project drainage system for the future. Coordination with the Cottonwood Greens development to the South will be necessary, as it will be discharging runoff through the site and to the North side of 14th Street to outfall into the ditch or pipe system to the North of 14th Street continuing West to Golden’s Pond.

Appendix A – Historic Drainage Maps

Appendix B – Proposed Drainage Map

Appendix C – Hydrologic Computations

Appendix D – Hydraulic Computations

Appendix E – Soils Map

References

1. City of Fort Lupton Storm Drainage Design and Technical Criteria Manual; City of Fort Lupton.
2. Drainage Criteria Manual, Volumes 1, 2, &3, Urban Drainage and Flood Control District, Volumes 1 & 2 – Originally Published September 1969, Updated January 2016; Volume 3 – Originally Published September 1992, Updated November 2010.
3. Flood Insurance Rate Map of Weld County Colorado; Federal Emergency Management Agency, Map No. 08123C2110E, September 30, 2019.
4. USDA – NRCS – Web Soil Survey

APPENDIX A – Historic Drainage Maps

APPENDIX B – Proposed Drainage Map

APPENDIX C – Hydrologic Computations

COMPOSITE C CALCULATION

PROJECT NAME: RV-Boat Storage Facility

PROJECT NO: 19002862

LOCATION: Greeley, CO



*Calculations on this sheet come from UDFCD: Urban Storm Drainage Criteria Manual (V.1) (August 2018)

NRCS Hydrologic Soil Group: B			
<u>Gravel (packed)</u> 40% Impervious			
2 yr = 0.29	5 yr = 0.32	10 yr = 0.38	100 yr = 0.61
<u>Lawns, clayey soil</u> 2% Impervious			
2 yr = 0.01	5 yr = 0.01	10 yr = 0.07	100 yr = 0.44
<u>Paved/Pond</u> 100% Impervious			
2 yr = 0.84	5 yr = 0.86	10 yr = 0.87	100 yr = 0.90
<u>Roofs</u> 90% Impervious			
2 yr = 0.74	5 yr = 0.77	10 yr = 0.79	100 yr = 0.85
<u>Drive and walks</u> 90% Impervious			
2 yr = 0.74	5 yr = 0.77	10 yr = 0.79	100 yr = 0.85

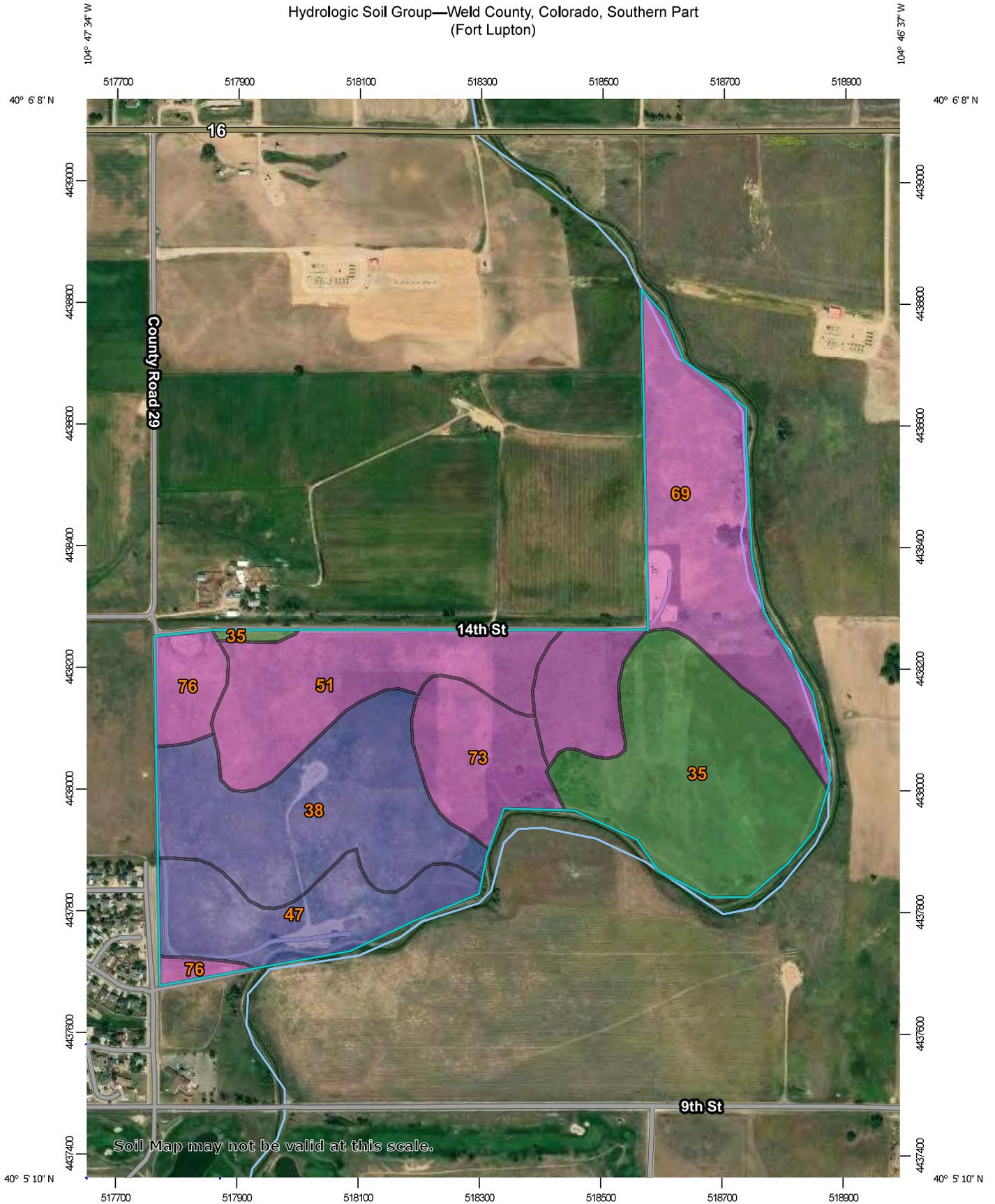
PROPOSED DRAINAGE AREA

BASIN ID	A _{total} (ft ²)	Gravel (packed) (ft ²)	Lawns, clayey soil (ft ²)	Paved/Pond (ft ²)	Roofs (ft ²)	Drive and walks (ft ²)	A _{total} (Ac)	COMPOSITE C				Percent Impervious
								2 yr	5 yr	10 yr	100 yr	
Routed to Water Quality Pond:												
A	1500199	0	270036	105014	675089	450060	34.44	0.62	0.64	0.67	0.78	74.9%
B	1467847	0	264212	102749	660531	440354	33.70	0.62	0.64	0.67	0.78	74.9%
C	1467973	0	264235	102758	660588	440392	33.70	0.62	0.64	0.67	0.78	74.9%
D	887630	0	159773	62134	399433	266289	20.38	0.62	0.64	0.67	0.78	74.9%
OS-A	430728	0	430728	0	0	0	9.89	0.01	0.01	0.07	0.44	2.0%
OS-B	250258	0	250258	0	0	0	5.75	0.01	0.01	0.07	0.44	2.0%
Subtotals:	6,004,635	0	1,639,243	372,655	#####	#####	137.85					

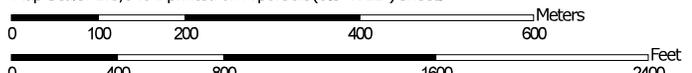
APPENDIX D – Hydraulic Computations

APPENDIX E – Soil Survey

Hydrologic Soil Group—Weld County, Colorado, Southern Part
(Fort Lupton)



Map Scale: 1:8,640 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



MAP LEGEND

Area of Interest (AOI)	 C
 Area of Interest (AOI)	 C/D
Soils	 D
Soil Rating Polygons	 Not rated or not available
 A	Water Features
 A/D	 Streams and Canals
 B	Transportation
 B/D	 Rails
 C	 Interstate Highways
 C/D	 US Routes
 D	 Major Roads
 Not rated or not available	 Local Roads
Soil Rating Lines	Background
 A	 Aerial Photography
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	
Soil Rating Points	
 A	
 A/D	
 B	
 B/D	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
Survey Area Data: Version 18, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 20, 2015—Oct 21, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
35	Loup-Boel loamy sands, 0 to 3 percent slopes	A/D	29.4	21.3%
38	Nelson fine sandy loam, 3 to 9 percent slopes	B	26.7	19.3%
47	Olney fine sandy loam, 1 to 3 percent slopes	B	14.4	10.4%
51	Otero sandy loam, 1 to 3 percent slopes	A	19.1	13.8%
69	Valent sand, 0 to 3 percent slopes	A	31.8	23.0%
73	Vona loamy sand, 3 to 5 percent slopes	A	10.8	7.8%
76	Vona sandy loam, 1 to 3 percent slopes	A	5.9	4.3%
Totals for Area of Interest			138.2	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

National Flood Hazard Layer FIRMette



40°5'47.15"N



132/188

USGS The National Map: Orthoimagery. Data refreshed April, 2019.

40°5'19.63"N

Feet 1:6,000



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS



OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance Flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

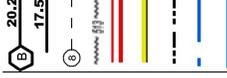
OTHER AREAS



GENERAL STRUCTURES



OTHER FEATURES



MAP PANELS



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/11/2019 at 1:14:58 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**ARMY CORPS OF ENGINEERS
APPROVED JURISDICTIONAL DETERMINATION**



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

August 27, 2019

SUBJECT: Approved Jurisdictional Determination, Ft. Lupton Coyote Creek North Site Project, Corps File No. NWO-2019-01310-DEN, Weld County, CO

Ms. Christine Sveum
Atwell, LLC
143 Union Blvd, Suite 700
Lakewood, CO 80228

Dear Ms. Sveum:

Reference is made to the above-mentioned project centered at approximately 40.093380°N, -104.784409°W, in Weld County, Colorado. You have requested an Approved Jurisdictional Determination for all aquatic resources found at the project location.

The project area has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

The Corps has determined that Fulton Ditch and Wetlands 1, 2, and 3 are excluded waters and are therefore not jurisdictional. In that regard, no permit is required for work at this location.

At your request, an approved jurisdictional determination (JD) has been completed for two aquatic resources in this area. The JD is attached to this letter. If you are not in agreement with the JD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the JD.

This JD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the JDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

If there are any additional questions or concerns, please contact **Mr. Nicholas Franke** of my office at **303-979-4120** or by email at Nicholas.A.Franke@usace.army.mil and reference **Corps File No. NWO-2019-01310-DEN**.

-2-

Sincerely,

Matthew Montgomery

KD

Kiel Downing
Chief, Denver Regulatory Office

Attachments:

Approved Jurisdictional Determination (August 27, 2019)
Approved Jurisdictional Determination Appeal Form
Approved Jurisdictional Determination Appeal Form Instruction Sheet



®

Regulatory Program



®

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 27, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWO-2019-01310-DEN

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Colorado

County/parish/borough: Weld

City: Fort Lupton

Center coordinates of site (lat/long in degree decimal format): Lat. 40.093380°N, Long. -104.784409°W.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Date(s): August 27, 2019. Field Date(s): August 7, 2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Fig. 1, Vicinity Map; and Fig. 2, Existing Conditions, ERO Resources Corp., July 15, 2019

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report. Title/Date: ERO Resources Corp., July 1, 2019.

Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number: HUC8: 10190003; HUC12: 101900030602.

USGS maps. Scale & quad name and date: 1:24,000 – Fort Lupton; 2016.

USDA NRCS Soil Survey. Citation:

USFWS National Wetlands Inventory maps. Citation:

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Google Earth, 1993-2018. or Other. Citation: Site photographs by consultant.

LiDAR data/maps. Citation:

Previous determinations. File no. and date of jurisdictional determination letter:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify): This AJD prepared in accordance with the 2015 Clean Water Rule.

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab "Aquatic Resources" – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab "(a)(1)" - Required**

This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab "(a)(2)" - Required**

(a)(3): The territorial seas.

- **Complete Spreadsheet Tab "(a)(3)" - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(4)" - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(5)" - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab "(a)(6)" - Required**

Bordering/Contiguous.
Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(7)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(8)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

- **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD:

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

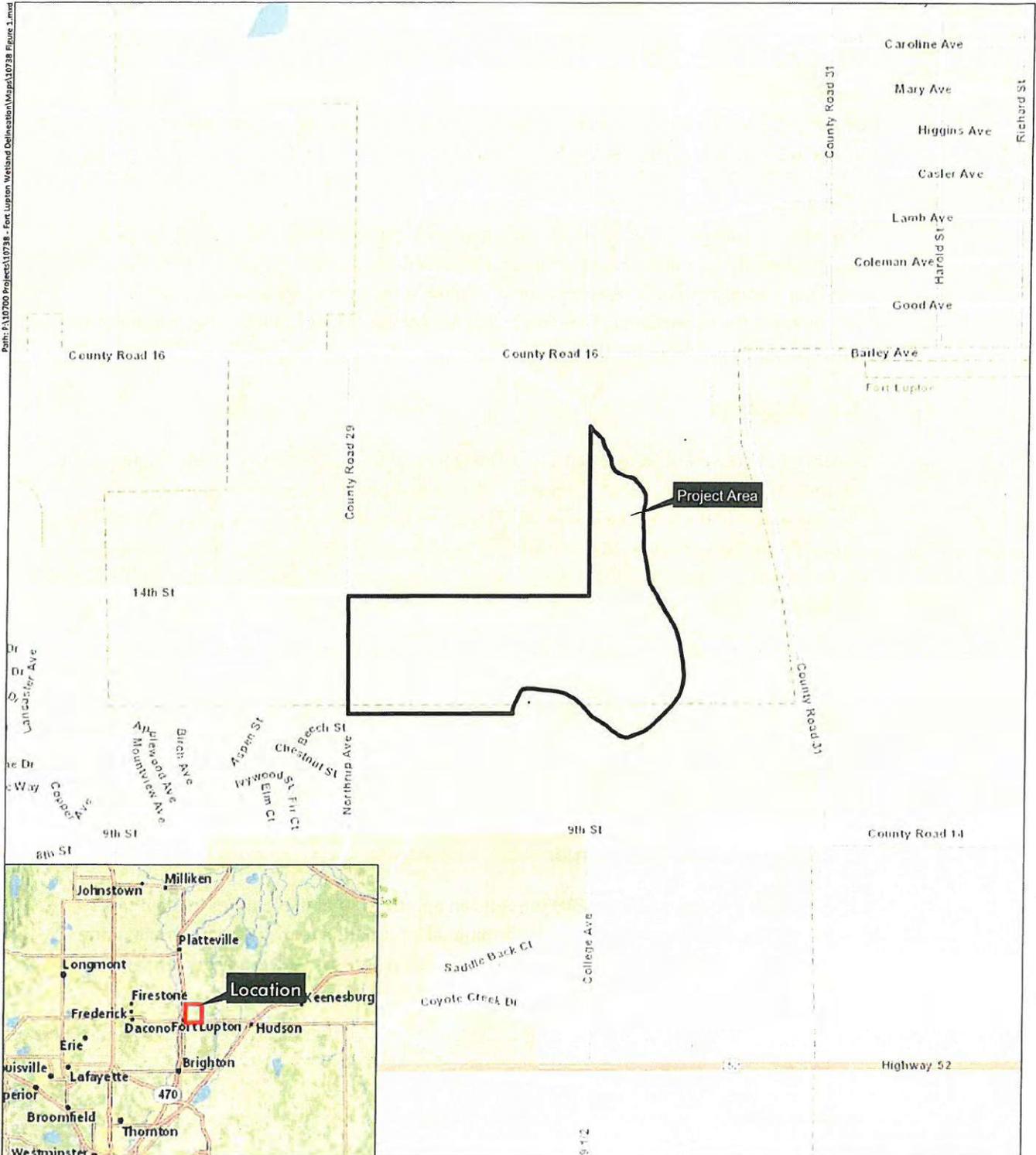
SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
Fulton Ditch	Fulton Ditch is a non-tidal irrigation ditch excavated in upland. It does not flow, either directly or through another water, into any a(1)-a(3) water. Therefore, Fulton Ditch is excluded under paragraph b(3)(i) and is not jurisdictional.
Wetland 1	Wetland 1 is a wetland adjacent to Fulton Ditch that appears to receive its entire hydrology from ditch leakage. Since Wetland 1 is directly associated with Fulton Ditch, it is excluded under paragraph b(4)(i) and is therefore not jurisdictional.
Wetland 2	Wetland 2 is a wetland abutting Fulton Ditch that appears to receive its entire hydrology from ditch leakage. Since Wetland 2 is directly associated with Fulton Ditch, it is excluded under paragraph b(4)(i) and is therefore not jurisdictional.
Wetland 3	Wetland 3 is a wetland abutting Fulton Ditch that appears to receive its entire hydrology from ditch leakage. Since Wetland 3 is directly associated with Fulton Ditch, it is excluded under paragraph b(4)(i) and is therefore not jurisdictional.

Table 11. Non-Waters/Other

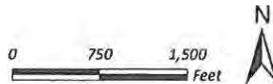
Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A



Fort Lupton Coyote Creek North

Section 33, T2N, R66W; 6th PM
 UTM NAD 83: Zone 13N; 518378mE, 4438144mN
 Longitude 104.784409°W, Latitude 40.093380°N
 USGS Fort Lupton, CO Quadrangle
 Weld County, Colorado

**Figure 1
 Vicinity Map**



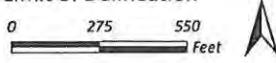
Prepared for: Sun Communities, Inc.
 File: 10738 Figure 1.mxd (GS)
 June 28, 2019





Fort Lupton Coyote Creek North

- Data Point
- Photo Point
- Culvert
- Wetland Ditch
- Ditch (0.886 ac)
- Wetland (16.529 ac)
- Project Area Boundary/Limit of Delineation



**Figure 2
Existing Conditions**

Image Source: Google Earth©, May 2018

Prepared for: Sun Communities, Inc.
File: 10738 Figure 2.mxd (GS)
July 15, 2019



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Christine Sveum, Atwell, LLC.		File Number: NWO-2019-01310-DEN	Date: August 27, 2019
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
US Army Corps of Engineers, Denver Regulatory Office
Attn: Nicholas Franke, Regulatory Project Manager
9307 S. Wadsworth Blvd
Littleton, CO 80128 Telephone (303) 979-4120
Nicholas.A.Franke@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
US Army Corps of Engineers, Northwestern Division
Attn: Melinda Larsen, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd Ste 400
Portland, OR 97232-1257 Telephone (503) 808-3888
Melinda.M.Larsen@usace.army.mil

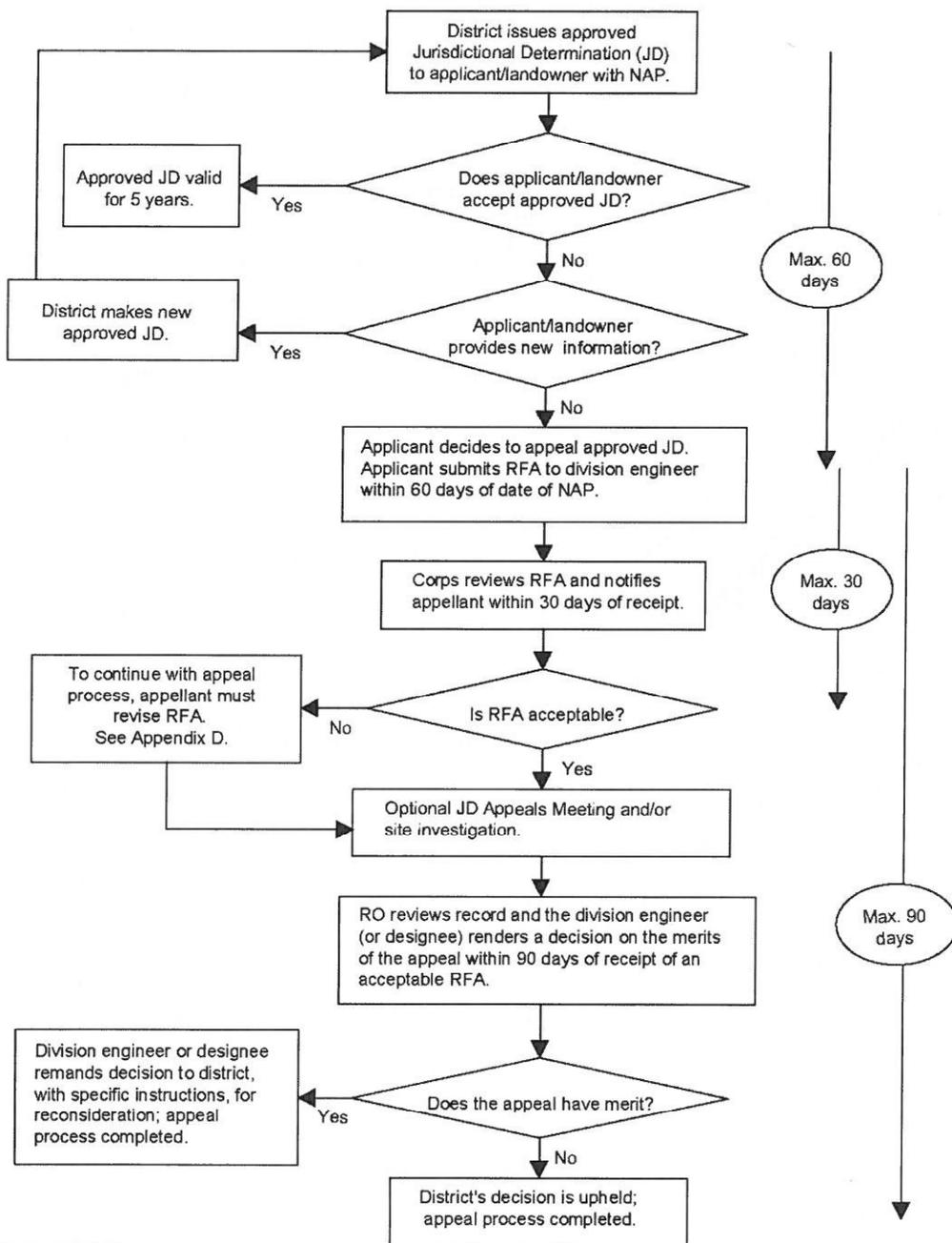
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

REFERRAL RESPONSES



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

SUBJECT: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act (Section 404), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in waters of the United States (WOUS). WOUS may include ephemeral, intermittent and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches.

In order to determine if a discharge of fill material would occur in a WOUS, we recommend a wetland delineations be conducted in the field by a qualified environmental consultant that identifies any aquatic resource boundaries. A wetlands delineation identifies the aquatic resources and its boundaries on a project site and must be conducted using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement). Once the aquatic resources and its boundaries have been identified, the wetland delineation is not official unless verified by the Corps. Please note that the discharge of dredged or fill material into upland areas or non-jurisdictional aquatic resources does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 54 types of nationwide permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>. Some fill activities require a pre-construction notification to the Corps prior to any work. The pre-construction notification requirements are enclosed. Additionally, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/Regional-General-Permits/>. These fill activities require notification to the Corps prior to starting work, and possibly other local or state agencies. Please note several of the RGP's are applicant and location specific.

Individual permits authorize fill activities that are not covered under the NWP or RGP. This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis must be provided with this permit action. The alternative analysis must contain an evaluation of environmental impacts for a range of alternatives. Other action alternatives should include other practicable alternatives (with regards to cost, logistics, and technology) that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred action. The individual permit application form and form instructions can be found



Pre-Construction Notification (PCN) Requirements

(Nationwide Permit General Condition No. 32
from the January 6, 2017 Federal Register)

US Army Corps of Engineers, Omaha District, Denver Regulatory Office
9307 South Wadsworth Blvd, Littleton, CO 80128
Phone: (303) 979-4120

Contents of Pre-Construction Notification:

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Identify the specific NWP or NWP(s) the prospective permittee want to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

Stephanie Darnell

From: Hice-Idler - CDOT, Gloria <gloria.hice-idler@state.co.us>
Sent: Tuesday, January 14, 2020 11:12 AM
To: Alyssa Knutson; Todd Hodges
Cc: Allyson Mattson - CDOT; Bilobran, Timothy; Stephanie Darnell
Subject: Fulton Ranch/City of Fort Lupton/US 85 off

CDOT has reviewed the above submittal. The applicant will need to obtain a new access permit reflecting the increased volumes at the US 85 and 14th Street intersection. The northbound to eastbound PM right deceleration volume is increasing more than 20% as a result of this development.

Gloria Hice-Idler
Rocksol Consulting

(970) 381-8629



10601 W. 10th Street, Greeley, CO 80634

gloria.hice-idler@state.co.us | www.codot.gov | www.cotrip.org





COLORADO

Parks and Wildlife

Department of Natural Resources

Area 2 - Lon Hagler
4207 W CR16E
Loveland, CO 80537
P 970.472.4460 | F 970.472.4468

February 2, 2020

Alyssa Knutson
City of Fort Lupton
130 S. McKinley Ave.
Fort Lupton, CO 80621
Aknutson@fortluptonco.gov

RE: Fulton Ranch Residential Development

Dear Ms. Knutson:

Thank you for the opportunity to comment on the Fulton Ranch Residential Development project. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality park system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Colorado Parks and Wildlife has reviewed this project to assess any impacts to wildlife. The project site is approximately 127.5 acres in size and is located on the south side of future 14th Street and southeast of County Road 29 (parcel no. 130933000043). The site is primarily disturbed pasture land and is bordered on the south and east by the Fulton ditch. This site is currently occupied by a colony of prairie dogs that extend throughout the property. Along the Fulton ditch are mature trees that may provide nesting habitat for various species of raptors and habitat for other wildlife.

A potential exists for the presence of burrowing owls within the development site. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs. These raptors are classified as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing of burrowing owls or disturbance of their nest. Therefore, if any earth-moving will occur between March 15th and October 31st, a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey can be obtain from your local District Wildlife Manager.



Prairie dogs should either be moved to another location alive or humanely euthanized before onset of construction. A permit must be obtained from CPW prior to any live relocation. Once the prairie dogs have been relocated or euthanized, their burrows should be covered to prevent burrowing owls from occupying the empty burrows. If this work is done between March 15 and October 31st, a burrowing owl survey should be performed to prevent unlawful take of burrowing owls or their nests when the burrows are filled.

The presence of mature trees along the Fulton ditch provides nesting habitat for various species of raptors and other birds. Raptors which include hawks, owls, and eagles are protected under the Federal Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Colorado Parks and Wildlife has developed a set of recommended setbacks away from these nests to prevent disturbance during the nesting season. Those recommended buffer zones can be found at:

<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/RaptorBufferGuidelines2008.pdf#search=raptor%20guidelines>

If earthwork or other construction activities begin between January 1 and July 31st, CPW recommends that the site be surveyed for raptor nests. If a nest is found, please contact the District Wildlife Manager for recommendations on mitigating impacts to the nesting bird. Mature trees are of high habitat importance on the eastern plains to many species of raptors and other birds. CPW encourages developers to incorporate these habitat features into their development projects.

As the Fort Lupton area continues to be developed, there is an increase in the fragmentation of wildlife habitat across the landscape. The more wildlife habitat across the landscape that is fragmented the more difficult it is for wildlife to move across these landscapes. When this happens there is often an increase in conflicts between wildlife and people. Ditches serve as important migration corridors for wildlife and help reduce these conflicts. The Fulton ditch that runs along the south and eastern side of the Fulton Ranch development site serves as an important migration corridor for many species wildlife. CPW recommends an open space buffer of 100 feet from the edge of the ditch on each side to allow passage of wildlife through this area. It is recommended that the developer seeds this area with native grasses and shrubs to provide better habitat and inhibit the growth of noxious weeds.

Future residents should be informed that wildlife such as fox, coyotes, raccoons, rabbits, and skunks might frequent the development area in search of food and cover. These species have adapted well to living in urban environments. CPW recommends that people moving into and residing in this area take the proper precautions to prevent unnecessary conflicts with wildlife through the use of pet leash laws and protection of their pets when not under direct supervision.

Homeowners can do their part by **not** inviting wildlife into their yards. Due to the potential for human-wildlife conflicts associated with this project, please consider

the following recommendations when educating future homeowners about the existence of wildlife in the area:

- Pet foods and bowls should be kept indoors.
- Garbage should be kept in secure containers to minimize its attractiveness to wildlife.
- Feeding wildlife, with the exception of birds, is illegal.
- “Living with Wildlife” pamphlets are available through CPW offices or online.

For further information, CPW can provide copies of the following brochures “Your Guide to Avoiding Human-Coyote Conflicts, Don’t Feed the Wildlife”, and “Too Close for Comfort: Avoid Conflicts with Wildlife in the City” to residents of the surrounding open space. These brochures can also be downloaded from our web site at http://wildlife.state.co.us/Education/CoExisting_with_wildlife/.

Thank you again for the opportunity to comment on the Fulton Ranch development project. Please do not hesitate to contact us about ways to continue managing the property in order to maximize wildlife value while minimizing potential conflicts. If have further questions please contact your District Wildlife Manager Chris Mettenbrink at (303) 906-1979.

Sincerely,



Chris Mettenbrink
Acting Area Wildlife Manager

Cc: M. Leslie, K. Cannon, C. Mettenbrink, file.



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

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

Date: 01/15/2020

Project name: Fulton Ranch PUD Plat

Project address: 14th St. & Northrup Ave., Fort Lupton, Co 80621

FLFPD Project # 2020-R01

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the referral for **Fulton Ranch PUD Plat** located at **14th St. & Northrup Ave.**, Fort Lupton, CO 80621. The referral was reviewed for compliance with *2012 International Fire Code (IFC)* and the current National Fire Protection Association (*NFPA*) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and the Weld County Commissioners. The following specific and general requirements and conditions shall be met.

1. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permit. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.
 - a. For information on the plan review process and fee schedule please go to <https://fortluptonfire.org/contractors/>

Specific Requirements:

2. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1). *2012 IFC, D103.1*
3. The minimum turning radius shall be determined by the fire code official. *2012 IFC, D103.3*
 - a. See attached document showing the minimum turning radius needed

4. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3. *2012 IFC, D107.1*

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
 2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
5. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3785.4 L/min) for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m²) shall not be less than that specified in Table B105.1. *2012 IFC, B105.1*

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic sprinkler system.

6. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. *2012 IFC, C103.1*



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.forthluptonfire.org

**TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/min

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire flow requirement of 7,000 gallons per minute and 400 feet for higher fire flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof.

7. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. *2012 IFC, 505.1*

8. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. *2012 IFC, 501.4*

9. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. *2012 IFC, 3310.1*

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 if you have questions or need further assistance.



Turning Performance Analysis

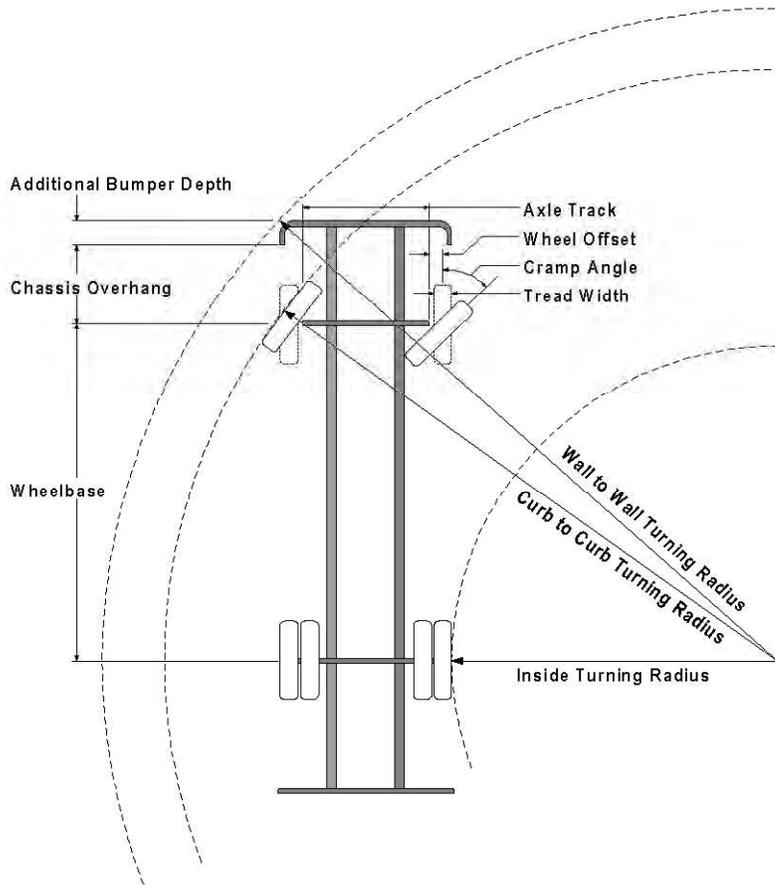
12/6/2012

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

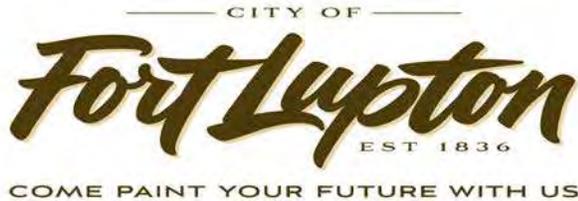
Chassis: Arrow-XT Chassis, PAP/SkyArm/Midmount MUX, 2010

Department:

Body: Aerial, Platform 100', Alum Body

Definitions:

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.



Public Works

130 S. McKinley Avenue Phone: 303-857-6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortlupton.org

MEMO

To: Todd Hodges
Alyssa Knutson
CC: Chris Sveum (Atwell)
From: Roy Vestal
Date: January 31, 2020
Subject: Fulton Ranch Sketch Plat; LUP2019-0039; SPL2019-0005
Public Works Review

Public Works has reviewed the submitted documents for the above referenced development project with the following comments that can be addressed with Preliminary Plat submittal.:

1. Sketch

- a. Depending on purpose of the northern point open space, access may be required.
- b. Detention ponds will be consider privately owned and maintained.

2. Drainage

- a. Drainage Memo – Proposed concept is acceptable. Additional detail will be required related to passing flows under 14th Street. The current irrigation lateral is in in use and is outside of the existing ROW. Storm pipes may be required for 14th Street to run along the south side. Additional coordination with the lateral users and the Fulton Ditch Company are required.
- b. Will need to identify emergency overflow paths and maximum ponding potential elevation at sump locations. Finish floor elevations will be required to prevent potential property damage.
- c. Need to provide grading proposed through the blocks and conveyance as required to the ponds.

3. Transportation

- a. 14th Street will be required to be constructed for half of the roadway section for a rural arterial to include a 10-ft concrete sidewalk detached

and located 2' from edge of ROW. The required section will consist of 2 travel lanes with center turn lane and roadside swales for drainage.

- b. Northrup Avenue will be required to be construct for half of the roadway section for an urban collector to include a 10-ft concrete sidewalk detached and located 2' from edge of ROW. The required section will consist of 2 travel lanes with center turn lane and roadside swales for drainage.
- c. Typical Private Road section - need to provide means of conveying drainage

4. Utilities

- a. Please provide water demand calculations for determination of required water shares.

b. Water - Chapter 3

- i. *Section 3.12.01 Water System Utility Study* required.
- ii. *Section 3.18.01* Water mains will be required to extended the entire frontage of the property.

c. Sanitary Sewer - Chapter 4

- i. *Section 4.12.00* A utility study will be required.

- d. Traffic Control - Chapter 8** *Section 8.10.01* The Traffic Study submitted is acceptable.

- 5. Public Improvement Agreement – A Public Improvements Agreement will be required for the construction of Northrup Avenue, 14th Street along property line frontage and the public utility improvements.

There may be additional concerns as this design develops.



Your Touchstone Energy® Cooperative 

Hello,

Thank you for inviting United Power, Inc. and giving us the opportunity to review and comment on Fulton Ranch Sketch Plat; LUP2019-0039; SPL2019-0005. After review, please include the below requirements for our dry utilities as you get further into the project plats:

- **General** - 8' to 10' wide utility easements along rear of all lots, sides of lots abutting roads, and across tracts. This allows United Power to install electric facilities in a continuous manner for our loop feed which provides reliability.
- **Tracts/Open Space/Parks** - 8' to 10' wide utility easements along perimeter of tracts, along perimeter of tracts abutting roads, and through tracts between lots. United Power prefers blanket utility use within tracts be dedicated as this gives us the opportunity to set above ground equipment, if needed and coordinated with the developer.
- **Streetlights** – When streetlight locations are identified, we will need a 5' wide utility easement along one side of the lot closest to the streetlight location. All streetlight locations must be approved and signed off by the city/town, etc.

As a Reminder: No permanent structures are acceptable within the utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power would consider any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

United Power would like to work with the developer early in the construction process on getting an electric design prepared so that we can request any additional easements needed and can be dedicated on the plat rather than obtaining via separate document. The developer can visit <https://www.unitedpower.com/construction> and submit an application along with CAD data.

We look forward to safely and efficiently providing reliable electric power and outstanding service to future members.

Thank you,

A handwritten signature in black ink that reads "Samantha Riblett".

Samantha Riblett
United Power, Inc
Right of Way Administrative Assistant
Main 303-659-0551 | D 303-637-1324



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Email: jflesher@weldgov.com

Phone: (970) 400-3552

Fax: (970) 304-6498

Via Email

January 21, 2020

Alyssa Knutson, Planner
City of Fort Lupton
130 S. McKinley Avenue
Fort Lupton, CO 80621

Subject: Fulton Ranch Sketch Plan

Dear Alyssa:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

There is no County commitment to upgrade County roads and bridges to accommodate municipal developments.

Weld County Planning recommends ensuring rights-of-way are cleared of easements and pipelines prior to acceptance.

The present zoning of adjacent and surrounding unincorporated properties are predominantly Agricultural. 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 impacts such as noise, dust, flies, odors, aerial spraying, and slow-moving equipment on County roadways. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County has adopted a Right-to-Farm Statement and a Right to Extract Mineral Resources Statement and recommends they be placed on all plats adjacent to unincorporated areas:

Right-to-Farm Statement

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.

Weld County Right to Extract Mineral Resources Statement

Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the State's commercial mineral deposits are essential to the State's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.

Mineral resource locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

Thank you for the opportunity to comment on 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. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County

PUBLIC COMMENTS

Julie Lowe

From: J & S Beckfield <lionbeckfields@gmail.com>
Sent: Thursday, February 13, 2020 2:25 PM
To: Julie Lowe
Subject: TESTAMENT FOR EAGLE CREST MODULAR PARK

EXTERNAL EMAIL - Verify sender before opening links or attachments!

Our names are Jack and Sharon Beckfield and we live at 4815 Aspen Street in Firestone, We moved into our 1800 sq/ft modular home in December of 2008, after selling our 4100 sq/ft home on 18 acres in Kiowa.

As we began our retirement years, we no longer wanted the burden of a fairly large home. nor the upkeep associated with a large yard and land. Economics played a large roll in this decision. We still have a nice size living area, plus four bedrooms, for family and friends to visit. Most important, we have the financial ability to enjoy life instead of just sitting around watching the BOOB tube.

We spent several months visiting numerous modular or manufactured home parks looking for available lot space, room between units, cleanliness, swimming pools, playgrounds, etc. We finally decided on Eagle Crest and have been pretty happy here. Nothing is perfect, but the bad apples have been very limited,

Like anything, management plays an important roll and we recommend Sun Communities as the place to set your roots--
-J & S

Eagle Crest is a great place to live. When I was looking at modular homes at Eagle Crest, I was really impressed on the up keep on the park, homes and club house. Everyone keeps their homes and yards looking good. You have the amenities like the pool, club house and a nice park for the kids to play in or family fun.

The office staff is the best. Friendly and helpful. The people are friendly.

I have lived in the park for almost a year and love it. Have never regreted my decision to move here.

#236

Shirley Hampton

Earl + Joanie Anderson
To Caw Creek Park

We have lived in the park moving here
in 2007

Our life here has been good. We
have had good people keep the
park in good shape. Maintenance people
also the office personal. The streets
are kept clean. The park has street
rules and are enforced. I am 96 years
old my wife is 86 yrs old. We plan
on living here until life changes it.
Our experience has been good. We
would recommend it as a good place
to live.

Earl + Joanie Anderson

We Gilbert and Betty Sifuentes
were looking to purchase a double wide
mobile home after looking at other
communities we found Cave Creek the
nicest. We are going on two years living
here and we have enjoyed it. everyone we
have met so far have been very nice and
neighborly. We are also very happy that
Gilbert is a part time Maintenance Technician
in the community and he works full time
for the City of Greeley.

From us at:

NORTHERN FEED & BEAN



Purina Dealer

P.O. Box 149
Lucerne, CO 80646
Phone: (970) 352-7875
1-800-316-2326



The people who work in the office are the nicest people ~~ever~~.

To whom this may concern!!

We've lived here for 16 years and every one has ~~been~~ always been very nice and ~~from~~ friendly and the only trouble we've had is with kids riding their bicycles after dark on Coyote Lane.

Everyone keeps their lots nice and clean.

I'm so happy to live here.

Arnold + Joell Guffin

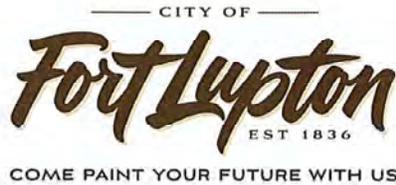
3328 Coyote Lane

**Pinto Bean Processing
Marketing • Certified Seed
Livestock Feed**

We moved into Cave Creek almost 6 years ago. We selected this community over several others including Eagle Crest because it was so well kept and looked like a regular neighborhood. We don't mind the rules, as that's why it is so clean. People are made to keep the lawns mowed and no out door storage. It makes a difference when selecting where to live. It is a great place to live whether you are young and have a family or older and just enjoying the quiet. We would recommend the community to anyone looking for a new home.

Joe & Denise Avila

LEGAL NOTIFICATIONS



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 28th day of January 2020, a true and correct copy of the foregoing Notice of Public Meeting, and sketch PUD Plat maps for the Fulton Ranch Sketch PUD Plat was sent via U.S. Mail, postage pre-paid, to the following addresses:

FEHRN LAWRENCE NELSON &
FEHRN WILLIAM WALTER JR
1861 14TH ST
FORT LUPTON, CO 806218722

SORIANO ESTEBAN FLORES
1116 BEECH ST
FORT LUPTON, CO 806212310

WELD COUNTY SCHOOL DISTRICT
RE8
301 REYNOLDS ST
FORT LUPTON, CO 806211329

SCHIERS LESLIE DAWN &
SCHIERS DAVID
1109 CHERRY CT
FORT LUPTON, CO 806212308

REIGENBORN RAY ANN &
REIGENBORN JERAMY
1117 BEECH ST
FORT LUPTON, CO 806212311

HUDSON KELLEY J &
HUDSON DOUGLAS P
1115 CHERRY CT
FORT LUPTON, CO 806212308

HARRIS BRANDI L &
HARRIS JASON D
1125 BEECH ST
FORT LUPTON, CO 806212311

SALINAS GUADALUPE IVONNE
AVILA &
SANDOVAL ALVARO
1121 CHERRY CT
FORT LUPTON, CO 806212308

FILE JUSTINE P
1133 BEECH ST
FORT LUPTON, CO 806212311

ROMERO RICHARD LEE
1129 CHERRY CT
FORT LUPTON, CO 806212308

LEIGH ERIC S &
LEIGH LINDA L &
LEIGH WILLIAM A
1141 BEECH ST
FORT LUPTON, CO 806212311

LEBLANC MARY LOU &
LEBLANC MATTHEW J
2152 S DENVER AVE
FORT LUPTON, CO 806218309

LESIK WILLIAM W
1149 BEECH ST
FORT LUPTON, CO 806212311

MARTINEZ ERMA J &
MARTINEZ ERNEST R
1114 CHERRY CT
FORT LUPTON, CO 806212308

ROCHA FRANCISCO
1157 BEECH ST
FORT LUPTON, CO 806212311

CARTER ELIZABETH A &
CARTER CLIFFORD D
1621 14TH ST
FORT LUPTON, CO 806218718

PEREZ HERIBERTO R
1165 BEECH ST
FORT LUPTON, CO 806212311

DOCKTER LA LANI F TRUST &
DOCKTER JAMES A SR TRUST
6518 COUNTY ROAD 29
FORT LUPTON, CO 806218702

HAMBLIN TONIA &
HAMBLIN DAVID
1173 BEECH ST
FORT LUPTON, CO 806212311

RANCH ESTATES THE
C/O JOHN J VANDEMOER
8791 CIRCLE DR
WESTMINSTER, CO 800313675

ARNDT SARAH ANN &
HOFFMAN JOSHUA A
1148 BEECH ST
FORT LUPTON, CO 806212310

COYOTE CREEK NORTH LLC
5300 DTC PKWY STE 100
GREENWOOD VILLAGE, CO
801113024

MALTOS FLORA STELLA
1140 BEECH ST
FORT LUPTON, CO 806212310

AIMS I
5305 W 86TH AVE
ARVADA, CO 800031421

HERNANDEZ KIMBERLY A &
HERNANDEZ SANJUANA
1132 BEECH ST
FORT LUPTON, CO 806212310

THERMO-FARMS
5305 W 86TH AVE
ARVADA, CO 800031421

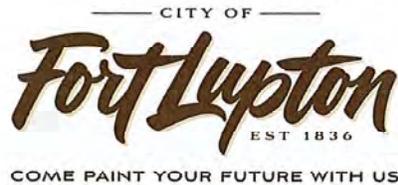
HAAS STEPHEN &
SAITI MELINA
1124 BEECH ST
FORT LUPTON, CO 806212310

RENNOC CORPORATION
5303 S BELLVIEW RD
ROGERS, AR 727588816

PATTON LUANN D &
PATTON DONALD D
4502 COUNTY ROAD 31
FORT LUPTON, CO 806218214

CONNER FAMILY TRUST
2797 BUCKNER LN
THOMPSONS STATION, TN 371799776

Stephanie Duell
City Official



**CITY OF FORT LUPTON
NOTICE OF PUBLIC MEETING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a Sketch PUD Plat for a proposed subdivision referred to as the Fulton Ranch Sketch PUD Plat located east and adjacent to County Road 29, and south and adjacent to 14th Street right of way in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public meetings have been scheduled for Thursday, February 13, 2020 at 6:00 PM with the Fort Lupton Planning Commission and Tuesday, March 3, 2020 at 7:00 PM with the Fort Lupton City Council.

The public meetings 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 or at BIT.LY/FLDEVELOPMENT and scrolling down to the rows titled: Fulton Ranch Sketch PUD Plat.

ALL INTERESTED PERSONS MAY ATTEND.

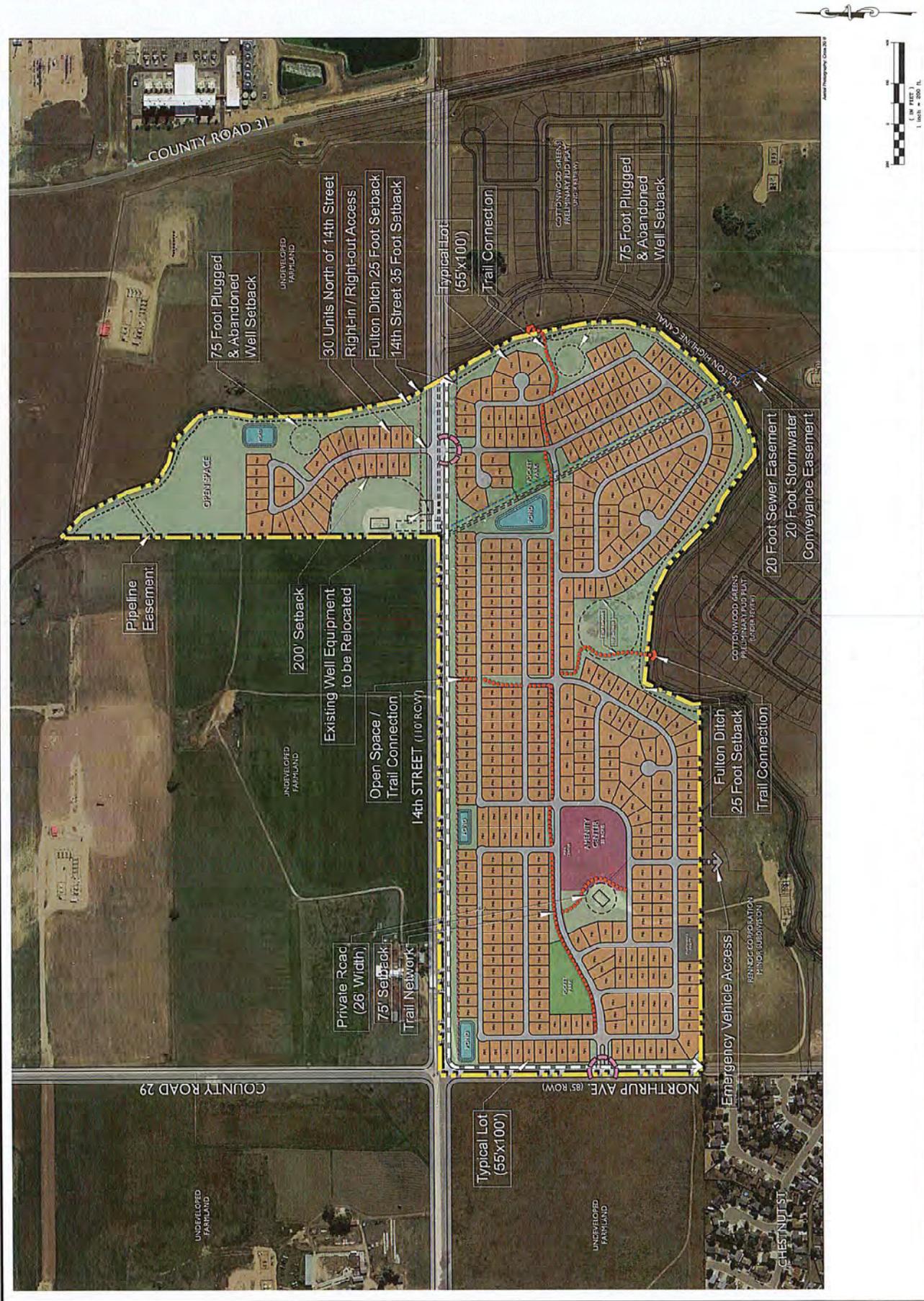
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 33 WHENCE THE SW CORNER OF SAID SECTION 33 BEARS S 00° 09' 06" E A DISTANCE OF 2642.24 FEET; THENCE S 00° 09' 06" E ALONG THE WESTERLY LINE OF THE SW 1/4 OF SAID SECTION 33, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD AS DESCRIBED IN BOOK 76 AT PAGE 126 IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER; THENCE N 89° 58' 58" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 2645.56 FEET TO A POINT ON THE EASTERLY LINE OF SAID SW 1/4 OF SAID SECTION 33; THENCE N 00° 07' 27" W ALONG THE EASTERLY LINE OF THE SW 1/4 OF SECTION 33, A DISTANCE OF 30.00 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 33; THENCE N 00° 07' 27" W ALONG THE WESTERLY LINE OF THE NE 1/4 OF SAID SECTION 33, A DISTANCE OF 1842.72 FEET TO THE CENTER LINE OF FULTON DITCH; THENCE ALONG THE CENTERLINE OF FULTON DITCH THE FOLLOWING 27 COURSES; THENCE S 46° 07' 25" E, A DISTANCE OF 161.55 FEET; THENCE S 26° 34' 05"

E, A DISTANCE OF 237.68 FEET; THENCE S 17° 04' 05" E, A DISTANCE OF 155.48 FEET; THENCE S 56° 15' 25" E, A DISTANCE OF 109.68 FEET; THENCE S 74° 00' 07" E, A DISTANCE OF 122.26 FEET; THENCE S 45° 23' 07" E, A DISTANCE OF 173.34 FEET; THENCE S 15° 59' 13" E, A DISTANCE OF 92.72 FEET; THENCE S 09° 12' 24" W, A DISTANCE OF 208.15 FEET; THENCE S 02° 08' 23" E, A DISTANCE OF 360.18 FEET; THENCE S 11° 11' 43" E, A DISTANCE OF 382.01 FEET; THENCE S 29° 30' 23" E, A DISTANCE OF 84.81 FEET; THENCE S 29° 30' 23" E, A DISTANCE OF 525.26 FEET; THENCE S 11° 44' 38" E, A DISTANCE OF 367.91 FEET; THENCE S 02° 12' 33" E, A DISTANCE OF 191.55 FEET; THENCE S 16° 43' 32" W, A DISTANCE OF 177.03 FEET; THENCE S 39° 02' 35" W, A DISTANCE OF 270.24 FEET; THENCE S 47° 57' 25" W, A DISTANCE OF 237.78 FEET; THENCE S 63° 34' 45" W, A DISTANCE OF 205.14 FEET; THENCE S 85° 20' 22" W, A DISTANCE OF 82.20 FEET; THENCE N 53° 16' 08" W, A DISTANCE OF 266.98 FEET; THENCE N 67° 18' 03" W, A DISTANCE OF 102.80 FEET; THENCE N 44° 43' 06" W, A DISTANCE OF 119.52 FEET; THENCE N 44° 08' 03" W, A DISTANCE OF 187.15 FEET; THENCE N 62° 30' 08" W, A DISTANCE OF 185.25 FEET; THENCE N 84° 26' 58" W, A DISTANCE OF 426.35 FEET; THENCE S 24° 35' 52" W, A DISTANCE OF 259.75 FEET; THENCE S 04° 38' 28" E, A DISTANCE OF 31.90 FEET TO A POINT ON THE SOUTHERLY LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 33; THENCE S 89° 55' 18" W ALONG SAID SOUTHERLY LINE OF THE N 1/2 OF THE SW 1/4 OF SECTION 33, A DISTANCE OF 1818.84 FEET TO A POINT ON THE WESTERLY LINE OF THE SW 1/4 OF SECTION 33; THENCE N 00° 09' 06" W ALONG SAID WESTERLY LINE OF THE SW 1/4 OF SECTION 33 A DISTANCE OF 1291.12 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION LYING WITHIN COUNTY ROAD DESCRIBED IN BOOK 76 AT PAGE 126.



ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BITLY/FILEDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: FULTON RANCH SKETCH PUD PLAN.



COME PAINT YOUR FUTURE WITH US

Planning Department

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351
www.fortluptonco.gov

Affidavit of Mineral Notice
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103
Fulton Ranch

The undersigned applicant, Christine Sveum, hereby certifies:

- (a) To the best of his or her knowledge, the attached list is a true and accurate list of the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered pursuant to C.R.S. 24-65.5-103(1)(a).
- (b) Notice was sent to mineral estate owner(s) by certified mail, return receipt requested, or by a nationally recognized overnight courier not less than 30 days prior to the date scheduled for the initial public hearing by the City of Fort Lupton;
- (c) Notice contained the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is subject of the hearing, and the name of the applicant. A copy of the notice sent is attached hereto.

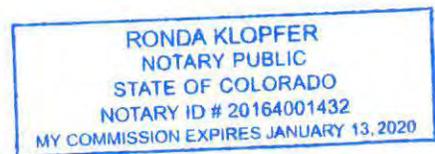
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Chris Sveum, this 10th day of January, 2020. Witness my hand and seal.

My commission expires January 13, 2020.

Notary Public

(SEAL)





LAND SERVICES
OIL AND GAS TITLE

P.O. Box 336337
Greeley, CO 80633

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

LIST OF MINERAL OWNERS AND MINERAL LESSEES for NOTIFICATION
(SUN ACQ LLC Property)

Subject Property:

Township 2 North, Range 66 West, 6th P.M., Weld County, CO
Section 33: A parcel of land situate in the E½ and N½SW¼, being more particularly on
Exhibit A

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 December 30, 2019 at 7:45 a.m.:

Mineral Owners:

Anadarko E&P Company LP
c/o Anadarko Petroleum Corporation
Attn: Manager Land- Western Division
P.O. Box 9149
The Woodlands, TX 77387-9147

Anadarko Land Corporation
c/o Anadarko Petroleum Corporation
Attn: Manager Property & Rights-of-Way
P.O. Box 9149
The Woodlands, TX 77387-9147

Mineral Leasehold Owners:

Kerr-McGee Oil & Gas Onshore LP
Attn: Land Manager/Wattenberg
1099 18th Street, Suite 1500
Denver, CO 80211

K.P.K Kauffman Company, Inc. (KPK)
1675 Broadway, Suite 2800
Denver, CO 80202

Dated this 6th day of January, 2020.

ZEREN LAND SERVICES


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

At the request of **Lyons Gaddis** ("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 December 30, 2019 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.**

Date: January 6, 2020

ZEREN LAND SERVICES

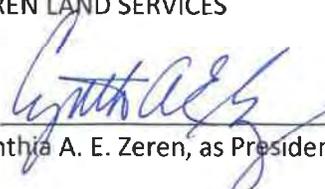
By: 
Cynthia A. E. Zeren, as President

Exhibit A

Township 2 North, Range 66 West, 6th P.M.

Section 33: Commencing at the West 1/4 Corner of said Section 33 whence the Southwest Corner of said Section 33 bears South 00°09'06" East a distance of 2642.24 feet; thence South 00°09'06" East along the Westerly line of the Southwest 1/4 of said Section 33, a distance of 30.00 feet to a point on the Southerly right of way line of a county road as described in Book 76 at Page 126 in the office of the Weld County Clerk and Recorder; thence North 89°58'58" East along said Southerly right of way line a distance of 2645.56 feet to a point on the Easterly line of said Southwest 1/4 of said Section 33; thence North 00°07'27" West along the Easterly line of the Southwest 1/4 of Section 33, a distance of 30.00 feet to the center 1/4 Corner of said Section 33; thence North 00°07'27" West along the Westerly line of the Northeast 1/4 of said Section 33, a distance of 1842.72 feet to the center line of Fulton Ditch; thence along the centerline of Fulton Ditch the following 27 courses:

Thence South 46°07'25" East, a distance of 161.55 feet; thence South 26°35'05" East a distance of 237.68 feet; thence South 17°04'05" East, a distance of 155.48 feet; thence South 56°15'25" East, a distance of 109.68 feet; thence South 74°00'007" East, a distance of 122.26 feet; thence South 45°23'07" East, a distance of 173.34 feet; thence South 15°59'13" East, a distance of 92.72 feet; thence South 09°12'24" West a distance of 208.15 feet; thence South 02°08'23" East, a distance of 360.18 feet; thence South 11°11'43" East, a distance of 382.01 feet; thence South 29°30'23" East, a distance of 84.81 feet; thence South 29°30'23" East, a distance of 525.26 feet; thence South 11°44'38" East, a distance of 367.91 feet; thence South 02°12'33" East, a distance of 191.5 feet; thence South 16°43'32" West, a distance of 177.03 feet; thence South 39°02'35" West, a distance of 270.24 feet; thence South 47°57'25" West, a distance of 237.78 feet; thence North 63°34'45" West, a distance of 205.14 feet; thence South 85°20'22" West, a distance of 82.20 feet; thence North 53°16'08" West, a distance of 266.98 feet; thence North 67°18'03" West, a distance of 102.80 feet; thence North 44°43'06" West, a distance of 119.52 feet; thence North 44°08'03" West, a distance of 187.15 feet; thence North 62°30'08" West, a distance of 185.25 feet; thence North 84°26'58" West, a distance of 426.35 feet; thence South 24°35'52" West, a distance of 259.75 feet; thence South 04°38'28" East, a distance of 31.90 feet to a point on the Southerly line of the North 1/2 of the Southwest 1/4 of said Section 33; thence South 89°55'18" West along said Southerly line of the North 1/2 of the Southwest 1/4 of Section 33, a distance of 1818.84 feet to a point on the Westerly line of the Southwest 1/4 of Section 33; thence North 00°09'06" West along said Westerly line of the Southwest 1/4 of Section 33 a distance of 1219.12 feet to the Point of Beginning.

EXCEPT that portion lying within County Road described in Book 76 at Page 126

Weld County Tax ID Number(s):
130933000043, 130933400002, 130933400003

The above-described lands lie within the E½ and N½SW¼ of said Section 33



CONSULTING. ENGINEERING. CONSTRUCTION.

January 10, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Anadarko E&P Company LP
c/o Anadarko Petroleum Corporation
Attn: Land Manager – Western Division
PO Box 9149
The Woodlands, TX 77387-9147

Re: Mineral Deed Notice – Weld County, Colorado

To Whom It May Concern,

This letter is being prepared on behalf of Sun Communities, who is the applicant for a sketch plat submittal for a parcel of land located in the East half and the North half of the Southwest Quarter of Section 33, Township 2 North, Range 66 West, 6th P.M., Weld County, CO (see attached legal description). An application for a Sketch Plat entitled “Fulton Ranch” is currently being reviewed by the City of Fort Lupton for approval.

Through title research, your name was listed as apparent holders of mineral rights 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 Fulton Ranch Sketch Plat on the following dates and times:

- **Planning Commission Hearing on Thursday, February 13, 2020 at 6:00 PM**
- **City Council Hearing on Tuesday March 3, 2020 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 sketch plat for your records. If you have any questions regarding this matter, please do not hesitate to contact me at 303-928-6733.

Sincerely,

A handwritten signature in black ink that reads "Christine Sveum". The signature is written in a cursive, flowing style.

Christine Sveum
Project Manager

Enclosures



CONSULTING. ENGINEERING. CONSTRUCTION.

January 10, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Kerr-McGee Oil & Gas Onshore LP
Attn: Land Manager/Wattenberg
1099 18th Street, Suite 1500
Denver, CO 80211

Re: Mineral Deed Notice – Weld County, Colorado

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Christine Sveum
Project Manager

Enclosures



CONSULTING. ENGINEERING. CONSTRUCTION.

January 10, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Anadarko Land Corporation
c/o Anadarko Petroleum Corporation
Attn: Manager Property & Rights of Way
PO Box 9149
The Woodlands, TX 77387-9147

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Christine Sveum
Project Manager

Enclosures



CONSULTING. ENGINEERING. CONSTRUCTION.

January 10, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

KPK Kauffman Company, Inc.
1675 Broadway, Suite 2800
Denver, CO 80202

Re: Mineral Deed Notice – Weld County, Colorado

To Whom It May Concern,

This letter is being prepared on behalf of Sun Communities, who is the applicant for a sketch plat submittal for a parcel of land located in the East half and the North half of the Southwest Quarter of Section 33, Township 2 North, Range 66 West, 6th P.M., Weld County, CO (see attached legal description). An application for a Sketch Plat entitled “Fulton Ranch” is currently being reviewed by the City of Fort Lupton for approval.

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Christine Sveum
Project Manager

Enclosures

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

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 \$ 7.80
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 Return Receipt (hardcopy) \$ 0.00
 Return Receipt (electronic) \$ 0.00
 Certified Mail Restricted Delivery \$ 0.00
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 01/10/2020

Postage \$1.15
 \$ 9.95
Anadarko Land Corporation
c/o Anadarko Petroleum Corp.
Attn: Manager Property & ROW
PO Box 9149
The Woodlands, TX 77387-9147

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
 For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$3.50
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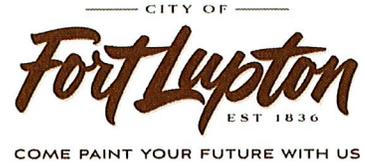
Postage \$1.15
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Kerr-McGee Oil & Gas Onshore LP
Attn: Land Manager/Wattenberg
1099 18th Street, Suite 1500
Denver, CO 80211

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

LAKEWOOD
 10799 W ALAMEDA AVE
 LAKEWOOD, CO 80226-9998
 072337-0058
 (800)275-8777
 01/10/2020 02:17 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope (Domestic) (DENVER, CO 80202) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Monday 01/13/2020)	1	\$1.15	\$1.15
Certified (USPS Certified Mail #) (70173380000001987099)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940245638278794652)			\$2.80
First-Class Mail® Large Envelope (Domestic) (DENVER, CO 80202) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Monday 01/13/2020)	1	\$1.15	\$1.15
Certified (USPS Certified Mail #) (70173380000001989239)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940245638278794690)			\$2.80
First-Class Mail® Large Envelope (Domestic) (SPRING, TX 77387) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Monday 01/13/2020)	1	\$1.15	\$1.15
Certified (USPS Certified Mail #) (70173380000001989222)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940245638278794669)			\$2.80
First-Class Mail® Large Envelope (Domestic) (SPRING, TX 77387) (Weight:0 Lb 1.50 Oz) (Estimated Delivery Date) (Monday 01/13/2020)	1	\$1.15	\$1.15
Certified (USPS Certified Mail #) (70173380000001989215)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940245638278794676)			\$2.80
Total:			\$29.80
Credit Card Remitd (Card Name:VISA) (Account #:XXXXXXXXXXXX4002) (Approval #:041201) (Transaction #:476) (AID:A0000000031010) (AL:VISA CREDIT) (PIN:Not Required)			\$29.80

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-055

ADOPT AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF THE FORT LUPTON MUNICIPAL CODE FOR PLANNING COMMISSION MEMBERSHIP, APPOINTMENTS, AND TERMS.

- I. **Agenda Date:** Council Meeting – March 3, 2020
- II. **Attachments:** a. Proposed Ordinance
- III. **Summary Statement:**

The Planning Department is proposing an ordinance to allow the Planning Commission to serve concurrently as the Board of Adjustment. The proposed amendments to Chapter 2, Article VIII, Section 2-182 reflect this proposal, as well as clarify the parameters of Planning Commissioners' terms.

IV. **Submitted by:**

Alyssa Knutson, Planner

V. **Finance Reviewed**

Finance Director

VI. **Approved for Presentation:**

City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

The Planning Department is proposing an ordinance to allow the Planning Commission to serve concurrently as the Board of Adjustment. The proposed amendments to Chapter 2, Article VIII, Section 2-182 reflect this proposal, as well as clarify the parameters of Planning Commissioners' terms.

The Fort Lupton Municipal Code "FLMC" needs to be amended to reflect the proposed changes.

The following sections of the code will be amended as follows:

Sec. 2-182. - Membership; appointment; terms.

The Planning Commission shall consist of a minimum of five (5) and a maximum of seven (7) regular members, who shall be appointed by the Mayor. There shall be no ex officio members. The terms of each regular member shall be ~~three (3) years staggered so that no more than three (3) persons' terms will expire at the same time, with a minimum three year term and a maximum six year term~~. One (1) alternate member may be appointed, within the same term parameters as a regular member, who shall act as a regular member of the Commission when any other member is absent from a meeting. If a member resigns during his or her term and creates a vacancy, the new member shall only serve the remainder of the vacancy. The terms of each member shall be staggered so that no more than three (3) members' terms will expire at the same time. The members appointed to serve as the Planning Commission shall also serve as and perform the duties of the Board of Adjustment. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently.

X. Legal/Political Considerations:

The Planning Department has had difficulty keeping a quorum of the Board of Adjustment due to low membership and conflicting schedules of current members. In addition, the limited number of matters that go before the Board of Adjustment make it difficult for members to plan their schedules around the meetings. The Planning Commission meets regularly to review land use cases, and has a full membership at this time. By having the Planning Commission serve as the Board of Adjustment, it will ensure that there are fewer issues with having a quorum.

In addition, because the Planning Commission serves as the zoning commission pursuant to State Statutes, they are well equipped to serve as the Board of Adjustment by making determinations on variances and appeals of the Zoning Regulations.

These proposed changes have been reviewed and approved by the City Attorney.

XI. Alternatives/Options:

1. Adopt the Ordinance.
2. Don't adopt the Ordinance.

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

Staff recommends adoption of the proposed ordinance.

ORDINANCE NO. 2020-xxxx

INTRODUCED BY: xxxx

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-182, MEMBERSHIP; APPOINTMENT; TERMS, OF THE FORT LUPTON MUNICIPAL CODE

WHEREAS, City Council deems it necessary to revise specific provisions of the Fort Lupton Municipal Code; and

WHEREAS, City Council finds that it is the best interest of the health, safety and welfare of the citizens that the provisions set forth herein be enacted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1: Chapter 2, Article VIII, Section 2-182 of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

Sec. 2-182. – Membership; appointment; terms.

The Planning Commission shall consist of a minimum of five (5) and a maximum of seven (7) regular members, who shall be appointed by the Mayor. There shall be no ex officio members. The terms of each regular member shall be three (3) years. One (1) alternate member may be appointed, within the same term parameters as a regular member, who shall act as a regular member of the Commission when any other member is absent from a meeting. If a member resigns during his or her term and creates a vacancy, the new member shall only serve the remainder of the vacancy. The terms of each member shall be staggered so that no more than three (3) members' terms will expire at the same time. The members appointed to serve as the Planning Commission shall also serve as and perform the duties of the Board of Adjustment. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 3rd day of March 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this ___ day of _____ 20__.

PUBLISHED BY TITLE ONLY the ___ day of _____ 20__.

EFFECTIVE (after publication) the ___ day of _____ 20__.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

IX. Detail of Issue/Request:

The Planning Department is proposing an ordinance to allow the Planning Commission to serve as the Board of Adjustment. The proposed amendments to Chapter 16, Article I, Section 16-11 reflect this proposal.

The Fort Lupton Municipal Code "FLMC" needs to be amended to reflect the proposed changes.

The following sections of the code will be amended as follows:

Sec. 16-11. - Board of Adjustment.

~~Composition, duties. The word *Board*, when used in this Section, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members and shall be appointed by the Mayor with the approval of the City Council, each to be appointed for a term of three (3) years, except appointments in 2006 will be: one (1) member appointed for a one-year term; two (2) members appointed for a two-year term; and the remaining two (2) members for a three-year term. If a member resigns during his or her term and creates a vacancy, the new member shall only serve the remainder of the vacancy. The terms of each member shall be staggered so that no more than two (2) persons' terms will expire at the same time. One (1) alternate member may be appointed who shall act as a regular member of the Board when any other member is absent from a meeting. Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board. The Board shall hear and decide appeals from any order, requirement, decision or determination (hereinafter referred to as a "City action") made by an administrative member of the staff relating to building or zoning codes. It shall also hear and decide all matters referred to it by the City Council or the Planning Department or upon which it is required to pass under this Code. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination or to decide in favor of the applicant any matter upon which it is required to pass. The Board shall be subject to review by certiorari by the District Court of Weld County. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the City. Meetings of the Board shall be held as required. The Board shall elect its own Chairperson during the month of February each year for a term of one (1) year. The Board shall adopt the *Robert's Rules of Order* and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The Board shall present to the Planning Department its decisions in writing.~~

(a) Creation. Pursuant to statutory authority, there is created in the City a Board of Adjustment ("Board") pursuant to the appropriate laws of the State.

(b) Membership; appointment; terms.

(1) The Planning Commission shall act as the Board whenever such a board is required by this Code, other ordinances or regulations of the City, or state or federal law.

(2) The members of the Board shall be those individuals appointed to serve as the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently, and within the same term parameters as regular members of the Planning Commission.

- (3) The Chairperson of the Planning Commission shall serve as the Chairperson of the Board.
 - (4) Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board.
- (c) Rules of Procedure.
- (1) The Board shall adopt the Robert's Rules of Order and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The Board may adopt such additional rules and regulations as may be necessary for the conduct of its business, in conformity with ordinances of the City. Such rules and regulations shall be made available to the public by the Planning Department.
 - (2) The Board shall follow the procedures set forth under this Chapter of the Code when reviewing any application for an appeal, variance, or administrative variance.
 - (3) Matters coming before the Board may be considered on the same date as any regular, special or adjourned meeting of the Planning Commission.
 - (4) A quorum of the Planning Commission shall constitute a quorum of the Board.
 - (5) The concurring vote of a majority of the members that constitute a quorum of the Board shall be necessary for any decision of the Board to be valid.
- (d) Powers. The Board shall have the powers prescribed by this Code, other ordinances or regulations of the City, or state or federal law.
- (e) Appeal of Board Decision. Every decision of the Board shall be subject to review by certiorari by the District Court of Weld County. Such appeal shall be filed not later than thirty (30) days from the final action taken by the Board. Such appeal may be taken by any aggrieved or by any officer, department, board or bureau of the City.

X. Legal/Political Considerations:

The Planning Department has had difficulty keeping a quorum of the Board of Adjustment due to low membership and conflicting schedules of current members. In addition, the limited number of matters that go before the Board of Adjustment make it difficult for members to plan their schedules around the meetings. The Planning Commission meets regularly to review land use cases, and has a full membership at this time. By having the Planning Commission serve as the Board of Adjustment, it will ensure that there are fewer issues with having a quorum.

In addition, because the Planning Commission serves as the zoning commission pursuant to State Statutes, they are well equipped to serve as the Board of Adjustment by making determinations on variances and appeals of the Zoning Regulations.

C.R.S. 31-23-107 states that "the governing body shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years, ***unless the governing body by ordinance establishes a different number of members or term of office. The governing body may provide by ordinance for filling vacancies on the board, for designation of alternate members, and for removal of members for inefficiency, neglect of duty, or malfeasance in office.*** The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by any

administrative official charged with the enforcement of any ordinance adopted pursuant to this part 3. It shall also hear and decide all matters referred to it or upon which it is required to pass under such ordinance. ***Unless otherwise provided by ordinance, the concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.***” [Emphasis added.]

The Planning Department requests that City Council exercise its authority to adopt an ordinance to modify certain requirements for the membership, terms, and other provisions for the Board of Adjustment, as permitted under State Statutes.

These proposed changes have been reviewed and approved by the City Attorney.

XI. Alternatives/Options:

1. Adopt the Ordinance.
2. Don't adopt the Ordinance.

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

Staff recommends adoption of the proposed ordinance.

ORDINANCE NO. 2020-xxxx

INTRODUCED BY: xxxx

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 16, ARTICLE I, SECTION 16-11, BOARD OF ADJUSTMENT, OF THE FORT LUPTON MUNICIPAL CODE

WHEREAS, City Council deems it necessary to revise specific provisions of the Fort Lupton Municipal Code; and

WHEREAS, City Council finds that it is the best interest of the health, safety and welfare of the citizens that the provisions set forth herein be enacted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1: Chapter 16, Article I, Section 16-11 of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

Sec. 16-11. - Board of Adjustment.

- (a) Creation. Pursuant to statutory authority, there is created in the City a Board of Adjustment (“Board”) pursuant to the appropriate laws of the State.
- (b) Membership; appointment; terms.
 - (1) The Planning Commission shall act as the Board whenever such a board is required by this Code, other ordinances or regulations of the City, or state or federal law.
 - (2) The members of the Board shall be those individuals appointed to serve as the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently, and within the same term parameters as regular members of the Planning Commission.
 - (3) The Chairperson of the Planning Commission shall serve as the Chairperson of the Board.
 - (4) Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board.
- (c) Rules of Procedure.
 - (1) The Board shall adopt the Robert’s Rules of Order and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The

Board may adopt such additional rules and regulations as may be necessary for the conduct of its business, in conformity with ordinances of the City. Such rules and regulations shall be made available to the public by the Planning Department.

- (2) The Board shall follow the procedures set forth under this Chapter of the Code when reviewing any application for an appeal, variance, or administrative variance.
 - (3) Matters coming before the Board may be considered on the same date as any regular, special or adjourned meeting of the Planning Commission.
 - (4) A quorum of the Planning Commission shall constitute a quorum of the Board.
 - (5) The concurring vote of a majority of the members that constitute a quorum of the Board shall be necessary for any decision of the Board to be valid.
- (d) Powers. The Board shall have the powers prescribed by this Code, other ordinances or regulations of the City, or state or federal law.
- (e) Appeal of Board Decision. Every decision of the Board shall be subject to review by certiorari by the District Court of Weld County. Such appeal shall be filed not later than thirty (30) days from the final action taken by the Board. Such appeal may be taken by any aggrieved or by any officer, department, board or bureau of the City.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 3rd day of March 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this ___ day of _____ 20__.

PUBLISHED BY TITLE ONLY the ___ day of _____ 20__.

EFFECTIVE (after publication) the ___ day of _____ 20__.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

IX. Detail of Issue/Request:

JBS Pipeline Contractors was awarded 2 schedules of the pipes project on October 21, 2019 for \$302,499.00. This covered the WTP reservoir connection to the plant (Schedule 1) and replacing a troublesome sanitary sewer line in Broadway (schedule 2).

Schedule 1 was completed in December and Schedule 2 is under way with completion second week of March.

Change Order #1 approved January 21, 2020 with AM 2020-026 covers the Schedule 3 is correcting the water line in the alley of Valle Drive to relocate from under a garage structure on Fulton.

Project funding for this Change Order is from the Water Sales Tax Fund line item previously for the Well 26 pump house. Recent information indicates Well 26 is not include in the water court case for augmentation plan. It would not be prudent to expend funds on that project until resolution of the augmentation plan and wells we will be including into the irrigation system. \$250,000 was included in the budget for Well 26.

Mustang Avenue is scheduled to be repaved this spring. Future irrigation with non-potable water will be possible with future connection to the Filing No 3 system.

X. Legal/Political Considerations:

Not Applicable

XI. Alternatives/Options:

- *Approve Contract Agreement with JBS Pipeline Contractors 2 schedules*
- *Do not approve the Contract*
- *Approve full bid*

XII. Financial Considerations:

The Water Sales Tax Fund has \$250,000 budgeted for Well 26 that can be reallocated to the non-potable water installation on Mustang Ave.

XIII. Staff Recommendation:

Staff recommends approving Change Order No. 1 with JBS Pipeline Contractors for not to exceed \$84,035.00 for the Sanitary & Water Replacement/Extension Project.

City of Fort Lupton, Colorado
Public Works Department

Change Order

No. 2

Date of Issuance: **March 3, 2020**

Effective Date: **March 6, 2020**

Project: **Sanitary & Water
Replacement/Extension**

Owner: **City of Fort Lupton**

Owner's Contract No.: **FTL201915**

Contractor: **JBS Pipeline Contractors**

Date of Contract: **November 5, 2019**

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Add Schedule 4 to contracted work for irrigation line installation at Mustang Avenue.

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIME:

Original Contract Price:

\$ 302,499.00

Original Contract

Working

Calendar

Substantial completion (days or date): **03/20/2020**

Ready for final payment (days or date): **04/04/2020**

Increase from previously approved Change
Orders No. 1 to No. _____:

\$ 86,499.00

[Increase] [Decrease] from previously approved Change
Orders No. _____ to No. _____:

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Price prior to this Change Order:

\$ 389,308.00

Contract Times prior to this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Increase of this Change Order:

\$ 84,035.00

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Contract Price incorporating this Change

\$ 473,343.00

Contract Times with all approved Change Orders:

Substantial completion (days or date): **04/15/2020**

Ready for final payment (days or date): **05/08/2020**

RECOMMENDED:

By: _____

Engineer (Authorized)

Date: _____

AUTHORIZED:

By: _____

Owner (Authorized)

Date: _____

ACCEPTED:

By: _____

Contractor (Authorized)

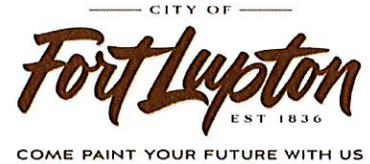
Date: _____



City of Fort Lupton, Colorado
Public Works Department
Mustang Ave Irrigation Project
Change Order Proposal Form

Contractor: JBS PIPELINE CONTRACTORS (2-20-20)				Engineer's Estimate		
Payment Item No.	Specification Reference	Description	Payment Unit	Quantity	Rate in Numbers	Amount in Numbers
Project Total						\$ 84,035.00
Division 100 - General Provisions						
1	TS 16-101	Mobilizaton	LS	1	\$ 7,240.00	\$ 7,240.00
2	TS 16-102	Traffic Control	LS	1	\$ 2,980.00	\$ 2,980.00
3	TS 16-103	Construction Surveying	LS	1	\$ 2,400.00	\$ 2,400.00
4	TS 16-104	Material Testing / QC	LS	1	\$ 1,195.00	\$ 1,195.00
Subtotal, Division 100						\$ 13,815.00
Division 500 - Piping						
5	TS 16-503	Furnish and Install 4" PVC AWWA C900 Water Line (DR 14)	LF	440	\$ 59.00	\$ 25,960.00
6	TS 16-503	Furnish and Install 3/4" Copper Service Line to 2' behind back of sidewalk	LF	320	\$ 80.00	\$ 25,600.00
7	TS 16-503	Furnish and Install 11.25 Degree Bend w/ Thrust Block	EA	1	\$ 540.00	\$ 540.00
8	TS 16-503	Furnish and Install 22.5 Degree Bend w/ Thrust Blcok	EA	1	\$ 545.00	\$ 545.00
9	TS 16-503	Furnish and Install 45 Degree Bend w/ Thrust Block	EA	1	\$ 550.00	\$ 550.00
10	TS 16-503	Furnish and Install new 4" x 4" Tee w/ Thrust Block	EA	1	\$ 600.00	\$ 600.00
11	TS 16-503	Add new Cap & Plug w/ Thrust Block to end of new 4" waterline	EA	3	\$ 475.00	\$ 1,425.00
Subtotal, Division 500						\$ 55,220.00
Project Allowances						
12		Contingency (For unexpected utility conflicts and configuration changes).	LS	1	\$ 15,000.00	\$ 15,000.00
Subtotal, Project Allowances						\$ 15,000.00

**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-060

APPROVE A RESOLUTION ACCEPTING AN ANNEXATION PETITION FOR THE C&M RODRIGUEZ ANNEXATION NOS. 1 – 5 AND TO SET A PUBLIC HEARING DATE FOR APRIL 21, 2020.

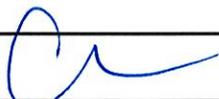
I. Agenda Date: Council Meeting – March 3, 2020

- II. Attachments:**
- a. Proposed Resolution
 - b. Land Use Application
 - c. Annexation Petition
 - d. Annexation Map

III. Summary Statement:

Cesar Rodriguez Gallardo (the "Applicant") has submitted an annexation petition to initiate annexation proceedings for the properties known as the C&M Rodriguez Annexation Nos. 1 – 5. This proposed annexation consists of 84.31 acres, more or less. This includes a portion of U.S. Highway 85, County Road 22 ½, and County Road 25 ½ rights-of-way that constitute the "flagpole" portion of the annexation. The Resolution is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on April 21, 2020.

IV. Submitted by:



Planner

V. Finance Reviewed



Finance Director

VI. Approved for Presentation:



City Administrator

VII. Attorney Reviewed

_____ Approved _____ Pending Approval

VIII. Certification of Council Approval:

_____ City Clerk

_____ Date

IX. Detail of Issue/Request:

Cesar Rodriguez Gallardo (the "Applicant") has submitted an annexation petition to initiate annexation proceedings for the properties known as the C&M Rodriguez Annexation Nos. 1 – 5. This proposed annexation consists of 84.31 acres, more or less. This includes a portion of U.S. Highway 85, County Road 22 ½, and County Road 25 ½ rights-of-way that constitute the "flagpole" portion of the annexation. The application includes an initial zoning request to the 'C-2' Heavy Commercial Zone District.

The initiating resolution is the first step in the annexation processes and is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on April 21, 2020.

If Council adopts the resolution to accept the petition, the petitioners will move on to the next step, which is the review of the proposed annexation, initial zoning, and submitted application documents by the Development Review Team (DRT). Step three is a review and public hearing on April 9, 2020 by the Planning Commission who will provide City Council with a recommendation. City Council is then required to act upon the request by ordinance at the public hearing, which is proposed to be set for April 21, 2020, and is the final step in the process.

X. Legal/Political Considerations:

State law and the Fort Lupton Municipal Code require the City Council to set a hearing date for the annexation request (Municipal Code Chapter 15). The Council hearing date must not be less than 30 days nor more than 60 days from the date of the resolution of substantial compliance, unless stipulated by the applicant. Staff recommends that the date for the City Council public hearing be set for April 21, 2020. This date complies with the required time to schedule the City Council hearing date. The Planning Commission will conduct a public hearing on April 9, 2020 and make a recommendation to City Council.

According to State annexation law, if the City Council finds the annexation petition and the annexation map in substantial conformance with Section 31-12-107 C.R.S. a resolution may be adopted to initiate annexation proceedings. Section 31-12-107 outlines the requirements for a proper annexation petition and the supporting annexation map. It is the opinion of staff that the petition and annexation map meet the requirements of Section 31-12-107 C.R.S. A finding of substantial conformance does not imply that Council agrees that the property should be annexed; however, a finding that the petition and map do not conform to the requirements is effectively a denial. Staff believes that the petition and annexation map are in substantial conformance with such requirements.

XI. Alternatives/Options:

The City Council has the following three options:

- a) Approve the resolution accepting the annexation petition and initiating the annexation proceedings;*
- b) Reject the annexation petition at which time the annexation request will not move forward;*
or

c) *Delay action on the resolution to gather more information.*

XII. Financial Considerations:

The applicant has paid all applicable land use application fees and is covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends approval of the Resolution accepting the annexation petition and initiating annexation proceedings for the C&M Rodriguez Annexation Nos. 1 – 5 and set the public hearing for April 21, 2020.

RESOLUTION NO. 2020Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE C&M RODRIGUEZ ANNEXATION NOS. 1 – 5, AND SETTING THE PUBLIC HEARING FOR APRIL 21, 2020.

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Cesar Rodriguez Gallardo for 84.31 acres, more or less, and known as the C&M Rodriguez Annexations Nos. 1 – 5; and

WHEREAS, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for C&M Rodriguez Annexation Nos. 1 – 5, and sets the hearing date for April 21, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 3rd DAY OF MARCH 2020.

City of Fort Lupton, Colorado

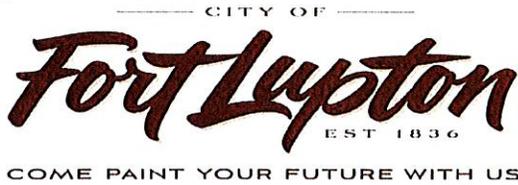
Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694
 Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Cesar Rodriguez Gallardo
 Company: C&M Rodriguez Services, Inc.
 Phone: (303) 746-4530 Email: jr.cmrodriguez@gmail.com
 Address: PO Box 677, Fort Lupton, CO 80621
 Preferred method of contact? Email: Phone: Mail:
- 2) Representative Name: Shannon Toomey
 Company: AGPROfessionals
 Phone: (970) 535-9318 Email: stoomey@agpros.com
 Address: 3050 67th Avenue, Greeley, CO 80634
 Preferred method of contact? Email: Phone: Mail:
- 3) Billing Contact (where invoices should be directed to): Cesar Rodriguez
 Billing Company: C&M Rodriguez Services, Inc.
 Phone: (303) 746-453 Email: jr.cmrodriguez@gmail.com
 Address: PO Box 677 Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 10992 County Road 25 1/2
 Parcel Number: 130907100006
 Existing Zone Classification: Agriculture Proposed Zone Classification: C-2
 Water Type: District Name: Central Weld County Water District
 Sewage Type: Septic Tank District Name or Location Hauled to: _____

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 checked="" 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 type="checkbox"/> Minor Subdivision | <input checked="" type="checkbox"/> Annexation & Initial Zone | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Amended Plat | <input checked="" type="checkbox"/> Change of Zone | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Comp Plan Amendment | |

Project No. _____

D. PROJECT DESCRIPTION

Project Name: C&M Rodriguez

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

Annexation, change of zone, and special use permit for the 18.35-acre property. Change of zone will be from Agriculture to C-2. Property contains existing oil and gas service business with an office, shop building, and outside storage area for vehicles and equipment. The proposed SUP will re-permit this use in Fort Lupton. The site will not be used for public access.

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: *Shannon Tomney* Date: 2/17/2020

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: *Cesar Rodriguez Gullardo* Date: 02-19-2020

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: _____

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the C & M Rodriguez Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - g. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality. The area proposed to be annexed is not part of any incorporated city, city and county, or town.

- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
 - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - k. The territory to be annexed is 84.31 acres in total area.
 - l. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - n. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
4. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
 - d. The legal description.
 - e. Distinction of the boundary that is contiguous to the City and the length of same.
 - f. Lot and block numbers if the area is already platted.
 - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
 - i. Ownership of all parcels within and adjacent to the annexation.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
 - a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
 - d. Existing and proposed easements and rights-of-way.
 - e. Block numbers and lot numbers with approximate dimensions.
 - f. Proposed gross and net residential density.
 - g. Existing watercourses with adequate easements for flood control.
 - h. Designation of all public sites to be reserved and dedicated.
 - i. Existing two-foot contours.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
 - a. Soils description and limitation.
 - b. Preliminary utility plan.
 - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
 - d. Affidavit concerning the amount and historical use of all water rights owned.
 - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
 - f. Statement on community need for proposed annexation and zoning.
 - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- 7. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.

8. The zoning classification requested for the area proposed to be annexed is C-2 (Heavy Commercial), as shown on the annexation map attached hereto and incorporated herein.
9. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. As an expressed condition of annexation, landowner(s) consent(s) to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub district pursuant to Section 37-45-136 (3.6) C.R.S. to pay the appropriate fees and costs associated with such inclusion. Landowner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, landowner's(s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of landowners(s') lands. Landowner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Landowner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.
11. The non-refundable annexation application fee of \$ 1,146.80 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

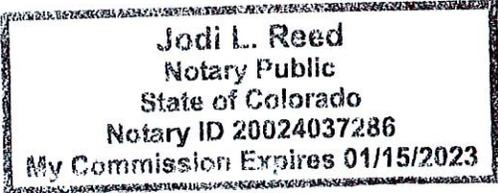
<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
<u>Cesar Rodriguez Gallardo</u>	_____	<u>02-19-2020</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The foregoing signature(s) was/were subscribed and sworn to before me this 19 day of February, 2020, by

Witness my hand and official seal.

My commission expires on 1-15-2023.

Jodi L. Reed
Notary Public



Land Owned

See attached sheet

If necessary, attach separate sheet.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

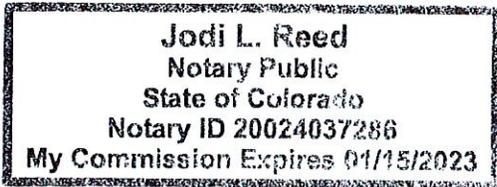
Shannon Toomey, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.

Shannon Toomey
(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 19 day of February, 2020, by Shannon Toomey.

Witness my hand and official seal.

My commission expires on 1-15-2023.



Jodi L. Reed
Notary Public

EXHIBIT A

LEGAL DESCRIPTION C&M RODRIGUEZ SERVICES INC. ANNEXATION NO. 1:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE SE 1/4 OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE NORTH LINE OF THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR NORTH 89°45'30" EAST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 19 TOWNSHIP 2 NORTH RANGE 66 WEST OF THE 6TH P.M.;

THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF SECTION 19, S 89°48'25" W FOR A DISTANCE OF 210.00 FEET;

THENCE DEPARTING SAID SOUTH LINE N 00°11'29" W FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 18 AS GRANTED BY A ROAD PETITION FILED APRIL 14, 1884 IN BOOK 3 AT PAGE 344 WELD COUNTY RECORDS, THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 85 THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. N 00°11'29" W FOR A DISTANCE OF 20.90 FEET;
2. N 43°52'01" E FOR A DISTANCE OF 129.40 FEET;
3. N 00°23'08" W FOR A DISTANCE OF 385.39 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE S 13°50'57" E FOR A DISTANCE OF 513.81 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 18;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE S 89°48'25" W FOR A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 0.83 ACRES.

LEGAL DESCRIPTION C&M RODRIGUEZ SERVICES INC. ANNEXATION NO. 2:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE SE 1/4 OF SECTION 19, AND THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE NORTH LINE OF THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR NORTH 89°45'30"

EAST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 19 TOWNSHIP 2 NORTH RANGE 66 WEST OF THE 6TH P.M.;

THENCE ALONG THE SOUTH LINE OF THE SW 1/4 OF SECTION 20, N 89°45'30" E FOR A DISTANCE OF 109.99 FEET;

THENCE DEPARTING SAID SOUTH LINE N 01°41'07" W FOR A DISTANCE OF 30.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 18 AS GRANTED BY A ROAD PETITION FILED APRIL 14, 1884 IN BOOK 3 AT PAGE 344 WELD COUNTY RECORDS, THE POINT OF BEGINNING;

THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 85 THE FOLLOWING FIVE (5) COURSES AND DISTANCES;

1. N 01°41'07" W FOR A DISTANCE OF 238.83 FEET;
2. S 89°48'16" W FOR A DISTANCE OF 69.30 FEET;
3. N 00°20'17" W FOR A DISTANCE OF 1052.73 FEET;
4. S 89°56'16" W FOR A DISTANCE OF 34.30 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 20;

5. ALONG SAID WEST LINE, N 00°20'17" W FOR A DISTANCE OF 461.07 FEET;

THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S 05°08'02" W FOR A DISTANCE OF 1258.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 85;

THENCE S 13°50'57" E FOR A DISTANCE OF 513.81 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 18;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N 89°45'30" E FOR A DISTANCE OF 109.21 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 3.83 ACRES.

LEGAL DESCRIPTION C&M RODRIGUEZ SERVICES INC. ANNEXATION NO. 3:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE E 1/2 OF SECTION 19, AND THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE NORTH LINE OF THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR NORTH 89°45'30" EAST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 19 TOWNSHIP 2 NORTH RANGE 66 WEST OF THE 6TH P.M.;

THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF SECTION 19, S 89°48'25" W FOR A DISTANCE OF 210.00 FEET;

THENCE DEPARTING SAID SOUTH LINE N 00°11'29" W FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 18 AS GRANTED

BY A ROAD PETITION FILED APRIL 14, 1884 IN BOOK 3 AT PAGE 344 WELD COUNTY RECORDS;

THENCE ALONG SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 85 THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. N 00°11'29" W FOR A DISTANCE OF 20.90 FEET;
 2. N 43°52'01" E FOR A DISTANCE OF 129.40 FEET;
 3. N 00°23'08" W FOR A DISTANCE OF 385.39 FEET TO THE POINT OF BEGINNING;
- THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE N 00°25'31" E FOR A DISTANCE OF 4733.45 FEET;

THENCE S 01°35'04" E FOR A DISTANCE OF 2619.96 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 19;

THENCE ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 20, N 89°18'45" E FOR A DISTANCE OF 35.00 FEET; THENCE S 00°18'28" E FOR A DISTANCE OF 1322.01 FEET; THENCE S 89°56'16" W FOR A DISTANCE OF 34.30 FEET TO A POINT ON THE WEST LINE OF SAID SW 1/4; THENCE ALONG SAID WEST LINE, N 00°20'17" W FOR A DISTANCE OF 461.07 FEET;

THENCE DEPARTING SAID WEST LINE S 05°08'02" W FOR A DISTANCE OF 1258.86 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7.23 ACRES.

LEGAL DESCRIPTION C&M RODRIGUEZ SERVICES INC. ANNEXATION NO. 4:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE E 1/2 OF SECTION 19, AND THE E 1/2 OF SECTION 18, AND THE W 1/2 OF SECTION 17 AND THE NW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE NORTH LINE OF THE SW 1/4 OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR NORTH 89°45'30" EAST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 19 TOWNSHIP 2 NORTH RANGE 66 WEST OF THE 6TH P.M.;

THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF SECTION 19, S 89°48'25" W FOR A DISTANCE OF 210.00 FEET;

THENCE DEPARTING SAID SOUTH LINE N 00°11'29" W FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 18 AS GRANTED BY A ROAD PETITION FILED APRIL 14, 1884 IN BOOK 3 AT PAGE 344 WELD COUNTY RECORDS, THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 85 THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. N 00°11'29" W FOR A DISTANCE OF 20.90 FEET;
2. N 43°52'01" E FOR A DISTANCE OF 129.40 FEET;
3. N 00°23'08" W FOR A DISTANCE OF 385.39 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES;

1. N 00°23'08" W FOR A DISTANCE OF 792.63 FEET;
2. N 00°10'09" W FOR A DISTANCE OF 989.19 FEET;
3. N 00°21'28" W FOR A DISTANCE OF 2974.27 FEET TO A POINT ON THE NORTH LINE OF SECTION 19;
4. N 00°58'51" W FOR A DISTANCE OF 33.24 FEET;
5. N 00°28'19" W FOR A DISTANCE OF 1122.64 FEET;
6. N 00°29'44" W FOR A DISTANCE OF 1474.43 FEET TO THE NORTH LINE OF THE SE 1/4 OF SECTION 18;
7. N 00°28'59" W FOR A DISTANCE OF 1358.99 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, S 01°23'12" E FOR A DISTANCE OF 3983.71 FEET; THENCE N 00°11'25" E FOR A DISTANCE OF 5275.81 FEET TO THE NE SECTION CORNER OF SAID SECTION 18; THENCE ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 17, N 87°19'17" E FOR A DISTANCE OF 22.85 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 85; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES;

1. S 00°32'01" E FOR A DISTANCE OF 2650.36 FEET;
2. S 00°29'30" E FOR A DISTANCE OF 2482.99 FEET;
3. S 09°58'26" E FOR A DISTANCE OF 121.84 FEET;
4. S 00°19'48" E FOR A DISTANCE OF 27.88 FEET;
5. N 89°38'15" E FOR A DISTANCE OF 95.00 FEET;
6. S 00°16'18" E FOR A DISTANCE OF 27.16 FEET;
7. S 33°22'45" W FOR A DISTANCE OF 90.10 FEET;
8. S 00°18'45" E FOR A DISTANCE OF 248.00 FEET;
9. S 89°41'15" W FOR A DISTANCE OF 50.00 FEET;
10. S 00°18'45" E FOR A DISTANCE OF 2293.50 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 OF SECTION 20; THENCE ALONG SAID NORTH LINE S 89°18'45" W FOR A DISTANCE OF 45.00 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 20; THENCE N 01°35'04" W FOR A DISTANCE OF 2619.96 FEET; THENCE S 00°25'31" W FOR A DISTANCE OF 4733.45 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 17.98 ACRES.

LEGAL DESCRIPTION C&M RODRIGUEZ SERVICES INC. ANNEXATION NO. 5:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE E 1/2 OF SECTION 18, AND THE E 1/2 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE EAST LINE OF THE SE 1/4 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR NORTH 00°38'04" WEST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHEAST SECTION CORNER OF SAID SECTION 18 SAID POINT BEING THE POINT OF BEGINNING; THENCE ON THE EAST LINE OF THE SE 1/4 OF SAID SECTION 7,
 N 00°38'03" W FOR A DISTANCE OF 139.50 FEET TO A POINT OF CURVATURE;
 THENCE DEPARTING SAID EAST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1176.00 FEET A DELTA ANGLE OF 01°48'27" FOR AN ARC DISTANCE OF 37.10 FEET THE CHORD OF WHICH BEARS N 14°07'01" W FOR A DISTANCE OF 37.10 FEET;
 THENCE N 15°01'31" W FOR A DISTANCE OF 820.58 FEET;
 THENCE N 09°37'09" W FOR A DISTANCE OF 1596.90 FEET;
 THENCE N 16°22'30" E FOR A DISTANCE OF 82.53 FEET;
 THENCE N 09°04'01" W FOR A DISTANCE OF 235.90 FEET;
 THENCE N 05°16'29" E FOR A DISTANCE OF 262.40 FEET TO A POINT OF CURVATURE;
 ON A CURVE TO THE LEFT HAVING A RADIUS OF 985.00 A DELTA ANGLE OF 14°34'53" FOR AN ARC LENGTH OF 250.68 FEET THE CHORD OF WHICH BEARS N 02°01'01" W FOR A DISTANCE OF 250.00 FEET;
 THENCE N 09°18'31" W FOR A DISTANCE OF 1910.37 FEET TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 7;
 THENCE ALONG SAID NORTH LINE S 87°40'49" W FOR A DISTANCE OF 151.24 FEET;
 THENCE DEPARTING SAID NORTH LINE ALONG THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 85 THE FOLLOWING SIX (6) COURSES AND DISTANCES;
 1. S 09°37'58" E FOR A DISTANCE OF 686.16 TO A POINT OF CURVATURE;
 2. ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5640.00 FEET A DELTA ANGLE OF 05°04'48" FOR AN ARC DISTANCE OF 500.06 FEET THE CHORD OF WHICH BEARS S 07°08'45" E FOR A DISTANCE OF 499.90 FEET;
 3. S 04°32'43" E FOR A DISTANCE OF 1242.34 FEET TO A POINT OF CURVATURE;
 4. ON A CURVE TO THE LEFT HAVING A RADIUS OF 5820.00 FEET A DELTA ANGLE OF 01°06'59" FOR AN ARC DISTANCE OF 113.40 FEET THE CHORD OF WHICH BEARS S 04°58'10" E FOR A DISTANCE OF 113.40 FEET;
 5. S 48°42'20" W FOR A DISTANCE OF 86.00 FEET;
 6. S 06°18'10" E FOR A DISTANCE OF 18.23 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 22.5;
 THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S 87°58'19" W FOR A DISTANCE OF 590.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 25.5;
 THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N 00°36'04" W FOR A DISTANCE OF 2603.83 FEET TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 7;
 THENCE ALONG SAID NORTH LINE, S 87°40'49" W FOR A DISTANCE OF 30.02 FEET TO THE EAST ONE-SIXTEENTH CORNER OF SAID SECTION 7;
 THENCE CONTINUING ALONG SAID NORTH LINE, S 87°40'49" W FOR A DISTANCE OF 30.01 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 25.5;
 THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S 00°36'04" E FOR A DISTANCE OF 2663.54 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 22.5;
 THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N 87°58'19" E FOR A DISTANCE OF 671.51 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 85;
 THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID HIGHWAY THE FOLLOWING SEVEN (7) COURSES AND DISTANCES;

1. S 43°33'40" E FOR A DISTANCE OF 93.32 FEET;
2. S 08°04'10" E FOR A DISTANCE OF 110.10 FEET;
3. S 08°36'40" E FOR A DISTANCE OF 1129.80 FEET;
4. S 08°50'41" E FOR A DISTANCE OF 533.00 FEET;
5. S 08°53'42" E FOR A DISTANCE OF 788.10 FEET;
6. S 08°47'27" E FOR A DISTANCE OF 472.92 FEET TO A POINT OF CURVATURE;
7. ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5640.04 FEET A DELTA ANGLE OF 08°17'58" FOR AN ARC LENGTH OF 816.98 FEET THE CHORD OF WHICH BEARS S 04°37'43" E FOR A DISTANCE OF 816.26 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE,
S 01°23'12" E FOR A DISTANCE OF 3983.71 FEET; THENCE N 00°11'25" E FOR A DISTANCE OF 5275.78 FEET TO THE POINT OF BEGINNING. ALONG WITH A PARCEL OF LAND DESCRIBED AS FOLLOWS;

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO LOCATED IN THE NE 1/4 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: CONSIDERING THE NORTH LINE OF THE NE 1/4 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., TO BEAR SOUTH 87°40'48" WEST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHEAST SECTION CORNER OF SAID SECTION 7, THENCE S 87°40'48" W FOR A DISTANCE OF 890.88 TO THE NORTHEAST CORNER OF LOT B OF RE-4015 AND ALSO A POINT ON THE WEST RIGHT-OF-WAY OF HIGHWAY 85 BEING THE POINT OF BEGINNING; THENCE ALONG HIGHWAY 85 THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. S 09°37'58" E FOR A DISTANCE OF 686.16 TO A POINT OF CURVATURE;
2. ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5640.00 FEET A DELTA ANGLE OF 05°04'48" FOR AN ARC DISTANCE OF 500.06 FEET THE CHORD OF WHICH BEARS S 07°08'45" E FOR A DISTANCE OF 499.90 FEET;
3. S 04°32'43" E FOR A DISTANCE OF 645.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT B; THENCE ALONG THE SOUTH LINE OF SAID LOT B THE FOLLOWING

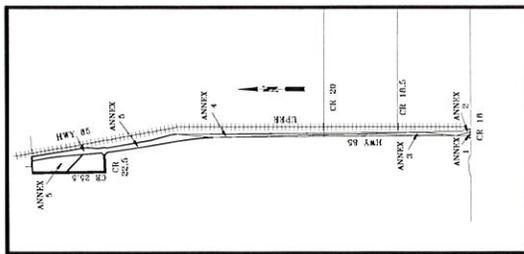
THREE (3) COURSES AND DISTANCES;

1. N 48°18'51" W FOR A DISTANCE OF 300.89 FEET;
2. N 42°07'31" W FOR A DISTANCE OF 272.35 FEET;
3. N 46°14'01" W FOR A DISTANCE OF 281.30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 25.5; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE,

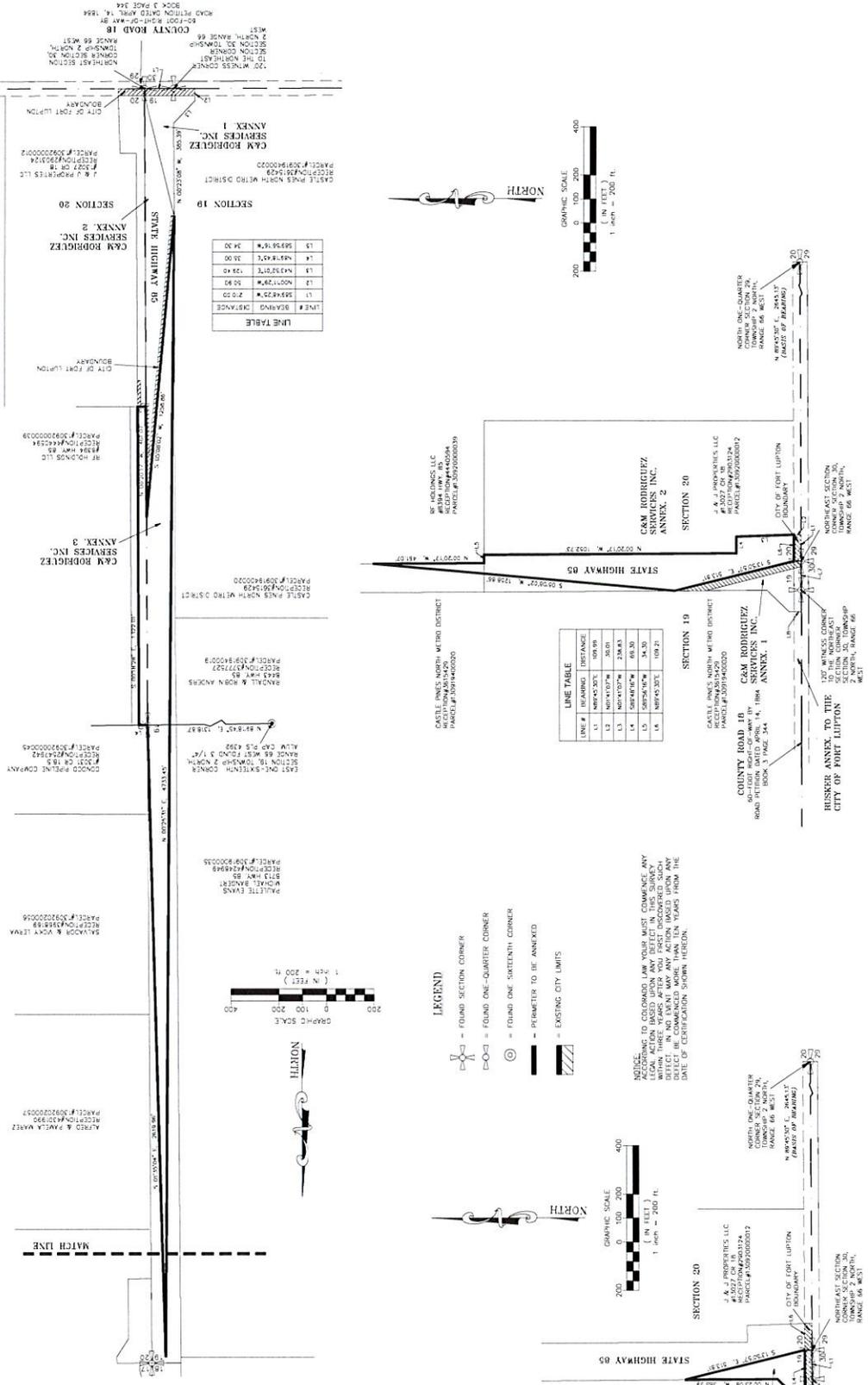
N00°36'04" W FOR A DISTANCE OF 1203.48 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE N 87°40'49" E FOR A DISTANCE OF 395.32 FEET TO THE POINT OF BEGINNING.

CONTAINING A COMBINED CALCULATED AREA OF 54.44 ACRES.

C&M RODRIGUEZ SERVICES INC. ANNEXATIONS 1, 2, 3, 4 AND 5
 TO THE CITY OF FORT LUPTON, COLORADO
 PART OF SECTIONS 19, 20, 16, 17 AND 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,
 COUNTY OF WELD, STATE OF COLORADO
 SHEET 2 OF 4



VICINITY MAP 1" = 2000'



LINE TABLE

LINE #	BEARING	DISTANCE
L1	S89°54'36" W	24.00
L2	N43°45'51" E	20.00
L3	N43°35'15" E	139.40
L4	N00°17'34" W	50.90
L5	S84°42'25" W	27.20

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N16°42'30" E	109.99
L2	N01°41'07" W	28.01
L3	N01°41'07" W	238.43
L4	S10°48'16" W	69.30
L5	S10°25'56" W	34.30
L6	N16°42'30" E	109.21

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S89°45'27" W	210.00
L2	N00°17'37" W	30.00
L3	N00°17'37" W	201.00
L4	S89°45'27" W	209.92
L5	N00°25'11" E	139.40
L6	N00°25'11" E	109.21

NO.	DATE	DESCRIPTION	BY
1	2/17/2020	ADDRESS COMMENTS	GHM
2	2/12/2020	ADDED RIGHT-OF-WAY	GHM

CLIENT: AGPROFESSIONALS
 3050 67TH AVE, SUITE 200
 GREELEY, COLORADO 80634

HAMMER LAND SURVEYING, INC.
 4350 HIGHWAY 66
 LOUISVILLE, CO 80544
 PH: 970-535-9318

ANNEXATION MAP
 SECTIONS 19, 20, 16, 17 AND 7, TOWNSHIP 2 NORTH,
 RANGE 66 WEST, 6TH P.M.

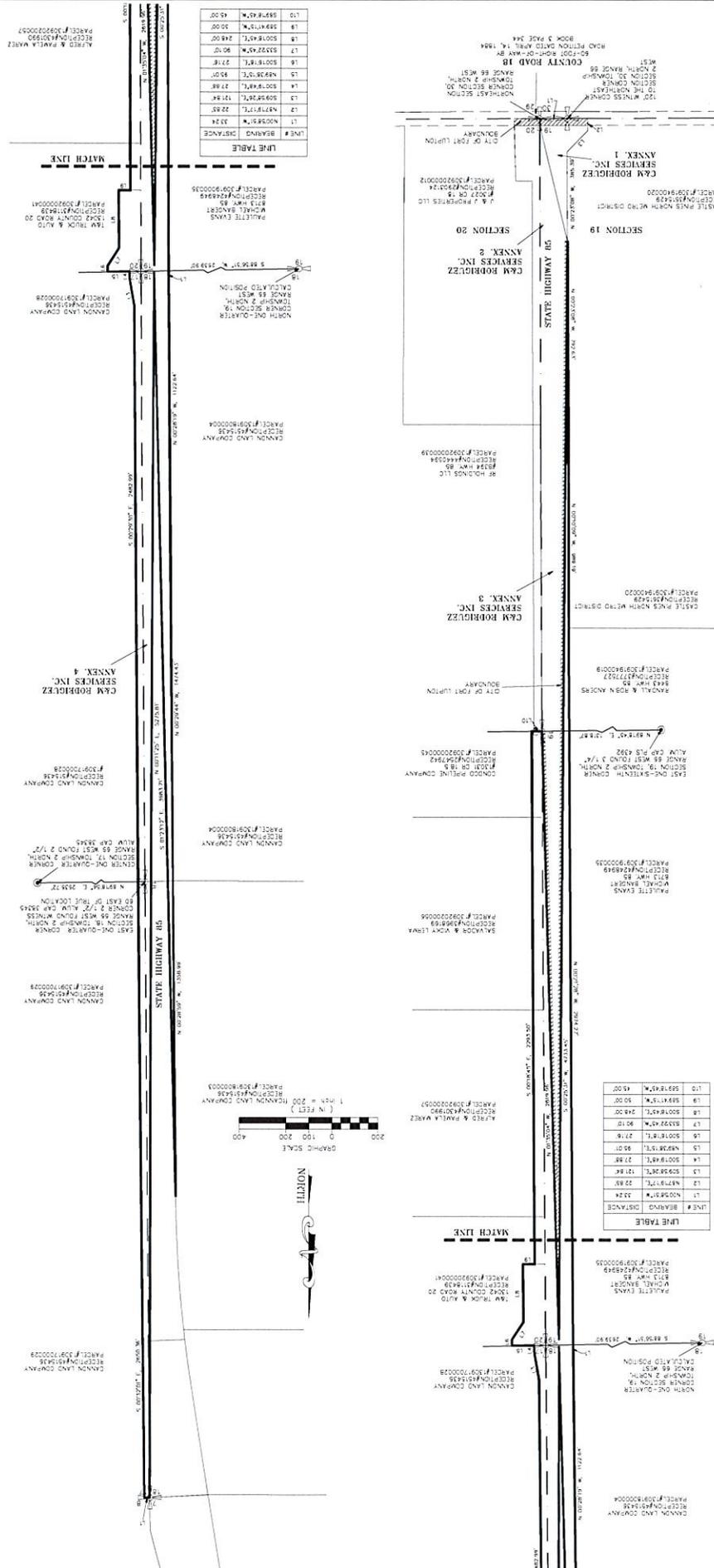
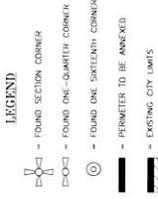
DATE: 1/21/2020
 JOB#: 1322-06ANXX
 SHEET 2 OF 4

C&M RODRIGUEZ SERVICES INC. ANNEXATIONS 1, 2, 3, 4 AND 5

TO THE CITY OF FORT LUPKIN, COLORADO
 PART OF SECTIONS 19, 20, 16, 17 AND 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,
 COUNTY OF WELD, STATE OF COLORADO

SHEET 3 OF 4

NOTICE:
 ACCORDING TO COLORADO LAW YOUR MEASUREMENTS SHALL COMMENCE ANY
 TIME AFTER YOU FIRST DISCOVERED SUCH
 DEFECT BE COMMENCED MORE THAN TEN YEARS FROM THE
 DATE OF CERTIFICATION SHOWN HEREON.



LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 00° 00' 00" W	33.24
L2	N 89° 59' 57" E	22.82
L3	S 89° 59' 57" E	27.88
L4	S 00° 00' 00" W	27.88
L5	S 89° 59' 57" E	27.88
L6	S 00° 00' 00" W	27.88
L7	S 89° 59' 57" E	27.88
L8	S 00° 00' 00" W	27.88
L9	S 89° 59' 57" E	27.88
L10	S 00° 00' 00" W	27.88

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 00° 00' 00" W	33.24
L2	N 89° 59' 57" E	22.82
L3	S 89° 59' 57" E	27.88
L4	S 00° 00' 00" W	27.88
L5	S 89° 59' 57" E	27.88
L6	S 00° 00' 00" W	27.88
L7	S 89° 59' 57" E	27.88
L8	S 00° 00' 00" W	27.88
L9	S 89° 59' 57" E	27.88
L10	S 00° 00' 00" W	27.88

NO.	DATE	DESCRIPTION	CHK.	BY
2	2/22/2020	ANNEXATION MAP		

ANNEXATION MAP
 SECTIONS 19, 20, 16, 17 AND 7, TOWNSHIP 2 NORTH,
 RANGE 66 WEST, 6TH P.M.

CLIENT: AGPROFESSIONALS
 3050 67TH AVE. SUITE 200
 GREELEY, COLORADO 80634
 PH: 970-535-9318

HAMMER LAND SURVEYING, INC.
 4350 HIGHWAY 66
 LONGMONT CO 80504
 PH: 970-535-9318

DATE: 1/21/2020
 JOB#1322-06ANNEX
 SHEET 3 OF 4

C&M RODRIGUEZ SERVICES INC. ANNEXATIONS 1, 2, 3, 4 AND 5
 TO THE CITY OF FORT LUITTON, COLORADO
 PART OF SECTIONS 19, 20, 18, 17 AND 7, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,
 COUNTY OF WELD, STATE OF COLORADO
 SHEET 4 OF 4

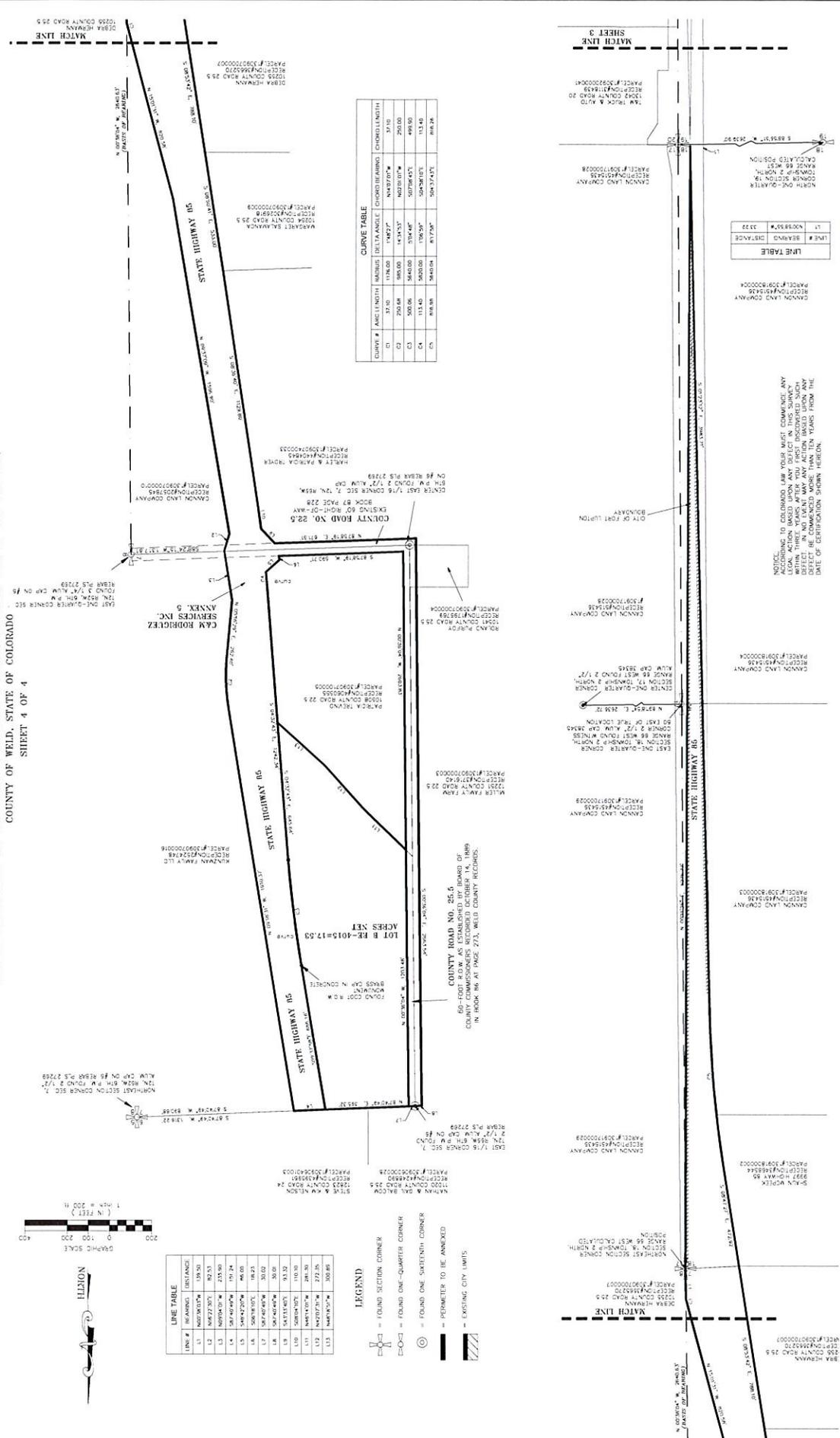


LINE #	BEARING	DISTANCE
L1	N02°30'00"W	135.50
L2	N87°27'30"E	62.53
L3	N07°04'00"W	215.90
L4	S84°42'20"W	96.03
L5	S00°00'00"W	30.00
L6	S45°11'00"E	93.12
L7	S08°04'00"E	110.12
L8	N45°14'00"W	261.80
L9	N42°07'30"W	272.25
L10	N45°00'00"W	300.89

- LEGEND**
- = FOUND SECTION CORNER
 - = FOUND ONE-QUARTER CORNER
 - = FOUND ONE-SIXTEENTH CORNER
 - = PERIMETER TO BE ANNEXED
 - = EXISTING CITY LIMITS

CURVE TABLE

CURVE #	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	37.00	N45°00'00"	37.00
C2	250.00	S45°11'00"	250.00
C3	250.00	S08°04'00"	250.00
C4	103.00	S00°00'00"	103.00
C5	103.00	S45°11'00"	103.00



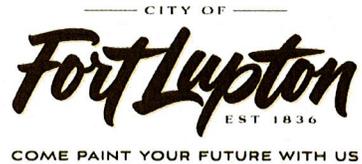
LINE TABLE

LINE #	BEARING	DISTANCE
L1	N02°30'00"W	135.50

NOTICING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY, INCLUDING THIS ANNEXATION MAP, WITHIN TWO YEARS FROM THE DATE OF RECORDATION SHOWN HEREON.

<p>CLIENT: AGPROFESSIONALS 3050 67TH AVE. SUITE 200 GREELEY, COLORADO 80634</p>	<p>HAMMER LAND SURVEYING, INC. 4350 HIGHWAY 7, 66 LONGMONT, CO 80504 PH: 970-535-9318</p>	<p>ANNEXATION MAP SECTIONS 19, 20, 18, 17 AND 7, TOWNSHIP 2 NORTH, RANGE 66 WEST, 6TH P.M.</p>
<p>DATE: 1/21/2020 JOB#: 1323-06ANNEX SHEET 4 OF 4</p>		<p>DATE: 1/21/2020</p>

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Mike Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-061

APPROVE RESOLUTION 2020RXXX OF THE FORT LUPTON CITY COUNCIL ESTABLISHING AN ECONOMIC INCENTIVE VIA A REBATE ON PERSONAL PROPERTY TAX FOR NEW AND EXPANDING COMPANIES.

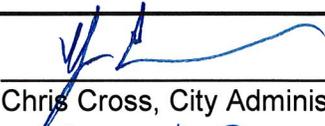
- I. **Agenda Date:** Council Meeting – March 3, 2018

- II. **Attachments:**
 - a. Resolution 2020Rxx
 - b. Sample Agreement
 - c. Sample Annual Refund Request Letter
 - d. PP Tax Refund Fact
 - e. PP Tax Refund Procedures

III. **Summary Statement:**

A personal property tax rebate available for new or expanding basic industries investing a minimum of \$1,000,000 which create primary jobs and import dollars into the community. A personal property tax rebate may be negotiated in an amount not greater than 50% of the amount of taxes levied by the City upon the taxable personal property located at or within such new or expanding business for a term not to exceed 10 years. The rebate is subject to revenue availability.

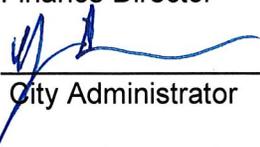
IV. **Submitted by:**


Chris Cross, City Administrator

V. **Reviewed by:**


Glenn Perino
Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Review**

_____ Approved

_____ Pending Approval

VII. **Certification of Council Approval:**

_____ City Clerk

_____ Date

VIII. Detail of Issue/Request:

A personal property tax rebate available for new or expanding basic industries investing a minimum of \$1,000,000 which create primary jobs and import dollars into the community. A personal property tax rebate may be negotiated in an amount not greater than 50% of the amount of taxes levied by the City upon the taxable personal property located at or within such new or expanding business for a term not to exceed 10 years. The rebate is subject to revenue availability.

Each request will go before City Council to ensure that the rebate offer is understood and that the impact analysis is done for qualification purposes. This economic tool along with others in place will need to be evaluated by staff and council, typically annually, to ensure that it is still of benefit to all involved to help build a diverse and economic sustainable community. One of the cities identified pillars to success in the strategic plan.

IX. Legal/Political Considerations:

X. Alternatives/Options:

Accept the rebate proposal as is.
Don't Accept the proposal
Provide alterations to proposal for Acceptance.

XI. Financial Considerations:

This would represent a reduction of potential future revenues to the General Fund and the Recreation Center that receive property tax funds. The loss of revenue is offset by the economic advantage of being able to attract new business that are paying real property tax as well as other taxes and fees to the City.

XII. Staff Recommendation:

Approve the proposed resolution

RESOLUTION NO. 2020Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON ESTABLISHING AN ECONOMIC INCENTIVE VIA A REBATE ON BUSINESS PERSONAL PROPERTY TAX FOR NEW AND EXPANDING BUSINESS FACILITIES

WHEREAS, House Bill 12-1029 was enacted to stimulate the economy of the State of Colorado by allowing local governments to offer greater incentives to taxpayers who establish a new business facility or expand an existing facility; and,

WHEREAS, CRS 31-15-903 (1) (b) states that any municipality may negotiate for an incentive payment or credit with any taxpayer who establishes a new business facility, as defined in section 39-30-105 (7) (e), C.R.S., in the municipality, and;

WHEREAS, in no instance shall any negotiations result in an annual incentive payment or credit that is greater than the amount of taxes levied by the municipality upon the taxable personal property located at or within the new business facility and used in connection with the operation of the new business facility of the current property tax year, and;

WHEREAS, the term of the agreement made pursuant to the provisions of this section shall not exceed four years; except that the term of any agreement made or renewed on or after June 3, 2002, may extend to as many as ten years, including the term of any original agreement being renewed, and;

WHEREAS, any municipality may negotiate for an incentive payment or credit with any taxpayer who expands a facility, as defined in section 39-30-105 (7) (c), C.R.S., the expansion of which constitutes a new business facility, as defined in section 39-30-105 (7) (e), C.R.S., and that is located in the municipality

WHEREAS, in no instance shall any negotiation result in an annual incentive payment or credit that is greater than fifty percent of the amount of the taxes levied by the municipality upon the taxable personal property directly attributable to the expansion, located at or within the expanded facility, and used in connection with the operation of the expanded facility for the current property tax year, and;

WHEREAS, The term of any agreement made pursuant to the provisions of this section shall not exceed four years; except that the terms of any agreement made or renewed on or after June 3, 2002, may extend to as many as ten years, including the term of any original agreement being renewed

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council, hereby declares that the intended purpose of the potential tax expenditures included in this act is to stimulate the economy of the state of Colorado by allowing local governments to offer greater incentives to taxpayers who establish a new business facility or expand an existing facility.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO THIS 3rd DAY OF MARCH 2020.

City of Fort Lupton, Colorado

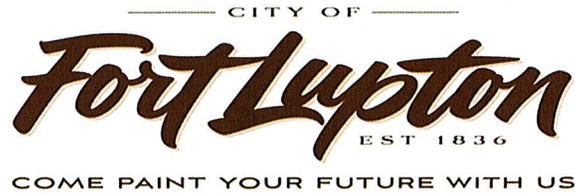
Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



AGREEMENT PURSUANT TO C.R.S. § 31-15-903

THIS AGREEMENT is made and entered into this ____ day of _____, 2020, by and between the City of Fort Lupton, a municipal corporation, whose address is 130 South McKinley Ave. Fort Lupton, CO 80621, hereinafter referred to as, “Taxing Authority,” and _____ (company name) _____ whose address is _____, hereinafter referred to as, “Taxpayer.”

WITNESSETH:

WHEREAS, Taxing Authority desires to promote economic development within Fort Lupton, Colorado, for the purposes of generating employment opportunities for residents of Weld County, thereby stimulating the economic well-being of Fort Lupton and Weld County’s citizens, and

WHEREAS, C.R.S. § 31-15-903 provides that the Taxing Authority may negotiate incentive payments to taxpayers who establish new business facilities or who expand existing business facilities, and

WHEREAS, Taxpayer represents that it has invested or intends to invest in qualifying personal property and wishes to receive the incentive payment benefits available pursuant to C.R.S. § 31-15-903, and

WHEREAS, Taxpayer has been determined to be currently eligible to receive the incentive payment benefits available pursuant to C.R.S. § 31-15-903, and pursuant to the City Council policy concerning incentive payments passed by Resolution on (insert date) ("Resolution of the Taxing Authority").

NOW, THEREFORE, the parties hereto hereby agree to the following:

1. Subject to annual appropriation by Taxing Authority, fifty-percent (50%) of the amount of personal property taxes paid by the Taxpayer for personal property located at Taxpayer’s Facilities at _____ (“the Facility”), placed into service in Weld County in:
 - a. Between 2017-2022 and appearing on the personal property declaration schedule submitted by the Taxpayer to the Weld County Assessor, which personal property has not appeared on previous schedules, shall be paid to the Taxpayer by the Taxing Authority for the ten (10) tax years (hereinafter referred to as, “10-Year Term”). Individual pieces of personal property placed in service between the years of 2017-2022 shall only receive the fifty-percent (50%) of the amount of personal property

taxes paid by the Taxpayer for personal property for the 10-Year Term. For example, equipment placed in service in 2017 will receive the fifty-percent (50%) of the amount of personal property taxes paid by the Taxpayer for personal property for the 10-Year Term beginning in 2017 and ending in 2027, for equipment placed in service in 2018 the 10-Year Term beginning in 2018 and ending in 2028, for equipment placed in service in 2019 the 10-Year Term beginning in 2019 and ending in 2029, etc.

All tax incentive payments made pursuant to this Agreement shall hereinafter be referred to as, "Tax Incentive Payments." Taxpayer shall submit to the Weld County Assessor an affidavit certifying the aggregate cost and year of acquisition of Taxpayer's personal property that, to Taxpayer's best knowledge, information and belief, qualifies for incentive payments under C.R.S. § 31-15-903, for the 10-Year Term. The amounts so certified shall be subject to review by the Weld County Assessor.

2. Tax Incentive Payments shall be made by Taxing Authority only upon appropriation, and only if:
 - a. All taxes and assessments levied and assessed on Taxpayer by Taxing Authority for Facilities are current, and
 - b. In each year of this Agreement, Taxpayer remains eligible to receive the Tax Incentive Payments under criteria established in C.R.S. § 31-15-903 and the Resolution of the Taxing Authority, and
 - c. Tax Incentive Payments are not calculated as being part of the Weld County Home Rule five percent (5%) property tax limitation or State of Colorado property tax limitation.
3. Any appropriated Tax Incentive Payments shall be made to Taxpayer by Taxing Authority within 90 days of receipt of full payment by the Taxpayer of all personal property taxes due and receipt of an affidavit from the Taxpayer stating that the Taxpayer remains eligible for such payment pursuant to C.R.S. § 31-15-903 and the Resolution of Taxing Authority.
4. The Tax Incentive Payments shall not be made by Taxing Authority if an amendment to the Colorado Constitution limiting property taxes is subsequently passed after the date of this Agreement, or if a court of competent jurisdiction declares any portion of this Agreement, C.R.S. § 31-15-903 (as may be amended), or the Resolution of the Taxing Authority, to be invalid or unconstitutional.
5. Any Tax Incentive Payments made under this Agreement that are determined not to be legal under the laws of the State of Colorado or are determined to be part of the Weld County Home Rule five percent (5%) property tax limitation or State of Colorado property tax limitation, shall be repaid to Weld County.

6. TAX INCENTIVE PAYMENTS TO TAXPAYER SHALL ONLY BE MADE TO THE EXTENT REVENUES ARE AVAILABLE AND APPROPRIATED IN EACH OF THE TEN (10) TAX YEARS OF THE 10-YEAR TERM.
7. This Agreement is not assignable.
8. Acceptance of any Tax Incentive Payment by Taxpayer constitutes agreement by both parties to fund the Tax Incentive Payment for the tax year involved.
9. Claim for a Tax Incentive Payment must be submitted to Taxing Authority by Taxpayer by October 1st of each year or Taxpayer waives the right to receive payment for that year.
10. Taxpayer agrees that it shall attempt to use reasonable efforts to ensure that a minimum of fifty percent (50%) of its workforce employed at the Facilities are City of Fort Lupton residents during the terms of this Agreement.
11. All notices required or permitted under this Agreement shall be given in writing and shall be effective when delivered in the case of hand delivery or five days after mailing, when mailed, provided that mailed notices shall be sent by certified mail, return receipt requested. Notices shall be sent to the following addressees at the following addresses or facsimile numbers or to such other addressees, addresses or facsimile numbers as a party may designate from time to time by notice given pursuant to this paragraph:

If to the County: City of Fort Lupton
 Attn: Finance Director
 130 S. McKinley Ave.
 Fort Lupton, CO 80621

If to Taxpayer: Company contact
 Company name
 Address
 City, state, zip
 (Contact email)

12. Each of the parties will execute and deliver such other instruments and documents and will take all such other actions as the other party may reasonably request and as may reasonably be required in order to effectuate the purpose of this Agreement and to carry out its terms.
13. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

14. This Agreement constitutes the entire agreement between the parties and supersedes and replaces all prior and contemporaneous agreements, representations, both written and oral, between the parties with respect to the subject matter of this Agreement. No variation or modification of this Agreement, and the waiver of the Agreement's provisions or conditions, shall be binding unless made in writing and signed by duly authorized officers of the County and Taxpayer. As permitted hereunder, this Agreement shall be binding upon, and inure to the benefit of, the parties and their respective successors and assigns. This Agreement shall be governed by and construed according to the laws of the state of Colorado.

15. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

The above and foregoing Agreement was hereby approved on the ___ day of _____, 2020.

ATTEST:

CITY OF FORT LUPTON

BY: _____
 Maricela Peña, City Clerk

 Zo Stieber, Mayor

APPROVED AS TO FORM:

 Andy Ausmus, City Attorney

TAXPAYER: _____
 (Company name)

Signature: _____

Name: _____

Title: _____

SAMPLE PERSONAL PROPERTY TAX REFUND REQUEST LETTER

Date

City of Fort Lupton
Director of Finance & Administration
130 South McKinley Ave.
Fort Lupton, CO 80621

Re: Fort Lupton Personal Property Tax Refund Incentive Agreement (tax notice account #)

To Whom It Concerns,

Per agreement number (insert City incentive agreement number), enclosed please find our affidavit certifying the aggregate cost and year of acquisition of eligible personal property for our facility located at (insert address) and appearing on the personal property declaration schedule submitted to the Weld County Assessor. This personal property has not appeared on previous schedules and the equipment is currently in use at this facility.

Enclosed you will also find verification that all current personal property tax/assessments have been paid in full. (Company name) currently employs _____ full-time and _____ part-time and _____ (%____) of these employees currently reside in Weld County. Documentation can be provided as warranted.

Per the agreement, xx% of the City of Fort Lupton government portion of the personal property taxes paid on this property shall be reimbursed to (insert company name). Therefore, we anticipate a refund of \$_____ per the attached personal property tax notice for (year) taxes due in (year).

Should you have any questions or need additional information please contact me at (phone number).
Thanks for your assistance.

Sincerely,

Company Official Name
Title

Attachments

CITY OF FORT LUPTON

PERSONAL PROPERTY TAX REFUND INCENTIVE

SUMMARY

Colorado has passed legislation that enables counties and municipalities, on a case-by-case basis, to negotiate a refund of up to 100% of the governing jurisdiction's levy on new taxable personal property (equipment) used in connection with the operation of a qualifying new/expanding primary sector business facility. Colorado limits this incentive to ten years.

On a case-by-case basis, Weld County and municipalities throughout the County, will typically consider refunding up to 50% of new personal property tax to new/expanding primary sector businesses that meet state/local eligibility requirements.

COLORADO & WELD COUNTY TAXPAYER ELIGIBILITY REQUIREMENTS

- 1). The taxpayer must qualify as a "New Business Facility (NBF)" defined as: a new or expanded facility that is employed by the taxpayer in the operation of a revenue producing enterprise. An existing company may qualify as a NBF (as referenced by C.R.S. 31-15-903) by undertaking an expansion that exceeds \$1 million; or if less, 100% of its investment in the original facility prior to expansion. A replacement facility may qualify if the taxpayer's investment exceeds \$3 million; or if less, 300% of the investment in the old facility.
- 2). The eligible business shall not include any corporate reorganization, sale of an existing business, or resumption of business activities unless new investment is created.
- 3.) The businesses taxable personal property must be located at/within such "NBF" or directly attributable to the expansion of an existing business facility, and used in connection with such facility for the current property tax year.
- 4). An eligible business shall derive at least 50% of its principal source of gross annual income from the sale of products/services consumed outside of Weld County either directly or indirectly, and shall not derive more than 25% of gross annual income from direct retail sales or other internally directed sales. The program intent is to assist primary sector firms engaged in manufacturing, processing, research & development, etc. and provision of externally directed services.
- 5). An eligible business shall make a minimum new personal property investment of at least \$1 million in the eligible NBF.
- 6). The City of Fort Lupton maximum refund award is \$20,000/new job created/retained and at least 50% of the eligible company's workforce must be Weld County residents. The intent of these guidelines is to assist new/expanding primary sector businesses that are creating jobs for Weld County residents.

APPLICATION PROCEDURES

Contact Upstate Colorado Economic Development for additional program information, to determine eligibility and for assistance in requesting this incentive. In determining tax refund awards, total project impacts including investment, job creation, wage rates, etc. will all be taken into consideration by the governing jurisdictions.



Supporting Job Opportunities in Greeley & Weld County Communities

970.356.4565 phone • 970.352.2436 fax • 822 Seventh Street, Suite 550, Greeley, CO 80631
www.upstatecolorado.org

CITY OF FORT LUPTON

PERSONAL PROPERTY TAX INCENTIVE REFUND PROCEDURES

PROGRAM HIGHLIGHTS

Pursuant to C.R.S. §31-15-903: to be eligible for the personal property tax refund program the taxpayer must: 1) qualify as a "New Business Facility (NBF)"; 2) make a new equipment investment of at least \$1 million in Year 1; 3) be approved by the Fort Lupton City Council; 4) document that all personal property tax/assessments levied on the company are 100% paid/current. The maximum City refund is \$20,000/new job created/retained and at least 50% of company employees must be Weld residents (see Personal Property Tax Refund Program Incentive overview for additional eligibility requirements).

Please Note: Awarded refunds are 50% of City's portion of tax paid on new personal property (equipment) first put into operation in the eligible NBF in Year 1; for a total of up to ten years. Additional equipment investments made in years 2-10 are not part of the original agreement. To receive tax refunds for additional equipment investments, the company would need to again meet program guidelines and receive approval from the Fort Lupton City Council. This incentive is not retroactive.

REFUND INSTRUCTIONS

1. A written request for this incentive must be made to City of Fort Lupton prior to the year the property is first put into operation in Year 1 at the eligible NBF. This request should summarize the project impacts including real and personal property investment, job creation/retention, wage rates, Weld employment, etc. Contact Upstate Colorado Economic Development for assistance with this request.
2. Companies awarded a personal property tax refund will enter into an agreement with City of Fort Lupton (see attached sample City agreement).
3. All personal property tax/assessments levied on the taxpayer for the eligible facility must first be 100% paid/current prior to applying for a refund.
4. Each year of the 10 year agreement the company must provide a letter to the City of Fort Lupton Finance Department (see City agreement) requesting the refund and stating their continued eligibility by providing the following information (see attached sample letter):
 - a. Copy of the current Weld Personal Property Tax Notice and verification that all personal property tax/assessments are 100% paid/current;
 - b. Certify the cost of the eligible personal property by providing an itemized list that includes: a brief description of each piece of eligible equipment, the year acquired the original cost and confirmation that the equipment is being utilized at the facility.
 - c. Company's current Weld employment and percentage of employees that live in Weld County.
 - d. Refund request must be made by October 1st of each year.
5. Upon qualification by City of Fort Lupton the refund will generally be forwarded within 90 days.



Supporting Job Opportunities in Greeley & Weld County Communities

970.356.4565 phone • 970.352.2436 fax • 822 Seventh Street, Suite 550, Greeley, CO 80631

www.upstatecolorado.org



COME PAINT YOUR FUTURE WITH US

Upcoming Events

- | | |
|----------------|---|
| March 10, 2020 | Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave. |
| March 12, 2020 | Taste of Fort Lupton, 5:30 p.m. to 7:30 p.m.
Fort Lupton Recreation Center, 203 S. Harrison Ave. |
| March 17, 2020 | City Council Meeting, 7:00 p.m. at 130 S. McKinley Ave. |
| March 31, 2020 | Town Hall Meeting, 6:30 p.m. at 130 S. McKinley Ave. |
| April 4, 2020 | Easter Egg Hunt, 10 a.m.
Fort Lupton Recreation Center, 203 S. Harrison Ave. |