



PLANNING COMMISSION

Mike Simone, Chairperson
Paul Witmer, Vice-Chairperson

Kathy Kvasnicka
Shannon Rhoda
Karina Gonzalez

Jimmy Dominguez
Shannon Wiens
Ashley Greene

Planning Commission Agenda
Regular Meeting
130 South McKinley Avenue
Thursday, November 13, 2025
6:00 PM

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

** Login information on how to attend this meeting virtually (optional) is on the last page of this Agenda.*

Call to Order

Approval of Agenda

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

- a. Approval of the October 23, 2025, Meeting Minutes

Public Comment This portion of the Agenda is provided to allow members of the audience to present comments to the Board. The Board 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.

Action Item(s)

- a. PC Resolution P2025-013 Northland Business Park Change of Zone
- b. PC Resolution P2025-014 LG Everist NW Annexation Nos. 1-2
- c. PC Resolution P2025-015 LG Everist NE Annexation
- d. PC Resolution P2025-016 LG Everist 2025 Mining Special Use Permit
- e. PC Resolution P2025-017 Development Code Update Amendments

Discussion Items

Future Business

- a. The next meeting is scheduled for December, 11, 2025.

Adjourn

Virtual Meeting Instructions

Join this meeting from your computer, tablet or smartphone.

<https://meet.goto.com/885796925>

You can also dial in using your phone.

[+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 885-796-925

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<https://meet.goto.com/install>

If you would like to participate remotely, we encourage you to test the phone number and links provided above prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email PlanningDept@fortluptonco.gov immediately.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
October 23, 2025**

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, October 23, 2025.

Chair Mike Simone called the meeting to order at 6:04 PM.

ROLL CALL

Commissioners Present: Chair Mike Simone, Commissioners Kathy Kvasnicka, and Karina Gonzalez. Commissioners Jimmy Dominguez and Ashley Greene joined online via GoTo.

City Staff Present: Planning Director Todd Hodges, Planners Magaly Morales, Sean McDermott and Zachary Mettler, Planning Administrative Assistant Beyza Kirmizi. Public Works Director Roy Vestal and City Engineer David Rausch joined online via GoTo.

APPROVAL OF AGENDA

Commissioner Kvasnicka moved to approve the agenda, Commissioner Gonzalez seconded.

CONSENT AGENDA

Commissioner Kvasnicka moved to approve the consent agenda, Commissioner Gonzalez seconded.

PUBLIC COMMENT

Erik Feola, a Fort Lupton resident, stated that he has been in contact with the Planning Department for approximately a year regarding the City's ADU code requirements and expressed interest in seeing the proposed updates.

ACTION ITEM

There were no action items.

DISCUSSION ITEMS

- a. Development Code Update – ADUs, Landscaping and Daycare

Planner Zachary Mettler introduced the discussion item with an overview of the proposed code updates, which include amendments to Article 4, Article 8, and Article 11 addressing Accessory Dwelling Units (ADUs), in-home daycares, and landscaping.

He explained that ADUs currently require a Special Use Permit in the R-1 and R-1A zone districts, with no distinction based on lot size. The proposed changes aim to shift from standards based on zoning districts to standards based on lot size, while maintaining essential life, safety, and access requirements. The intent of the update is to increase flexibility while using site-specific restrictions such as setbacks and lot coverage

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
October 23, 2025

limits to manage ADU development. An overview of the ADU process and general guidelines was provided, including submittal requirements, location standards, and the condition that a detached house or duplex/multi-unit dwelling must either exist or be proposed on the property. Mr. Mettler further explained access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring both residences receive individual city-assigned addresses. Additionally, no new access permit will be issued for an ADU unless the lot size allows for sufficient width of access.

Mr. Mettler continued by going over the changes to Article 11, which focuses on definitions. The changes include removing the definition of a Household, adding a definition for a Dwelling Unit, and refining the definition of an Accessory Dwelling Unit.

Planner Sean McDermott followed with an overview of the proposed changes regarding in-home daycares. These updates would make in-home daycares a use-by-right in residential zone districts with a home occupation license, eliminating the need for a special use permit. One additional requirement is added to the home occupation standards to ensure potential impacts of daycare operations are appropriately mitigated.

Lastly, the proposed code changes to Article 8 were presented that cover landscaping standards. The amendments are intended to align with SB2024-005 concerning non-functional turf regulations and waterwise landscaping principles. These requirements would apply to new development and redevelopment projects that meet certain thresholds. Mr. McDermott explained that the proposed code outlines limits on the percentage of landscaped area that may consist of water-intensive turf for commercial, industrial, and residential properties, and restricts where irrigated turf may be installed. He also reviewed the exceptions to these standards and discussed the proposed waterwise plant guidelines. The updated code encourages innovative stormwater design elements, such as swales around parking areas, creative tree wells, hydrozoning, and preservation of existing vegetation. Mr. McDermott also highlighted proposed updates to firescaping and irrigation standards, which aim to ensure that irrigation systems meet the specific water needs of each landscape. He concluded by noting that a list of approved waterwise plant species will be made available on the City's website.

Commissioners discussed:

- Minimum size requirement for an ADU
- Whether a garage can qualify as an ADU
- Whether an additional water tap is required
- Owner occupancy requirement
- Short term rentals
- Which department processes home occupation licenses
- Neighborhood notification requirements for in-home daycares
- Availability of an appeal process if a daycare application is denied
- Costs associated with a Special Use Permit
- Applicability of the new landscaping requirements
- Guidelines for the Planning Director's decision-making process in the event of an appeal

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
October 23, 2025

Mr. Mettler responded to the question regarding garages, explaining that if a garage space is needed to meet the minimum parking requirements for the primary residence, it cannot be converted into an ADU.

Planning Director Todd Hodges addressed the question regarding additional water taps, clarifying that a new tap would not be required and that installing one would pose a significant cost burden for applicants.

Mr. Mettler explained that the City will no longer require property owners to reside in the primary dwelling.

Mr. McDermott noted that staff will follow up on whether neighborhood notification should be required when an in-home daycare is opening up.

Mr. Hodges addressed commissioners' concerns about the proposed landscaping requirement for redevelopment projects, emphasizing that the intent of the change is to promote water conservation.

Mr. McDermott added that staff will pursue educational outreach efforts to develop guidelines and recommendations to help residents better understand their landscaping options.

b. Western Planner Conference Recap

Planner Mettler and Planner Morales gave a brief recap of the Oregon American Planner Association Conference and mentioned that they had great input that will be beneficial for the comprehensive plan update and the city's planning, residential input and involvement of the youth.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for November 13th, 2025.

ADJOURNMENT

Commissioner Gonzalez moved to adjourn the meeting. Commissioner Kvasnicka seconded.

Chair Simone moved to adjourn the meeting at 7:38 PM.

Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

RESOLUTION NO. P2025-013

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A CHANGE OF ZONE KNOWN AS THE NORTHLAND BUSINESS PARK CHANGE OF ZONE ON PROPERTIES LOCATED IN THE WEST HALF AND SOUTHEAST QUARTER OF SECTION 29, AND THE NORTH HALF OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing November 13, 2025 for the purpose of reviewing a change of zone known as the Northland Business Park Change of Zone from the PUD Planned Unit Development Zone District to the I-2 Heavy Industrial Zone District on the properties legally described in Exhibit A of this Resolution; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the Northland Business Park Change of Zone application conforms to Colorado Revised Statutes and City codes and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 300 feet, and posted notice of the public hearings on the property at least fifteen (15) days before the hearing date;

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends to City Council approval of the Northland Business Park Change of Zone to the I-2 Heavy Zone District as the areas are defined in Exhibit A of this Resolution.

DONE THIS 13TH DAY OF NOVEMBER 2025, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A

LEGAL DESCRIPTION

PARCELS OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE WEST HALF AND SOUTHEAST QUARTER OF SECTION 29, AND THE NORTH HALF OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, NORTH LAND PUD FIRST FILING;

LOTS 1-11, TRACT A, NORTH LAND PUD SECOND FILING PHASE 1;

LOTS 12-17, NORTH LAND PUD SECOND FILING PHASE 2;

LOTS 1-5, LOTS 7-8, OUTLOT A, AND TRACT A OF NORTH LAND PUD THIRD FILING, AMENDMENT NO. 1;

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE SIXTY 66 WEST OF THE 6TH P.M.;

LOT B, RECORDED EXEMPTION NO. 1309-29-4 RE-3870

**NORTHLAND BUSINESS PARK CHANGE OF ZONE STAFF REPORT
PROJECT NO. COZ25-003**

PROJECT DESCRIPTION

Project No.: COZ25-003

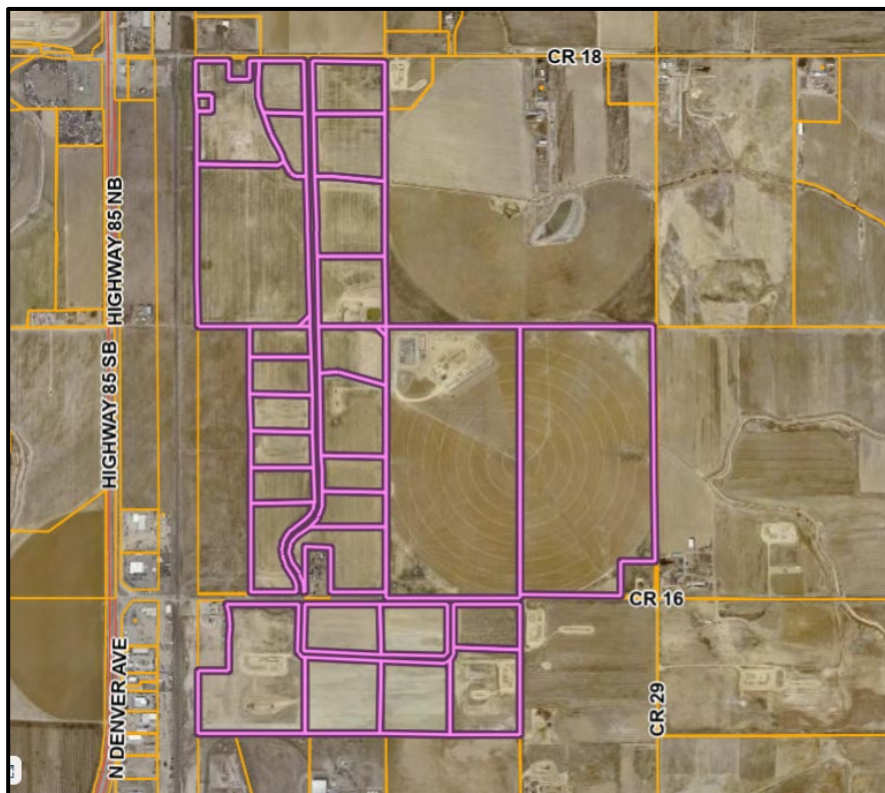
Project Name: Northland Business Park Change of Zone

Owner's Name: CarMax Auto Superstores Inc, J.J. Kane Associates Inc, KCP Northland I LLC, KCP Northland II LLC, Land 5 Investments LLC, North State Real Estate LLC, Northland JHK LLC

Representative: Daniel Allen, Henry Group Real Estate ("Applicant") & Abi Bartalo, CenterPoint Integrated Solutions representing CarMax Auto Superstores Inc

Location of Request:

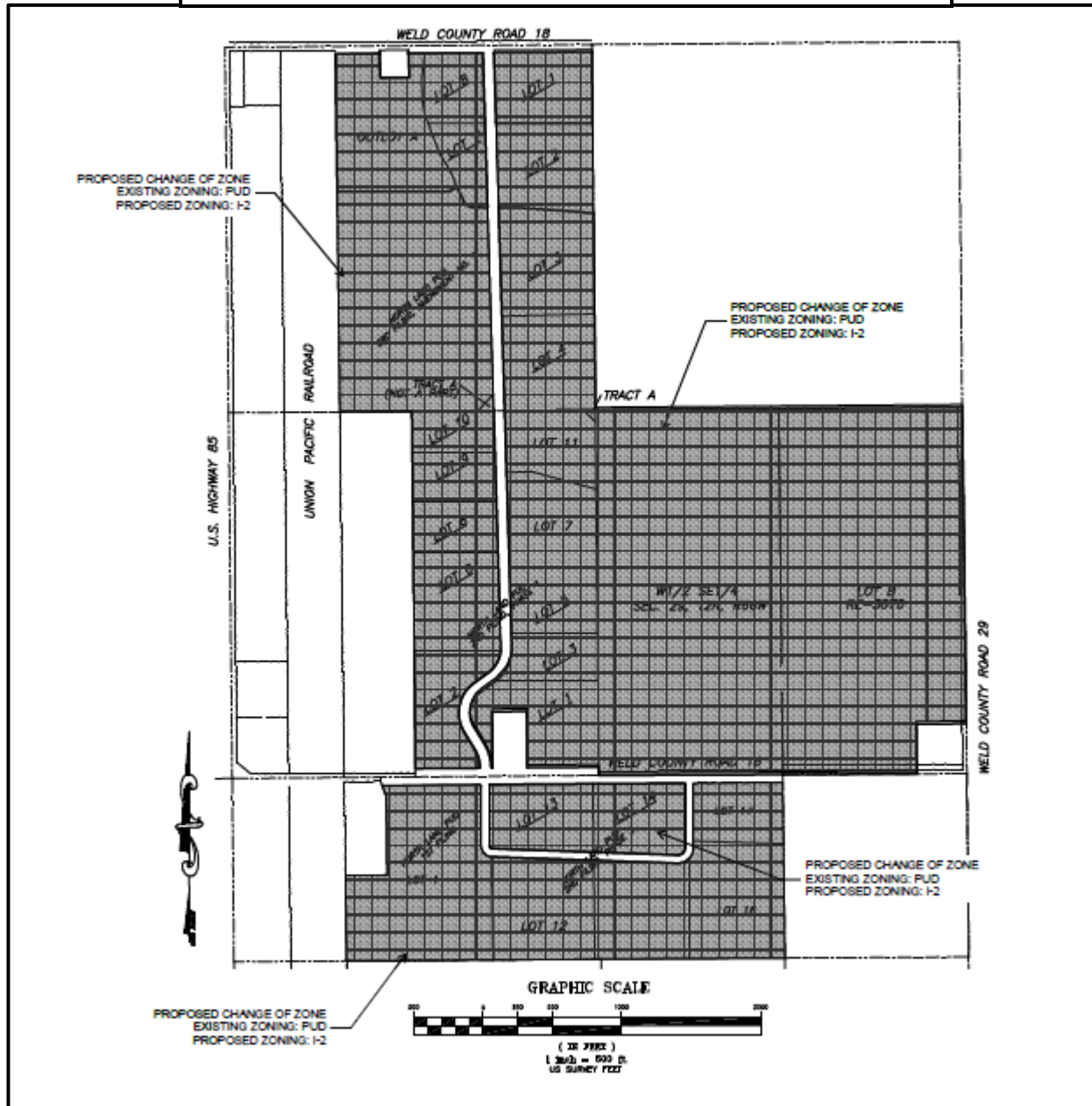
The site is located south and adjacent to CR 18, adjacent to CR 16, and adjacent to Northland Drive (The Property). The Property is located in the NW, SW, and SE Quarters of Section 29 and the NW and NE Quarters of Section 32, Township 2 North, Range 66 West of the 6th PM, City of Fort Lupton, County of Weld, State of Colorado.



Nature of Request:

The Applicant has submitted a request for consideration of a Change of Zone from PUD Planned Unit Development to I-2 Heavy Industrial. The current PUD allows for prescribed mix of industrial and commercial uses with separate design standards and review processes from the current code.

Northland Business Park Change of Zone Map



Site Size: 413.705 acres, more or less.

Zone District (current): PUD Planned Unit Development.

Proposed Zone District: I-2 Heavy Industrial.

Proposed Use: Industrial Business Park (no change).

Existing Use: The Properties are mostly vacant agricultural land with utilities and roadway installed. Two lots have approved site plans for industrial uses.

Meeting Dates: Planning Commission – November 13, 2025 at 6:00 PM; and
City Council – December 2, 2025 at 6:00 PM.

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

SUMMARY OF PREVIOUS APPLICATIONS

On July 8th, 2009, City Council approved known as North Land Annexation Nos. 1-3 with an initial zoning of I-2 Heavy Industrial, establishing the Northland Business Park within city limits.

On October 10th, 2011, City Council approved a Change of Zone for the North Land development from I-2 Heavy Industrial to PUD with the North Land PUD Design Guidelines. The North Land PUD First Filing was approved alongside this Change of Zone.

On January 6th, 2014, City Council approved the North Land PUD Second Filing Phase 1 and Phase 2 plats.

On March 17th, 2020, City Council approved the North Land PUD Third Filing.

On February 7th, 2023, City Council approved the Land Fed 10-29HZ Special Use Permit for an oil and gas facility on the West Half of the Southeast Quarter of Section 29, Township 2 North, Range 66W of the 6th P.M.

On July 5th, 2023, City Council approved the North Land PUD Third Filing, Amendment No. 1, along with the CarMax Site Plan on Lot 5 of the North Land PUD Third Filing, Amendment No. 1.

On August 20th, 2024, City Council approved the JJ Kane Site Plan on Lot 4 of North Land PUD Second Filing Phase 1.

APPLICATION PROCESS

The Applicant is requesting approval of a change of zone from the PUD Planned Unit Development zone district to the I-2 Heavy Industrial zone districts.

A Change of Zone is processed under [Chapter 16 Section 2.03](#) of the Fort Lupton Municipal Code (“Code”). After required public notice of the Change of Zone, the Planning Commission shall consider the application, referral comments, and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions, or deny the Change of Zone. The Planning Commission’s comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City’s standards, regulations, and policies.

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

NOTIFICATION REQUIREMENTS

The Fort Lupton Development Code requires publishing, posting, and mailing notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on October 23, 2025.

Notice of the public hearings was posted on the Property pursuant to the Zoning Regulations at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbors within three-hundred (300) feet of the Property at least fifteen (15) days prior to the hearings on October 28, 2025.

EXISTING CONTEXT

The property includes vacant and/or farmed land, with nearby properties to the east and south zoned I-2 Heavy Industrial..

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Applicant wishes to change the zone of the Property from PUD Planned Unit Development to I-2 Heavy Industrial. Zone Districts are governed by Section 16-4.01 of the Fort Lupton Municipal Code. The intent of the zone districts being requested is as follows:

- I-2 zone district: The I-2 district provides for the broadest scope of service, manufacturing and distribution uses that are generally not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.

Staff finds that the I-2 uses are in line with the intent of the existing PUD and the Change of Zone better brings the property in line with current code standards.

Section 2.03 outlines applicable review criteria for a Change of Zone that are as follows:

- (1) The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.

The Comprehensive Plan designates the properties as Industrial on the west and Light Industrial & Office on the east. Staff finds that the future land use, along with goals and policies of the Comprehensive Plan support both the existing zoning and proposed Change of Zone.

- (2) The proposal will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transition with other complementary uses and development.

The current PUD, platting, and existing site plans within the Northland Business Park were designed with the character and intent of industrial development that is in line with the I-2 zone district allowances and design criteria. This Change of Zone doesn't impact existing site plan approvals.

- (3) Whether the area has changed since the existing zoning has been in place, or is it changing to a degree that it is in the public interest to rezone the property.

Since the property was annexed and initially zoned I-2, changed to PUD zoning, and subdivided, the City's development code has been updated to create a much better set of design criteria for industrial sites for quality, flexibility, and creativity. The current PUD has design standards that exceeded the City's former development code at the time of adoption, but are now outdated and more subjective than our current code, with its own review board and processes that don't align with our current code. Updating to straight I-2 zoning would allow Site Plans and Special Use Permits in the Northland Business Park to align with current code to streamline new development and right-size review processes.

- (4) The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

The services and facilities required for this area to serve anticipated uses have been considered with the existing zoning and are not significantly impacted by this Change of Zone.

- (5) The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

The Change of Zone allows for development within the Northland Business Park to follow current City code for design standards, review procedures, and development timeline, creating for a more streamlined process for new industrial development with a desire for full build-out within the Northland Business Park.

- (6) Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

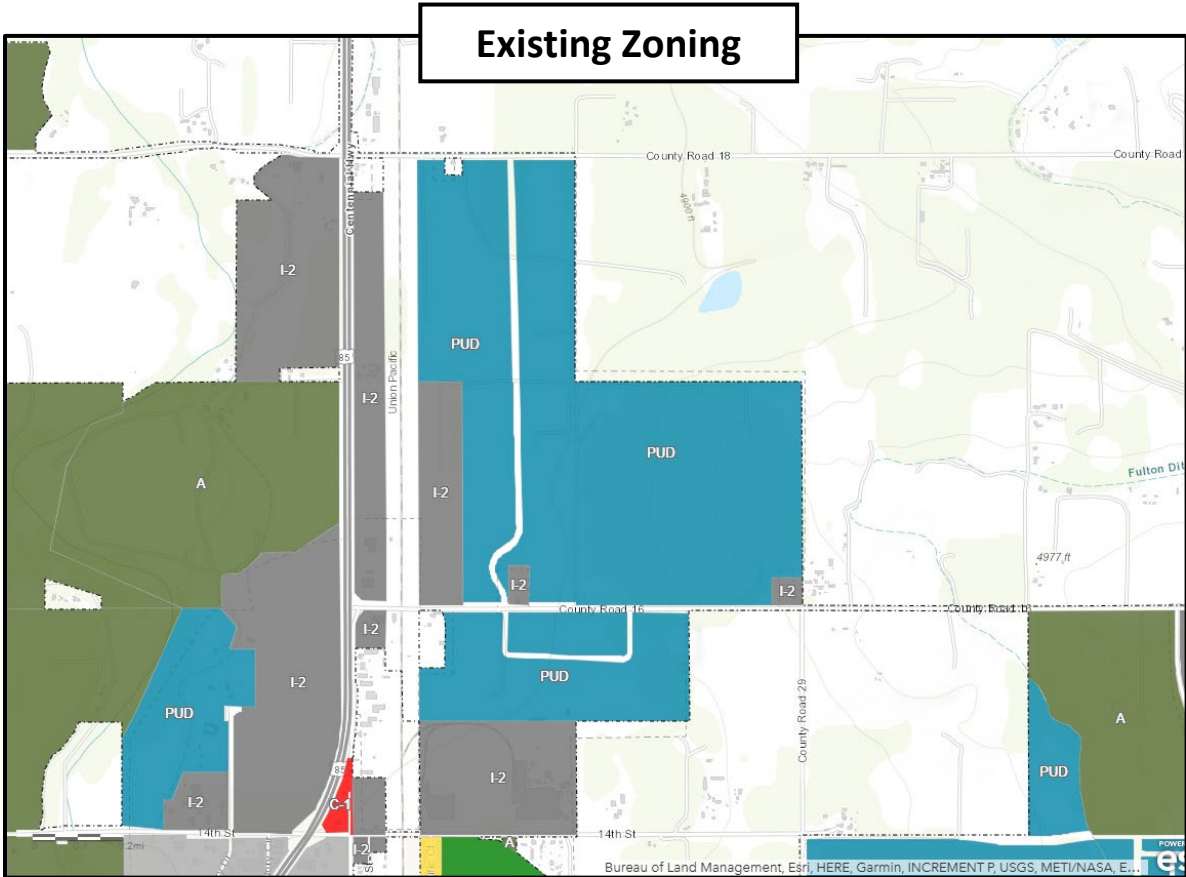
Any anticipated impacts will be mitigated through the review process and associated conditions for specific Site Plans or Special Use Permits. Potential impacts should not differ from existing zoning and the City's current design standards provide for buffering, frontage design, etc., where appropriate.

The Change of Zone request meets the criteria listed above. The Applicant has submitted the required documents pursuant to the Code.

CURRENT ZONING

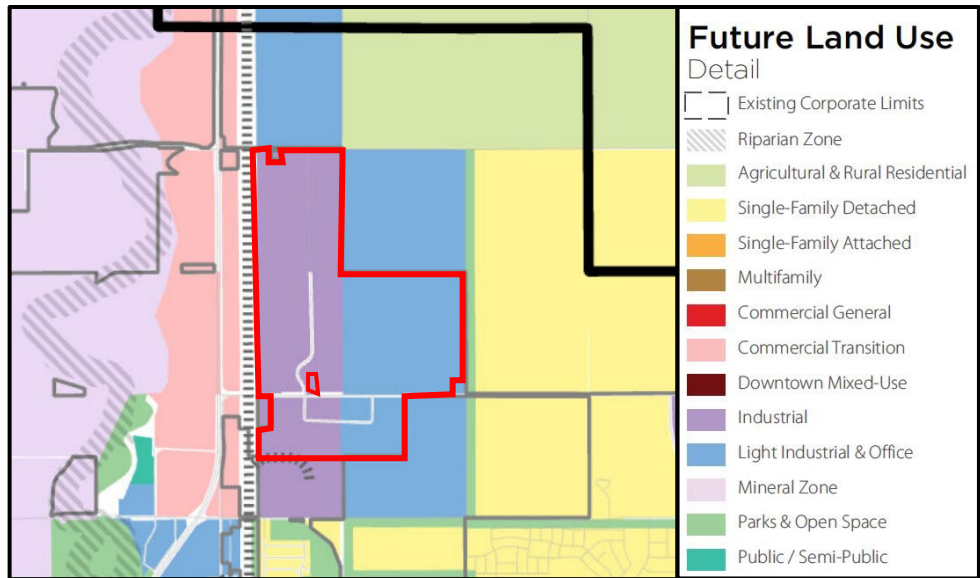
	EXISTING ZONING	EXISTING LAND USE
NORTH	Unincorporated Weld County	Agriculture

SOUTH	I-2 Heavy Industrial	Industrial
EAST	Unincorporated Weld County	Agriculture
WEST	I-2	Industrial



CONFORMANCE WITH THE COMPREHENSIVE PLAN

As mentioned above, the Future Land Use Map designates the property as Industrial and Light Industrial & Office. The current PUD allows for commercial and industrial uses, and the Change of Zone to I-2 aligns with these uses and the intent of the PUD and future land use map and furthers the goals for Industrial growth and development in the City in an appropriate location based on proposed and existing uses.



REFERRALS

City Attorney	Police Chief	Comcast
City Administrator	Public Works Director	CenturyLink
Building Inspector	GIS Specialist	Xcel Energy
Finance Director	Economic Development Manager	Ripple Fiber
Development Review Engineer	Fort Lupton Fire Protection District	Intrepid Fiber
CDOT	United Power	Postmaster
Weld Co Department of Planning	Weld Co Dept of Public Health & Env.	Weld Co Public Works
Weld Co GIS	NCWCD	Fulton Ditch Company
Platteville Ditch Company	Western Midstream	Union Pacific Railroad

Referrals were provided to the list above. The applicant has acknowledged their receipt and review of all referral responses via email.

STAFF RECOMMENDATION

Staff recommends approval of the Change of Zone. Staff supports the change from existing PUD standards to current City code as it will provide for more objective and consistent development standards for future projects, while allowing for flexibility and creativity through the design standards, all of which help support the quality buildout of the the Northland Business Park.

Additional project documents, including all referral responses, are available for review at:

<https://www.fortluptonco.gov/DocumentCenter/Index/981>

September 23, 2025

City of Fort Lupton
Planning and Building
1200 Dexter Street, Unit W13
Fort Lupton, CO 80621

RE: Northland Business Park Change of Zone

Dear City of Fort Lupton Planning and Building:

Thank you for accepting this Change of Zone Submittal. We are submitting for this on behalf of our client, KCP Northland I & II, LLC, who own the majority of Northland Business Park. Our goal is to work with the City of Fort Lupton to change the zoning of Northland Business Park from PUD to straight I-2 zoning to promote development and economic growth within the business park and the City of Fort Lupton.

We reviewed the existing PUD and identified areas we believe should be amended to make the business park more attractive for development. In lieu of amending the PUD, we believe changing to straight I-2 zoning will accomplish our goals by reducing setbacks, minimizing screening and architectural requirements, and removing the need for a Design Review Board and a City Council hearing for approval.

We look forward to continuing working with you on this. Please do not hesitate to contact me via phone at (620) 664-2035 or via email at daniel@henrygroupre.com with any questions.

Sincerely,



Daniel Allen
Development Manager
Henry Group Real Estate

NORTHLAND BUSINESS PARK CHANGE OF ZONE MAP

PROJECT NO. COZ25-003

SITUATED WITHIN THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER IN SECTION 29,
AND SITUATED WITHIN THE NORTH HALF OF SECTION 32,
ALL IN TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO

LEGEND:

CHANGE OF ZONE AREA

PROPERTY DESCRIPTION:

PARCELS OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE WEST HALF AND SOUTHEAST QUARTER OF SECTION 29, AND THE NORTH HALF OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, NORTH LAND PUD FIRST FILING

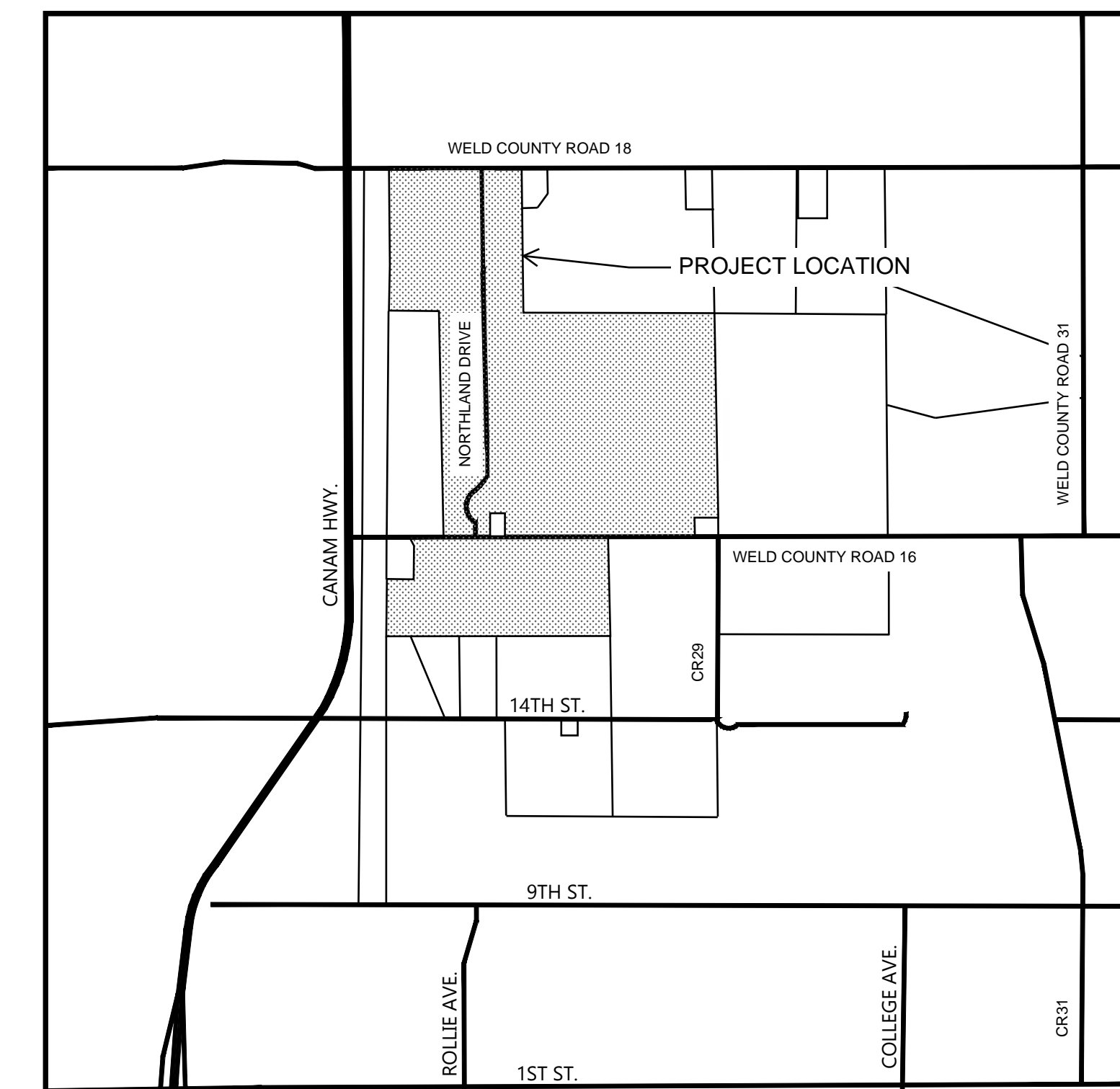
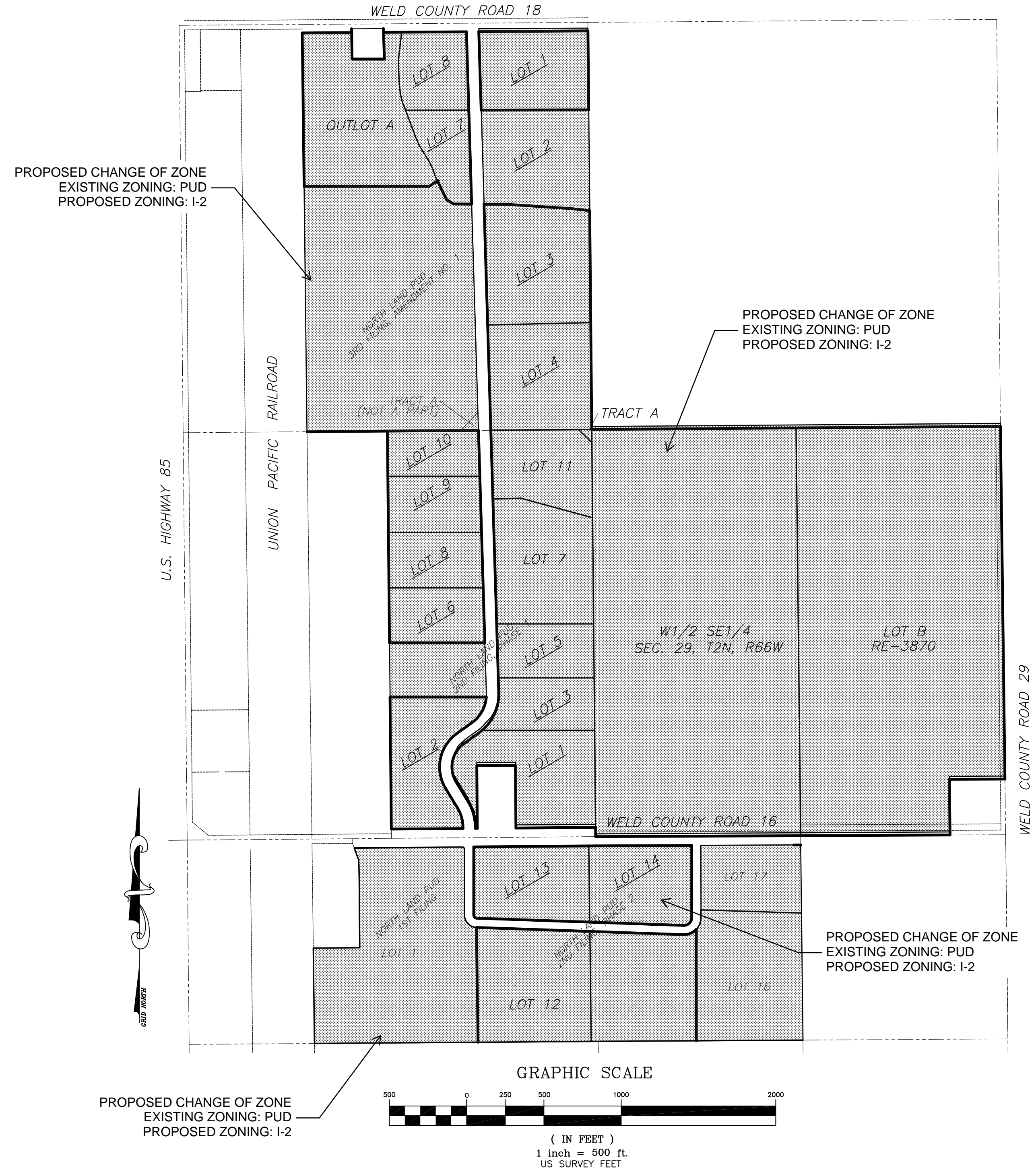
LOTS 1-11, TRACT A, NORTH LAND PUD SECOND FILING PHASE 1

LOTS 12-17, NORTH LAND PUD SECOND FILING PHASE 2

LOTS 1-5, LOTS 7-8, OUTLOT A, AND TRACT A OF NORTH LAND PUD THIRD FILING, AMENDMENT NO. 1

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE SIXTY 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

LOT B, RECORDED EXEMPTION NO. 1309-29-4 RE-3870, COUNTY OF WELD, STATE OF COLORADO.



MODE CIVIL SERVICES
1312 17TH STREET, UNIT #2208
DENVER, CO 80202
952-217-3396
MAX NEWSTROM, PE



This exhibit is for illustrative purposes only and is not for construction. MODE Civil Services assumes no liability for any use of this exhibit beyond conceptual discussions.

CHANGE OF ZONE MAP
11/03/2025

Colorado Trust for Local News
143 S. Second Place
Brighton, CO 80601

City of Fort Lupton Legals***
130 S McKinley Avenue
Fort Lupton CO 80621

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/23/2025, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Erin Adams, director of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/23/2025. Erin Adams has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-159649

Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a **Change of Zone** referred to as the **Northland Business Park Change of Zone**, located south and adjacent to CR 18, adjacent to CR 16, and adjacent to Northland Drive in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the **Planning Commission on Thursday, November 13, 2025, at 6:00 P.M.**, and before the **City Council on Tuesday, December 2, 2025, at 6:00 P.M.**, or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003.

**ALL INTERESTED PERSONS
MAY ATTEND.**

LEGAL DESCRIPTION

L1 NORTH LAND PUD FG #1;
L1-11, Tract A NORTH LAND PUD FG #2
PH1;
L12-17 NORTH LAND PUD FG #2 PH2;
L1-5, L7-8, Tract A, Outlot A NORTH LAND
PUD 3RD FG AMD #1;
16208 W2SE4 29 2 66 EXC UPRR RES;
PT E2SE4 29-2-66 LOT B REC EXEMPT
RE-3870
BEING A PART OF THE NORTHWEST,
SOUTHWEST, AND SOUTHEAST
QUARTERS OF SECTION 29, AND A PART
OF THE NORTHWEST AND NORTHEAST
QUARTERS OF SECTION 32, TOWNSHIP
2 NORTH, RANGE 66 WEST OF THE 6TH
PRINCIPAL MERIDIAN, CITY OF FORT
LUPTON, COUNTY OF WELD, STATE OF
COLORADO.

Legal Notice No. FLP1365
First Publication: October 23, 2025
Last Publication: October 23, 2025
Publisher: Fort Lupton Press



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 28th day of October, 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **Northland Business Park Change of Zone** was sent via United States Mail, postage pre-paid, to the following addresses:

PEREZ JOSE FRANCISCO SUAREZ 13207 COUNTY ROAD 18 FORT LUPTON, CO 806219205	CASTLE PINES NORTH METRO DISTRICT 7404 YORKSHIRE DR CASTLE PINES, CO 801089292	MRFR III LLLP 330 SHADYCROFT DR LITTLETON, CO 801204019
SHERWOOD RENEE L 29436 COUNTY ROAD 388 KERSEY, CO 806449518	LAND LLOYD 12501 RIVERDALE RD BRIGHTON, CO 806028161	MERZ TONYA, TEDFORD JUSTIN, TEDFORD RYAN 14013 COUNTY ROAD 16 FORT LUPTON, CO 80621
FEHRN WILLIAM WALTER JR & LAWRENCE 1861 14 TH ST FORT LUPTON, CO 806218722	GENERAL ASSEMBLY & CHURCH OF FIRST BORN 6448 S ACOMA ST LITTLETON, CO 801203411	VYNCKIER LIVING TRUST 13786 COUNTY ROAD 18 FORT LUPTON, CO 806219206
BESHARAT MOHAMMAD 5353 URAVAN ST DENVER, CO 802498792	JJ KANE ASSOCIATES INC 210 INVERNESS CENTER DR BIRMINGHAM, AL 352424834	BRANDT ROBERT EUGENE, BRANDT CHARLOTTE ANN 13971 COUNTY ROAD 16 FORT LUPTON, CO 806219215
FEHRN WILLIAM WALTER JR, FEHRN LAWRENCE NELSON 1861 14 TH ST FORT LUPTON, CO 806218722	1011 FORT LLC 8591 E 136 TH AVE BRIGHTON, CO 806028585	CARTER CLIFFORD D, CARTER ELIZABETH ANN 1621 14 TH ST FORT LUPTON, CO 806218718
GOLDEN ALUMINUM INC 1405 14 TH ST FORT LUPTON, CO 806212718	R&R HOT SHOT SERVICE INC 5611 BLUE SAGE DR LITTLETON, CO 801232713	



 City Official



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a Change of Zone referred to as the Northland Business Park Change of Zone located south and adjacent to CR 18, adjacent to CR 16, and adjacent to Northland Drive in Fort Lupton, Colorado pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 13, 2025 at 6:00 P.M., and before the City Council on Tuesday, December 2, 2025 at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928 4003.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: Northland Business Park Change of Zone

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

L1 NORTH LAND PUD FG #1;

L1-11, Tract A NORTH LAND PUD FG #2 PH1;

L12-17 NORTH LAND PUD FG #2 PH2;

L1-5, L7-8, Tract A, Outlot A NORTH LAND PUD 3RD FG AMD #1;

16208 W2SE4 29 2 66 EXC UPRR RES;

PT E2SE4 29-2-66 LOT B REC EXEMPT RE-3870

BEING A PART OF THE NORTHWEST, SOUTHWEST, AND SOUTHEAST QUARTERS OF SECTION 29, AND A PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

CHANGE OF ZONE MAP

SITUATED WITHIN THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER IN SECTION 29,
AND SITUATED WITHIN THE NORTH HALF OF SECTION 32,
ALL IN TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.
COUNTY OF WELD, STATE OF COLORADO

PROPERTY DESCRIPTION

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE WEST HALF AND SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16208 W2SE4 29 2 66 EXC UPRR RES

AND

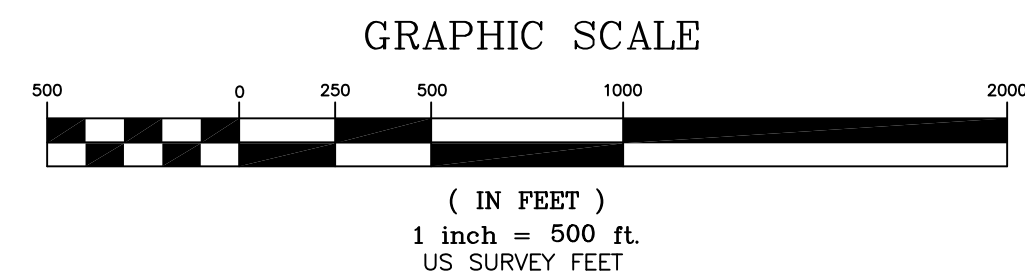
PT E2SE4 29-2-66 LOT B REC EXEMPT RE-3870

PROPOSED CHANGE OF ZONE
EXISTING ZONING: PUD
PROPOSED ZONING: I-2

PROPOSED CHANGE OF ZONE
EXISTING ZONING: PUD
PROPOSED ZONING: I-2

PROPOSED CHANGE OF ZONE
EXISTING ZONING: PUD
PROPOSED ZONING: I-2

PROPOSED CHANGE OF ZONE
EXISTING ZONING: PUD
PROPOSED ZONING: I-2



LEGEND:

CHANGE OF ZONE AREA

OWNER'S APPROVAL:

KNOWN ALL MEN BY THESE PRESENT, THAT I _____ BEING THE SOLE OWNER OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDER OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS CHANGE OF ZONE.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 202__.

STATE OF COLORADO,)
COUNTY OF WELD) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS ____ DAY OF _____, 202__ WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

CITY ENGINEERS APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

CITY ENGINEER

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

CITY ADMINISTRATOR

PLANNING COMMISSION RECOMMENDATION

RECOMMENDED THIS ____ DAY OF _____, 202__, BY RESOLUTION NO. _____

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT A CHANGE OF ZONE OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE ____ DAY OF _____, A.D., 202__ AND THAT THE MAYOR OF THE CITY OF FORT LUPTON, AS AUTHORIZED BY SAID ORDINANCE ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID CHANGE OF ZONE UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

ATTEST:

MAYOR

CITY CLERK

(SEAL)

MODE CIVIL SERVICES
1312 17TH STREET, UNIT #2208
DENVER, CO 80202
952-217-3396
MAX NEWSTROM, PE



This exhibit is for illustrative purposes only and is not for construction. MODE Civil Services assumes no liability for any use of this exhibit beyond conceptual discussions.

CHANGE OF ZONE MAP
09/23/2025

Sign Posting Affidavit

Northland Business Park Change of Zone
COZ25-003



Facing County Road 16



Facing County Road 18

I, Daniel Allen hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 31 day of October, 2025.


Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Rhonda Hellwig this 31st day of October, 2025. Witness my hand and seal.

My commission expires March 1, 2028

Rhonda Hellwig
Notary Public

RHONDA L HELLWIG
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20244008938
MY COMMISSION EXPIRES MARCH 1, 2028

RESOLUTION NO. P2025-014

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION KNOWN AS THE L.G. EVERIST NW ANNEXATION NOS. 1-2 AND INITIAL ZONING TO THE 'A' AGRICULTURE ZONE DISTRICT FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.

WHEREAS, the Planning Commission held a public hearing on November 13, 2025, for the purpose of reviewing an application submitted by Lynn M. Shults as the representative of L.G. Everist, Inc. (the "Applicants"), for an annexation, known as the L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning to the 'A' Agriculture Zone District; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the annexation and initial zoning conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site.

NOW THEREFORE BE IT RESOLVED, the Planning Commission 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 annexation known as the L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning to the 'A' Agriculture Zone District, conditional upon the following:

1. Prior to the Recording the Annexation Documents:
 - A. Applicant shall adequately address all comments from Planning.
 - B. Annexation Agreement shall be finalized between the Applicant and the City.
 - C. Applicant shall adequately address all comments and requirements from Public Works.

DONE THIS 13th DAY OF NOVEMBER, 2025, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A
PROPERTY DESCRIPTION

Annexation No. 1

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto; THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet; The following Ten (10) courses and distances are along the West side of Lupton Meadows Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4950904 of the Records of Weld County; THENCE North 01°21'17" East a distance of 30.02 feet to the Northerly line of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;

The following Five (5) courses and distances are along the West side of Lupton Meadows Ditch;
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;
THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Annexation No. 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21 AND THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE N89° 39'47"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 (CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 22 TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED TO BEAR N89° 36'26"E WITH ALL BEARINGS STATED HEREIN RELATIVE THERETO), A DISTANCE OF 579.81 FEET TO THE EASTERLY LINE OF BILLINGER ANNEXATIONS #1, #2 AND #3 RECORDED UNDER RECEPTION NUMBER 4520897; THENCE N27° 59'05"E ALONG SAID EASTERLY LINE, A DISTANCE OF 34.08 FEET TO THE NORTH RIGHT OF WAY LINE OF WELD COUNTY ROAD 8 BEING 30.00 FEET NORTH OF SAID SECTION LINE AND THE TRUE POINT OF BEGINNING;

THENCE N89° 39'47"E ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET;
THENCE S88° 04'29"E, A DISTANCE OF 760.00 FEET;
THENCE S87° 24'03"W, A DISTANCE OF 760.00 FEET TO THE SOUTH ROW LINE OF SAID WELD COUNTY ROAD 8;
THENCE S89° 39'47"W ALONG SAID SOUTH ROW LINE, A DISTANCE OF 107.34 FEET;
THENCE N80° 23'50"E, A DISTANCE OF 186.31 FEET;
THENCE N79° 08'18"W, A DISTANCE OF 154.48 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 23,221 SQ. FT. / 0.5331 ACRES, MORE OR LESS.
ALL LINEAL DISTANCE ARE REPRESENTED IN U.S. SURVEY FEET.

**L.G. EVERIST NW ANNEXATION NOS. 1-2 STAFF REPORT
PROJECT NO. ANX25-002**

PROJECT DESCRIPTION

Project No.: ANX25-002

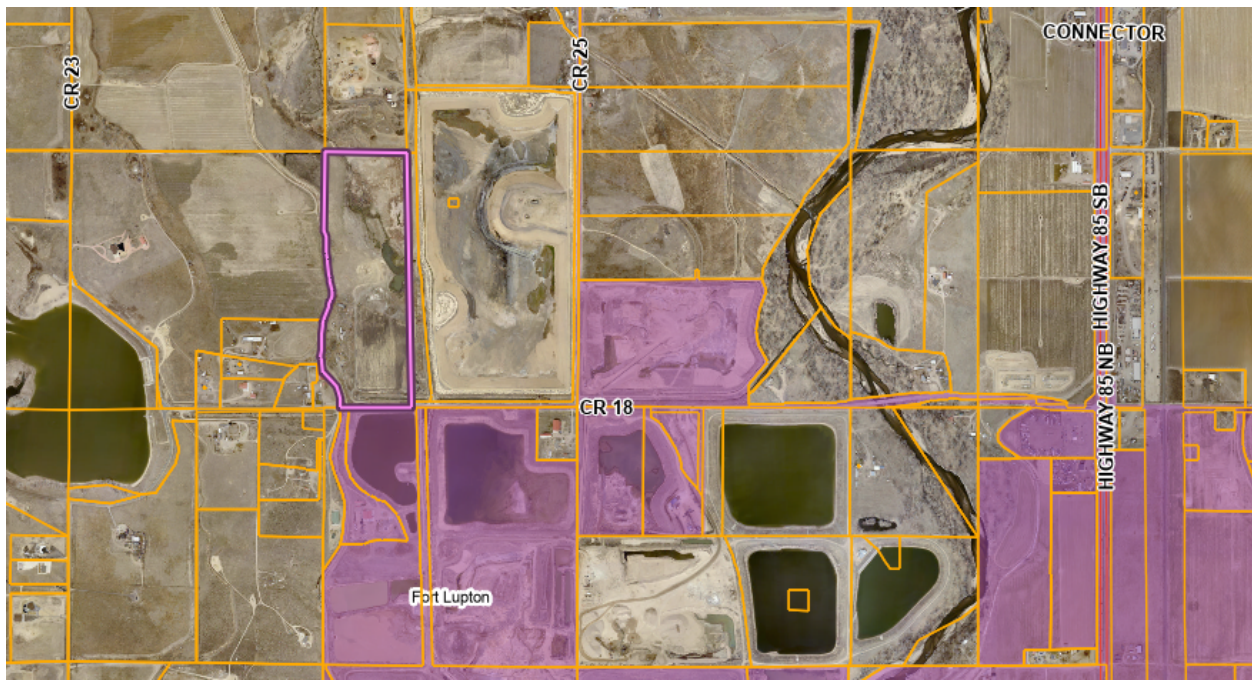
Project name: L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning

Owner's Name: L.G. Everist, Inc. ("Applicant")

Representative: Lynn M. Shults

Location of Request:

The site is located generally immediately north along County Road 18, between County Roads 23 and 25 (The Property). Parcel No 131124001003. The Property is located in the southeast quarter of Section 24, Township 2 North, Range 67 West of the 6th PM, County of Weld, State of Colorado. The Property is directly surrounded by agricultural and rural residential land uses, mining operations, and detention ponds.



Solid Purple: Fort Lupton City Limits. Purple Outline: Parcel in question.

Nature of Request:

The Applicants has submitted a request for annexation of one parcel with initial designation to the 'A' Agriculture Zone District. A Special Use Permit Amendment application has been submitted concurrently with this annexation request for the Gravel & Sand Mining operation.

Site Size: Subject Property: 50.808 acres, more or less;

Proposed Zone District: 'A' Agriculture

Concept Land Use Plan: Conceptual land use plan affiliated with the annexation but does not create vesting. The concurrent Special use Permit Amendment application is reviewing the specific land uses.

Existing Use: The properties are currently vacant agricultural land.

Hearing Dates: Planning Commission – November 13, 2025 at 6:00 PM; and
City Council – December 2, 2025 at 6:00 PM.

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

Staff Recommendation: Approval with conditions, as listed in the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

To staff's knowledge, there are no prior applications for these properties through the City of Fort Lupton.

APPLICATION PROCESS

The Applicant is requesting approval of an annexation and initial zoning to the 'A' Agriculture Zone District.

An annexation is processed under [Chapter 15: Annexation](#) of the Fort Lupton Municipal Code ("Code").

After required public notice of annexation and initial zoning, the Planning Commission shall review the annexation map, the concept land use plan and the zoning request at a public hearing, and shall submit a written recommendation to City Council.

The City Council shall then conduct a public hearing and consider the approval of an ordinance annexing the property to the City without election if it finds that the annexation is in compliance with the requirements of the Colorado Municipal Annexation Act of 1965, as amended, and the Fort Lupton Municipal Code. The City Council shall then either:

1. Approve, or approve with conditions, the ordinances for annexation and initial zoning. Approval may be contingent upon specific changes to the zoning or to the annexation agreement provided to the City Council prior to the public hearing.
2. Disapprove the ordinances to annex and initially zone the Property. If the City Council disapproves annexation, no similar request may be heard for a period of one year from the date of denial.

NOTIFICATION REQUIREMENTS

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 500 feet, and the publishing notice of the hearing in the Fort Lupton Press and the Greeley Tribune for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

In addition, notice of the public hearings, as well as the resolution and petition, was sent to all special districts on October 13, 2025 by certified mail, return-receipt requested. The annexation impact report

was sent on April 7, 2025 to the Weld County Commissioners and Weld County Attorney by certified mail, return-receipt requested.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

This annexation meets the requirements set forth by the Municipal Annexation Act of 1965, as amended and by [Chapter 15 of the Municipal Code](#) relating to Annexation. The Planning Department staff has determined that the applicant has submitted all required documents pursuant to the Code.

Section 15-3 of the Municipal Code outlines the Annexation Policy, which is:

- a) The City Council shall have the sole discretion in the annexation of territory proposed for annexation to the City, and the City is under no obligation to approve any annexation petition.

Staff Comment: On October 7, 2025, the City Council accepted the annexation petition and set the public hearing date for this matter for December 2, 2025.

- b) Land to be annexed shall conform to the goals, policies and strategies of the City.

Staff Comment: The Planning Department finds that the annexation meets the goals, policies and strategies of the City, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

- c) The petitioner for annexation of land to the City shall be responsible for paying all required fees and for all related costs and overhead incurred by the City in reviewing and processing the annexation petition.

Staff Comment: The Applicant has paid all required land use fees, and has a fee deposit established to cover any costs related to the project.

- d) Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.

Staff Comment: The proposed annexation will not prevent future annexation of adjoining land.

- e) All annexations shall be accompanied by an annexation agreement between the petitioner and the City, stating conditions related to municipal services or other terms of annexation that are not specifically provided for in the Code.

Staff Comment: The Applicant and City Attorney are working in good faith to finalize an annexation agreement. A draft will be provided to the Fort Lupton City Council for consideration prior to the public hearing.

- f) Unless specifically deferred by the City Council, zoning of the property shall occur concurrently with the annexation. Proposed zoning shall conform to a concept land use plan submitted with the annexation petition. In the event that sufficient planning has not been done to define zoning boundaries at the time of annexation, the City may zone the property "A," Agriculture, as an interim zoning classification.

Staff Comment: The Applicant is requesting zoning to the 'A' Agriculture Zone District, and staff supports this request.

- g) Required contiguity of noncontiguous parcels proposed for annexation may be achieved by annexation of one (1) or more portions of street right-of-way or other public way, a process commonly referred to as "flagpole" annexation.

Staff Comment: The proposed annexation meets the required contiguity.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. This designation consists of areas along the South Platte River which include significant mineral resources. Per state law, surface development is prohibited within these areas until resources have been appropriately extracted. As a result, this area allows for industrial and agricultural uses to support resource extraction. Much of this area is contained within either the floodway or floodplains of the South Platte River, and should be prioritized for preservation. As resources extraction operations come offline, the City should convert these areas to parks and open spaces.

The proposed zoning to the ‘A’ Agriculture Zone District is compatible with this Land Use Designation.

REFERRALS

Referrals were provided to the list below.

Any comments received can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/971>

City Administrator	Building Inspector	OMI
Economic Development Manager	City Attorney	City Clerk
Recreation Director	GIS Specialist	Development Review Engineer
Police Chief	Public Works Director	Finance Director
Fort Lupton Fire Protection District	CDOT	Colorado DRMS
Colorado Parks & Wildlife	Division of Water Resources	Army Corp of Engineers
United Power	Comcast	Century Link
Xcel Energy	Ripple Fiber	Intrepid Fiber
Postmaster	Weld County Department of Planning	Weld County Department of Public Health and Environment
Weld County Public Works	Weld County School District RE-8	Weld County GIS
NCWCD	State Geologist	Lupton Bottom Ditch Company

RECOMMENDATION

Staff recommends conditional approval of the L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning to ‘A’ Agriculture. 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 can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/971>.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

PROJECT SITE Fort Lupton Sand & Gravel

Site Address 12546 County Road 18, Fort Lupton, CO 80621

PROPERTY OWNER L.G. Everist, Inc. (applicant and operator)

Contact Address 7321 E 88th Avenue, Suite 200, Henderson, CO 80640

Contact - Owner Matthew Noteboom, VP-Mountain Division (msnoteboom@lgeverist.com)

Contact - Permitting Lynn Shults, Regulatory Manager (lmshults@lgeverist.com, 303-514-2778)

CITY OF FORT LUPTON Applications

- **Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP**
- **Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)**
- **Fort Lupton North Annexation No. 1 & 2 (Northwest)**
- **Fort Lupton North Annexation No. 3 (Northeast)**

This Project Narrative includes information for the annexation applications - Fort Lupton North Annexation No. 1 & 2 (Northwest), and Fort Lupton North Annexation No. 3 (Northeast).

Please refer to the Special Use Permit Amendment and the Lot Consolidation applications for complete details on those applications..

PROJECT NARRATIVE – Contents

Overview

Information on Drawings / Plats

Information on Utility Plan and Water

Statements on Community Need



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest) Fort Lupton North Annexation No. 3 (Northeast)

Overview

L.G. Everist, Inc. (Applicant) is requesting annexation of 5 properties into the City of Fort Lupton. The reason for annexing the properties is to include and amend them into the existing **Fort Lupton Sand and Gravel**, SUP-2013R018. Once annexed and amended into the SUP, the properties will be mined for the sand and gravel reserves, and reclaimed as water storage reservoirs.

All the parcels to be annexed are owned by the applicant, L.G. Everist, Inc. The annexation of the 5 properties is separated into the following applications for annexation:

Fort Lupton North Annexation No. 1 & 2 (Northwest) – contains 1 parcel

Fort Lupton North Annexation No. 3 (Northeast) – contains 4 parcels

L.G. Everist, Inc. (Applicant) is also amending the existing City of Fort Lupton Special Use Permit (SUP), for **Fort Lupton Sand and Gravel**, SUP-2013R018. The existing SUP permit is for a sand and gravel mining operation, with final reclamation of the site as multiple water storage reservoirs. The mining and reclamation methods are not changing with the amendment. The existing and amendment areas of the Fort Lupton Sand & Gravel SUP are also covered by an existing Colorado Division of Reclamation and Safety (DRMS) 112 Permit M-1999-120.

For more details on the SUP and the DRMS permits, please refer to the SUP application package.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City. The properties will not be serviced by the City's water system. As a result, no water rights will be dedicated to the City as a part of this annexation.

The current uses in the annexation areas are agricultural in nature, with some farming and grazing, and irrigation ditches. The pre-annexation zoning of the parcels in Weld County is A-Agricultural, and the City of Fort Lupton's zoning for the existing SUP is A-Agricultural, so the zoning does not need to be changed when annexing and amending these areas into the SUP.

The annexation application that is titled **Fort Lupton North Annexation No. 1 & 2** (Northwest), is situated in the Southeast Quarter of Section 24, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The annexation includes one (1) parcel, which is approximately 52 acres, and is split into two annexations due to its length.

The annexation application that is titled **Fort Lupton North Annexation No. 3** (Northeast), is situated in the Southeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado. The annexation includes four (4) parcels, which total approximately 148 acres.

Fort Lupton North Annexation No. 3 (Northeast) will also include a Lot Consolidation, titled as Fort Lupton North Subdivision. The reason for the Lot Consolidation is to convert the four (4) parcels of the No. 3 Annexation into two (2) lots, which aligns with the plans for the SUP and DRMS mining operations and final reclamation of the permit area and properties. The Lot Consolidation is included with the SUP Application, as per City application planning. Please see the SUP application package for more details on the Lot Consolidation.

The complete legal description for the annexation is included with these applications in Word format.

Title work for the annexations shall be sent under separate cover, due to file size.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

Information on Drawings / Plats

For the annexation applications **Fort Lupton North Annexation No.1 & 2** and **Fort Lupton North Annexation No. 3**, the applicant is including the following annexation drawings (aka plats, maps):

Plat Map 1 – Annexation Map

- This plat includes the Annexation Map, complete legal description, certification blocks, and vicinity map

Plat Map 2 – Utilities & Landscape

- Utilities (aka Utility Plan) – this plat shows the existing structures and utilities located on the property.
Note: The Applicant will not require any utilities and water from the City.
- Landscape (aka Conceptual Site Plan) – this plat shows the corresponding portion of the final reclamation, which is Landscape Plan from the SUP-2013R018 (and DRMS permit).

The annexation plats are included in the application packages.

Information on Utility Plan and Water - Fort Lupton North Annexation No. 1 & 2 (Northwest)

No utilities, no water, and no sanitary water services will be needed for the annexation properties, because they will be included in an existing mining operation, SUP-2013R018. Portable toilets for employees will be used onsite and serviced by a contractor. Bottled drinking water will be available for employees, and stored in the mine office and other areas for employees. Power will be sourced from the existing power lines on the property serviced by United Power.

No Utility Plan is needed, because no utilities or water/sanitary services are needed from the City of Fort Lupton. The applicant is including a “Utilities” map with the annexation plats that shows the existing structures and utilities located on the annexation properties. Existing man-made structures on some properties may include: oil and gas pipelines and wells, irrigation ditches, power lines, and groundwater monitoring wells.

Information on Utility Plan and Water - Fort Lupton North Annexation No. 3 (Northeast)

No utilities, no water, and no sanitary water services will be needed for the annexation properties, because they will be included in an existing mining operation, SUP-2013R018. Portable toilets for employees will be used onsite and serviced by a contractor. Bottled drinking water will be available for employees, and stored in the mine office and other areas for employees. Power will be sourced from the existing power lines on the property serviced by United Power.

No Utility Plan is needed, because no utilities or water/sanitary services are needed from the City of Fort Lupton. The applicant is including a “Utilities” map with the annexation plats that shows the existing structures and utilities located on the annexation properties. Existing man-made structures on some properties may include: oil and gas pipelines and wells, irrigation ditches, power lines, and groundwater monitoring wells.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

Statement on Community Need for Fort Lupton North Annexation No. 1 & 2

The proposed Fort Lupton North Annexation No. 1 & 2 shall consist of an annexation into the city limits of the City of Fort Lupton for purposes of inclusion into the **SUP-2013R018 - Fort Lupton Sand & Gravel (SUP)**.

All the properties in the SUP are already annexed into the City, and are zoned Agricultural. As such, the new annexation parcel is zoned Agricultural and the Applicant does not intend to change the zoning classification of the property.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City.

Once mined and reclaimed as the water storage reservoirs, the properties will continue to adhere to the character and purposes of the City, and the goals and intent of the Comprehensive Plan.

Statement on Community Need for Fort Lupton North Annexation No. 3

The proposed Fort Lupton North Annexation No. 3 shall consist of an annexation into the city limits of the City of Fort Lupton for purposes of inclusion into the **SUP-2013R018 - Fort Lupton Sand & Gravel (SUP)**.

All the properties in the SUP are already annexed into the City, and are zoned Agricultural. As such, the new annexation parcel is zoned Agricultural and the Applicant does not intend to change the zoning classification of the property.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City.

Once mined and reclaimed as the water storage reservoirs, the properties will continue to adhere to the character and purposes of the City, and the goals and intent of the Comprehensive Plan.

FORT LUPTON NORTH ANNEXATION NO. 1 & 2

TO THE CITY OF FORT LUPTON

Situate in the Southeast Quarter of Section 24, Township 2 North, Range 67 West of the 6th P.M.,
County of Weld, State of Colorado

DATE: 10/17/2024
FILE NAME: 20240524ANX-1-2
SCALE: 1"=200'
DRAWN BY: CSK
CHECKED BY: PG

DESCRIPTION

Fort Lupton North Annexation No. 1

A plat of a parcel of land in the City of Fort Lupton, Colorado, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 48°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Bottom Ditch;

The following Five (5) courses and distances are along the West side of Lupton Bottom Ditch;
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;

THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the POINT OF BEGINNING;

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

The following Five (5) courses and distances are along the West side of Lupton Bottom Ditch;
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;

THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

DESCRIPTION

Fort Lupton North Annexation No. 2

A plat of a parcel of land in the City of Fort Lupton, Colorado, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 00°08'38" West along the West line of said SE1/4 a distance of 1656.80 feet to the Northwest corner of Fort Lupton North Annexation No. 1 and to the POINT OF BEGINNING;

THENCE North 00°08'38" West continuing along the West line of said SE1/4 a distance of 968.06 feet to the Center Quarter corner of said Section 24;
THENCE North 89°36'39" East along the North line of said SE1/4 a distance of 858.79 feet;
THENCE South 02°00'50" East a distance of 1914.93 feet to the Northeast corner of said Fort Lupton North Annexation No. 1;

THENCE North 44°30'05" West along the North line of said Fort Lupton North Annexation No. 1 a distance of 1317.73 feet to the POINT OF BEGINNING.

Said described parcel of land contains 1,267,852 Square Feet or 29.106 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

OWNER'S APPROVAL

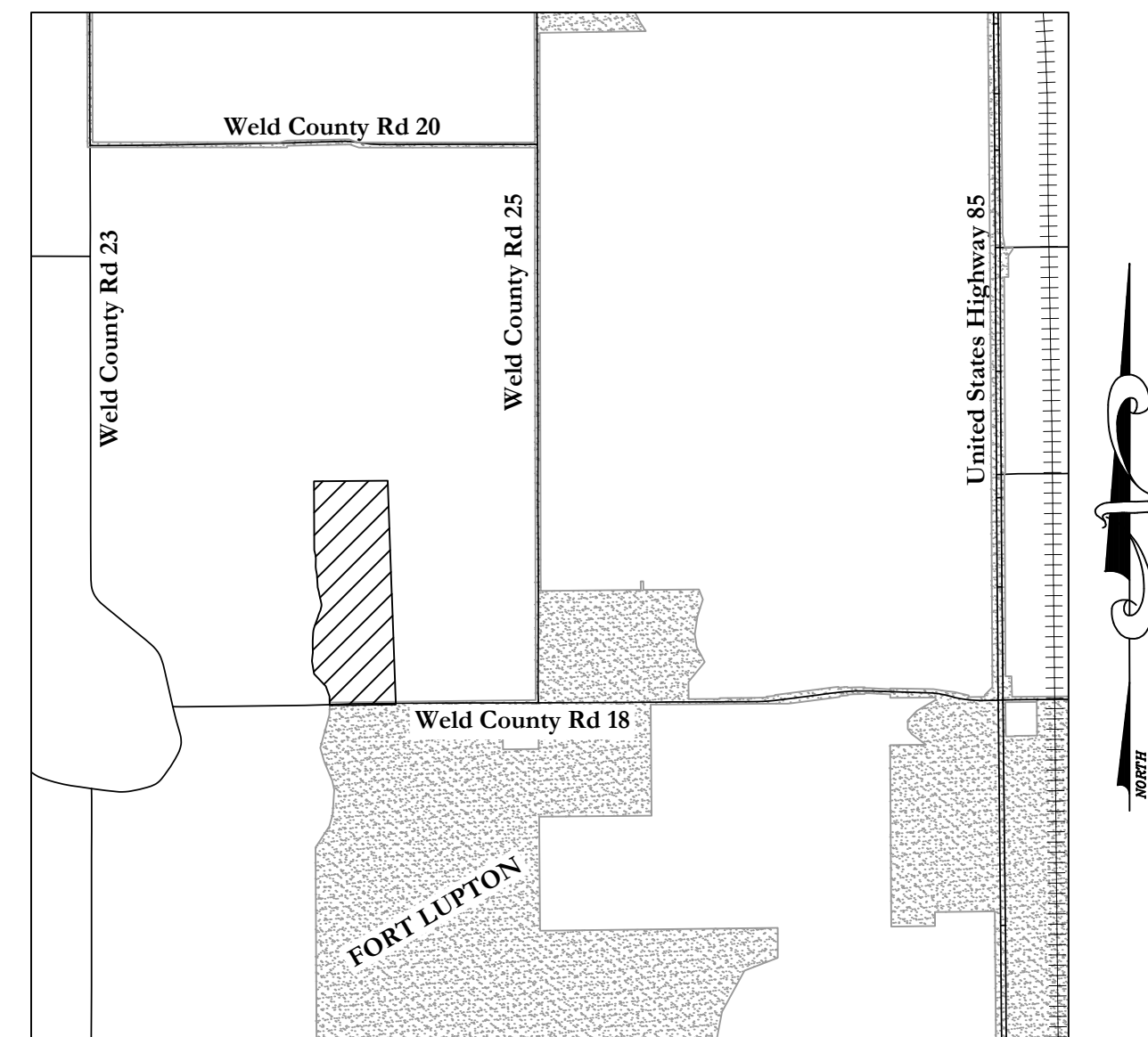
Know All Men By These Presents, that we L.G. Everist, Incorporated, a South Dakota corporation, being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the _____ day of _____, 20____.

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
COUNTY OF _____ ss)
The foregoing instrument was acknowledged before me by _____
this _____ day of _____, 20____. Witness my hand and seal.
My commission expires _____ (SEAL)
Notary Public



VICINITY MAP
SCALE: 1"=2000'

PLANNING COMMISSION RECOMMENDATION

This is to certify that the annexation map of the above described property was recommended to the City of Fort Lupton City Council by way of Resolution No. _____

Recommended this _____ day of _____, 20____.

Chairperson, Fort Lupton Planning Commission

MAYOR'S CERTIFICATE

This is to certify that the annexation map of the above described property was approved by Ordinance No. _____ of the City Council of Fort Lupton passed and adopted on the _____ day of _____, A.D., 20____ and that the Mayor and the City

of Fort Lupton, as authorized by said Ordinance No. _____ on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Attest: City Clerk _____ Mayor _____
Seal

SURVEYOR'S CERTIFICATE

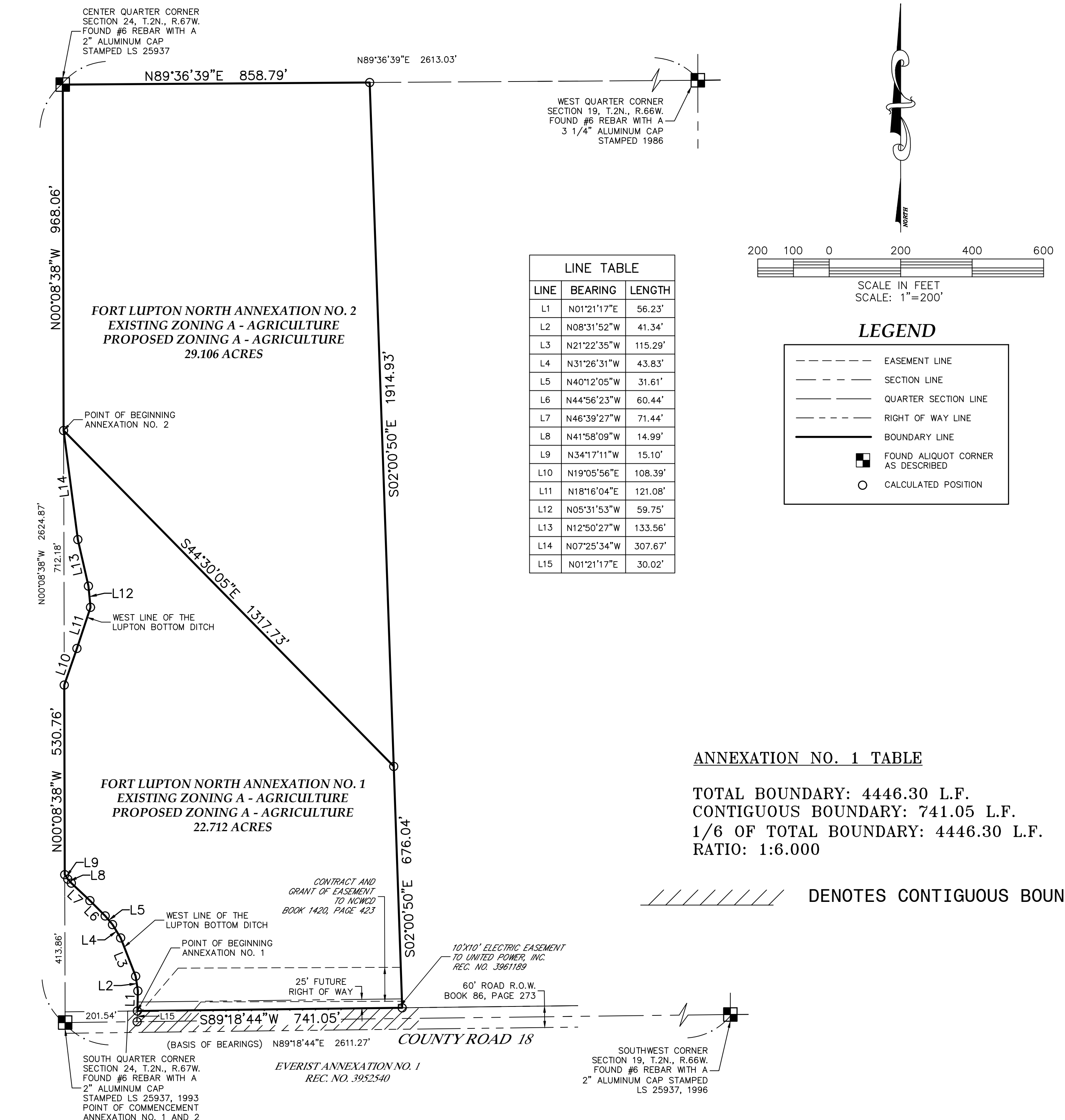
I certify this plat accurately represents the results of a survey made by me under my direct supervision.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southeast Quarter of Section 24, T.2N., R.67W., as bearing North 89°18'44" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."



ANNEXATION NO. 1 TABLE
TOTAL BOUNDARY: 4446.30 L.F.
CONTIGUOUS BOUNDARY: 741.05 L.F.
1/6 OF TOTAL BOUNDARY: 4446.30 L.F.
RATIO: 1:6.000

////// DENOTES CONTIGUOUS BOUNDARY

ANNEXATION NO. 2 TABLE
TOTAL BOUNDARY: 5059.51 L.F.
CONTIGUOUS BOUNDARY: 1317.73 L.F.
1/6 OF TOTAL BOUNDARY: 7906.38 L.F.
RATIO: 1:3.840

////// DENOTES CONTIGUOUS BOUNDARY

PRELIMINARY

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@Kingsurveyors.com

DATE: _____
REVISIONS: _____

FORT LUPTON NORTH ANNEXATION NO. 1 & 2
FOR
LG EVERIST, INC.
7321 E. 88TH AVENUE, SUITE 200
HENDERSON, CO 80640

PROJECT #: 20240524

1
SHEET 1 OF 1

CHANGE OF ZONE - FORT LUPTON NORTH

Situate in the Southeast Quarter of Section 19, Township 2 North, Range 66 West,
And in the Southeast Quarter of Section 24, Township 2 North, Range 67 West
of the 6th P.M., County of Weld, State of Colorado

DATE: 10/17/2024
FILE NAME: 20240524ZON
SCALE: 1"=200'
DRAWN BY: CSK
CHECKED BY: PG

DESCRIPTION

Change of Zone - Fort Lupton North (Northwest)

A parcel of land, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet;
The following Ten (10) courses and distances are along the West side of Lupton Bottom Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4950904 of the Records of Weld County;

THENCE North 01°21'17" East a distance of 30.02 feet to the Northerly line of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.51 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Bottom Ditch;

The following Five (5) courses and distances are along the West side of Lupton Bottom Ditch;
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet to the West line of said SE1/4;
THENCE North 00°08'38" West along the West line of said SE1/4 a distance of 968.06 feet to the Center Quarter corner of said Section 24;

THENCE North 89°36'39" East along the North line of said SE1/4 a distance of 858.79 feet;
THENCE South 02°00'50" East a distance of 2590.97 feet;
THENCE South 89°18'44" West a distance of 741.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 2,257,166 Square Feet or 51.817 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

DESCRIPTION

Change of Zone - Fort Lupton North (Northeast)

A plot of a parcel of land in the City of Fort Lupton, Colorado, being a part of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3, Section 19, Vacation and Replot of Lots 1-8, recorded December 3, 1996 as Reception No. 2523266 of the Records of Weld County, located in the West Half (W1/2) of Section Nineteen (19), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 19 and assuming the West line of the Southwest Quarter (SW1/4) as bearing North 00°06'14" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto;

THENCE North 00°06'14" West along the West line of said SW1/4 a distance of 1305.65 feet to the South Sixteenth corner of said Section 19;
THENCE North 89°27'16" East a distance of 30.00 feet to the Southeast corner of Lupton Meadows Annexation No. 1 recorded April 14, 2017 as Reception No. 4293736 of the Record of Weld County and to the POINT OF BEGINNING;

THENCE North 00°06'14" West along the West line of said Lupton Meadows Annexation No.'s 1, 2, 3, 4 and 5 a distance of 2611.54 feet to the North line of said Lot 3;

The following Twelve (12) courses and distances are along the Northerly, Easterly and Southerly lines of said Lots 3, 4, 5 and 6;

THENCE North 89°07'46" East a distance of 2727.95 feet;
THENCE South 00°19'53" East a distance of 1245.52 feet;
THENCE South 39°43'46" West a distance of 606.13 feet;
THENCE South 24°01'49" West a distance of 116.91 feet;
THENCE South 31°00'59" West a distance of 583.24 feet;
THENCE South 28°25'42" West a distance of 155.98 feet;
THENCE South 06°35'38" West a distance of 111.87 feet to the Northeast corner of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County;

The following Five (5) courses and distances are along the Northerly lines of said Everist Annexation No. 1;

THENCE South 89°28'04" West a distance of 650.00 feet;
THENCE North 00°31'56" West a distance of 100.00 feet;
THENCE South 89°28'04" West a distance of 30.00 feet;
THENCE South 00°31'56" East a distance of 100.00 feet;
THENCE South 89°28'04" West a distance of 1170.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 6,452,802 Square Feet or 148,136 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

OWNER'S APPROVAL

Know All Men By These Presents, that we L.G. Everist, Incorporated, a South Dakota corporation being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the _____ day of _____, 20____.

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by _____
this _____ day of _____, 20____. Witness my hand and seal.

My commission expires _____ (SEAL)
Notary Public

MAYOR'S CERTIFICATE

This is to certify that the annexation map of the above described property was approved by Ordinance No. _____ of the City Council of Fort Lupton passed and adopted on the _____ day of _____, A.D., 20____ and that the Mayor and the City of Fort Lupton, as authorized by said Ordinance No. _____ on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon

Attest: City Clerk _____ Mayor
Seal

CITY ADMINISTRATOR'S APPROVAL

Approved this _____ day of _____, 20____.

City Administrator _____

CITY WATER AND SEWER DEPARTMENT APPROVAL

Approved this _____ day of _____, 20____.

Director of Public Works _____

CITY ENGINEERS' APPROVAL

Approved this _____ day of _____, 20____.

City Engineer _____

PLANNING COMMISSION RECOMMENDATION

This is to certify that the annexation map of the above described property was recommended to the City of Fort Lupton City Council by way of Resolution No. _____ Recommended this _____ day of _____, 20____

Chairperson, Fort Lupton Planning Commission _____

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the West line of the Southwest Quarter of Section 19, T.2N., R.66W., as bearing North 00°06'14" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

TITLE COMMITMENT NOTE

At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown hereon. (38-51-106 C.R.S. 1994)

NOTICE

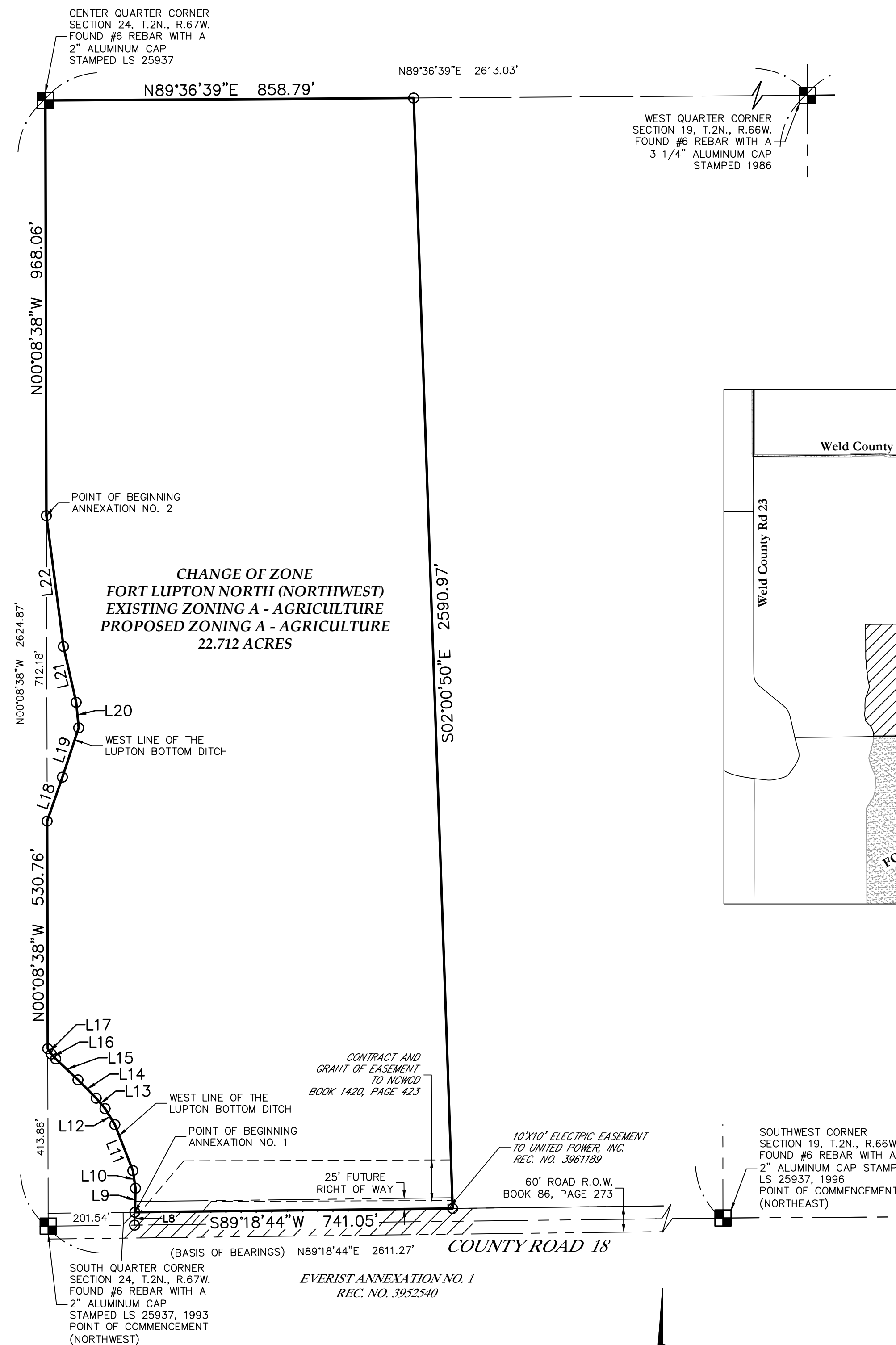
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

SURVEYOR'S CERTIFICATE

I certify this plat accurately represents the results of a survey made by me under my direct supervision.

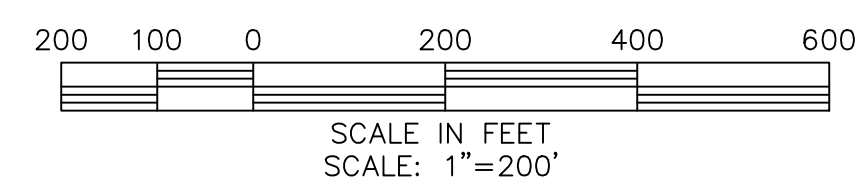
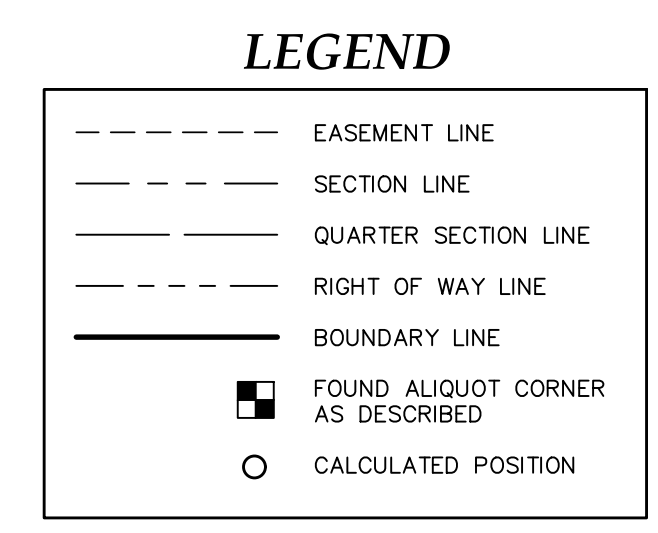
Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

PRELIMINARY



LINE	BEARING	LENGTH
L1	S24°01'49\"W	116.91'
L2	S28°25'42\"W	155.98'
L3	S06°35'38\"W	111.87'
L4	N00°31'56\"W	100.00'
L5	S89°28'04\"W	30.00'
L6	S00°31'56\"E	100.00'
L7	N89°27'16\"E	30.00'
L8	N01°21'17\"E	30.02'
L9	N01°21'17\"E	56.23'
L10	N08°31'53\"W	41.34'
L11	N21°22'35\"W	115.29'

LINE	BEARING	LENGTH
L12	N31°26'31\"W	43.83'
L13	N40°12'05\"W	31.61'
L14	N44°56'23\"W	60.44'
L15	N46°39'27\"W	71.44'
L16	N41°58'09\"W	14.99'
L17	N34°17'11\"W	15.10'
L18	N19°05'56\"E	108.39'
L19	N18°16'04\"E	121.08'
L20	N05°31'53\"W	59.75'
L21	N12°50'27\"W	133.56'
L22	N07°25'34\"W	307.67'



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE: _____
REVISIONS: _____

CHANGE OF ZONE - FORT LUPTON NORTH
FOR
LG EVERIST, INC.
7321 E. 88TH AVENUE, SUITE 200
HENDERSON, CO 80640

PROJECT #:
20240524

1
SHEET 1 OF 2

Colorado Trust for Local News
143 S. Second Place
Brighton, CO 80601

City of Fort Lupton Legals***
130 S McKinley Avenue
Fort Lupton CO 80621

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 4 successive week(s), the last of which publication was made 11/6/2025, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.

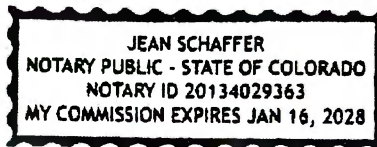
For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Erin Adams, director of said newspaper, who is personally known to me to be the identical person in the above certificate on 11/6/2025. Erin Adams has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-113569

Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice
CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING
Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everest NW Annexation Nos. 1-2, located north and immediately adjacent to County Road 18, and 1,848 feet west of County Road 25, more or less, in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.
The public hearings are to be held before the Planning Commission on Thursday, November 13, 2025, at 6:00 P.M., and before the City Council on Tuesday, December 2, 2025, at 6:00 P.M., or as soon as possible thereafter.
The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortlupton.gov.
Further information is available through the City Planning and Building Department at (720)928-4003.
ALL INTERESTED PERSONS
MAY ATTEND.
LEGAL DESCRIPTION
Annexation No. 1
COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System North Zone, North American Datum 1983(2011), a distance of 281.27 feet with all other bearings contained herein relative thereto;
THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 291.54 feet;
The following Ten (10) courses and distances are along the West side of Lupton Meadows Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4959004 of the Records of Weld County;
THENCE North 01°21'17" East a distance of 30.02 feet to the Northern line of Everest Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the POINT OF BEGINNING;
THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°58'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°09'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;
The following Five (5) courses and distances are along the West side of Lupton Meadows Ditch:
THENCE North 19°05'56" East a distance of 108.29 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.07 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 616.04 feet to the Northern line of said Everest Annexation No. 1;
THENCE South 89°18'44" West along said Northern line a distance of 741.05 feet to the POINT OF BEGINNING.
Said described parcel of land contains 889,215 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.
Annexation No. 2
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21 AND THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE N89°39'47"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 (CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 22 TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED TO BEAR N89°36'28"E WITH ALL BEARINGS STATED HEREIN RELATIVE THERETO), A DISTANCE OF 579.81 FEET TO THE EASTERLY LINE OF BELINGER ANNEXATIONS #1, #2 AND #3 RECORDED UNDER RECEPTION NUMBER 4520897; THENCE N27°59'05"E ALONG SAID EASTERLY LINE, A DISTANCE OF 34.08 FEET TO THE NORTH RIGHT OF WAY LINE OF WELD COUNTY ROAD 8 BEING 30.00 FEET NORTH OF SAID SECTION LINE AND THE TRUE POINT OF BEGINNING;
THENCE N69°39'47"E ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET;
THENCE S88°04'29"E, A DISTANCE OF 750.00 FEET;
THENCE S87°24'03"W, A DISTANCE OF 760.00 FEET TO THE SOUTH ROW LINE OF SAID WELD COUNTY ROAD 8;
THENCE S89°39'47"W ALONG SAID SOUTH ROW LINE, A DISTANCE OF 107.34 FEET;
THENCE N80°23'50"E, A DISTANCE OF 186.31 FEET;
THENCE N79°08'18"W, A DISTANCE OF 154.45 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 23,221 SQ. FT. / 0.5331 ACRES MORE OR LESS.
ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.
Legal Notice No. FL11357
First Publication: October 16, 2025
Last Publication: November 6, 2025

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everist NW Annexation Nos. 1-2, located north and immediately adjacent to County Road 18, and 1,648 feet west of County Road 35, more or less, in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements. The public hearings are to be held before the Planning Commission on Thursday, November 13, 2025, at 6:00 P.M., and before the City Council on Tuesday, December 2, 2025, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003.

ALL INTERESTED PERSONS MAY ATTEND.
LEGAL DESCRIPTION

Annexation No. 1
COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;
THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet;
The following Ten (10) courses and distances are along the West side of Lupton Meadows Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4950904 of the Records of Weld County:
THENCE North 01°21'17" East a distance of 30.02 feet to the Northerly line of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;
The following Five (5) courses and distances are along the West side of Lupton Meadows Ditch:
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;
THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Annexation No. 2
A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21 AND THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE N89° 39'47"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 (CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 22 TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED TO BEAR N89° 36'26"E WITH ALL BEARINGS STATED HEREIN RELATIVE THERETO), A DISTANCE OF 579.81 FEET TO THE EASTERLY LINE OF BILLINGER ANNEXATIONS #1, #2 AND #3 RECORDED UNDER RECEPTION NUMBER 4520897; THENCE N27° 59'05"E ALONG SAID EASTERLY LINE, A DISTANCE OF 34.08 FEET TO THE NORTH RIGHT OF WAY LINE OF WELD COUNTY ROAD 8 BEING 30.00 FEET NORTH OF SAID SECTION LINE AND THE TRUE POINT OF BEGINNING;
THENCE N89° 39'47"E ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET;
THENCE S88° 04'29"E, A DISTANCE OF 760.00 FEET;
THENCE S87° 24'03"W, A DISTANCE OF 760.00 FEET TO THE SOUTH ROW LINE OF SAID WELD COUNTY ROAD 8; THENCE S89° 39'47"W ALONG SAID SOUTH ROW LINE, A DISTANCE OF 107.34 FEET;
THENCE N80° 23'50"E, A DISTANCE OF 186.31 FEET;
THENCE N79° 08'18"W, A DISTANCE OF 154.48 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 23,221 SQ. FT. / 0.5331 ACRES, MORE OR LESS.
ALL LINEAL DISTANCE ARE REPRESENTED IN U.S. SURVEY FEET.

Published: Greeley Tribune October 10, 17, 24, 31, 2025-2138012

Prairie Mountain Media, LLC

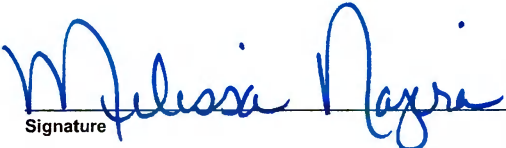
PUBLISHER'S AFFIDAVIT

County of Weld
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Oct 10, 17, 24, 31, 2025


Signature

Subscribed and sworn to me before me this
31st day of October 2025.


Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2029

(SEAL)

Account: 1102365
Ad Number: 2138012
Fee: \$369.60



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 14th day of October, 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L.G Everist NW Annexation Nos. 1-2** was sent via United States Mail, postage pre-paid, to the following addresses:

SANDRA RAKOWSKI AND RUDOLPH CAMARILLO 11467 COUNTY ROAD 18 FORT LUPTON, CO 80621	THOMAS DEAN BORNHOFT 1147 COUNTY ROAD 8 FORT LUPTON, CO 80621	ROBERT KERR 11104 COUNTY ROAD 20 FORT LUPTON, CO 80621
CITY OF THORNTON 9500 CIVIC CENTER DRIVE THORNTON, CO 80229	NORTHERN COLORADO CONSTRUCTORS INC 9075 COUNTY ROAD 10 FORT LUPTON, CO 80621	MICHAEL WILLIAM BOYCE 11295 COUNTY ROAD 18 FORT LUPTON, CO 80621
SALVADOR MADERA 7307 RICHARD AVENUE FORT LUPTON, CO 80621	LAURIE AND RENE SALINAS 8320 COUNTY ROAD 23 FORT LUPTON, CO 80621	MICHAEL BACHOFER PO BOX 1194 ALBANY, NY 97321
DAVID H BELL TRUST 11580 COUNTY ROAD 18 FORT LUPTON, CO 80621	CITY OF AURORA 15151 EAST ALAMEDA PARKWAY SUITE 3600 AURORA, CO 80012	LISA AND FREDDY DODGE 11586 COUNTY ROAD 18 FORT LUPTON, CO 80621



City Official



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everist NW Annexation Nos. 1-2 located north and immediately adjacent along County Road 18, and 1,648 feet west of County Road 25, more or less, in Fort Lupton, Colorado pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

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Further information is available through the City Planning and Building Department at (720) 928 4003.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: LG Everist NW Annexation Nos. 1-2

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

Annexation No. 1

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;
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THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
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THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;

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THENCE North 05°31'53" West a distance of 59.75 feet;

THENCE North 12°50'27" West a distance of 133.56 feet;

THENCE North 07°25'34" West a distance of 307.67 feet;

THENCE South 44°30'05" East a distance of 1317.73 feet;

THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;

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Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

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THENCE N79° 08'18"W, A DISTANCE OF 154.48 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 23,221 SQ. FT. / 0.5331 ACRES, MORE OR LESS.

ALL LINEAL DISTANCE ARE REPRESENTED IN U.S. SURVEY FEET.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 14th day of October 2025, a true and correct copy of the foregoing Notice of Public Hearings for the L. G. Everist NW Annexation Nos. 1-2 was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

WELD COUNTY 1150 O STREET GREELEY, 80631	SCHOOL DISTRICT RE-8 301 REYNOLDS STREET FORT LUPTON, CO 80621	NORTHERN COLORADO WATER 220 WATER AVENUE BERHTOUD, CO 80513
FORT LUPTON FIRE PROTECTION DISTRICT 1121 DENVER AVENUE FORT LUPTON, CO 80621	AIMS JUNIOR COLLEGE PO BOX 69 GREELEY, CO 80632	HIGH PLAINS LIBRARY 2650 WEST 29 TH STREET GREELEY, CO 80631
PLATTE VALLEY CONSERVATION DISTRICT 57 BROMLEY LANE BRIGHTON, CO 80601		

D. Kirmi
City Official

7019 2970 0001 1465 9140

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OFFICIAL USE

Certified Mail Fee	\$ 5.30
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 4.40
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
Weid County
Street and Apt. No., or PO Box No.
1150 O Street
City, State, ZIP+4®
Greerley, CO 80631

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



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<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 4.40
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
School District RE-8
Street and Apt. No., or PO Box No.
301 Reynolds Street
City, State, ZIP+4®
Fort Lupton, CO 80621

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



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OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 4.40
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
Northern Colorado Water
Street and Apt. No., or PO Box No.
220 Water Avenue
City, State, ZIP+4®
Berthoud, CO 80513

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



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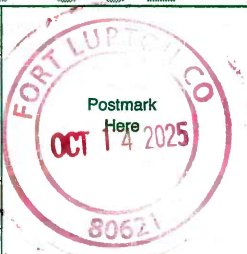
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 5.30
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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
Fort Lupton Fire Protection District
Street and Apt. No., or PO Box No.
1121 Denver Avenue
City, State, ZIP+4®
Fort Lupton, CO 80621

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



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OFFICIAL USE

Certified Mail Fee	\$ 5.30
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 4.40
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
Aims Junior College
Street and Apt. No., or PO Box No.
PO Box 69
City, State, ZIP+4®
Greerley, CO 80632

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



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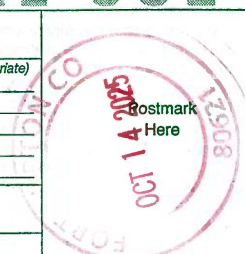
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OFFICIAL USE

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
High Plains Library
Street and Apt. No., or PO Box No.
2650 West 29th Street
City, State, ZIP+4®
Greerley, CO 80631

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



7019 2970 0001 3465 9157

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

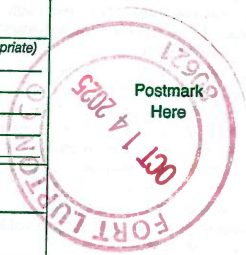
OFFICIAL USE

Certified Mail Fee

\$ 5.30

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- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$



Postage

\$ 0.74

Total Postage and Fees

\$ 10.44

Sent To

Platte Valley Conservation District

Street and Apt. No., or PO Box No.

57 Bromley Lane

City, State, ZIP+4®

Brighton, CO 80601

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

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ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

Annexation No. 1

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Annexation No. 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21 AND THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE N89° 39'47"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21 (CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 22 TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN ASSUMED TO BEAR N89° 36'26"E WITH ALL BEARINGS STATED HEREIN RELATIVE THERETO), A DISTANCE OF 579.81 FEET TO THE EASTERLY LINE OF BILLINGER ANNEXATIONS #1, #2 AND #3 RECORDED UNDER RECEPTION NUMBER 4520897; THENCE N27° 59'05"E ALONG SAID EASTERLY LINE, A DISTANCE OF 34.08 FEET TO THE NORTH RIGHT OF WAY LINE OF WELD COUNTY ROAD 8 BEING 30.00 FEET NORTH OF SAID SECTION LINE AND THE TRUE POINT OF BEGINNING;
THENCE N89° 39'47"E ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET;
THENCE S88° 04'29"E, A DISTANCE OF 760.00 FEET;
THENCE S87° 24'03"W, A DISTANCE OF 760.00 FEET TO THE SOUTH ROW LINE OF SAID WELD COUNTY ROAD 8;
THENCE S89° 39'47"W ALONG SAID SOUTH ROW LINE, A DISTANCE OF 107.34 FEET;
THENCE N80° 23'50"E, A DISTANCE OF 186.31 FEET;
THENCE N79° 08'18"W, A DISTANCE OF 154.48 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 23,221 SQ. FT. / 0.5331 ACRES, MORE OR LESS.
ALL LINEAL DISTANCE ARE REPRESENTED IN U.S. SURVEY FEET.

FORT LUPTON NORTH ANNEXATION NO. 1 & 2

TO THE CITY OF FORT LUPTON

Situate in the Southeast Quarter of Section 24, Township 2 North, Range 67 West of the 6th P.M.,
County of Weld, State of Colorado

DESCRIPTION

Fort Lupton North Annexation No. 1

A parcel of land, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet;
The following Ten (10) courses and distances are along the West side of Lupton Meadows Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4950904 of the Records of Weld County;

THENCE North 01°21'17" East a distance of 30.02 feet to the Northerly line of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;

The following Five (5) courses and distances are along the West side of Lupton Meadows Ditch;
THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;
THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

DESCRIPTION

Fort Lupton North Annexation No. 2

A parcel of land, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 00°08'38" West along the West line of said SE1/4 a distance of 1656.80 feet to the Northwest corner of Fort Lupton North Annexation No. 1 and to the POINT OF BEGINNING;

THENCE North 00°08'38" West continuing along the West line of said SE1/4 a distance of 968.06 feet to the Center Quarter corner of said Section 24;
THENCE North 89°36'39" East along the North line of said SE1/4 a distance of 858.79 feet;
THENCE South 02°00'50" East a distance of 1914.93 feet to the Northeast corner of said Fort Lupton North Annexation No. 1;
THENCE North 44°30'05" West along the North line of said Fort Lupton North Annexation No. 1 a distance of 1317.73 feet to the POINT OF BEGINNING.

Said described parcel of land contains 1,267,852 Square Feet or 29.106 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

OWNER'S APPROVAL

Know All Men By These Presents, that we L.G. Everist, Incorporated, a South Dakota corporation being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

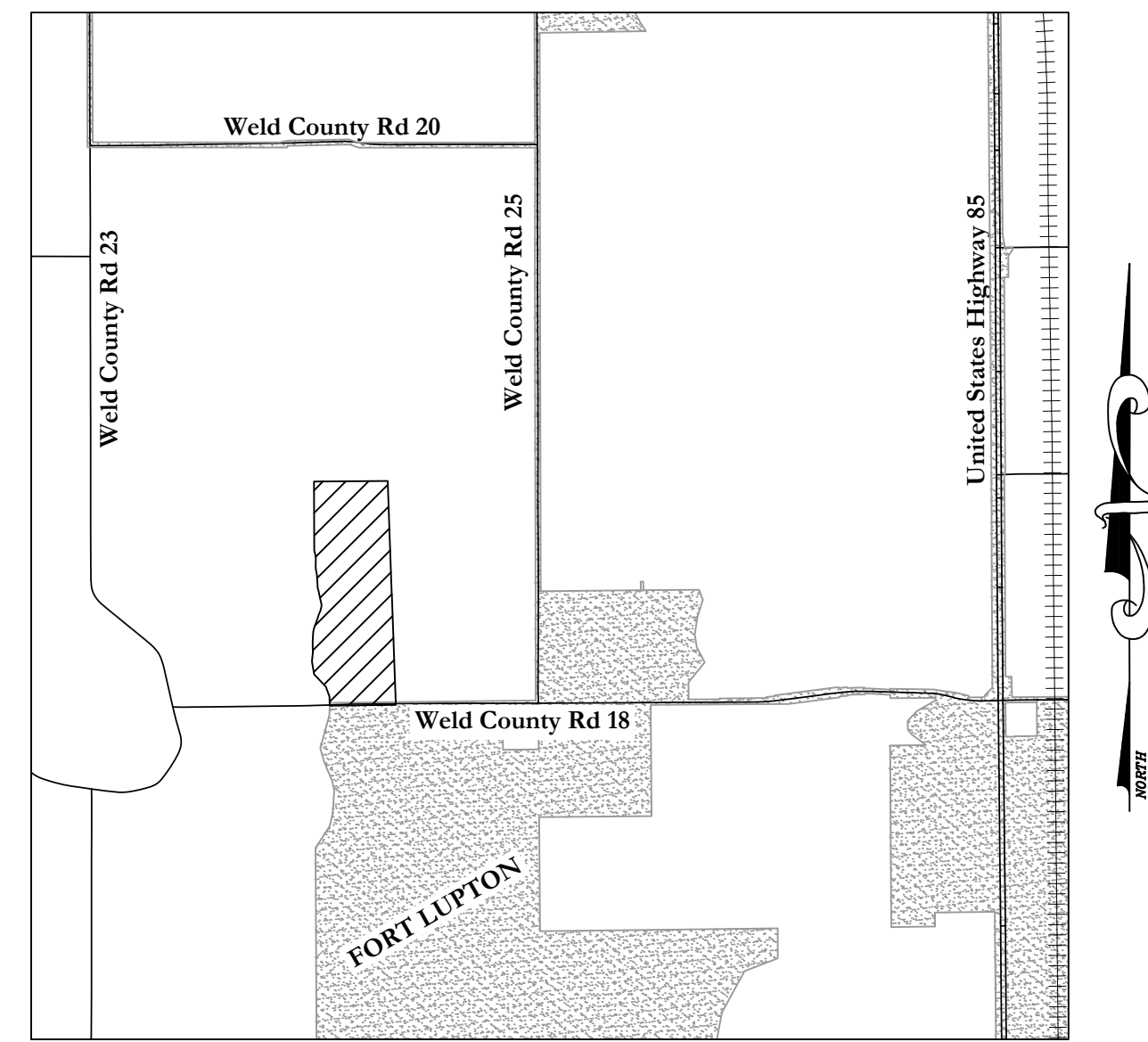
IN WITNESS WHEREOF, we have hereunto set our hands and seals this the _____ day of _____, 20____.

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
COUNTY OF _____)
The foregoing instrument was acknowledged before me by _____
this _____ day of _____, 20____. Witness my hand and seal.

My commission expires _____ (SEAL)
Notary Public



VICINITY MAP
SCALE: 1"=2000'

PLANNING COMMISSION RECOMMENDATION

This is to certify that the annexation map of the above described property was recommended to the City of Fort Lupton City Council by way of Resolution No. _____

Recommended this _____ day of _____, 20____.

Chairperson, Fort Lupton Planning Commission

MAYOR'S CERTIFICATE

This is to certify that the annexation map of the above described property was approved by Ordinance No. _____ of the City Council of Fort Lupton passed and adopted on the _____ day of _____, A.D., 20____ and that the Mayor and the City

of Fort Lupton, as authorized by said Ordinance No. _____ on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Attest: City Clerk _____ Mayor _____

Seal

SURVEYOR'S CERTIFICATE

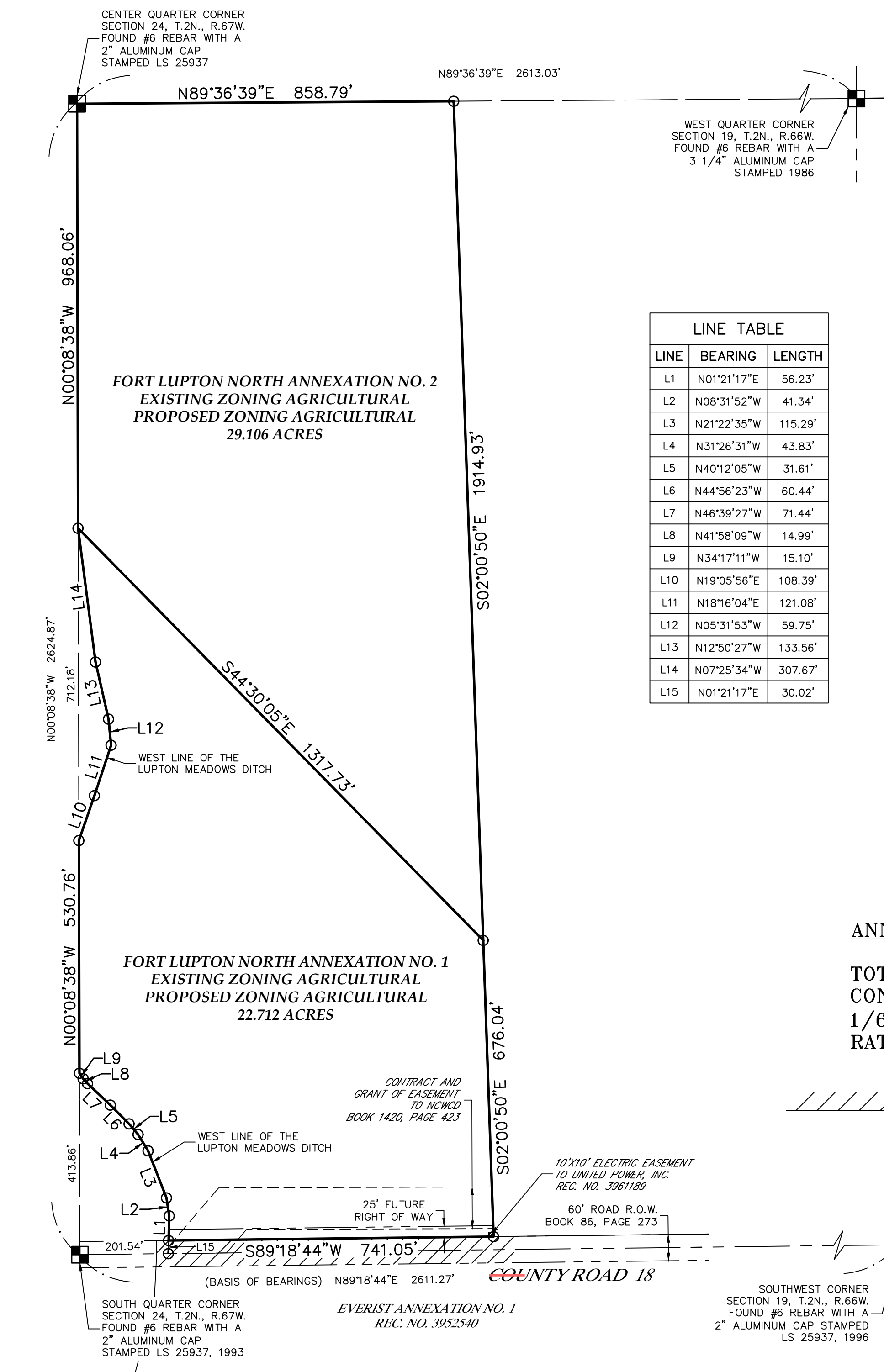
I certify this plat accurately represents the results of a survey made by me under my direct supervision.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

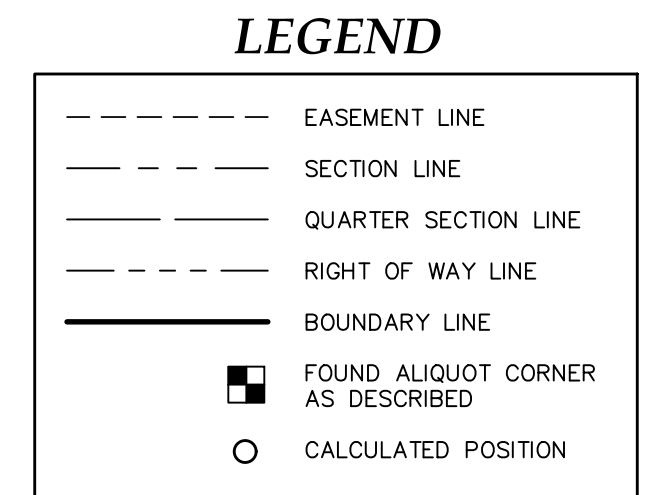
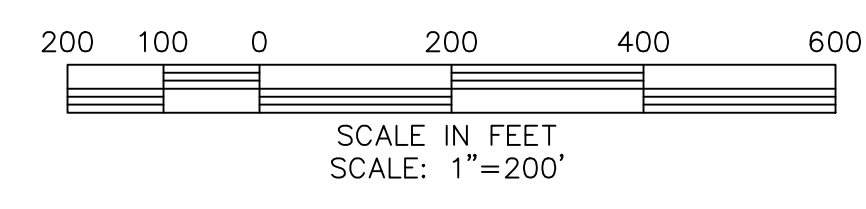
BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southeast Quarter of Section 24, T.2N., R.67W., as bearing North 89°18'44" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."



LINE	BEARING	LENGTH
L1	N01°21'17"E	56.23'
L2	N08°31'52"W	41.34'
L3	N21°22'35"W	115.29'
L4	N31°26'31"W	43.83'
L5	N40°12'05"W	31.61'
L6	N44°56'23"W	60.44'
L7	N46°39'27"W	71.44'
L8	N41°58'09"W	14.99'
L9	N34°17'11"W	15.10'
L10	N19°05'56"E	108.39'
L11	N18°16'04"E	121.08'
L12	N05°31'53"W	59.75'
L13	N12°50'27"W	133.56'
L14	N07°25'34"W	307.67'
L15	N01°21'17"E	30.02'



ANNEXATION NO. 1 TABLE
TOTAL BOUNDARY: 4446.30 L.F.
CONTIGUOUS BOUNDARY: 741.05 L.F.
1/6 OF TOTAL BOUNDARY: 4446.30 L.F.
RATIO: 1:6.000

////// DENOTES CONTIGUOUS BOUNDARY

ANNEXATION NO. 2 TABLE
TOTAL BOUNDARY: 5059.51 L.F.
CONTIGUOUS BOUNDARY: 1317.73 L.F.
1/6 OF TOTAL BOUNDARY: 7906.38 L.F.
RATIO: 1:3.840

////// DENOTES CONTIGUOUS BOUNDARY

PRELIMINARY

TITLE COMMITMENT NOTE
At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown hereon. (38-51-106 C.R.S. 1994)

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. (13-80-105 C.R.S. 2012)

DATE: 10/17/2024
FILE NAME: 20240524ANX-1-2
SCALE: 1"=200'
DRAWN BY: CSK
CHECKED BY: PG

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE: _____
REVISIONS: _____

FORT LUPTON NORTH ANNEXATION NO. 1 & 2
FOR
LG EVERIST, INC.
7321 E. 88TH AVENUE, SUITE 200
HENDERSON, CO 80640

PROJECT #: 20240524

1
SHEET 1 OF 1

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

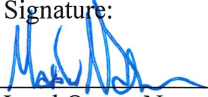
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Fort Lupton North Annexation No. 1 & 2 (aka Northwest) 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.
 - 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 will be included in the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel.
 - 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:
 - i. 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
 - ii. 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.
 - f. 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.
 - g. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - h. 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.
 - i. The territory to be annexed is 52 acres, more or less, in total area.

- j. Upon completion of the annexation of the property, the property will be included in the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel. The SUP plat describes the locations and uses of the mining and reclamation of the special use permit area. Being included within the SUP, the property will not be serviced by the City's utilities or water system, and the property may at all times be used in accordance with special use permit.
 - k. 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.
 - l. 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. 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.
5. The zoning classification requested for the area proposed to be annexed is A - Agricultural, (as shown on the annexation map attached hereto and incorporated herein. Owner has submitted a request to include the annexed property into the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel.
6. 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.
7. At the time of annexation, the landowner will not petition for inclusion into the Northern Colorado Water Conservancy District (NCWCD). Given that municipal water is not necessary to serve the current or future development of the Property, the Owner shall not be required to petition for inclusion in the NCWCD. However, such inclusion will be required if, at some point in the future, owner seeks municipal water services at the Property.
8. The non-refundable annexation application fee of \$1816.60 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.

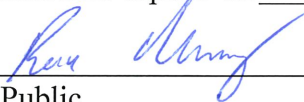
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: 5-21-25
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
3	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
4	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP Code): Date of signing:

(Additional sheets may be attached if necessary.)

The foregoing signature(s) was/were subscribed and sworn to before me this 21st day of May, 2025, by Matthew Noteboom

Witness my hand and official seal.

My commission expires on 12-16-2028.


 Notary Public

RONALD PATRICK MURRAY
 Notary Public
 State of Colorado
 Notary ID # 20244045719
 My Commission Expires 12-16-2028

Exhibit A

Legal Description of Property Owned by Annexor

PROPERTY DESCRIPTION

Fort Lupton North Annexation No. 1

Fort Lupton North Annexation No. 2

(ON THE FOLLOWING PAGES)

PROPERTY DESCRIPTION
Fort Lupton North Annexation No. 1

A parcel of land, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 89°18'44" East along the South line of said SE1/4 a distance of 201.54 feet;
The following Ten (10) courses and distances are along the West side of Lupton Meadows Ditch as described in that Bargain and Sale Deed recorded January 23, 2024 at Reception No. 4950904 of the Records of Weld County;

THENCE North 01°21'17" East a distance of 30.02 feet to the Northerly line of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 01°21'17" East a distance of 56.23 feet;
THENCE North 08°31'52" West a distance of 41.34 feet;
THENCE North 21°22'35" West a distance of 115.29 feet;
THENCE North 31°26'31" West a distance of 43.83 feet;
THENCE North 40°12'05" West a distance of 31.61 feet;
THENCE North 44°56'23" West a distance of 60.44 feet;
THENCE North 46°39'27" West a distance of 71.44 feet;
THENCE North 41°58'09" West a distance of 14.99 feet;
THENCE North 34°17'11" West a distance of 15.10 feet to the East line of said SE1/4;
THENCE North 00°08'38" West along said East line a distance of 530.76 feet to the West side of said Lupton Meadows Ditch;

The following Five (5) courses and distances are along the West side of Lupton Meadows Ditch;

THENCE North 19°05'56" East a distance of 108.39 feet;
THENCE North 18°16'04" East a distance of 121.08 feet;
THENCE North 05°31'53" West a distance of 59.75 feet;
THENCE North 12°50'27" West a distance of 133.56 feet;
THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
THENCE South 02°00'50" East a distance of 676.04 feet to the Northerly line of said Everist Annexation No. 1;
THENCE South 89°18'44" West along said Northerly line a distance of 741.05 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 989,315 Square Feet or 22.712 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

PROPERTY DESCRIPTION
Fort Lupton North Annexation No. 2

A parcel of land, located in the Southeast Quarter (SE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 24 and assuming the South line of said SE1/4 as bearing North 89°18'44" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.27 feet with all other bearings contained herein relative thereto;

THENCE North 00°08'38" West along the West line of said SE1/4 a distance of 1656.80 feet to the Northwest corner of Fort Lupton North Annexation No. 1 and to the **POINT OF BEGINNING**;

THENCE North 00°08'38" West continuing along the West line of said SE1/4 a distance of 968.06 feet to the Center Quarter corner of said Section 24;

THENCE North 89°36'39" East along the North line of said SE1/4 a distance of 858.79 feet;

THENCE South 02°00'50" East a distance of 1914.93 feet to the Northeast corner of said Fort Lupton North Annexation No. 1;

THENCE North 44°30'05" West along the North line of said Fort Lupton North Annexation No. 1 a distance of 1317.73 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,267,852 Square Feet or 29.106 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

_____, 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.

(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this _____ day of _____, 20____, by_____.

Witness my hand and official seal.

My commission expires on _____.


Notary Public



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the **14th day of October 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L. G. Everist NW Annexation Nos. 1-2** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

Weld County Attn: Commissioners 1150 O Street Greeley, CO 80631	Weld County Attn: Attorney 1150 O Street Greeley, CO 80631
--	---



City Official

7019 2970 0001 1465 9089

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

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

OFFICIAL USE

Certified Mail Fee
\$ 5.30

Extra Services & Fees (check box, add fee as appropriate)

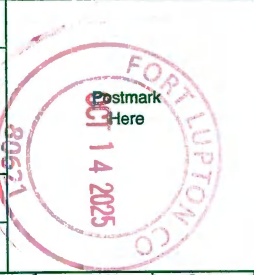
Return Receipt (hardcopy) \$ 4.40

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____



Postage
\$ 0.74

Total Postage and Fees
\$ 10.44

Sent To
Weld County Attn: Commissioners

Street and Apt. No., or PO Box No.
1150 O Street

City, State, ZIP+4®
Greeley, CO 80631

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

7019 2970 0001 1465 9072

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

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

OFFICIAL USE

Certified Mail Fee
\$ 5.30

Extra Services & Fees (check box, add fee as appropriate)

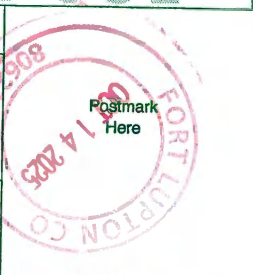
Return Receipt (hardcopy) \$ 4.40

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____



Postage
\$ 0.74

Total Postage and Fees
\$ 10.44

Sent To
Weld County Attn: Attorneys

Street and Apt. No., or PO Box No.
1150 O Street

City, State, ZIP+4®
Greeley, CO 80631

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

Affidavit of Mineral Notice
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103
L.G. Everist NW Annexation Nos. 1-2
Project No. ANX25-002

The undersigned applicant, Matthew Noteboom, 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 Matthew Noteboom, this 15th day of October, 2025. Witness my hand and seal.

My commission expires 12-16-2028.



Notary Public

(SEAL)

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

Sign Posting Affidavit

L.G. Everist NW Annexation Nos. 1-2, NE Annexation & Special Use Permit
Project Nos. ANX25-002, ANX25-003, SUP25,002



Facing County Road 14 1/2



Facing County Road 25



Facing County Road 18

I, LYNN M. SHULTS hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 16 day of OCTOBER, 2025.

LMS
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Lynn M. Shults, this 4th day of November, 2025. Witness my hand and seal.

My commission expires 12-16-2028.

Ronald Murray
Notary Public

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

RESOLUTION NO. P2025-015

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION KNOWN AS THE L.G. EVERIST NE ANNEXATION AND INITIAL ZONING TO THE 'A' AGRICULTURE ZONE DISTRICT FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.

WHEREAS, the Planning Commission held a public hearing on November 13, 2025, for the purpose of reviewing an application submitted by Lynn M. Shults as the representative of L.G. Everist, Inc. (the "Applicants"), for an annexation, known as the L.G. Everist NE Annexation and Initial Zoning to the 'A' Agriculture Zone District; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the annexation and initial zoning conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site.

NOW THEREFORE BE IT RESOLVED, the Planning Commission 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 annexation known as the L.G. Everist NE Annexation and Initial Zoning to the 'A' Agriculture Zone District, conditional upon the following:

1. Prior to the Recording the Annexation Documents:
 - A. Applicant shall adequately address all comments from Planning.
 - B. Annexation Agreement shall be finalized between the Applicant and the City.
 - C. Applicant shall adequately address all comments and requirements from Public Works.

DONE THIS 13th DAY OF NOVEMBER, 2025, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A
PROPERTY DESCRIPTION

A parcel of land, being a part of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3, Section 19, Vacation and Replat of Lots 1-8, recorded December 3, 1996 as Reception No. 2523266 of the Records of Weld

County, located in the West Half (W1/2) of Section Nineteen (19), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 19 and assuming the West line of the Southwest Quarter (SW1/4) as bearing North 00°06'14" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto;

THENCE North 00°06'14" West along the West line of said SW1/4 a distance of 1305.65 feet to the South Sixteenth corner of said Section 19;

THENCE North 89°27'16" East a distance of 30.00 feet to the Southeast corner of Lupton Meadows Annexation No. 1 recorded April 14, 2017 as Reception No. 4293736 of the Record of Weld County and to the POINT OF BEGINNING;

THENCE North 00°06'14" West along the West line of said Lupton Meadows Annexation No.'s 1, 2, 3, 4 and 5 a distance of 2611.54 feet to the North line of said Lot 3;

The following Twelve (12) courses and distances are along the Northerly, Easterly and Southerly lines of said Lots 3, 4, 5 and 6;

THENCE North 89°07'46" East a distance of 2727.95 feet;

THENCE South 00°19'53" East a distance of 1245.52 feet;

THENCE South 39°43'46" West a distance of 696.13 feet;

THENCE South 24°01'49" West a distance of 116.91 feet;

THENCE South 31°00'59" West a distance of 583.24 feet;

THENCE South 28°25'42" West a distance of 155.98 feet;

THENCE South 06°35'38" West a distance of 111.87 feet to the Northeast corner of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County;

The following Five (5) courses and distances are along the Northerly lines of said Everist Annexation No. 1;

THENCE South 89°28'04" West a distance of 650.00 feet;

THENCE North 00°31'56" West a distance of 100.00 feet;

THENCE South 89°28'04" West a distance of 30.00 feet;

THENCE South 00°31'56" East a distance of 100.00 feet;

THENCE South 89°28'04" West a distance of 1170.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 6,452,802 Square Feet or 148.136 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

**L.G. EVERIST NE ANNEXATION STAFF REPORT
PROJECT NO. ANX25-003**

PROJECT DESCRIPTION

Project No.: ANX25-003

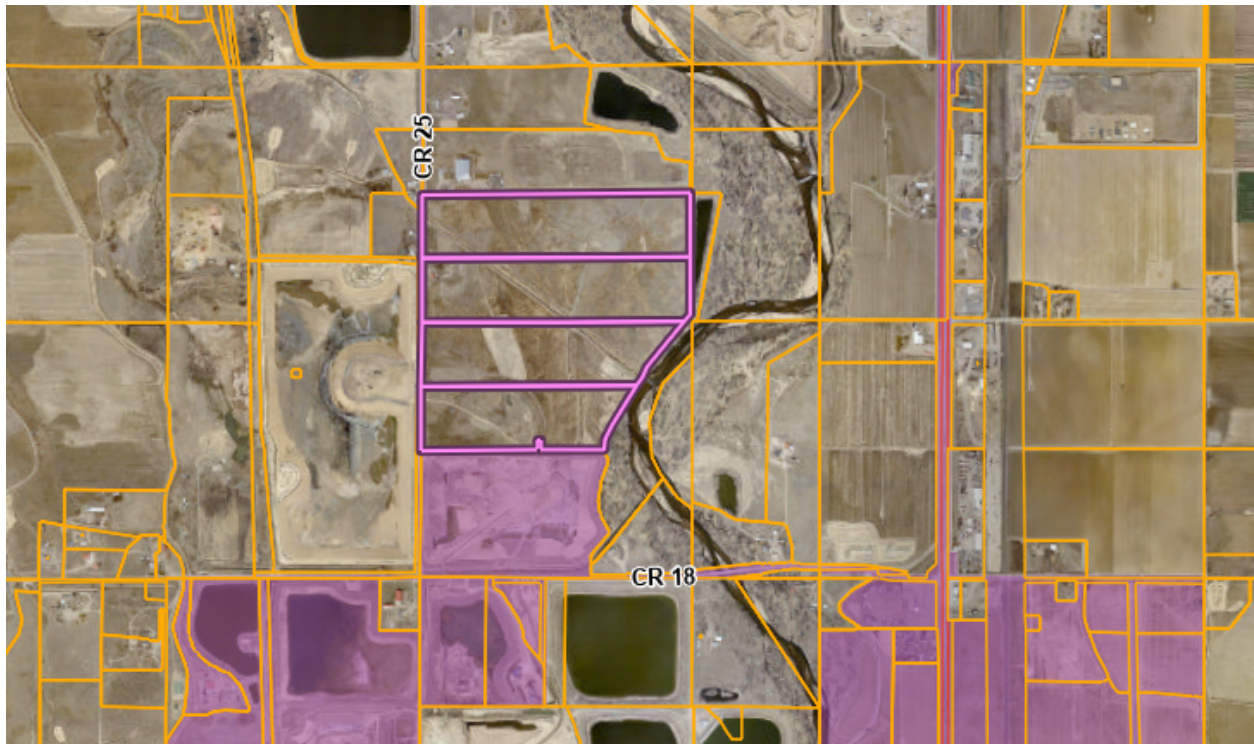
Project name: L.G. Everist NE Annexation and Initial Zoning

Owner's Name: L.G. Everist, Inc. ("Applicant")

Representative: Lynn M. Shults

Location of Request:

The site is located generally immediately north of County Road 18, immediately east along County Road 24 (The Property). Parcel Nos. 130919303006, 130919303005, 130919303004, and 130919303003. The Property is located in the western half of Section 19, Township 2 North, Range 66 West of the 6th PM, County of Weld, State of Colorado. The Property is directly surrounded by agricultural and rural residential land uses, mining operations, and detention ponds.



Solid Purple: Fort Lupton City Limits. Purple Outline: Parcel in question.

Nature of Request:

The Applicants has submitted a request for annexation of four parcels with initial designation to the ‘A’ Agriculture Zone District. A Special Use Permit Amendment application has been submitted concurrently with this annexation request for the Gravel & Sand Mining operation.

Site Size: Subject Property: 149.995 acres, more or less;

Proposed Zone District: ‘A’ Agriculture

Concept Land Use Plan: Conceptual land use plan affiliated with the annexation but does not create vesting. The concurrent Special use Permit Amendment application is reviewing the specific land uses.

Existing Use: The properties are currently vacant agricultural land.

Hearing Dates: Planning Commission – November 13, 2025 at 6:00 PM; and
City Council – December 2, 2025 at 6:00 PM.

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

Staff Recommendation: Approval with conditions, as listed in the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

To staff’s knowledge, there are no prior applications for these properties through the City of Fort Lupton.

APPLICATION PROCESS

The Applicant is requesting approval of an annexation and initial zoning to the ‘A’ Agriculture Zone District.

An annexation is processed under [Chapter 15: Annexation](#) of the Fort Lupton Municipal Code (“Code”).

After required public notice of annexation and initial zoning, the Planning Commission shall review the annexation map, the concept land use plan and the zoning request at a public hearing, and shall submit a written recommendation to City Council.

The City Council shall then conduct a public hearing and consider the approval of an ordinance annexing the property to the City without election if it finds that the annexation is in compliance with the requirements of the Colorado Municipal Annexation Act of 1965, as amended, and the Fort Lupton Municipal Code. The City Council shall then either:

1. Approve, or approve with conditions, the ordinances for annexation and initial zoning. Approval may be contingent upon specific changes to the zoning or to the annexation agreement provided to the City Council prior to the public hearing.
2. Disapprove the ordinances to annex and initially zone the Property. If the City Council disapproves annexation, no similar request may be heard for a period of one year from the date of denial.

NOTIFICATION REQUIREMENTS

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 500 feet of the site, and the

publishing notice of the hearing in the Fort Lupton Press and the Greeley Tribune for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

In addition, notice of the public hearings, as well as the resolution and petition, was sent to all special districts on October 13, 2025 by certified mail, return-receipt requested. The annexation impact report was sent on April 7, 2025 to the Weld County Commissioners and Weld County Attorney by certified mail, return-receipt requested.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

This annexation meets the requirements set forth by the Municipal Annexation Act of 1965, as amended and by [Chapter 15 of the Municipal Code](#) relating to Annexation. The Planning Department staff has determined that the applicant has submitted all required documents pursuant to the Code.

Section 15-3 of the Municipal Code outlines the Annexation Policy, which is:

- a) The City Council shall have the sole discretion in the annexation of territory proposed for annexation to the City, and the City is under no obligation to approve any annexation petition.

Staff Comment: On October 7, 2025, the City Council accepted the annexation petition and set the public hearing date for this matter for December 2, 2025.

- b) Land to be annexed shall conform to the goals, policies and strategies of the City.

Staff Comment: The Planning Department finds that the annexation meets the goals, policies and strategies of the City, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

- c) The petitioner for annexation of land to the City shall be responsible for paying all required fees and for all related costs and overhead incurred by the City in reviewing and processing the annexation petition.

Staff Comment: The Applicant has paid all required land use fees, and has a fee deposit established to cover any costs related to the project.

- d) Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.

Staff Comment: The proposed annexation will not prevent future annexation of adjoining land.

- e) All annexations shall be accompanied by an annexation agreement between the petitioner and the City, stating conditions related to municipal services or other terms of annexation that are not specifically provided for in the Code.

Staff Comment: The Applicant and City Attorney are working in good faith to finalize an annexation agreement. A draft will be provided to the Fort Lupton City Council for consideration prior to the public hearing.

- f) Unless specifically deferred by the City Council, zoning of the property shall occur concurrently with the annexation. Proposed zoning shall conform to a concept land use plan submitted with the annexation petition. In the event that sufficient planning has not been done to define zoning boundaries at the time of annexation, the City may zone the property "A," Agriculture, as an interim zoning classification.

Staff Comment: The Applicant is requesting zoning to the 'A' Agriculture Zone District, and staff supports this request.

- g) Required contiguity of noncontiguous parcels proposed for annexation may be achieved by annexation of one (1) or more portions of street right-of-way or other public way, a process commonly referred to as “flagpole” annexation.

Staff Comment: The proposed annexation meets the required contiguity.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. This designation consists of areas along the South Platte River which include significant mineral resources. Per state law, surface development is prohibited within these areas until resources have been appropriately extracted. As a result, this area allows for industrial and agricultural uses to support resource extraction. Much of this area is contained within either the floodway or floodplains of the South Platte River, and should be prioritized for preservation. As resources extraction operations come offline, the City should convert these areas to parks and open spaces.

The proposed zoning to the 'A' Agriculture Zone District is compatible with this Land Use Designation.

REFERRALS

Referrals were provided to the list below.

Any comments received can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/971>

City Administrator	Building Inspector	OMI
Economic Development Manager	City Attorney	City Clerk
Recreation Director	GIS Specialist	Development Review Engineer
Police Chief	Public Works Director	Finance Director
Fort Lupton Fire Protection District	CDOT	Colorado DRMS
Colorado Parks & Wildlife	Division of Water Resources	Army Corp of Engineers
United Power	Comcast	Century Link
Xcel Energy	Ripple Fiber	Intrepid Fiber
Postmaster	Weld County Department of Planning	Weld County Department of Public Health and Environment
Weld County Public Works	Weld County School District RE-8	Weld County GIS
NCWCD	State Geologist	Lupton Bottom Ditch Company

RECOMMENDATION

Staff recommends conditional approval of the L.G. Everist NE Annexation and Initial Zoning to 'A' Agriculture. 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 can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/971>.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

PROJECT SITE Fort Lupton Sand & Gravel

Site Address 12546 County Road 18, Fort Lupton, CO 80621

PROPERTY OWNER L.G. Everist, Inc. (applicant and operator)

Contact Address 7321 E 88th Avenue, Suite 200, Henderson, CO 80640

Contact - Owner Matthew Noteboom, VP-Mountain Division (msnoteboom@lgeverist.com)

Contact - Permitting Lynn Shults, Regulatory Manager (lmshults@lgeverist.com, 303-514-2778)

CITY OF FORT LUPTON Applications

- Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP
- Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)
- Fort Lupton North Annexation No. 1 & 2 (Northwest)
- Fort Lupton North Annexation No. 3 (Northeast)

This Project Narrative includes information for the annexation applications - Fort Lupton North Annexation No. 1 & 2 (Northwest), and Fort Lupton North Annexation No. 3 (Northeast).

Please refer to the Special Use Permit Amendment and the Lot Consolidation applications for complete details on those applications..

PROJECT NARRATIVE – Contents

Overview

Information on Drawings / Plats

Information on Utility Plan and Water

Statements on Community Need



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

Overview

L.G. Everist, Inc. (Applicant) is requesting annexation of 5 properties into the City of Fort Lupton. The reason for annexing the properties is to include and amend them into the existing **Fort Lupton Sand and Gravel**, SUP-2013R018. Once annexed and amended into the SUP, the properties will be mined for the sand and gravel reserves, and reclaimed as water storage reservoirs.

All the parcels to be annexed are owned by the applicant, L.G. Everist, Inc. The annexation of the 5 properties is separated into the following applications for annexation:

- Fort Lupton North Annexation No. 1 & 2** (Northwest) – contains 1 parcel
- Fort Lupton North Annexation No. 3** (Northeast) – contains 4 parcels

L.G. Everist, Inc. (Applicant) is also amending the existing City of Fort Lupton Special Use Permit (SUP), for **Fort Lupton Sand and Gravel**, SUP-2013R018. The existing SUP permit is for a sand and gravel mining operation, with final reclamation of the site as multiple water storage reservoirs. The mining and reclamation methods are not changing with the amendment. The existing and amendment areas of the Fort Lupton Sand & Gravel SUP are also covered by an existing Colorado Division of Reclamation and Safety (DRMS) 112 Permit M-1999-120.

For more details on the SUP and the DRMS permits, please refer to the SUP application package.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City. The properties will not be serviced by the City's water system. As a result, no water rights will be dedicated to the City as a part of this annexation.

The current uses in the annexation areas are agricultural in nature, with some farming and grazing, and irrigation ditches. The pre-annexation zoning of the parcels in Weld County is A-Agricultural, and the City of Fort Lupton's zoning for the existing SUP is A-Agricultural, so the zoning does not need to be changed when annexing and amending these areas into the SUP.

The annexation application that is titled **Fort Lupton North Annexation No. 1 & 2** (Northwest), is situated in the Southeast Quarter of Section 24, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The annexation includes one (1) parcel, which is approximately 52 acres, and is split into two annexations due to its length.

The annexation application that is titled **Fort Lupton North Annexation No. 3** (Northeast), is situated in the Southeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado. The annexation includes four (4) parcels, which total approximately 148 acres.

Fort Lupton North Annexation No. 3 (Northeast) will also include a Lot Consolidation, titled as Fort Lupton North Subdivision. The reason for the Lot Consolidation is to convert the four (4) parcels of the No. 3 Annexation into two (2) lots, which aligns with the plans for the SUP and DRMS mining operations and final reclamation of the permit area and properties. The Lot Consolidation is included with the SUP Application, as per City application planning. Please see the SUP application package for more details on the Lot Consolidation.

The complete legal description for the annexation is included with these applications in Word format.

Title work for the annexations shall be sent under separate cover, due to file size.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

Information on Drawings / Plats

For the annexation applications **Fort Lupton North Annexation No.1 & 2** and **Fort Lupton North Annexation No. 3**, the applicant is including the following annexation drawings (aka plats, maps):

Plat Map 1 – Annexation Map

- This plat includes the Annexation Map, complete legal description, certification blocks, and vicinity map

Plat Map 2 – Utilities & Landscape

- Utilities (aka Utility Plan) – this plat shows the existing structures and utilities located on the property.
Note: The Applicant will not require any utilities and water from the City.
- Landscape (aka Conceptual Site Plan) – this plat shows the corresponding portion of the final reclamation, which is Landscape Plan from the SUP-2013R018 (and DRMS permit).

The annexation plats are included in the application packages.

Information on Utility Plan and Water - Fort Lupton North Annexation No. 1 & 2 (Northwest)

No utilities, no water, and no sanitary water services will be needed for the annexation properties, because they will be included in an existing mining operation, SUP-2013R018. Portable toilets for employees will be used onsite and serviced by a contractor. Bottled drinking water will be available for employees, and stored in the mine office and other areas for employees. Power will be sourced from the existing power lines on the property serviced by United Power.

No Utility Plan is needed, because no utilities or water/sanitary services are needed from the City of Fort Lupton. The applicant is including a “Utilities” map with the annexation plats that shows the existing structures and utilities located on the annexation properties. Existing man-made structures on some properties may include: oil and gas pipelines and wells, irrigation ditches, power lines, and groundwater monitoring wells.

Information on Utility Plan and Water - Fort Lupton North Annexation No. 3 (Northeast)

No utilities, no water, and no sanitary water services will be needed for the annexation properties, because they will be included in an existing mining operation, SUP-2013R018. Portable toilets for employees will be used onsite and serviced by a contractor. Bottled drinking water will be available for employees, and stored in the mine office and other areas for employees. Power will be sourced from the existing power lines on the property serviced by United Power.

No Utility Plan is needed, because no utilities or water/sanitary services are needed from the City of Fort Lupton. The applicant is including a “Utilities” map with the annexation plats that shows the existing structures and utilities located on the annexation properties. Existing man-made structures on some properties may include: oil and gas pipelines and wells, irrigation ditches, power lines, and groundwater monitoring wells.



PROJECT NARRATIVES

Fort Lupton North Annexation No. 1 & 2 (Northwest)

Fort Lupton North Annexation No. 3 (Northeast)

Statement on Community Need for Fort Lupton North Annexation No. 1 & 2

The proposed Fort Lupton North Annexation No. 1 & 2 shall consist of an annexation into the city limits of the City of Fort Lupton for purposes of inclusion into the **SUP-2013R018 - Fort Lupton Sand & Gravel (SUP)**.

All the properties in the SUP are already annexed into the City, and are zoned Agricultural. As such, the new annexation parcel is zoned Agricultural and the Applicant does not intend to change the zoning classification of the property.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City.

Once mined and reclaimed as the water storage reservoirs, the properties will continue to adhere to the character and purposes of the City, and the goals and intent of the Comprehensive Plan.

Statement on Community Need for Fort Lupton North Annexation No. 3

The proposed Fort Lupton North Annexation No. 3 shall consist of an annexation into the city limits of the City of Fort Lupton for purposes of inclusion into the **SUP-2013R018 - Fort Lupton Sand & Gravel (SUP)**.

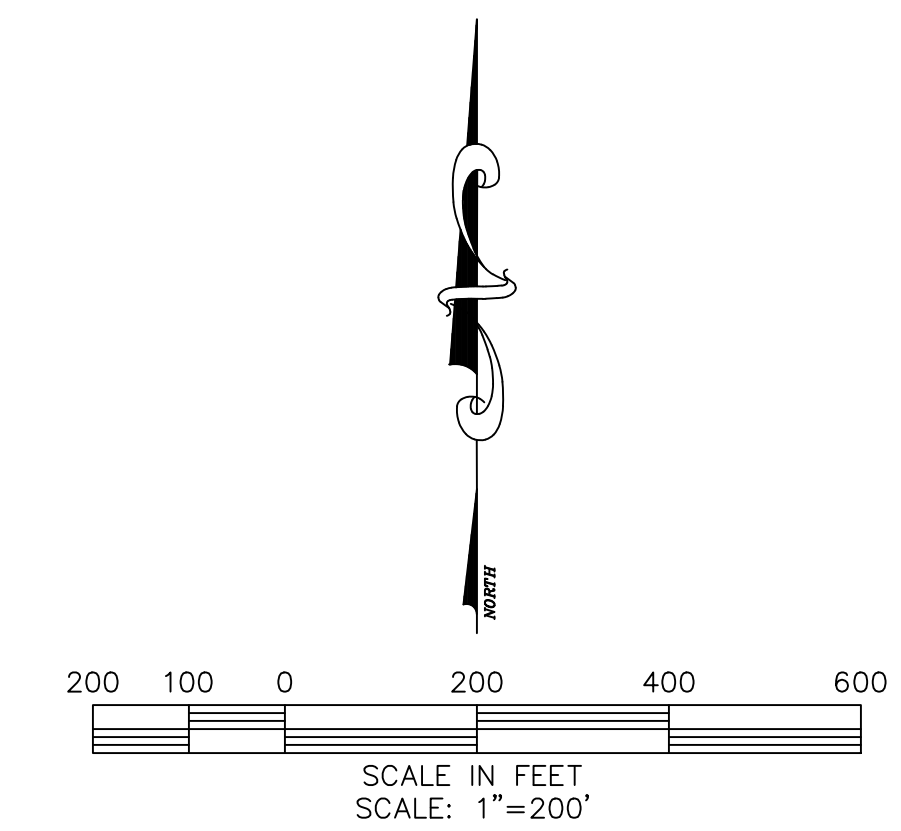
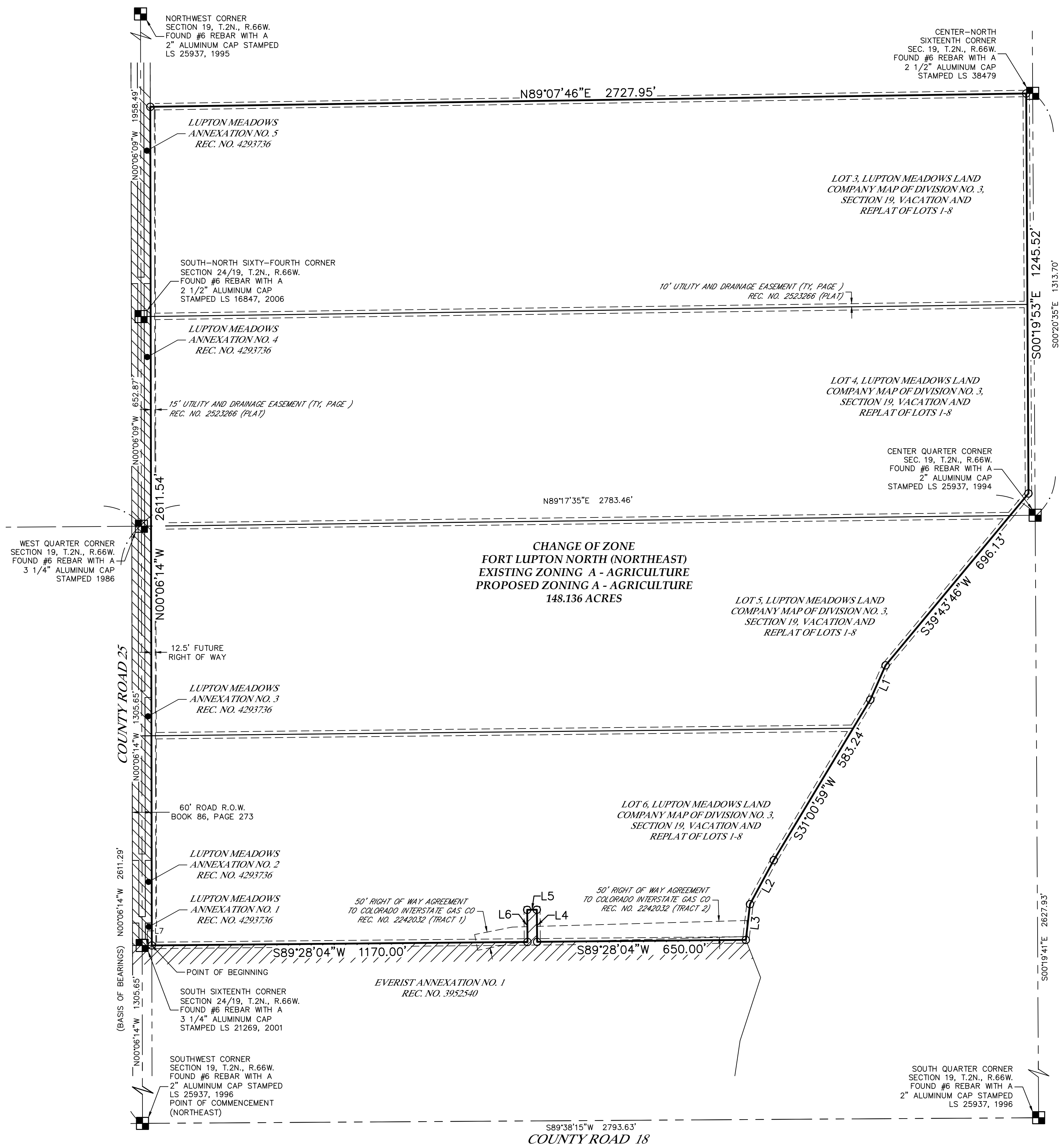
All the properties in the SUP are already annexed into the City, and are zoned Agricultural. As such, the new annexation parcel is zoned Agricultural and the Applicant does not intend to change the zoning classification of the property.

Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities, nor any water from the City.

Once mined and reclaimed as the water storage reservoirs, the properties will continue to adhere to the character and purposes of the City, and the goals and intent of the Comprehensive Plan.

CHANGE OF ZONE - FORT LUPTON NORTH

Situate in the Southeast Quarter of Section 19, Township 2 North, Range 66 West,
And in the Southeast Quarter of Section 24, Township 2 North, Range 67 West
of the 6th P.M., County of Weld, State of Colorado



LEGEND

- EASEMENT LINE
- SECTION LINE
- QUARTER SECTION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- FOUND ALIQUOT CORNER AS DESCRIBED
- CALCULATED POSITION

LINE TABLE

LINE	BEARING	LENGTH
L1	S24°01'49"W	116.91'
L2	S28°25'42"W	155.98'
L3	S06°35'38"W	111.87'
L4	N00°31'56"W	100.00'
L5	S89°28'04"W	30.00'
L6	S00°31'56"E	100.00'
L7	N89°27'16"E	30.00'
L8	N01°21'17"E	30.02'
L9	N01°21'17"E	56.23'
L10	N08°31'52"W	41.34'
L11	N21°22'35"W	115.29'

LINE TABLE

LINE	BEARING	LENGTH
L12	N31°26'31"W	43.83'
L13	N40°12'05"W	31.61'
L14	N44°56'23"W	60.44'
L15	N46°39'27"W	71.44'
L16	N41°58'09"W	14.99'
L17	N34°17'11"W	15.10'
L18	N19°05'56"E	108.39'
L19	N18°16'04"E	121.08'
L20	N05°31'53"W	59.75'
L21	N12°50'27"W	133.56'
L22	N07°25'34"W	307.67'

DATE: 10/17/2024
FILE NAME: 20240524ZON
SCALE: 1"=200'
DRAWN BY: CSK
CHECKED BY: PG

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE: _____
REVISIONS: _____

CHANGE OF ZONE - FORT LUPTON NORTH
FOR
FOR
LG EVERIST, INC.
7321 E. 88TH AVENUE, SUITE 200
HENDERSON, CO 80640

PROJECT #: 20240524

2
SHEET 2 OF 2

Colorado Trust for Local News
143 S. Second Place
Brighton, CO 80601

City of Fort Lupton Legals***
130 S McKinley Avenue
Fort Lupton CO 80621

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 4 successive week(s), the last of which publication was made 11/6/2025, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



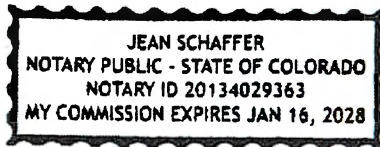
For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Erin Adams, director of said newspaper, who is personally known to me to be the identical person in the above certificate on 11/6/2025. Erin Adams has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-115380

Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everist NE Annexation, located east and immediately adjacent to County Road 25, and 1,231 feet north of County Road 18, more or less, in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 13, 2025, at 6:00 P.M., and before the City Council on Tuesday, December 2, 2025, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003.

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

A parcel of land, being a part of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3, Section 19, Vacation and Replat of Lots 1-8, recorded December 3, 1996 as Reception No. 2523266 of the Records of Weld County, located in the West Hall (W1/2) of Section Nineteen (19), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 19 and assuming the West line of the Southwest Quarter (SW1/4) as bearing North 00°06'14" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto;

THENCE North 00°06'14" West along the West line of said SW1/4 a distance of 1305.65 feet to the South Sixteenth corner of said Section 19;
THENCE North 89°27'16" East a distance of 30.00 feet to the Southeast corner of Lupton Meadows Annexation No. 1 recorded April 14, 2017 as Reception No. 4293736 of the Record of Weld County and to the POINT OF BEGINNING.

THENCE North 00°06'14" West along the West line of said Lupton Meadows Annexation No.'s 1, 2, 3, 4 and 5 a distance of 2611.54 feet to the North line of said Lot 3;
The following Twelve (12) courses and distances are along the Northerly, Easterly and Southerly lines of said Lots 3, 4, 5 and 6:
THENCE North 89°07'46" East a distance of 2727.95 feet;
THENCE South 00°19'53" East a distance of 1245.52 feet;
THENCE South 39°43'46" West a distance of 696.13 feet;
THENCE South 24°01'49" West a distance of 116.91 feet;
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THENCE South 28°25'42" West a distance of 155.98 feet;
THENCE South 06°35'38" West a distance of 111.87 feet to the Northeast corner of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County;
The following Five (5) courses and distances are along the Northerly lines of said Everist Annexation No. 1:
THENCE South 89°28'04" West a distance of 650.00 feet;
THENCE North 00°31'56" West a distance of 100.00 feet;
THENCE South 89°28'04" West a distance of 30.00 feet;
THENCE South 00°31'56" East a distance of 100.00 feet;
THENCE South 89°28'04" West a distance of 1170.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 6,452,802 Square Feet or 148.136 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Legal Notice No. FLP1358
First Publication: October 16, 2025
Last Publication: November 6, 2025
Publisher: Fort Lupton Press

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everist NE Annexation, located east and immediately adjacent to County Road 25, and 1,231 feet north of County Road 18, more or less, in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 13, 2025, at 6:00 P.M., and before the City Council on Tuesday, December 2, 2025, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003.

ALL INTERESTED PERSONS MAY ATTEND.
LEGAL DESCRIPTION

A parcel of land, being a part of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3, Section 19, Vacation and Replat of Lots 1-6, recorded December 3, 1996 as Reception No. 2523266 of the Records of Weld County, located in the West Half (W1/2) of Section Nineteen (19), Township Two North (T. 2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 19 and assuming the West line of the Southwest Quarter (SW1/4) as bearing North 00°06'14" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto;

THENCE North 00°06'14" West along the West line of said SW1/4 a distance of 1305.65 feet to the South Sixteenth corner of said Section 19;

THENCE North 89°27'16" East a distance of 30.00 feet to the Southeast corner of Lupton Meadows Annexation No. 1 recorded April 14, 2017 as Reception No. 4293736 of the Record of Weld County and to the POINT OF BEGINNING;

THENCE North 00°06'14" West along the West line of said Lupton Meadows Annexation No.'s 1, 2, 3, 4 and 5 a distance of 2611.54 feet to the North line of said Lot 3;

The following Twelve (12) courses and distances are along the Northerly, Easterly and Southerly lines of said Lots 3, 4, 5 and 6;

- THENCE North 89°07'46" East a distance of 2727.95 feet;
- THENCE South 00°19'53" East a distance of 1245.52 feet;
- THENCE South 39°43'46" West a distance of 696.13 feet;
- THENCE South 24°01'49" West a distance of 116.91 feet;
- THENCE South 31°00'59" West a distance of 583.24 feet;
- THENCE South 28°25'42" West a distance of 155.98 feet;
- THENCE South 06°35'38" West a distance of 111.87 feet to the Northeast corner of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County;
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- THENCE South 89°28'04" West a distance of 30.00 feet;
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Published: Greeley Tribune October 10, 17, 24, 31, 2025-2138011

Prairie Mountain Media, LLC

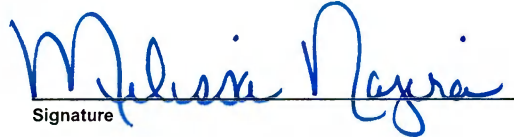
PUBLISHER'S AFFIDAVIT

County of Weld
State of Colorado


The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Oct 10, 17, 24, 31, 2025


Signature

Subscribed and sworn to me before me this
31st day of October 2025.


Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2029

(SEAL)

Account: 1102365
Ad Number: 2138011
Fee: \$271.04



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 14th day of October, 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L.G Everist NE Annexation** was sent via United States Mail, postage pre-paid, to the following addresses:

PARKER FAMILY LAND COMPANY LLC 12877 COUNTY ROAD 18 FORT LUPTON, CO 80621	BARRON-MELENDEZ REAL ESTATE VENTURES LLC 14751 EAST COUNTY LINE ROAD LONGMONT, CO 80504	NELVA AND DAREL BEARSON 9208 COUNTY ROAD 25 FORT LUPTON, CO 80621
CITY OF THORNTON 9500 CIVIC CENTER DRIVE THORNTON, CO 80229	NORTHERN COLORADO CONSTRUCTORS INC 9075 COUNTY ROAD 10 FORT LUPTON, CO 80621	4 Z INVESTMENTS LLP 9075 COUNTY ROAD 10 FORT LUPTON, CO 80621
STACY BJERKE AND KENNETH CURBY 8721 COUNTY ROAD 25 FORT LUPTON, CO 80621	FLOS MARY ANN UHL 8607 COUNTY ROAD 25 FORT LUPTON, CO 80621	

B. Kimizi
City Official



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation with Initial Zoning, referred to as the LG Everist NE Annexation located east and immediately adjacent along County Road 25, and 1,312 feet north of County Road 18, more or less, in Fort Lupton, Colorado pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

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ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: LG Everist NE Annexation

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

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CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 14th day of October, 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L.G. Everist NE Annexation** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

WELD COUNTY 1150 O STREET GREELEY, 80631	SCHOOL DISTRICT RE-8 301 REYNOLDS STREET FORT LUPTON, CO 80621	NORTHERN COLORADO WATER 220 WATER AVENUE BERTHOUD, CO 80513
FORT LUPTON FIRE PROTECTION DISTRICT 1121 DENVER AVE FORT LUPTON, 80621	AIMS JUNIOR COLLEGE PO BOX 69 GREELEY, CO 80632	HIGH PLAINS LIBRARY 2650 WEST 29 TH STREET GREELEY, CO 80631
PLATTE VALLEY CONSERVATION DISTRICT BRIGHTON, CO 80601	CENTRAL COLORADO WATER 3209 WEST 28 TH ST GREELEY, 80634	



City Official

7019 2970 0001 1465 8990

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 4.40
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
 Weld County
 Street and Apt. No., or PO Box No.
 1150 O Street
 City, State, ZIP+4®
 Greeley, CO 80631

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



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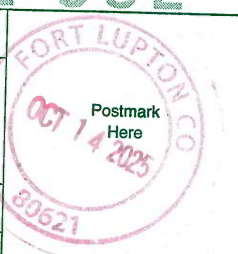
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
 School District RE-8
 Street and Apt. No., or PO Box No.
 301 Reynolds Street
 City, State, ZIP+4®
 Fort Lupton, CO 80621

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



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<input type="checkbox"/> Adult Signature Required	\$
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Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
 Northern Colorado Water
 Street and Apt. No., or PO Box No.
 220 Water Avenue
 City, State, ZIP+4®
 Berthoud, CO 80513

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



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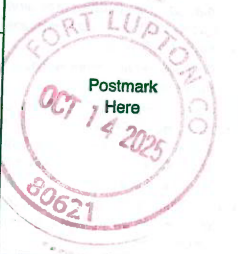
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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Sent To
 Fort Lupton Fire Protection District
 Street and Apt. No., or PO Box No.
 1121 Denver Avenue
 City, State, ZIP+4®
 Fort Lupton, CO 80621

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



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
 Aims Junior College
 Street and Apt. No., or PO Box No.
 PO Box 69
 City, State, ZIP+4®
 Greeley, CO 80632

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



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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.74
Total Postage and Fees	\$ 10.44

Sent To
 High Plains Library
 Street and Apt. No., or PO Box No.
 2650 West 29th Street
 City, State, ZIP+4®
 Greeley, CO 80631

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



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Total Postage and Fees	\$ 10.44



Sent To
Platte Valley Conservation District
Street and Apt. No., or PO Box No.
57 Bromley Lane
City, State, ZIP+4®
Brighton, CO 80601

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

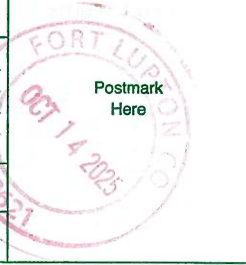
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Sent To
Central Colorado Water
Street and Apt. No., or PO Box No.
3209 West 28th St
City, State, ZIP+4®
Greeley, CO 80634

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



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

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ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: L. G. Everist NE Annexation

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PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

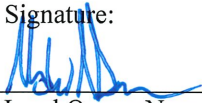
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Fort Lupton North Annexation No. 3 (aka Northeast) 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.
 - 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 will be included in the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel.
 - 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:
 - i. 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
 - ii. 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.
 - f. 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.
 - g. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - h. 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.
 - i. The territory to be annexed is 148 acres, more or less, in total area.

- j. Upon completion of the annexation of the property, the property will be included in the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel. The SUP plat describes the locations and uses of the mining and reclamation of the special use permit area. Being included within the SUP, the property will not be serviced by the City's utilities or water system, and the property may at all times be used in accordance with special use permit.
 - k. 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.
 - l. 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. 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.
5. The zoning classification requested for the area proposed to be annexed is A - Agricultural, (as shown on the annexation map attached hereto and incorporated herein. Owner has submitted a request to include the annexed property into the amended Special Use Permit, SUP-2013R018, Fort Lupton Sand and Gravel.
6. 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.
7. At the time of annexation, the landowner will not petition for inclusion into the Northern Colorado Water Conservancy District (NCWCD). Given that municipal water is not necessary to serve the current or future development of the Property, the Owner shall not be required to petition for inclusion in the NCWCD. However, such inclusion will be required if, at some point in the future, owner seeks municipal water services at the Property.
8. The non-refundable annexation application fee of \$1816.60 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.

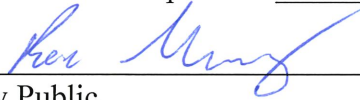
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: 5-21-25
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
3	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
4	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP Code): Date of signing:

(Additional sheets may be attached if necessary.)

The foregoing signature(s) was/were subscribed and sworn to before me this 21st day of May, 2025, by Matthew Noteboom

Witness my hand and official seal.

My commission expires on 12-16-2028.



 Notary Public

RONALD PATRICK MURRAY
 Notary Public
 State of Colorado
 Notary ID # 20244045719
 My Commission Expires 12-16-2028

Exhibit A

Legal Description of Property Owned by Annexor

PROPERTY DESCRIPTION

Fort Lupton North Annexation No. 3

(ON THE FOLLOWING PAGES)

PROPERTY DESCRIPTION
Fort Lupton North Annexation No. 3

A parcel of land, being a part of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3, Section 19, Vacation and Replat of Lots 1-8, recorded December 3, 1996 as Reception No. 2523266 of the Records of Weld County, located in the West Half (W1/2) of Section Nineteen (19), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 19 and assuming the West line of the Southwest Quarter (SW1/4) as bearing North 00°06'14" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2611.29 feet with all other bearings contained herein relative thereto;

THENCE North 00°06'14" West along the West line of said SW1/4 a distance of 1305.65 feet to the South Sixteenth corner of said Section 19;

THENCE North 89°27'16" East a distance of 30.00 feet to the Southeast corner of Lupton Meadows Annexation No. 1 recorded April 14, 2017 as Reception No. 4293736 of the Record of Weld County and to the **POINT OF BEGINNING**;

THENCE North 00°06'14" West along the West line of said Lupton Meadows Annexation No.'s 1, 2, 3, 4 and 5 a distance of 2611.54 feet to the North line of said Lot 3;

The following Twelve (12) courses and distances are along the Northerly, Easterly and Southerly lines of said Lots 3, 4, 5 and 6;

THENCE North 89°07'46" East a distance of 2727.95 feet;

THENCE South 00°19'53" East a distance of 1245.52 feet;

THENCE South 39°43'46" West a distance of 696.13 feet;

THENCE South 24°01'49" West a distance of 116.91 feet;

THENCE South 31°00'59" West a distance of 583.24 feet;

THENCE South 28°25'42" West a distance of 155.98 feet;

THENCE South 06°35'38" West a distance of 111.87 feet to the Northeast corner of Everist Annexation No. 1 recorded August 1, 2013 at Reception No. 3952540 of the Records of Weld County;

The following Five (5) courses and distances are along the Northerly lines of said Everist Annexation No. 1;

THENCE South 89°28'04" West a distance of 650.00 feet;

THENCE North 00°31'56" West a distance of 100.00 feet;

THENCE South 89°28'04" West a distance of 30.00 feet;

THENCE South 00°31'56" East a distance of 100.00 feet;

THENCE South 89°28'04" West a distance of 1170.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 6,452,802 Square Feet or 148.136 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

_____, 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.

(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this _____ day of _____, 20____, by _____.

Witness my hand and official seal.

My commission expires on _____.


Notary Public



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the **14th day of October 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L. G. Everist NE Annexation** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

Weld County Attn: Commissioners 1150 O Street Greeley, CO 80631	Weld County Attn: Attorney 1150 O Street Greeley, CO 80631
--	---



City Official

7019 2970 0001 1465 9102

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

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

OFFICIAL USE

Certified Mail Fee

\$ 5.30

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 4.40
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$ 0.74

Total Postage and Fees

\$ 10.44

Sent To

Weld County Attn: Attorneys

Street and Apt. No., or PO Box No.

1150 O Street

City, State, ZIP+4®

Greeney, CO 80631



Commissioners

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2970 0001 1465 9096

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

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

OFFICIAL USE

Certified Mail Fee

\$ 5.30

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 4.40
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$ 0.74

Total Postage and Fees

\$ 10.44

Sent To

Weld County Attn: Attorneys

Street and Apt. No., or PO Box No.

1150 O Street

City, State, ZIP+4®

Greeney, CO 80631



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Planning & Building Department
130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

Affidavit of Mineral Notice
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103
L.G. Everist NE Annexation
Project No. ANX25-003

The undersigned applicant, Matthew Noteboom, 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 Matthew Noteboom, this 15th day of October, 2025. Witness my hand and seal.

My commission expires 12-16-2028.

Notary Public

(SEAL)

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

Sign Posting Affidavit

L.G. Everist NW Annexation Nos. 1-2, NE Annexation & Special Use Permit
Project Nos. ANX25-002, ANX25-003, SUP25,002



Facing County Road 14 1/2



Facing County Road 25



Facing County Road 18

I, LYNN M. SHULTS hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 16 day of OCTOBER, 2025.

LMS
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Lynn M. Shults, this 4th day of November, 2025. Witness my hand and seal.

My commission expires 12-16-2028.

Ronald Murray
Notary Public

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

RESOLUTION NO. P2025-016

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR AN EXPANSION OF AN EXISTING SAND & GRAVEL MINING OPERATION, ON IN A PART OF THE WEST HALF OF SECTION 19 AND SECTION 30, THE NORTHWEST QUARTER OF THE WESTERN HALF OF SECTION 31, PART OF THE EAST HALF OF SECTION 24, SECTION 25, AND PART OF THE NORTH HALF OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on November 13, 2025, for the purpose of reviewing the application from L.G. Everist, Inc. for a special use permit for expansion of an existing sand & gravel mining operation.; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the special use permit conforms to Colorado Revised Statutes and City codes and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission 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 Western Midstream Pipeline for a portion of a buried gathering pipeline, conditional upon the following:

1. Prior to recording the Special Use Permit and the Administrative Lot Consolidation:
 - A. Applicant shall adequately address all comments from Planning;
 - i. The following edits shall be made to the prior 2013 Annexation Agreement (Reception Number 3952539) and the Annexation Agreement shall be submitted to and reviewed by the City for conformance, and be prepared for recording with the County;
 - a. Section 29 “Payment of Sales and Use Tax”, shall be struct in its entirety. All sections shall be re-numbered to correctly reflect their order in the Agreement.
 - b. Section 42 “Inclusion in NCWCD” shall be edited to correct a C.R.S. typo. It shall replace “97-45-136 (3.6) C.R.S.” with “37-45-136 (3.6) C.R.S.”.
 - B. Applicant shall adequately address all comments and requirements from Public Works.

- C. Applicant shall adequately address all comments from the Colorado Department of Transportation and provide written evidence from CDOT.
- D. Applicant shall acknowledge all comments from the Colorado Division of Water Resources, including but not limited to;
 - i. The Fort Lupton Sand & Gravel Pit is currently operating under a substitute water supply plan (“SWSP”) (WDID 0210539), with the current approval period expiring on December 31, 2025. Applicant shall provide written information on how they are addressing the expiration.
- E. Applicant shall adequately address all comments from the Weld County Oil & Gas Energy Department, including but not limited to;
 - i. Submit ALTA Surveys of the five parcels proposed for inclusion into the Special Use Permit area to the City to locate all subsurface utilities.

DONE THIS 13TH DAY OF NOVEMBER, 2025, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director



**L.G. EVERIST SAND & GRAVEL MINE
SPECIAL USE PERMIT
STAFF REPORT
PLAN NO. SUP25-002**

PROJECT DESCRIPTION

Project No.: Plan No. SUP25-002

Project Name: L.G. Everist Mining Special Use Permit

Owners: City of Aurora owns four parcels associated with the current SUP. LG Everist owns the remaining 17 parcels, including all 5 new parcels being proposed for inclusion.

Representative: Lynn M. Shults, L.G. Everist, Inc.

Location of Request:

This Special Use Permit will expand to the five parcels shaded in grey. The new parcels are north of County Road 18, with the NE parcels are east along County Road 25.

Nature of Request:

The Applicant has applied for a Special Use Permit for an amendment of their existing Sand & Gravel Mine Special Use Permit.

Site Size: The 21 parcels make up a combined 689.21 acres more or less.

Zone District: 'A' - Agriculture

Proposed Use: Sand & Gravel Mine.

Existing Use: Post-mining water reservoirs and existing mining extraction sites.

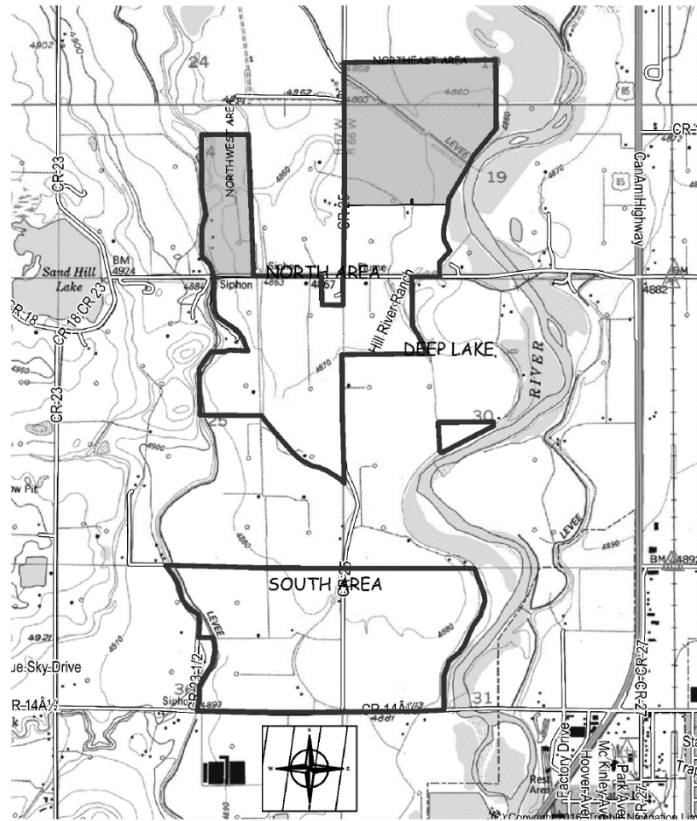
Hearing Dates:

Planning Commission – November 13, 2025 at 6:00PM

City Council – December 2, 2025 at 6:00 PM

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

Staff Recommendation: Approval with conditions listed in the proposed resolution.



APPLICATION PROCESS

The Applicant is requesting approval of a special use permit. A special use permit application is processed under Article 2.08 of the Fort Lupton Development Code.

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

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

NOTIFICATION REQUIREMENTS

The Fort Lupton Development Code requires published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on October 16th, 2025.

Notice of the public hearings was posted at least fifteen (15) days prior to the hearings, as required by the Fort Lupton Development Code. The original signs were posted and the details of the multiple sign postings can be found in the combined notifications exhibit.

Notice was mailed to neighbors within three hundred (300) feet of the Property on October 14th, 2025.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The properties within City Limits are zoned Agriculture and the properties applying for Annexation are proposing being zoned Agriculture. The Code requires that Mining and Resource Extraction be processed through a Special Use Permit in the Agriculture Zone District.

A special use review requires a public hearing before the Planning Commission and City Council. The intent of the special use permit is to provide flexibility, to provide a means for setting performance standards for individual land uses and to help diversify uses within a zoning district.

Article 2.08 (B) states that a special use permit shall be reviewed according to the following conditions:

1. All criteria for site plan review in Section 2.06.B. are met.
 1. Generally.
 - a. The plan meets all applicable standards or the criteria for any discretionary approvals.
 - b. The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or specific project.
 - c. The plan does not present any other apparent risks to the public health, safety or welfare of the community.

2. Site Design and Engineering.

- a. The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context.
- b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
- c. The plan provides adequate management of storm water runoff.
- d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.

Staff Comment: The Applicants have been working with City staff to comply with applicable provisions of the Code, and they have submitted all required special use permit application materials as required. The Mining map for the proposed project complies with the standards set forth within the Fort Lupton Development Code in most ways, there are minor technical corrections to be made between the applicant and staff.

This project conforms to the objectives of the Comprehensive Plan and furthers the intent of the proposed zoning district. This proposal is otherwise determined to be consistent with the Comprehensive Plan.

2. The application furthers the intent of the proposed zoning district and is otherwise determined to be consistent with the Comprehensive Plan.

Staff Comment: The Properties that are currently within City Limits are zoned Agriculture, and the properties applying for Annexation are also proposing being zoned Agriculture. Sand & Gravel Pit Mine operations fit under the land use "Mining and Resource Extraction", which requires a Special Use Permit in the Agriculture Zone District and is not allowed in any other Zone District.

This expansion of the mining operations is located in an area that has been targeted as "Mineral Zone" within the Comprehensive Plan's Future Land Use Map. Any associated site development or construction complies with requirements of The Fort Lupton Development code, including any conditions or additional requirements identified for the particular use. The Special Use Permit Application that was submitted clearly shows all the planned and reasonably anticipated areas of work.

3. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.

Staff Comment: The operations shall comply with all development and use standards, and if excessive events occur they shall be reviewed by city staff to bring the site into conformance.

4. Whether any additional site-specific conditions are necessary to meet the purposes and intent of this code and the intent or design objectives of any applicable subsections of this code, or to mitigate any other potential impacts that are specific to the proposed use.

Staff Comment: Staff is working with the applicant on open space and/or trail reservations. Additionally, sound and environmental impacts are regulated by the State of Colorado.

5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.

Staff Comment: A limited time period is not an applicable criteria to this proposal and no time criteria are being applied outside of the Municipal Code's standards around vested property rights, where relevant.

6. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

Staff Comment: The 3-Mile Plan points out that much of this region is compiled of rural residential, homesteads, farming, ranching, oil and gas facilities, gravel mining, water storage, commercial, and industrial use currently make up the land uses found in the area identified as Quadrant II. Fort Lupton's 2024 3-Mile Plan designates much of the area is dry agricultural, irrigated agricultural and riparian lands. The City of Fort Lupton Comprehensive Plan designates some land in this quadrant for trail access, parks and open space. Should the City of Fort Lupton ever develop to the point of annexing land in this area, planning should include discussions on preserving as much open farm and ranch land as possible. If annexed, park, recreation, open space, and trail opportunities should be developed in accordance with the City of Fort Lupton Comprehensive Plan.

7. The recommendations of professional staff or other technical reviews associated with the application.

Staff Comment: All referral comments from agencies have been taken into account. Input will be included in any conditions of approval for the Resolution being considered by Planning Commission and City Council. Planning Department staff will ensure compliance with all conditions of approval, either as listed on the proposed Resolution, or as added by the Planning Commission or City Council. Referral responses can be found as a sub-folder within the specific Project Folder on the city's Current Development's page.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as a Mineral Zone ([Future Land Use Map](#)). Below is the excerpt text from page 40 of the 2018 Comprehensive Plan regarding Mineral Zones:

"The mineral zone is comprised of land with a high concentration of mineral resources that extends the length of Fort Lupton's planning area along the South Platte River. Per state law, the City must allow for the adequate removal of resources from this area prior to development. As a result of this requirement, the area enables mineral extraction operations that are generally industrial in nature, as well as a mix of agricultural uses. A significant portion of the mineral zone is included within either the floodway or floodplains of the South Platte River.

In the long-term, the City should preserve this area appropriately to ensure the health of the South Platte River and establish an open space greenway along the waterway. As resource extraction operations come offline, the City should convert these properties to parks and open spaces based on their proximity to the River. Given the size of the mineral zone, however, complete preservation of the mineral zone may not be necessary. Properties outside the flood-way and floodplains should be reviewed on a site-by-site basis as resources are extracted to determine appropriate uses, such as residential growth.”

The property is surrounded by uses that are similar or compatible to the proposed use. The proposed use also conforms to the designated land use type and zoning.

ALTERNATIVE COMPLIANCE

No alternative compliances are currently being requested in this project.

REFERRALS

Referrals were provided to the list below.

All comments received can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/899>.

City Administrator	Building Inspector	OMI
Economic Development Manager	City Attorney	City Clerk
Recreation Director	GIS Specialist	Development Review Engineer
Police Chief	Public Works Director	Finance Director
Fort Lupton Fire Protection District	CDOT	Colorado DRMS
Colorado Parks & Wildlife	Division of Water Resources	Army Corp of Engineers
United Power	Comcast	Century Link
Xcel Energy	Ripple Fiber	Intrepid Fiber
Postmaster	Weld County Department of Planning	Weld County Department of Public Health and Environment
Weld County Public Works	Weld County School District RE-8	Weld County GIS
NCWCD	State Geologist	Lupton Bottom Ditch Company
City Administrator	Building Inspector	OMI
Economic Development Manager	City Attorney	City Clerk

For more information on this development, please refer to the Planning Commission packet provided.

Additional documents can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/899>.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

PROJECT SITE	Fort Lupton Sand & Gravel
Site Address	12546 County Road 18, Fort Lupton, CO 80621
PROPERTY OWNER	L.G. Everist, Inc. (applicant and operator)
Contact Address	7321 E 88th Avenue, Suite 200, Henderson, CO 80640
Contact - Owner	Matthew Noteboom, VP-Mountain Division (msnoteboom@lgeverist.com)
Contact - Permitting	Lynn Shults, Regulatory Manager (lmshults@lgeverist.com , 303-514-2778)

CITY OF FORT LUPTON Applications

- **Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP**
- **Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)**
- **Fort Lupton North Annexation No. 1 & 2 (Northwest)**
- **Fort Lupton North Annexation No. 3 (Northeast)**

This Project Narrative includes information for Special Use Permit Amendment and the Lot Consolidation applications listed above.

The annexation applications are listed above and mentioned in this Project Narrative because all the applications are connected and contingent upon each other. Please refer to the annexation applications for complete details.

PROJECT NARRATIVE – Contents

Overview

Fort Lupton City - SUP-2019R047 (conveyor crossing)

Hours of Operation

Employees and Visitors

Safety

Lights and Lighting

Noise

Dust Control

Traffic

Other Required and Approved Permits for Fort Lupton Sand & Gravel

Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Overview - Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP

L.G. Everist, Inc. (Applicant) is applying to amend the existing City of Fort Lupton SUP-2013R018 permit for the **Fort Lupton Sand & Gravel** site. The existing SUP permit is for a sand and gravel mining operation, with final reclamation of the site as lined water storage reservoirs. The mining and reclamation methods are not changing with this amendment. The existing and amendment areas of the Fort Lupton Sand & Gravel SUP are also covered by an existing Colorado Division of Reclamation and Safety (DRMS) 112 Permit M-1999-120.

The primary reason for the amendment is to add permit acreage by annexing additional parcels located adjacent to the existing SUP. Additionally, the existing SUP permit area will be updated to delete the areas that have been released from the DRMS permit area since this SUP permit was approved in 2013.

The applicant is requesting annexation of 5 properties into the City of Fort Lupton, which are to be added to the existing SUP in this amendment. The Annexation applications are titled Fort Lupton North Annexation No. 1 & 2 (Northwest), and Fort Lupton North Annexation No. 3 (Northeast) and together contain approximately 200 acres.

The applicant is also requesting a Lot Consolidation of the parcels contained within Fort Lupton North Annexation No. 3 (Northeast). The reason for the Lot Consolidation is to convert the 4 parcels of the No. 3 Annexation into 2 lots, which aligns with the plans for the mining operations and final reclamation of the permit area and properties.

As mentioned above, with this amendment the existing SUP permit area must be updated with the additional annexed acreage, and also deletion of the areas that have been released from the DRMS permit through 2024. The areas that have been released from the DRMS permit that were also in the SUP are as follows:

- Meadows West and Meadows Lake (aka Meadows North & South Lakes). Released 2016 ~ 161.10 acres.
- River corridor area – including acreage dedicated to the City of Fort Lupton (~ 54.65 acres), private properties, undisturbed areas. Released 2018 ~ 64.22 acres.
- Vincent West phase and undisturbed areas. Released 2022 ~ 90.58 acres.
- Dodge private property (undisturbed area was part of Sandstead Phase). Released 2024 ~ 8.8 acres.

The SUP plat map included in this application package shows all the current permit phases after the additions and deletions listed above. There is a slight difference in acreages for the amended SUP permit areas versus the DRMS permit areas, due to surveyed areas of parcels that will not be mined but are used as part of the mining phase areas.

The permitted and amendment areas are located within Sections 19, 30 and 31 (Township 2 North, Range 66 West), Sections 24, 25 and 36 (Township 2 North, R 67 West), 6th Prime Meridian, Weld County, Colorado. The existing permit properties are located west of the South Platte River, east of County Road 23.5, and bounded by CR 18 on the north, and CR 14.5 on the south. The annexation properties which will be amended into the SUP are located adjacent to the north boundary of the existing permit, and north of County Road 18.

The current uses that are permitted in the existing Fort Lupton Sand and Gravel SUP include: mining, processing, and sales of aggregate and aggregate-related products, and office and maintenance areas for the operations. The permit also *allows for* concrete and asphalt batch plants, concrete and asphalt recycling; water storage, water use, water sales, and auxiliary industrial and water uses. All uses are consistent with the existing approved SUP and existing zoning, which is A-Agricultural zoning.

The current uses in the annexation areas are agricultural in nature, with some farming and grazing, and irrigation ditches. The pre-annexation zoning of Weld County for the annexation areas is A-Agricultural, so the zoning does not need to be changed when annexing and amending these areas into the SUP.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Other uses on the currently permitted areas and amendment areas that are not related to the applicant include: agriculture, irrigation ditches, and oil and gas production.

As mentioned above, the mining and reclamation methods are not changing with this amendment. Prior to mining a new phase, slurry walls will be installed, to limit or even eliminate groundwater impacts to neighboring properties. Mining of the natural sand and gravel reserves will be done with loaders and excavators. No explosives will be used. The applicant has adequate setbacks from structures, easements, ditches, roads, etc. to ensure the safety and stability of each structure, and also to allow for the legal right-of-way distances.

As far as timing, the mining operations will continue in the north permit areas, mining and reclamation the existing and new amendment areas, before moving to the southern permit area in 5-10 years.

While operating in the north, we'll continue to use the elevated conveyor system over CR 18 to transfer mined material from permit areas located north of CR 18 down to the processing plant located south of CR 18. This will eliminate having haul trucks on CR 25. In the Northeast phase, we'll add temporary sight berms along CR 25, which will mitigate any impacts from neighbors across County Road 25 from the operations.

The applicant is constantly monitoring mining operations, which helps us be proactive and able to make changes if needed to protect neighboring structures, house, ditches, utilities, water wells, etc. We don't expect any issues, but if there are, we would remedy adverse effects caused by our operations.

The site will be reclaimed with a beneficial final end use of developed water storage reservoirs. The end use is approved with the existing SUP. Slurry wall liners are installed prior to mining a phase to minimize any impacts to groundwater. The liners prevent surrounding groundwater from flowing into the mining phase, thereby shielding water wells. Once the properties are mined, reclaimed and released from the DRMS mine permit, Aurora is contracted with the applicant to take over the management of many the water storage reservoirs.

The **DRMS 112 Permit Amendment of the Fort Lupton Sand & Gravel site, DRMS Permit M-1999-120** has complete details of the mining and reclamation operations, methods, timing, phasing and acreages, water and groundwater monitoring, soils, climate, notices to neighboring landowners and easement/right-of-way holders, etc.

A copy of the DRMS Application package is included in this submittal.

Fort Lupton City - SUP-2019R047 (conveyor crossing)

In 2019, this supplemental SUP-2019R047 was approved for an over-the-road conveyor system which connects the SUP-2013R018 permit areas on the north and south sides of County Road 18. The conveyor system is used to convey the raw sand and gravel materials from the permit areas on the north side of County Road 18 to the processing plant located south of County Road 18. Using an elevated conveyor system to transfer the raw materials eliminates the need for haul truck traffic on County Road 25. The conveyor system will continue to be used with this amendment to SUP-2013R018 to convey materials from the northern amendment properties.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Hours of Operation

The existing SUP operational hours for the sand and gravel operation (and concrete and asphalt batch plants if present) are the hours of daylight (give or take half an hour), Monday through Saturday, except in the case of public or private emergency. This restriction shall not apply to operation of administrative and executive offices; or warm-up, repair and maintenance of facilities and equipment located on the property.

Hours of operation may be extended with specific permission from the City Administrator for cases of public contracts or public or private emergencies. The operator will contact the City Administrator prior to extending operations with the information regarding the need for the extended hours and provide a schedule .

Employees and Visitors

The gravel mining and processing operation employs around 20 people. There is currently no concrete batch plant, but it would have 6 to 8 employees depending on the volume of concrete sales from the plant. There is currently no asphalt batch plant, but it would have 6 to 8 employees depending on the volume of asphalt sales from the plant.

Visitors consist mostly of truck drivers, coming to the site for a load of specification aggregate materials (processed sand or gravel). Infrequent visitors include suppliers, vendors, and others.

Safety

Access is limited during working hours, with visitors required to check in at the main office before entering the mine. After hours, the mine entrances are gated and locked. Trespassers are discouraged from entering the mine – there are fences, locked gates and “No Trespassing” signs around the perimeter. The processing plant is at least a half-mile from public roads, so we do not expect there to be any concerns with public safety.

Safety at the site is regulated by a federal agency known as the Mine Safety and Health Administration (MSHA), which is a division of the US Department of Labor. MSHA inspects all surface mine sites at least two times per year to ensure compliance with federal health and safety regulations.

Lights and Lighting

Lighting is required by the Mine Safety and Health Administration (MSHA) for the processing site and loading area whenever the mine is operating in low light conditions. The site has lights located on and around the processing plant, and also the office and lunch-break trailer that are sufficient to meet the MSHA standards. Lights will be shielded and directed towards the ground to reduce as much glare as possible and still provide the necessary lighting for safe work conditions. Most lights are shut off after the mine closes, but some may remain on after hours to provide security around the site.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Noise

Noise from the mining operation includes materials processing and backup alarms attached to heavy equipment, which occur during daylight hours and is within state standards at the property line. The backup alarms are required by Federal labor and mining laws to protect workers and visitors at the mine.

The processing plant is operated on electricity and the noise is created when larger rock is processed. There will be screen decks and crushers that process the materials. The noise from a processing plant occurs as the mined materials passes thru the plant and over the screens. This plant and all of the equipment will be located no closer than 500 feet from the property line.

The operator will work with neighbors to keep noise disturbance to a minimum. The operator can construct temporary earthen berms on the property lines near the closest homes to shield them from operational noise.

We do not believe the noise generated from this pit will disturb surrounding residences as operations are during daylight hours, most mining operations will be below ground level, the processing plant is in the center of the site (south of CR 18), and the operator will install earthen berms as needed for noise and visual breaks for neighboring properties.

Noise Source & distance from Source	NOISE LEVEL (decibels)		
	100 ft	200 ft	300 ft
Excavator	73-78	69-71	55-61
Frontend loader	73-78	69-71	55-61
Haul Trucks & scrapers	72-77	68-70	58-62
Track Dozers & Graders	72-77	68-70	58-62
Pickups and utility vehicles	66-77	62-70	48-56
Processing Plant	85-95	81-86	64-68

Comparison – Everyday noises	NOISE LEVEL (decibels)
Hair Dryer, Noisy Restaurant, Alarm Clock	80
City Traffic, Barking Dog, Shouting	70
Normal Conversation, Dishwasher	60
Rainfall, General Home Sounds, Refrigerator	50

Dust Control

Mining operations are regulated and permitted by the Colorado Department of Public Health and Environment, Air Pollution Control Division. The operator has existing air permits covering the entire site's operations and processing equipment, which include the sand and gravel mining, processing and transporting at the site. At this time, there are no concrete or asphalt batch plants on site, but air permits would be obtained prior to operation of batch plants if needed.

The site air permit includes a Dust Control Plan which the operator follows to maintain compliance. In general, dust is controlled throughout the site with concurrent reclamation that limits the amount of area disturbed, revegetation of topsoil and overburden stockpiles, and watering and/or using a chemical stabilizer on the roads. The sand and gravel is processed through crushers with water sprays, and wet screens, eliminating dust and processing the raw materials into finished specification aggregates for various construction uses.

A copy of Dust Control Plan from the site air permit is included on the following page for reference.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Dust Control Plan for Fort Lupton Sand & Gravel – from Air Permit

Air Permit: CDPHE-APCD – Site Air Permit 00WE0441F

Operator: L.G. Everist, Inc.

Site Name: Fort Lupton Sand and Gravel

PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES SHALL BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NO.1, SECTION III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions shall apply to on-site haul roads, the nuisance guidelines shall apply to off-site haul roads.
- c. **Haul Trucks** - There shall be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There shall be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

Control Measures

1. Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal. Watering shall be implemented if necessary.
2. Topsoil and overburden stockpiles shall be compacted and revegetated within one year.
3. Emissions from material handling (Le. removal, loading, and hauling) shall be controlled by watering at all times unless natural moisture is sufficient to control emissions.
4. Vehicle speed on unpaved roads and disturbed areas shall not exceed a maximum of 30 m.p.h. Speed limit signs shall be posted.
5. Vehicle speed on haul roads and service roads shall be restricted to 30 miles per hour. Speed limit signs shall be posted.
6. Unpaved haul roads shall be graveled, watered as needed, and a chemical stabilizer shall be applied a minimum of once per year to control fugitive particulate emissions such that the above guidelines are met.
7. Reclamation works and sequential extraction of material shall be initiated to keep the total disturbed areas at anyone time to a minimum.
8. Material stockpiles shall be watered as necessary to control fugitive particulate emissions. Aggregate materials shall be sprayed with water during material loading into the storage bins or stockpiles.
9. All disturbed areas shall be watered as needed, a chemical stabilizer shall be applied a minimum of once per year and revegetation shall be utilized to control fugitive particulate emissions. Revegetation of disturbed areas shall occur within one year of soil disturbance.
10. Plant entryway, truck service roads, and concrete batching areas shall be graveled. Watering shall be implemented if emission guidelines above are not met.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Traffic

Currently, the majority of truck traffic from the site goes east to on CR 18 to US Highway 85 and then proceeds north or south on Highway 85 to their destinations. The main entrance on WCR 18 has been paved 100 feet into the site. When the northern area of the site is completed, the mining operations will move to the southern area of the site, and the plant site will be located in the southeast section (Phase Parker 4). When the processing plant moves south, the main site entrance will shift to 14th Street (WCR 14.5), and the operator will improve the entrance as required by the City at the time.

In 2013, the City of Fort Lupton agreed to accept the Road Maintenance Agreement between the Applicant and Weld County. The Annexation Agreement in 2013 included a paragraph titled "Payment in Lieu of Sales and Use Tax", in which the operator and the City have agreed that the operator shall pay an annual fee in connection with the permitted uses through the duration of the mining permit. The Applicant is also paying taxes to the City, which can be used for road improvements, among other things.

Truck traffic from the Fort Lupton Sand and Gravel site is an average of 150 loaded trucks per day, 5-6 days per week. This may fluctuate depending on seasons, weather, and market demand.

The operator will maintain the site entrance and all other interior haul roads to ensure safe travel, dust control, speed limits, and traffic patterns within the site.

A Traffic Study for the site is included in this application submittal. The study, titled **L.G. Everist Fort Lupton Sand and Gravel Mines Transportation Impact Study (December 2024)** was conducted by Delich Associates and covered the traffic impacts on County Road 18 and County Road 14.5.

The complete Traffic Impact Study is included in the application package.

Other Required and Approved Permits for Fort Lupton Sand & Gravel

PERMIT	ISSUING AGENCY	PERMIT #
Mining and Reclamation permit	Colorado Division of Reclamation, Mining and Safety (DRMS)	M-1999-120
Air Pollution Permit	Colorado Dept. of Public Health and Environment, Air Pollution Control Division (CDPHE-APCD)	00WE0441F site permit
Colorado Discharge Permit System (CDPS) - Sand & Gravel Mining & Processing	Colorado Dept. of Public Health and Environment, Water Quality Control Division (CDPHE-WQCD)	COG-500394 Site permit
Substitute Water Supply Plan (SWSP)	Division of Water Resources, Office of the State Engineer (DWR/SEO)	DWR/SEO uses DRMS # in SWSP

All of the above permits listed above have existed since the start of the Fort Lupton Sand & Gravel site, and the applicant updates or renews the permits as needed throughout the life of the mine.



PROJECT NARRATIVE

Special Use Permit - SUP-2013R018 - 2025 Amendment of Existing SUP and Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

Lot Consolidation of Fort Lupton North Annexation No. 3 (Northeast)

As mentioned in the overview of the Project Narrative for amendment of the existing City of Fort Lupton **SUP-2013R018 permit for the Fort Lupton Sand & Gravel** site, L.G. Everist, Inc. (Applicant) is requesting annexation of 5 properties into the City of Fort Lupton. All the parcels to be annexed are owned by the applicant, L.G. Everist, Inc.

Once annexed, the properties will be amended into the existing SUP. The annexed properties will be mined for the sand and gravel reserves, and reclaimed as water storage reservoirs. Because the annexations will be included in an existing SUP for sand and gravel mining, the Applicant will not require any utilities from the City.

The applicant is also requesting a **Lot Consolidation of the parcels contained within Fort Lupton North Annexation No. 3 (Northeast)**. The reason for the Lot Consolidation is to convert the four (4) parcels of the No. 3 Annexation into 2 lots, which aligns with the plans for the mining operations and final reclamation of the permit area and properties. See Fort Lupton North Annexation No. 3 (Northeast) Project Narrative and Plat for more details on the annexation.

The plat for this Lot Consolidation is titled and subtitled as follows:

FORT LUPTON NORTH SUBDIVISION.

A Replat of Lots 3, 4, 5 and 6, Lupton Meadows Land Company Map of Division No. 3,
Situate in the West Half of Section 19, Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado.

The Fort Lupton North Subdivision plat is included with this application.

FORT LUPTON SAND AND GRAVEL - CITY OF FORT LUPTON

SPECIAL USE PERMIT # 25-002

PLAT NOTES:

- 1). **Noise:** Every effort shall be made to minimize the impacts of noise. The facility shall adhere to the maximum permissible noise levels allowed in the Agricultural Zone District or per State requirements, whichever is more restrictive.
- 2). **Dust:** Dust control measures will be taken on interior roads. These measures include but are not limited to applying water or State approved dust suppressant chemicals as necessary. Fugitive dust emissions shall meet State air quality standards.
- 3). **Odor:** The State's Best Management Practices will be applicable to reduce or eliminate odors generated at this site.
- 4). **Traffic:** Truck traffic currently uses County Road 18. Prior to mining traffic use of County Road 14.5 (14th Street) an improvements agreement shall be in place in accordance with the annexation agreement. Continued maintenance of County Road 18 shall comply with the annexation agreement. The owner/operator shall maintain compliance with Colorado Department of Transportation's requirements including, but not limited to, obtaining all required access permits and performing required improvements.
- 5). **Light:** All onsite lights associated with the mining and batch plant operations, excluding security and motion detectors, shall be turned off after hours of operation as provided below. All new light installations and updates shall meet the standards of the City at the time of installation. All lights related to illuminating mining operations shall be between 2200-2700 Kelvin, per CP&W Recommendations.
- 6). **Hours of Operation:** The hours of operation for sand and gravel operations and concrete and asphalt batch plants are the hours of daylight (give or take half an hour during busy periods), Monday through Saturday, except in the case of public or private emergency or to make necessary repairs to equipment. This restriction shall not apply to operation of administrative and executive offices or warm-up, repair and maintenance of facilities and/or equipment located on the property. The hours of operation shall not apply to on-going agricultural, residential and other approved non-conforming uses as allowed in the annexation agreement.

Hours of mining and batch plant operations may be extended with specific permission from the City Administrator or designee as detailed here. Applications for temporary exemptions from the provisions of this section shall be made to the City Administrator or his/her designee. In approving or denying a temporary exemption, consideration shall be given to the effective dates, hours of operation, type of noise, location, noise levels, equipment noise characteristics, lighting, and public health & safety. Permission will not be unreasonably withheld. The City Administrator or his/her designee shall notify the applicant of approval or denial of the application within two (2) business days after receipt of the written request.
- 7). **Safety:** Gravel pit equipment operators and truck drivers will adhere to the best safety practices in and around the site when transporting materials. Truck unit identifications, telephone numbers and license plate numbers will be available to the City upon request.
- 8). **Plant Operation Standards:** Emissions from concrete and asphalt batch plants and from the sand and gravel processing shall not exceed State standards, as regulated by the Colorado Department of Public Health and Environment, Air Pollution Control Division. The owner/operator shall maintain compliance with all State air permits for the site and equipment. In the event that washing of vehicles will occur on the site, the applicant shall ensure that any vehicle washing area(s) shall capture all effluent and prevent discharges from the washing of vehicles in accordance with the Rules and Regulations of the Water Quality Control Commission and the Environmental Protection Agency.
- 9). **Tracking of dirt, mud and/or materials on public streets:** The operator shall employ commercially feasible measures; including (a) paving the first one hundred feet (100') of the mine road as it approaches the access to public roads and (b) cleaning its transport trucks and equipment as necessary, in order to minimize the amount of debris (including soil, dust, mud, asphalt, ready-mix concrete, and other construction related aggregate products) attached to the outside of the aforementioned trucks and equipment prior to their leaving the mine site.
- 10). **Sweeping of public roads:** If or when there are visible tracks and/or excessive amounts of debris associated with the operation of this facility (including soil, dust, mud, asphalt, ready-mix concrete, and other construction related aggregate products) deposited on public roads along the travel path of vehicles exiting the site, all such public roads shall be swept by owner or operator at least once each day of operation or more often as reasonably required by the City to remedy and remove the aforementioned tracking and deposits of such debris from its public roads.

- 11). **Land Berming:** Owner has agreed to berm in areas where the gravel pits abut residential properties, as dictated by the noise study, when acceptable to the adjacent property owners (as shown on the mining plan) and approved by the City. Berming will help ensure that visual impacts are mitigated.
- 12). **Removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS, and notice of intent to remove or disturb said nest shall be sent no less than sixty days to the City via certified mail.**
- 13). **All fencing shall meet the standards of the City at the time of permitting. Additionally, all perimeter fencing except fencing along County Road ROWs shall be designed in a way to allow free passage of wildlife and/or to be safe for wildlife to prevent injury in accordance with Colorado Parks & Wildlife's publication 'Fencing with Wildlife in Mind'. In an instance where there is a direct contradiction between the standards of the City and Colorado Parks & Wildlife's publication, the standards of the City shall hold priority.**

North Parcel

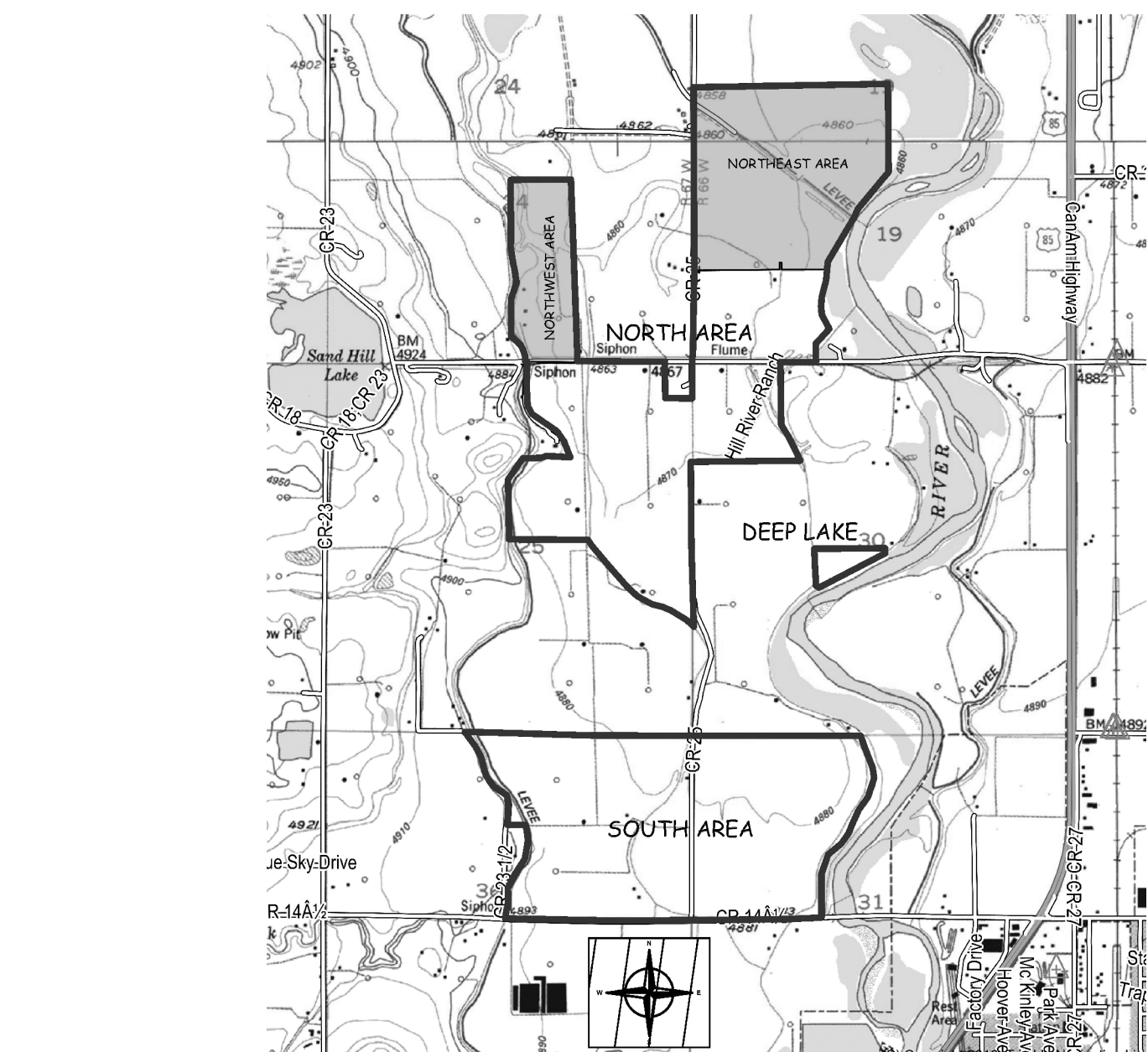
A parcel of land, being part of the Southeast Quarter (SE1/4) of Section Twenty-four (24), and the East Half (E1/2) of Section Twenty-five (25), Township Two North (T.2N.), Range Sixty-seven West (R.67W) and part of the West Half (W1/2) of Section Nineteen (19), and the Northwest Quarter (NW1/4) of Section Thirty (30), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 25 and assuming the West line of the Northeast Quarter of said Section 25 as bearing North 00°17'42" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2623.92 feet with all other bearings contained herein relative thereto;

THENCE North 00°17'42" West along the West line of the Northeast Quarter of said Section 25 a distance of 961.05 feet;
 THENCE North 32°52'06" East a distance of 296.59 feet; THENCE North 15°41'15" East a distance of 33.44 feet;
 THENCE North 90°00'00" East a distance of 265.17 feet; THENCE North 61°43'18" East a distance of 69.54 feet;
 THENCE North 84°25'55" East a distance of 102.37 feet; THENCE South 87°53'16" East a distance of 258.67 feet;
 THENCE North 00°00'46" West a distance of 29.83 feet; THENCE North 32°25'49" West a distance of 27.11 feet;
 THENCE North 21°30'58" West a distance of 107.85 feet; THENCE North 20°14'40" West a distance of 116.07 feet;
 THENCE North 44°18'57" West a distance of 116.31 feet;
 THENCE North 47°05'52" West a distance of 77.71 feet to a Point of Curvature (PC);
 THENCE along the arc of a curve concave to the left a distance of 128.88 feet, said curve has a Radius of 200.00 feet, a Delta of 36°55'20" and is subtended by a Chord bearing North 65°33'32" West a distance of 126.66 feet to a Point of Reverse Curvature;
 THENCE along the arc of a curve concave to the right a distance of 37.55 feet, said curve has a Radius of 100.00 feet, a Delta of 21°31'00" and is subtended by a Chord bearing North 73°15'43" West a distance of 37.33 feet to a Point of Compound Curvature (PCC);
 THENCE along the arc of a curve concave to the right a distance of 267.74 feet, said curve has a Radius of 489.37 feet, a Delta of 31°20'48" and is subtended by a Chord bearing North 46°49'49" West a distance of 264.41 feet to a PCC;
 THENCE along the arc of a curve concave to the right a distance of 224.96 feet, said curve has a Radius of 390.00 feet, a Delta of 33°02'59" and is subtended by a Chord bearing North 14°37'55" West a distance of 221.86 feet to a Point of Tangency (PT);
 THENCE North 01°53'34" East a distance of 153.73 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 72.14 feet, said curve has a Radius of 500.00 feet, a Delta of 08°16'02" and is subtended by a Chord bearing North 06°01'35" East a distance of 72.08 feet to a PT;
 THENCE North 10°09'36" East a distance of 5.42 feet; THENCE North 02°23'59" East a distance of 215.98 feet;
 THENCE North 09°03'02" East a distance of 18.30 feet; THENCE North 00°41'16" West a distance of 30.00 feet;
 THENCE South 89°18'34" West a distance of 56.61 feet; THENCE North 01°21'17" West a distance of 86.25 feet;
 THENCE North 08°31'52" East a distance of 41.34 feet; THENCE North 21°22'35" West a distance of 115.29 feet;
 THENCE North 31°26'31" West a distance of 43.83 feet; THENCE North 40°12'05" West a distance of 31.61 feet;
 THENCE North 44°56'23" West a distance of 60.44 feet; THENCE North 46°39'27" West a distance of 71.44 feet;
 THENCE North 41°58'09" West a distance of 14.99 feet; THENCE North 34°17'11" West a distance of 15.10 feet;
 THENCE North 00°08'38" West a distance of 530.76 feet; THENCE North 19°05'56" East a distance of 108.39 feet;
 THENCE North 18°16'04" East a distance of 121.08 feet; THENCE North 05°31'53" East a distance of 59.75 feet;
 THENCE North 12°50'27" West a distance of 133.56 feet; THENCE North 07°25'34" West a distance of 307.67 feet;
 THENCE North 02°08'38" West a distance of 968.07 feet; THENCE North 89°36'40" East a distance of 858.79 feet;
 THENCE South 02°00'50" East a distance of 2620.98 feet; THENCE North 89°18'44" East a distance of 1250.04 feet;
 THENCE South 00°24'27" East a distance of 542.50 feet; THENCE North 89°18'44" East a distance of 416.88 feet;
 THENCE North 00°24'27" West a distance of 542.50 feet; THENCE North 00°06'14" West a distance of 2611.29 feet;
 THENCE North 00°06'09" West a distance of 1305.71 feet; THENCE North 89°07'46" East a distance of 2757.92 feet;
 THENCE South 00°19'53" East a distance of 1248.62 feet; THENCE South 39°48'45" West a distance of 696.13 feet;
 THENCE South 24°01'49" West a distance of 116.91 feet; THENCE South 31°00'59" West a distance of 583.24 feet;
 THENCE North 38°25'42" West a distance of 155.98 feet; THENCE South 06°35'38" West a distance of 111.87 feet;
 THENCE South 21°25'03" East a distance of 126.05 feet; THENCE South 18°03'54" West a distance of 207.05 feet;
 THENCE South 08°22'33" West a distance of 211.79 feet; THENCE South 08°29'47" East a distance of 149.87 feet;
 THENCE South 27°57'44" East a distance of 200.05 feet; THENCE South 39°15'17" West a distance of 299.11 feet;
 THENCE South 00°21'46" East a distance of 231.75 feet; THENCE South 89°38'15" West a distance of 282.09 feet;
 THENCE South 00°26'24" East a distance of 1227.54 feet; THENCE South 27°07'10" East a distance of 113.51 feet;
 THENCE South 89°27'40" West a distance of 1526.35 feet; THENCE South 00°24'27" East a distance of 1333.59 feet;
 THENCE South 00°41'55" East a distance of 1028.30 feet; THENCE North 38°02'02" West a distance of 22.71 feet;
 THENCE South 79°44'51" West a distance of 42.84 feet; THENCE North 83°39'46" West a distance of 42.40 feet;
 THENCE North 32°01'04" West a distance of 44.16 feet; THENCE North 62°29'58" West a distance of 253.38 feet;
 THENCE North 75°15'48" West a distance of 183.98 feet; THENCE North 52°36'29" West a distance of 100.19 feet;
 THENCE South 82°52'42" West a distance of 75.50 feet; THENCE North 55°01'15" West a distance of 114.29 feet;
 THENCE North 44°11'01" West a distance of 228.42 feet; THENCE North 41°22'51" West a distance of 417.89 feet;
 THENCE North 38°18'13" West a distance of 113.31 feet; THENCE North 49°38'57" West a distance of 122.88 feet;
 THENCE North 39°36'30" West a distance of 77.06 feet to the South line of the Northeast Quarter of said Section 25;
 THENCE North 89°44'33" West along said South line a distance of 1204.38 feet to the POINT OF BEGINNING.

Said described parcel of land contains 462.814 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Said described parcel of land contains 462.814 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.



SPECIAL USE PERMIT AREA PROPERTY DESCRIPTION

A parcel of land in the City of Fort Lupton, Colorado, located in parts of Sections 19, 30 & 31, T2N, R66W, and parts of Sections 24, 25 & 36, T2N, R67W of the 6th P.M. and more particularly described as follows:

Deep Lake

A parcel of land, being part of the Southwest Quarter (SW1/4) of Section Thirty (30), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 30 and assuming the North line of said SW1/4 as bearing South 89°17'44" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2779.07 feet with all other bearings contained herein relative thereto;

THENCE South 00°04'14" East along the East line of said SW1/4 a distance of 184.47 feet;
 THENCE South 71°16'09" West a distance of 1040.65 feet; THENCE South 71°19'37" West a distance of 50.94 feet;
 THENCE North 19°11'57" East a distance of 77.75 feet; THENCE North 01°56'24" West a distance of 120.00 feet;
 THENCE North 03°53'57" West a distance of 200.00 feet;
 THENCE North 06°01'19" West a distance of 130.00 feet to the North line of said SW1/4;
 THENCE North 89°17'44" East along said North line a distance of 1039.38 feet to the POINT OF BEGINNING.
 Said described parcel of land contains 8.229 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

South Parcel

A parcel of land, being part of the North Half of Section Thirty-six (36), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) and a part of the Northwest Quarter (NW1/4) of Section Thirty-one (31), Township Two North (T.2N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 31, T.2N., R.66W. and assuming the North line of the Northeast Quarter of said Section 36 as bearing North 89°46'30" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2634.58 feet with all other bearings contained herein relative thereto;

THENCE North 89°16'42" East along the North line of the NW1/4 of said Section 31 a distance of 2305.87 feet;
 THENCE South 59°03'30" East a distance of 5.90 feet;
 THENCE South 44°59'19" East a distance of 30.80 feet to a Point of Curvature (PC);
 THENCE along the arc of a curve concave to the right a distance of 289.59 feet, said curve has a Radius of 575.00 feet, a Delta of 28°51'24" and is subtended by a Chord bearing South 30°33'37" East a distance of 286.54 feet to a Point of Tangency (PT);
 THENCE South 16°07'56" East a distance of 204.74 feet;
 THENCE South 12°14'59" East a distance of 74.27 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 127.49 feet, said curve has a Radius of 350.00 feet, a Delta of 20°52'12" and is subtended by a Chord bearing South 01°48'53" East a distance of 126.78 feet to a PT;
 THENCE South 08°37'13" West a distance of 36.01 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 166.24 feet, said curve has a Radius of 500.00 feet, a Delta of 19°03'01" and is subtended by a Chord bearing South 18°08'43" West a distance of 165.48 feet to a PT;
 THENCE South 27°40'14" West a distance of 80.48 feet;
 THENCE South 34°16'28" West a distance of 171.23 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 105.13 feet, said curve has a Radius of 700.00 feet, a Delta of 08°36'19" and is subtended by a Chord bearing South 29°58'18" West a distance of 105.03 feet to a PT;
 THENCE South 25°40'09" West a distance of 116.58 feet; THENCE South 19°23'37" West a distance of 45.44 feet;
 THENCE South 24°40'59" West a distance of 10.23 feet; THENCE North 89°18'56" East a distance of 15.73 feet;
 THENCE South 23°29'39" West a distance of 113.85 feet; THENCE South 36°59'54" West a distance of 252.92 feet;
 THENCE South 51°36'11" West a distance of 141.79 feet; THENCE South 27°23'40" West a distance of 174.85 feet;
 THENCE South 06°11'56" West a distance of 303.32 feet; THENCE South 02°32'51" East a distance of 240.42 feet;
 THENCE South 14°08'24" West a distance of 177.46 feet; THENCE South 87°07'10" West a distance of 271.36 feet;
 THENCE South 00°38'51" East a distance of 51.60 feet to the South line of the NW1/4 of said Section 31;
 THENCE South 89°21'09" West along said South line a distance of 1518.01 feet to the East Quarter corner of said Section 36;

THENCE North 89°40'08" West along the South line of the Northeast Quarter of said Section 36 a distance of 2634.90 feet to the Center Quarter corner of said Section 36;
 THENCE North 00°18'32" West along the West line of the Northeast Quarter of said Section 36 a distance of 430.81 feet;
 THENCE North 12°03'10" East a distance of 85.89 feet; THENCE North 29°32'30" East a distance of 42.78 feet;
 THENCE North 22°17'23" East a distance of 26.32 feet; THENCE North 11°44'13" East a distance of 32.19 feet;
 THENCE North 00°48'51" East a distance of 135.88 feet; THENCE North 06°44'05" West a distance of 157.63 feet;
 THENCE North 19°13'33" West a distance of 85.08 feet; THENCE North 89°43'18" West a distance of 205.59 feet;
 THENCE North 89°42'49" West a distance of 29.86 feet to the beginning point of a curve, non-tangent this line;
 THENCE along the arc of a curve concave to the left a distance of 138.55 feet, said curve has a Radius of 400.00 feet, a Delta of 19°50'47" and is subtended by a Chord bearing North 14°06'43" East a distance of 137.86 feet to a PT;
 THENCE North 04°11'19" East a distance of 107.92 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 75.45 feet, said curve has a Radius of 275.00 feet, a Delta of 15°43'09" and is subtended by a Chord bearing North 03°40'16" West a distance of 75.21 feet to a PT;
 THENCE North 11°31'51" West a distance of 17.37 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 156.88 feet, said curve has a Radius of 200.00 feet, a Delta of 44°56'33" and is subtended by a Chord bearing North 34°00'07" West a distance of 152.89 feet to a PT;
 THENCE North 56°28'24" West a distance of 101.18 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 312.08 feet, said curve has a Radius of 412.50 feet, a Delta of 43°20'51" and is subtended by a Chord bearing North 34°47'58" West a distance of 304.69 feet to a PT;
 THENCE North 13°07'32" West a distance of 131.78 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 217.22 feet, said curve has a Radius of 570.00 feet, a Delta of 21°50'07" and is subtended by a Chord bearing North 24°02'36" West a distance of 215.91 feet to a PT;
 THENCE North 34°57'39" West a distance of 189.83 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 106.57 feet, said curve has a Radius of 250.00 feet, a Delta of 24°25'28" and is subtended by a Chord bearing North 47°10'23" West a distance of 105.77 feet to a line non-tangent to this curve and to the North line of said Section 36;
 THENCE South 89°44'54" East along said North line a distance of 637.43 feet to the North Quarter corner of said Section 36;
 THENCE South 89°46'30" East continuing along said North line a distance of 2634.58 feet to the POINT OF BEGINNING.

Said described parcel of land contains 295.292 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

OWNER'S APPROVAL

Know All Men By These Presents, that I/we L.G. Everist, Incorporated, being the sole owner(s) of the land described herein, and are all of the mortgagees and holders of liens upon the property, and each and all hereby consent to this Special Use Permit. IN

WITNESS WHEREOF, we have hereunto set our hands and seals this ___ day of _____, 202__.

NOTARIAL CERTIFICATE

STATE OF COLORADO)
) ss
 COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me by _____, this ___ day of _____, 202__.

My commission expires _____

 Notary Public

CITY ENGINEER'S APPROVAL

Approved this ___ day of _____, 202__

 City Engineer.

CITY WATER AND SEWER DEPARTMENT APPROVAL

Approved this ___ day of _____, 202__.

 Director of Public Works

CITY ADMINISTRATOR'S APPROVAL

Approved this ___ day of _____, 202__.

 City Administrator

PLANNING COMMISSION RECOMMENDATION

Recommended this ___ day of _____, 202__, by Resolution No. _____.

MAYOR'S CERTIFICATE

This is to certify that a Special Use Permit of the above-described property was approved by Resolution No. _____ of the City of Fort Lupton passed and adopted on the ___ day of _____, A.D., 202__ and that the Mayor of the City of Fort Lupton, as authorized by said resolution on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said Special Use Permit upon which this certificate is endorsed for all purposes indicated thereon.

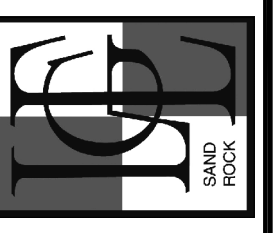
Attest:

 City Clerk
 (Seal)

 Mayor

DATE:	08/06/2025
FILE NAME:	FLSG-SUP-MAP.DWG
SCALE:	NONE
DRAWN BY:	ENV/SLO
CHECKED BY:	LMS

L.G. Everist, Inc.
 7321 EAST 88TH AVENUE | HENDERSON, COLORADO 80640
 PHONE: (303) 287-4656 | FAX: (303) 289-1348

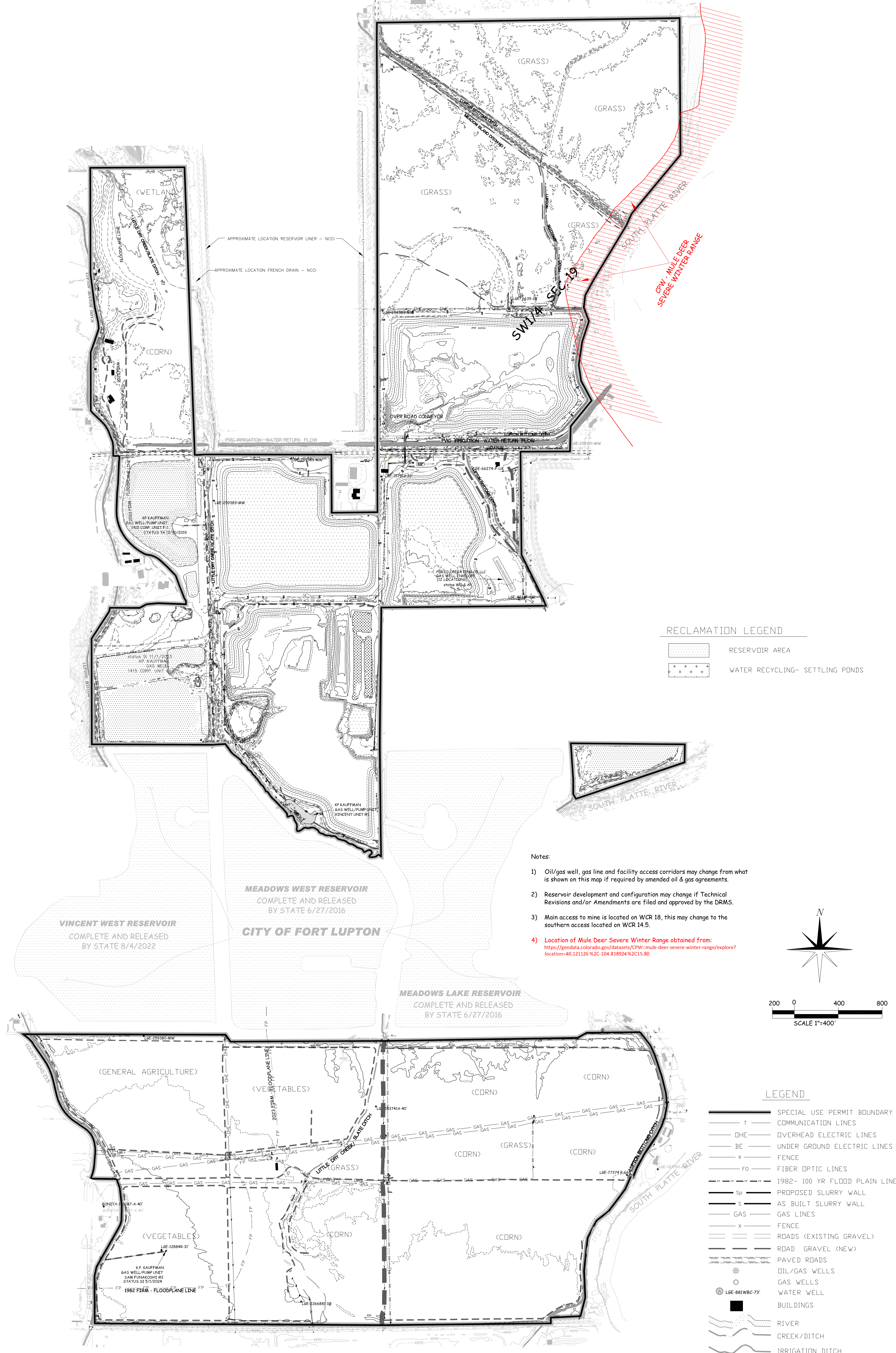


REVISIONS:	DATE:
Original Permit - ANNEXATION OF NEW PROPERTY	05/2013
Amendment to add north areas	08/2025

SPECIAL USE PERMIT
 FOR
 FORT LUPTON SAND AND GRAVEL

PREPARED BY: **ENVIRONMENT, INC.**
 7985 VANCE DR., # 200A
 (303) 423-7900
 environment-inc@earthlink.net

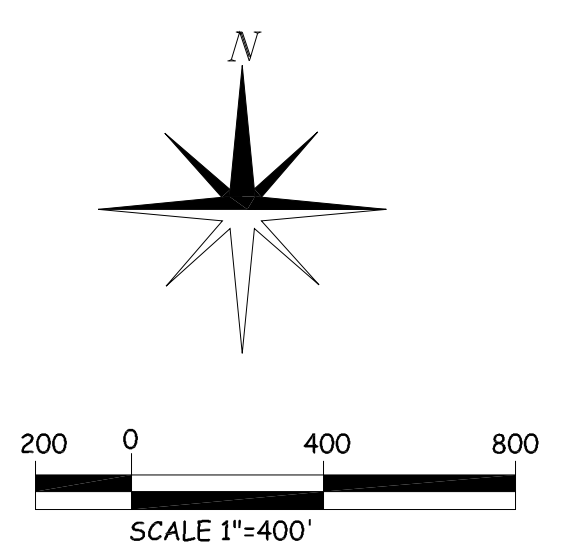
FORT LUPTON SAND AND GRAVEL - CITY OF FORT LUPTON SPECIAL USE PERMIT # 25-002



RECLAMATION LEGEND

	RESERVOIR AREA
	WATER RECYCLING- SETTLING PONDS

- Notes:**
- 1) Oil/gas well, gas line and facility access corridors may change from that is shown on this map if required by amended oil & gas agreements.
 - 2) Reservoir development and configuration may change if Technical Revisions and/or Amendments are filed and approved by the DRMS.
 - 3) Main access to mine is located on WCR 18, this may change to the southern access located on WCR 14.5.
 - 4) Location of Mule Deer Severe Winter Range obtained from: <https://geodata.colorado.gov/datasets/CPW:mule-deer-severe-winter-range/explore?location=40.121126%2C-104.818924%2C15.80>



LEGEND

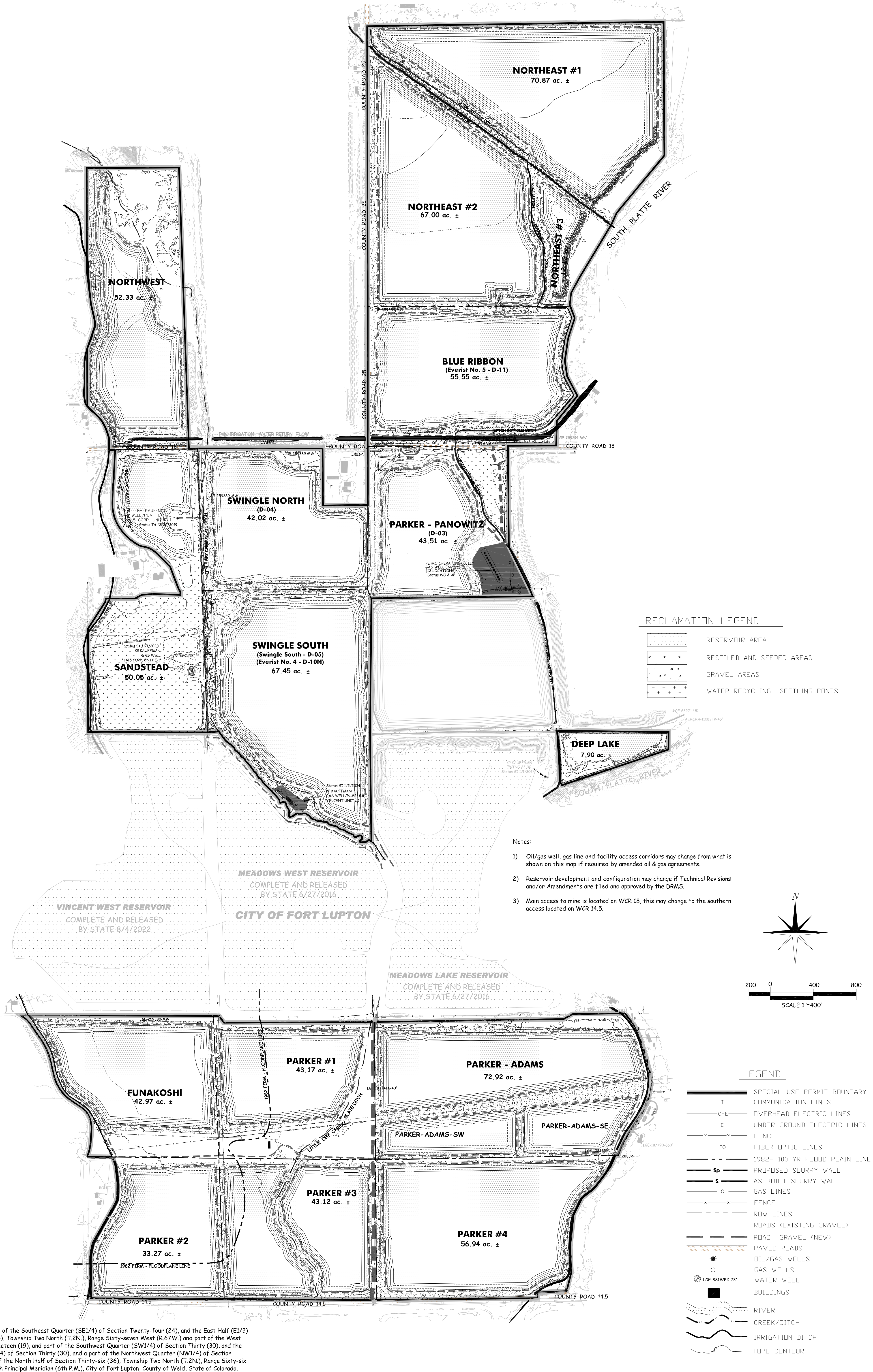
	SPECIAL USE PERMIT BOUNDARY
	COMMUNICATION LINES
	OVERHEAD ELECTRIC LINES
	UNDER GROUND ELECTRIC LINES
	FENCE
	FIBER OPTIC LINES
	1982- 100 YR FLOOD PLAIN LINE
	PROPOSED SLURRY WALL
	AS BUILT SLURRY WALL
	GAS LINES
	FENCE
	ROADS (EXISTING GRAVEL)
	ROAD GRAVEL (NEW)
	PAVED ROADS
	OIL/GAS WELLS
	GAS WELLS
	WATER WELL
	BUILDINGS
	RIVER
	CREEK/DITCH
	IRRIGATION DITCH
	TOPD CONTOUR

A parcel of land, being part of the Southeast Quarter (SE1/4) of Section Twenty-four (24), and the East Half (E1/2) of Section Twenty-five (25), Township Two North (T.2N), Range Sixty-seven West (R.67W.) and part of the West Half (W1/2) of Section Nineteen (19), and part of the Southwest Quarter (SW1/4) of Section Thirty (30), and the Northwest Quarter (NW1/4) of Section Thirty (30), and a part of the Northwest Quarter (NW1/4) of Section Thirty-one (31), and part of the North Half of Section Thirty-six (36), Township Two North (T.2N), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado.

SHEET NO. 2	 PREPARED BY: ENVIRONMENT, INC. 7985 VANCE DR., # 205A ARVADA, CO 80003 (303) 423-7297 environment-inc@startmail.com	SPECIAL USE PERMIT CURRENT CONDITIONS MAP FOR FORT LUPTON SAND AND GRAVEL	REVISIONS: ORIGINAL PERMIT 05/2013 Amendment to add north areas 08/2025	DATE: 05/2013 08/2025	 L.G. Everist, Inc. 7321 EAST 88TH AVENUE HENDERSON, COLORADO 80640 PHONE: (303) 287-4656 FAX: (303) 289-1348	ORDERED BY: LMS	DRAWN BY: ENW/SLO	SCALE: 1"=400'	FILE NAME: FLSO-SUP-MAP	DATE: 08/06/2025
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FORT LUPTON SAND AND GRAVEL - CITY OF FORT LUPTON

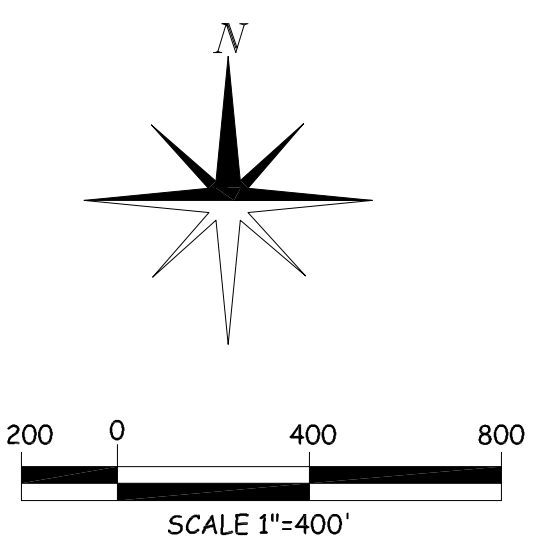
SPECIAL USE PERMIT # 25-002



RECLAMATION LEGEND

	RESERVOIR AREA
	RESOILED AND SEEDED AREAS
	GRAVEL AREAS
	WATER RECYCLING- SETTLING PONDS

- Notes:**
- Oil/gas well, gas line and facility access corridors may change from what is shown on this map if required by amended oil & gas agreements.
 - Reservoir development and configuration may change if Technical Revisions and/or Amendments are filed and approved by the DRMS.
 - Main access to mine is located on WCR 18, this may change to the southern access located on WCR 14.5.



LEGEND

	SPECIAL USE PERMIT BOUNDARY
	COMMUNICATION LINES
	OVERHEAD ELECTRIC LINES
	UNDER GROUND ELECTRIC LINES
	FENCE
	FIBER OPTIC LINES
	1982- 100 YR FLOOD PLAIN LINE
	PROPOSED SLURRY WALL
	AS BUILT SLURRY WALL
	GAS LINES
	FENCE
	ROW LINES
	ROADS (EXISTING GRAVEL)
	ROAD GRAVEL (NEW)
	PAVED ROADS
	OIL/GAS WELLS
	GAS WELLS
	WATER WELL
	BUILDINGS
	RIVER
	CREEK/DITCH
	IRRIGATION DITCH
	TOPO CONTOUR

A parcel of land, being part of the Southeast Quarter (SE1/4) of Section Twenty-four (24), and the East Half (E1/2) of Section Twenty-five (25), Township Two North (T2N), Range Sixty-seven West (R67W) and part of the West Half (W1/2) of Section Nineteen (19), and part of the Southwest Quarter (SW1/4) of Section Thirty (30), and the Northwest Quarter (NW1/4) of Section Thirty (30), and a part of the Northwest Quarter (NW1/4) of Section Thirty-one (31), and part of the North Half of Section Thirty-six (36), Township Two North (T2N), Range Sixty-six West (R66W) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado.

SHEET NO. 3 <small>3 OF 3</small>	 PREPARED BY: ENVIRONMENT, INC. 7985 VANCE DR. # 205A ARVADA, CO 80003 (303) 423-7297 environment-inc@startmail.com	SPECIAL USE PERMIT RECLAMATION PLAN MAP FOR FORT LUPTON SAND AND GRAVEL	REVISIONS: ORIGINAL PERMIT Amendment to add north areas	DATE: 05/2013 08/2025	 L.G. Everist, Inc. 7321 EAST 88TH AVENUE HENDERSON, COLORADO 80640 PHONE: (303) 287-4656 FAX: (303) 289-1348	CHECKED BY: LMS	DRAWN BY: ENW/SLO	SCALE: 1"=400'	FILE NAME: FLSO-SUP-MAP	DATE: 08/06/2025
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CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 14th day of October, 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L.G. Everist 2025 Mining Special Use Permit** was sent via United States Mail, postage pre-paid, to the following addresses:

PARKER FAMILY LAND COMPANY LLC 12877 COUNTY ROAD 18 FORT LUPTON, CO 80621	BARRON-MELENDEZ REAL ESTATE VENTURES LLC 14751 EAST COUNTY LINE ROAD LONGMONT, CO 80504	NELVA AND DARREL BEARSON 9208 COUNTY ROAD 25 FORT LUPTON, CO 80621
TRICYCLE LANE TEXAS LLC 8505 FREEPORT PARKWAY SUITE 190 IRVING, TX 75063	PENNY RANKIN 12331 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	SOUTH PLATTE VALLEY HISTORICAL SOCIETY PO BOX 633 FORT LUPTON, CO 80621
RENEE AND BRONN STRANGE 12335 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	GARY A STRANGE 502 HEARTHSTONE AVENUE BRIGHTON, CO 80601	LARRY TORRES 12339 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621
ANGELA AND NICHOLAS CAMPBELL 12341 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	SANDRA RAKOWSKI AND RUDOLPH CAMARILLO 11467 COUNTY ROAD 18 FORT LUPTON, CO 80621	THOMAS DEAN BORNHOFT 11477 COUNTY ROAD 18 FORT LUPTON, CO 80621
ROBERT KERR 11104 COUNTY ROAD 20 FORT LUPTON, CO 80621	4 Z INVESTMENT LLP 9075 COUNTY ROAD 10 FORT LUPTON, CO 80621	STACY BJERKE AND KENNETH CURBY 8721 COUNTY ROAD 25 FORT LUPTON, CO 80621
FLOS MARY ANN UHL 8607 COUNTY ROAD 25 FORT LUPTON, CO 80621	NORTHERN COLORADO CONSTRUCTORS INC 9075 COUNTY ROAD 10 FORT LUPTON, CO 80621	MICHAEL WILLIAM BOYCE 11295 COUNTY ROAD 18 FORT LUPTON, CO 80621
SALVADOR MADERA 7073 RICHARD AVENUE FORT LUPTON, CO 80621	LAURIE AND RENE SALINAS 8320 COUNTY ROAD 23 FORT LUPTON, CO 80621	CITY OF THORNTON 9500 CIVIC CENTER DRIVE THORNTON, 80229
MICHAEL BACHOFER PO BOX 1194 ALBANY, NY 97321	CITY OF AURORA 15151 EAST ALAMEDA PARKWAY SUITE 3600 AURORA, CO 80012	JUDY AND ROGER PATTERSON PO BOX 122 FORT LUPTON, CO 80621
DAVID H BELL TRUST 11580 COUNTY ROAD 18 FORT LUPTON, CO 80621	LISA AND FREDDY DODGE 11586 COUNTY ROAD 18 FORT LUPTON, CO 80621	REBEKAH AND BRANDON HARRISON 11566 COUNTY ROAD 18 FORT LUPTON, CO 80621
JOYCE M JOHNSON PO BOX 1092 FORT LUPTON, CO 80621	ALYSON AND TY GORDON 7008 COUNTY ROAD 23 ½ FORT LUPTON, CO 80621	CRYSTAL AND DOMINIC ROMERO 7008 COUNTY ROAD 23 ½ FORT LUPTON, CO 80621

Fort Lupton

COLORADO

LUPTON REAL ESTATE WEST LLC PO BOX 208 FORT LUPTON, CO 80621	NEGREY QUAID LIVING TRUST 6638 COUNTY ROAD 23 ½ FORT LUPTON, CO 80621	RICHARD HEIN 4582 SOUTH ULSTER STREET SUITE 720 DENVER, CO 80237
MARIVEL AND JOSE RUIZ 11490 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	BONNIE AND TODD MILLER 11420 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	FRANCES R FUKANOSHI LIVING TRUST 6757 COUNTY ROAD 23 ½ FORT LUPTON, CO 80621
ANNA VERBEEK 11400 COUNTY ROAD 14 ½ FORT LUPTON, CO 80621	LISA AND FREDDY DODGE 11586 COUNTY ROAD 18 FORT LUPTON, CO 80621	



 City Official



Planning & Building

130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a Special Use Permit referred to as the LG Everist 2025 Mining Special Use Permit, located across many parcels near County Road 18, County Road 23-1/2, and County Road 25, generally, in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 13th, 2025 at 6:00 P.M., and before the City Council on Tuesday, December 2nd, 2025 at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928 4003.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: LG Everist NE Annexation

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

North Parcel

A parcel of land, being part of the Southeast Quarter (SE1/4) of Section Twenty four (24), and the East Half (E1/2) of Section Twenty five (25), Township Two North (T.2N.), Range Sixty seven West (R.67W.) and part of the West Half (W1/2) of Section Nineteen (19), and the Northwest Quarter (NW1/4) of Section Thirty (30), Township Two North (T.2N.), Range Sixty six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 25 and assuming the West line of the Northeast Quarter of said Section 25 as bearing North 00°17'42" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2623.92 feet with all other bearings contained herein relative thereto;

THENCE North 00°17'42" West along the West line of the Northeast Quarter of said Section 25 a distance of 961.05 feet;

THENCE North 32°52'06" East a distance of 296.59 feet;

THENCE North 15°41'15" East a distance of 33.44 feet;

THENCE North 90°00'00" East a distance of 265.17 feet;

THENCE North 61°43'18" East a distance of 69.54 feet;

THENCE North 84°25'55" East a distance of 102.37 feet;

THENCE South 87°53'16" East a distance of 258.67 feet;
 THENCE North 00°00'46" West a distance of 29.83 feet;
 THENCE North 32°25'49" West a distance of 27.11 feet;
 THENCE North 21°30'58" West a distance of 107.85 feet;
 THENCE North 20°14'40" West a distance of 116.07 feet;
 THENCE North 44°18'57" West a distance of 116.31 feet;
 THENCE North 47°05'52" West a distance of 77.71 feet to a Point of Curvature (PC);
 THENCE along the arc of a curve concave to the left a distance of 128.88 feet, said curve has a Radius of 200.00 feet, a Delta of 36°55'20" and is subtended by a Chord bearing North 65°33'32" West a distance of 126.66 feet to a Point of Reverse Curvature;
 THENCE along the arc of a curve concave to the right a distance of 37.55 feet, said curve has a Radius of 100.00 feet, a Delta of 21°31'00" and is subtended by a Chord bearing North 73°15'43" West a distance of 37.33 feet to a Point of Compound Curvature (PCC);
 THENCE along the arc of a curve concave to the right a distance of 267.74 feet, said curve has a Radius of 489.37 feet, a Delta of 31°20'48" and is subtended by a Chord bearing North 46°49'49" West a distance of 264.41 feet to a PCC;
 THENCE along the arc of a curve concave to the right a distance of 224.96 feet, said curve has a Radius of 390.00 feet, a Delta of 33°02'59" and is subtended by a Chord bearing North 14°37'55" West a distance of 221.86 feet to a Point of Tangency (PT);
 THENCE North 01°53'34" East a distance of 153.73 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 72.14 feet, said curve has a Radius of 500.00 feet, a Delta of 08°16'02" and is subtended by a Chord bearing North 06°01'35" East a distance of 72.08 feet to a PT;
 THENCE North 10°09'36" East a distance of 5.42 feet;
 THENCE North 02°23'59" East a distance of 215.98 feet;
 THENCE North 09°03'02" East a distance of 18.30 feet;
 THENCE North 00°41'16" West a distance of 30.00 feet;
 THENCE South 89°18'34" West a distance of 56.61 feet;
 THENCE North 01°21'17" East a distance of 86.25 feet;
 THENCE North 08°31'52" West a distance of 41.34 feet;
 THENCE North 21°22'35" West a distance of 115.29 feet;
 THENCE North 31°26'31" West a distance of 43.83 feet;
 THENCE North 40°12'05" West a distance of 31.61 feet;
 THENCE North 44°56'23" West a distance of 60.44 feet;
 THENCE North 46°39'27" West a distance of 71.44 feet;
 THENCE North 41°58'09" West a distance of 14.99 feet;
 THENCE North 34°17'11" West a distance of 15.10 feet;
 THENCE North 00°08'38" West a distance of 530.76 feet;
 THENCE North 19°05'56" East a distance of 108.39 feet;
 THENCE North 18°16'04" East a distance of 121.08 feet;
 THENCE North 05°31'53" West a distance of 59.75 feet;
 THENCE North 12°50'27" West a distance of 133.56 feet;
 THENCE North 07°25'34" West a distance of 307.67 feet;
 THENCE North 00°08'38" West a distance of 968.07 feet;
 THENCE North 89°36'40" East a distance of 858.79 feet;
 THENCE South 02°00'50" East a distance of 2620.98 feet;
 THENCE North 89°18'44" East a distance of 1250.04 feet;
 THENCE South 00°24'27" East a distance of 542.50 feet;

THENCE North 89°18=44@ East a distance of 416.88 feet;
THENCE North 00°24=27@ West a distance of 542.50 feet;
THENCE North 00°06=14@ West a distance of 2611.29 feet;
THENCE North 00°06=09@ West a distance of 1305.71 feet;
THENCE North 89°07=46@ East a distance of 2757.92 feet;
THENCE South 00°19=53@ East a distance of 1245.52 feet;
THENCE South 39°43=46@ West a distance of 696.13 feet;
THENCE South 24°01=49@ West a distance of 116.91 feet;
THENCE South 31°00=59@ West a distance of 583.24 feet;
THENCE South 28°25=42@ West a distance of 155.98 feet;
THENCE South 06°35=38@ West a distance of 111.87 feet;
THENCE South 21°25=03@ East a distance of 126.05 feet;
THENCE South 18°03=54@ West a distance of 207.05 feet;
THENCE South 08°22=33@ West a distance of 211.79 feet;
THENCE South 08°29=47@ East a distance of 149.87 feet;
THENCE South 27°57=44@ East a distance of 200.05 feet;
THENCE South 39°15=17@ West a distance of 299.11 feet;
THENCE South 00°21=46@ East a distance of 231.75 feet;
THENCE South 89°38=15@ West a distance of 282.09 feet;
THENCE South 00°26=24@ East a distance of 1227.54 feet;
THENCE South 27°07=10@ East a distance of 113.51 feet;
THENCE South 89°27=40@ West a distance of 1526.35 feet;
THENCE South 00°24=27@ East a distance of 1333.59 feet;
THENCE South 00°41=55@ East a distance of 1028.30 feet;
THENCE North 51°18=02@ West a distance of 22.71 feet;
THENCE South 79°44=51@ West a distance of 42.84 feet;
THENCE North 83°39=46@ West a distance of 42.40 feet;
THENCE North 32°01=04@ West a distance of 44.16 feet;
THENCE North 62°29=58@ West a distance of 253.38 feet;
THENCE North 75°15=48@ West a distance of 183.98 feet;
THENCE North 52°36=29@ West a distance of 100.19 feet;
THENCE South 82°52=42@ West a distance of 75.50 feet;
THENCE North 55°01=15@ West a distance of 114.29 feet;
THENCE North 44°11=01@ West a distance of 228.42 feet;
THENCE North 41°22=51@ West a distance of 417.89 feet;
THENCE North 38°18=13@ West a distance of 113.31 feet;
THENCE North 49°38=57@ West a distance of 122.88 feet;
THENCE North 39°36=30@ West a distance of 77.06 feet to the South line of the Northeast Quarter of said Section 25;
THENCE North 89°44=33@ West along said South line a distance of 1204.38 feet to the POINT OF BEGINNING.

Said described parcel of land contains 462.814 Acres, more or less (±), and is subject to any rights of way or other easements of record or as now existing on said described parcel of land.

Deep Lake

A parcel of land, being part of the Southwest Quarter (SW1/4) of Section Thirty (30), Township Two North (T.2N.), Range Sixty six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 30 and assuming the North line of said SW1/4 as bearing South 89°17'44" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2779.07 feet with all other bearings contained herein relative thereto;

THENCE South 00°04'14" East along the East line of said SW1/4 a distance of 184.47 feet;
THENCE South 71°16'09" West a distance of 1040.65 feet;
THENCE South 71°19'37" West a distance of 50.94 feet;
THENCE North 19°11'57" East a distance of 77.75 feet;
THENCE North 01°56'24" West a distance of 120.00 feet;
THENCE North 03°53'57" West a distance of 200.00 feet;
THENCE North 06°01'19" West a distance of 130.00 feet to the North line of said SW1/4;
THENCE North 89°17'44" East along said North line a distance of 1039.38 feet to the POINT OF BEGINNING.
Said described parcel of land contains 8.229 Acres, more or less (±), and is subject to any rights of way or other easements of record or as now existing on said described parcel of land.

South Parcel

A parcel of land, being part of the North Half of Section Thirty six (36), Township Two North (T.2N.), Range Sixty seven West (R.67W.) and a part of the Northwest Quarter (NW1/4) of Section Thirty one (31), Township Two North (T.2N.), Range Sixty six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 31, T.2N., R.66W. and assuming the North line of the Northeast Quarter of said Section 36 as bearing North 89°46'30" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2634.58 feet with all other bearings contained herein relative thereto;

THENCE North 89°16'42" East along the North line of the NW1/4 of said Section 31 a distance of 2305.87 feet;
THENCE South 59°03'30" East a distance of 5.90 feet;
THENCE South 44°59'19" East a distance of 30.80 feet to a Point of Curvature (PC);
THENCE along the arc of a curve concave to the right a distance of 289.59 feet, said curve has a Radius of 575.00 feet, a Delta of 28°51'24" and is subtended by a Chord bearing South 30°33'37" East a distance of 286.54 feet to a Point of Tangency (PT);
THENCE South 16°07'56" East a distance of 204.74 feet;
THENCE South 12°14'59" East a distance of 74.27 feet to a PC;
THENCE along the arc of a curve concave to the right a distance of 127.49 feet, said curve has a Radius of 350.00 feet, a Delta of 20°52'12" and is subtended by a Chord bearing South 01°48'53" East a distance of 126.78 feet to a PT;
THENCE South 08°37'13" West a distance of 36.01 feet to a PC;
THENCE along the arc of a curve concave to the right a distance of 166.24 feet, said curve has a Radius of 500.00 feet, a Delta of 19°03'01" and is subtended by a Chord bearing South 18°08'43" West a distance of 165.48 feet to a PT;
THENCE South 27°40'14" West a distance of 80.48 feet;

THENCE South 34°16'28" West a distance of 171.23 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 105.13 feet, said curve has a Radius of 700.00 feet, a Delta of 08°36'19" and is subtended by a Chord bearing South 29°58'18" West a distance of 105.03 feet to a PT;
 THENCE South 25°40'09" West a distance of 116.58 feet;
 THENCE South 19°23'37" West a distance of 45.44 feet;
 THENCE South 24°40'59" West a distance of 10.23 feet;
 THENCE North 89°18'56" East a distance of 15.73 feet;
 THENCE South 23°29'39" West a distance of 113.85 feet;
 THENCE South 36°59'54" West a distance of 252.92 feet;
 THENCE South 51°36'11" West a distance of 141.79 feet;
 THENCE South 27°23'40" West a distance of 174.85 feet;
 THENCE South 06°11'56" West a distance of 303.32 feet;
 THENCE South 02°32'51" East a distance of 240.42 feet;
 THENCE South 14°08'24" West a distance of 177.46 feet;
 THENCE South 87°07'10" West a distance of 271.36 feet;
 THENCE South 00°38'51" East a distance of 51.60 feet to the South line of the NW1/4 of said Section 31;
 THENCE South 89°21'09" West along said South line a distance of 1518.01 feet to the East Quarter corner of said Section 36;
 THENCE North 89°40'08" West along the South line of the Northeast Quarter of said Section 36 a distance of 2634.90 feet to the Center Quarter corner of said Section 36;
 THENCE North 00°18'32" West along the West line of the Northeast Quarter of said Section 36 a distance of 430.81 feet;
 THENCE North 12°03'10" East a distance of 85.89 feet;
 THENCE North 29°32'30" East a distance of 427.78 feet;
 THENCE North 22°17'23" East a distance of 26.32 feet;
 THENCE North 11°44'13" East a distance of 32.19 feet;
 THENCE North 00°48'51" East a distance of 135.88 feet;
 THENCE North 06°44'05" West a distance of 157.63 feet;
 THENCE North 19°13'33" West a distance of 85.08 feet;
 THENCE North 89°43'18" West a distance of 205.59 feet;
 THENCE North 89°42'49" West a distance of 29.86 feet to the beginning point of a curve, non tangent this line;
 THENCE along the arc of a curve concave to the left a distance of 138.55 feet, said curve has a Radius of 400.00 feet, a Delta of 19°50'47" and is subtended by a Chord bearing North 14°06'43" East a distance of 137.86 feet to a PT;
 THENCE North 04°11'19" East a distance of 107.92 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 75.45 feet, said curve has a Radius of 275.00 feet, a Delta of 15°43'09" and is subtended by a Chord bearing North 03°40'16" West a distance of 75.21 feet to a PT;
 THENCE North 11°31'51" West a distance of 17.37 feet to a PC;
 THENCE along the arc of a curve concave to the left a distance of 156.88 feet, said curve has a Radius of 200.00 feet, a Delta of 44°56'33" and is subtended by a Chord bearing North 34°00'07" West a distance of 152.89 feet to a PT;
 THENCE North 56°28'24" West a distance of 101.18 feet to a PC;
 THENCE along the arc of a curve concave to the right a distance of 312.08 feet, said curve has a Radius of 412.50 feet, a Delta of 43°20'51" and is subtended by a Chord bearing North 34°47'58" West a distance of 304.69 feet to a PT;
 THENCE North 13°07'32" West a distance of 131.78 feet to a PC;

THENCE along the arc of a curve concave to the left a distance of 217.22 feet, said curve has a Radius of 570.00 feet, a Delta of $21^{\circ}50'07''$ and is subtended by a Chord bearing North $24^{\circ}02'36''$ West a distance of 215.91 feet to a PT;

THENCE North $34^{\circ}57'39''$ West a distance of 189.83 feet to a PC;

THENCE along the arc of a curve concave to the left a distance of 106.57 feet, said curve has a Radius of 250.00 feet, a Delta of $24^{\circ}25'28''$ and is subtended by a Chord bearing North $47^{\circ}10'23''$ West a distance of 105.77 feet to a line non tangent to this curve and to the North line of said Section 36;

THENCE South $89^{\circ}44'54''$ East along said North line a distance of 637.43 feet to the North Quarter corner of said Section 36;

THENCE South $89^{\circ}46'30''$ East continuing along said North line a distance of 2634.58 feet to the POINT OF BEGINNING.

Said described parcel of land contains 295.292 Acres, more or less (\pm), and is subject to any rights of way or other easements of record or as now existing on said described parcel of land.



Planning & Building Department
130 S. McKinley Avenue Phone: 720.928.4003
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

Affidavit of Mineral Notice
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103
L. G. Everist 2025 Mining Special Use Permit
Project No. SUP25-002

The undersigned applicant, Matthew Noteboom, 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 Matthew Noteboom, this 15th day of October, 2025. Witness my hand and seal.

My commission expires 12-16-2028.



Notary Public

(SEAL)

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

Sign Posting Affidavit

L.G. Everist NW Annexation Nos. 1-2, NE Annexation & Special Use Permit
Project Nos. ANX25-002, ANX25-003, SUP25,002



Facing County Road 14 1/2



Facing County Road 25



Facing County Road 18

I, LYNN M. SHULTS hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 16 day of OCTOBER, 2025.

LMS
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Lynn M. Shults, this 4th day of November, 2025. Witness my hand and seal.

My commission expires 12-16-2028.

Ronald Murray
Notary Public

RONALD PATRICK MURRAY
Notary Public
State of Colorado
Notary ID # 20244045719
My Commission Expires 12-16-2028

RESOLUTION NO. P2025-017

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AMENDMENTS TO CHAPTER 16 – FORT LUPTON DEVELOPMENT CODE

WHEREAS, the Fort Lupton Development Code (‘the Development Code’) was adopted on July 16, 2022;

WHEREAS, the last amendment to the Fort Lupton Development Code was approved by City Council on January 23, 2025;

WHEREAS, after implementation, revisions to Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved shall be considered by City staff, Planning Commission, and City Council to address issues identified during its implementation, and subsequent changes shall be considered periodically following the initial implementation revisions;

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Development Code, attached hereto and incorporated by reference as Exhibit A; and

WHEREAS, on November 13, 2025, the Fort Lupton Planning Commission held a public hearing to consider a recommendation on the adoption of amendments to the Fort Lupton Development Code, and has taken into consideration all supporting information, evidence and any testimony in response to the changes;

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends approval of the proposed amendments to Chapter 16 – Fort Lupton Development Code as set forth in Exhibit A, attached hereto and fully incorporated by reference.

DONE THIS 13th DAY OF November 2025 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairperson

ATTEST:

Planning Director

Exhibit A

Chapter 16 Development Code Updates November & December 2025

B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Planning Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Planning Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

4.02 Allowed Uses

A. **Use Table.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:

1. Permitted uses (✓) subject to general district and building standards, and review procedures.
2. Special uses (S) subject to the review process and criteria in Section 2.07.
3. Other accessory or temporary uses may be permitted according to the standards of Section 4.03, Accessory Uses.
4. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 4.04, Use-specific Standards.
5. Uses in the table are more specifically described in Section 11.02, Description of Uses.

Table 4-2: Allowed Uses													
Uses	Zoning Districts												
	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted													
Residential Uses													
Detached House – Rural (5+ ac)	■												
Detached House – Estate (40K)	■	■	■	■									
Detached House – Standard Lot (8K)		■	■	■	■								
Detached House – Neighborhood Lot (6.5K)			■	■	■			■					
Detached House – Small Lot (3K)				■	■	■		■					
Detached House – Compact Lot (1.5K - 3K)					■	■							
Duplex / Multi-unit House (2-4 units – 3K / unit)				■	■			■	S		S		
Established Detached Houses in Non-residential									■	■	■	■	■
Row House (3-8 units)				■	■			■					
Accessory Dwelling Unit (ADU) (see Section 4.03.B.)	■	■ S	■ S	■	■	■		■					
Apartment – Small Lot (3-12 unit)				■	■			■	S		S		
Apartment – Medium Lot (13-24 units)					■			■					
Apartment – Large Lot / Complexes (multiple buildings / > 24 units)					■								
Apartment – Mixed Use (3-12 units; above / behind commercial use)								■	■	■	■		
Residential Care – Group Home/Statutory	■	■	■	■	■			■					
Residential Care – Limited					■			■	■	■	■		
Residential Care – General					S			S	■	■			
Residential Care – Institutional									S	■			
Agriculture Uses													
Agriculture (5+ ac minimum)	■											■	■

Table 4-2: Allowed Uses

Uses	Zoning Districts													
	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2	
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted														
Civic Uses														
Assembly – Neighborhood (< 400 capacity and < 1 acre lot)		■	■	■	■	■		■	■	■	■	■		
Assembly – Community (400 – 800 capacity or 1 – 5 acre lot)		S	S	S	S				■	■	S	■	■	
Assembly – Regional (800+ capacity or 5+ acre lot)										■		■	■	
Cemetery							S							
Funeral Home								S	S	■	S	■	■	
Public recreation areas & facilities (see 3.02, Open & Civic Space)	■	■	■	■	■	■	■	■	■	■	■	■	■	
Schools		■	■	■	■		■	■	■	■	■	■		
Commercial Uses														
Retail – Limited (<2K)								■	■	■	■	■		
Retail – Small (2K-10K)									■	■	■	■		
Retail – General (10K-30K)									S	■	S	■		
Retail – Large (> 30K)										■	S	■		
Retail – Outdoor Sales										S		■	■	
Animal Care – Limited (<5K / limited boarding)								■	■	■	■	■		
Animal Care – Small (<5K)									S	■		■		
Animal Care – Large (5K +)										■		■		
Car Wash										S		■	■	
Child Care – In-home	S ■	S ■	S ■	S ■	S ■	S ■		■	■	■	■			
Child Care – Center / Small				S	S	S		■	■	■	■	■		
Child Care – Center / Large										■		■		
Gas Station – Limited (1-8 pumps)									■	■	S	■	■	
Gas Station – General (9-16 pumps)										■		■	■	
Gas Station – Large (17+ pumps)										S		■	■	
Lodging – Short Term Rental	S	S	S	S	S			S	S	S	S			
Lodging – B&B (up to 5 rooms)	S	S	S	S	S			■	■	■	■			
Lodging – Inn (6-40 rooms)								■	■	■	■	■		
Lodging – Motel / Hotel – Small (41 – 120 rooms)									S	■	S	■		
Lodging – Motel / Hotel – Large (120+ rooms)										■		■		
Marijuana – Medical Stores									■	■		■	■	
Marijuana – Retail Stores									■	■		■	■	
Medical Service – Limited (<5K)								■	■	■	■	■		
Medical Service – General (5K-15K)									■	■		■		
Medical Service – Large (> 15K)										■		■		
Natural Medicine Business – Healing Center								S	■	■	■	■		
Natural Medicine Business – Cultivation Facility										S		■	■	
Natural Medicine Business – Product Manufacturer										S		■	■	
Natural Medicine Business – Testing Facility										■		■	■	

Table 4-2: Allowed Uses

Uses	Zoning Districts													
	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2	
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted														
Personal Service– Small (< 5K)								■	■	■	■	■		
Personal Service– General (5K – 10K)									■	■		■		
Personal Service– Large (> 10K)										■		■		
Office – Small (<30K)								■	■	■	■	■		
Office – General (30K-60K)									■	■	■	■		
Office – Large (> 30K)										■			■	
Recreation / Entertainment – Indoor / Limited (< 20K)									■	■	■	■		
Recreation / Entertainment – Indoor / General (20K+)										■		■		
Recreation / Entertainment– Outdoor / Limited (< 2 ac.)	■								S	■		■		
Recreation / Entertainment– Outdoor / General (2+ ac.)	S									■		■		
Recreation / Entertainment – Shooting Range (indoor or outdoor)	S									S		S	S	
Restaurant – Small (< 2K)								■	■	■	■	■		
Restaurant – General (2K - 8K)									■	■	■	■		
Restaurant – Large (> 8K)									S	■	S	■		
Vehicle/Equipment Sales– Limited (<15K s.f. lot)									S	■		■	■	
Vehicle/Equipment Sales - General (15K+ s.f. lot)										■		■	■	
Vehicle/Equipment Services and Repair – Limited (1 - 4 bays)									S	■	S	■	■	
Vehicle/Equipment Services and Repair – General (5+ bays)										■		■	■	
Industrial Uses														
Airport / Heliport	S											S	S	
Industrial Services – Limited (up to 10 vehicle fleet)										■		■	■	
Industrial Services – General (11 to 25 vehicle fleet)												■	■	
Industrial Services – Large (26+ vehicle fleet)													■	
Manufacturing – Limited/Artisan								■	■	■	■	■	■	
Manufacturing – Light										■		■	■	
Manufacturing – General													■	
Manufacturing – Heavy														S
Mining and Resource Extraction	S													
Oil & Gas Drilling & Exploration (See Section 4.04.I)	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Storage and Warehousing - Indoor										S		■	■	
Storage and Warehousing - Outdoor										S		S	■	
Storage and Warehousing – Hazardous Materials														S
Utility - Limited	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Utility - General	S	S	S	S	S	S	S	S	■	■	S	■	■	
Utility - Heavy												S	S	
Utility - Pipeline	S	S	S	S	S	S	S	S	S	S	S	S	S	
Waste Management & Processing – General												S	■	
Waste Management & Processing – Heavy														S
Wireless Communication Facilities	See Chapter 5, Article VI of the Fort Lupton Municipal Code													

4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

- A. **Accessory Uses, Generally.** All principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:
1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
 2. The use is on the same lot as an active principal use.
 3. The use is compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.
 4. No use or structure may be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare, or other visible impacts that are harmful, damaging, or disturbing to the adjacent property.
 5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
 6. There are no unusual traffic patterns or increases in activity that impact the use and design of streets and public spaces differently than other allowed uses.
 7. All uses are conducted and structures are maintained in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.

- B. **Accessory Dwelling Unit (ADU).** ~~Accessory dwellings~~ ADUs shall be accessory to a ~~primary residential use~~ principal dwelling unit on the lot and subject to the following additional standards:

1. Process and General Guidelines
 - a. Prior to the submittal of a building permit application to construct an ADU, a Pre-Application Meeting is required, unless waived by the Director.
 - a-b. One ~~accessory dwelling~~ ADU may be permitted per lot only when associated with either a proposed or existing a detached house or duplex/multi-unit house.
 - c. ~~Accessory dwelling units~~ ADUs may ~~shall~~ either be located in a detached accessory building, attached accessory building, or located within the principal building (such as an attic, basement, garage, or rear apartment).
 - b-d. Where the garage space is required to meet the minimum parking required for the principal dwelling unit, the garage cannot be converted into an ADU.
 - e. For a detached or attached ADU where the lot size is under 40,000 square feet, ~~the~~ ~~accessory dwelling~~ ADU shall not exceed ~~50-100~~ percent of the ~~living area~~ livable square feet of the principal dwelling, ~~or 1,200 square feet whichever is less.~~ Where the principal dwelling is less than 750 square feet, the ADU may be up to a-750 square feet.
 - f. For a detached or attached ADU where the lot is between 40,000 Sq Ft and 5 acres, the ADU shall not exceed 100 percent of the livable square feet ~~building foot print~~ of the principal dwelling, ~~or a 2,500 square feet footprint, whichever is less.~~ Where the principal dwelling is less than 750 square feet, the ADU may be up to 750 square feet.
 - g. For a detached or attached ADU where the lot size is 5 acres or more in size, the ADU shall have no size limitations.
2. Development Standards
 - a. The height of an ADU shall not exceed 35'.
 - b. The setbacks for an ADU shall be defined as below:
 - (1) Front Setback: Meet or exceed the Front Minimum Setback of the lot of

- the principal dwelling unit in Table 5-1: Residential Building & Lot Standards, or Table 6-1: Nonresidential District Lot and Building Standards for ADUs in a RO Zone District.
- (2) Side Setback: 5 feet.
 - (3) Side Corner Setback: Meet or exceed the Corner Side Minimum Setback of the lot of the principal dwelling unit in Table 5-1: Residential Building & Lot Standards or Table 6-1: Nonresidential District Lot and Building Standards for ADUs in a RO Zone District.
 - (4) Rear Setback: 5 feet; 0 feet if above an alley-loaded garage except where easements prohibit.
- c. To preserve the neighborhood character and streetscape experience, all ADUs shall be visually similar to the principal dwelling unit in at least three of the six below ways.
- (1) Match the primary color palette of the principal dwelling unit.
 - (2) Match the roof pitch of the principal dwelling unit.
 - (3) Match the roof material of the principal dwelling unit.
 - (4) Match the façade materials of the principal dwelling unit.
 - (5) Be no taller than the principal dwelling unit.
 - (6) Match the dimensions and height of exterior windows of the principal dwelling unit.
3. Access and Addressing
- a. A three-foot minimum delineated pedestrian connection must connect the ADU entrance to either the adjacent public sidewalk or to the alley.
 - b. If there is no adjacent public sidewalk or alley, a minimum of a three-foot delineated pedestrian connection must connect the ADU entrance to the public access point of the principal building (such as the street frontage, driveway, or existing hardscaped surface).
 - c. The independent ingress and egress for an interior ADU may use a common hallway within the principal building if it meets Building and Fire Code.
 - d. Both the principal dwelling unit and the ADU must have individual, visible, city assigned addresses
 - e. If the dwelling is not visible from the public way, additional signage (such as monument, pole, or other approved means) shall be installed to identify the structure.
 - f. An ADU is not required to provide any additional off-street parking, but a maximum of two on-street parking spots may be identified as available to the ADU if said on-street parking spots are not already counted and required to meet minimum parking requirements for the principal dwelling unit.
 - g. No new access permit shall be issued for an ADU. Access for off-street parking related to the construction of an ADU must use an existing driveway or alley access, except lots with sufficient width of access spacing and orientation deemed appropriate by the Public Works Director.
- ~~2.~~
- ~~3. All buildings, including any detached or attached accessory structure, shall meet the development and design standards for the lot in Article 5.~~
- ~~4. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in an attached or detached structure, be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.~~
- ~~5. Accessory dwellings shall require a special use permit according to the procedures and criteria in Section 2.08 in the R-1 and R-1A districts, but are permitted in the A, R-2, R-3, and R-O districts.~~
- ~~6. A condition of the special use permit and certificate of occupancy in the R-1 and R-1A districts shall be that either the accessory dwelling unit or principal dwelling unit shall be occupied by the owner of record.~~

- C. **Home Occupation.** Home occupations may be accessory to a primary residential use on the lot and shall meet all of the following additional standards:
1. The occupation shall be limited to residents of the dwelling and no more than one non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
 2. No more than 30% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
 3. All activity shall be conducted within an enclosed living area, permitted accessory building, or the garage.
 4. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
 5. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
 6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
 7. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference, or vibration.
 8. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
 9. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
 - 9.10. For Child Care – In-home uses, the Planning Director may waive one or more standard(s) in subsections (1)-(9) above if the in-home daycare has demonstrated that potential impacts have been mitigated through submittal of appropriate documentation as determined by the Planning Director.
- D. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Section 18-9 of the Municipal Code. They may be permitted beyond the standards as specified below through a special use permit according to Section 2.08. Any renewable energy facility that does not meet the limits of this section or cannot qualify as an accessory special use permit shall be considered a public utility service use and only allowed as permitted in Table 4-2 as a principal use of land.

Table 4-3: Accessory Renewable Energy Facilities		
	<i>Accessory Use by Building Permit</i>	<i>Accessory Use by Special Use Permit</i>
Solar		
<i>Building Mounted</i>	<ul style="list-style-type: none"> ▪ 8" max. off and parallel with pitched roof ▪ 3' max. off a flat roof ▪ Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building. 	<ul style="list-style-type: none"> ▪ 6' max. off a roof or building wall
<i>Ground Mounted</i>	<ul style="list-style-type: none"> ▪ 6' high max ▪ 10' setback min. ▪ Screened from adjacent property and the ROW in the same manner as all other mechanical equipment. ▪ Height measured from ground to highest point on apparatus. 	<ul style="list-style-type: none"> ▪ Greater than 6' high
Wind		
<i>Building Mounted</i>	<ul style="list-style-type: none"> ▪ 4' max. above roof (residential buildings) ▪ 8' max. above roof (non-residential buildings) 	<ul style="list-style-type: none"> ▪ 12' max. above roof (residential buildings) ▪ 20' max. above roof (non-residential buildings)
<i>Ground Mounted</i>	<ul style="list-style-type: none"> ▪ 30' max. height (residential districts) ▪ 45' max. height (non-residential districts) 	<ul style="list-style-type: none"> ▪ 45' max. height (residential districts) ▪ 60' max. height (nonresidential districts)

Table 5-1: Residential Building & Lot Standards															
Zoning Districts						Building / Lot Types	# of Units	Development Standards							
A	R-1	R-1A	R-2	R-3	M-H			Minimum Lot Standards			Minimum Setbacks [4]		Building Height		
								Size	Width [1]	Lot Open Space	Front [2]	Interior Side		Corner Side [1]	Rear
✓						Detached House – Rural Lot	1	5 + ac.	300' +	n/a	35'	25'	35'	50'	35' / 2.5 stories
✓	✓	✓	✓	✓		Detached House – Estate Lot	1	40K + s.f.	80' +	n/a	35'	25'	35'	50'	35' / 2.5 stories
	✓	✓	✓	✓		Detached House – Large Lot	1	8K + s.f.	65' +	30%	25'	7'	15'	20'	35' / 2.5 stories
		✓	✓	✓		Detached House – Standard Lot	1	6K + s.f.	50' -64'	25%	25'	5'	10'	20'	35' / 2.5 stories
			✓	✓		Detached House – Reduced Lot	1	4.5K + s.f.	40' – 49'	20%	25'	5'	10'	20'	35' / 2.5 stories
			◇	✓		Detached House – Small Lot	1	3K + s.f.	30' – 49'	20%	25'	4'	8'	20'	35' / 2.5 stories
				◇	✓	Detached House – Compact Lot	1	1.5K+ s.f.	24' – 29'	15%	10'	4'	8'	15'	24' / 2 stories
			✓	✓		Duplex / Multi-unit House	2 - 4	6K + s.f.; 2.5K + s.f. per unit	50'+	25%	25'	5'	10'	20'	35' / 2.5 stories
			✓	✓		Row House	3 - 8	1.5K – 4K s.f. per unit	18'–30' per unit	15%	10'	5' [3]	10'	15'	40' / 3 stories
			□	✓		Apartment – Small Lot	3 - 12	5K – 14K s.f.	50' – 100'	200 s.f./unit	10'	5' [3]	10'	15'	40' / 3 stories
				✓		Apartment – Medium Lot	13 - 24	14K – 30K s.f.	100' – 200'	150 s.f./unit	25'	5' [3]	10'	20'	50' / 4 stories
				□		Apartment – Large Lot / Complex	24 +	30K + s.f. +	100'	300 s.f./unit	35'	5' [3]	20'	20'	50' / 4 stories
□	□	□	□	□		Small Civic	n/a	6.5k s.f. – 3 ac.	65' – 300'	40%	25'	5'	20'	20'	40' / 3 stories
✓	✓	✓	✓	✓	✓	Accessory Dwelling Unit [5]	1	See Accessory Dwelling Unit (ADU) in Accessory Uses Section 4.03.B.							
✓	✓	✓	✓	✓		Accessory Buildings	see 5.02.C 4.03.b	See Residential Accessory Buildings in Section 5.02.C							
					✓	Small Format Housing Project		See Small Format & Manufactured Housing Projects in section 5.06.							

■ Permitted

◇ Limited to Courtyard Pattern only per Section 5.05.

□ Limited to locations along Collector or Arterial streets, or otherwise incorporated into lots or blocks that are part of the civic and open space system in Section 3.02.

[1] Corner lots shall add at least 5' to the required lot width. Otherwise, all lots shall meet both the minimum width and size specified in the table, and width is determinative of the building / lot type.

[2] Front setbacks shall be modified based on context and the Frontage Design standards in 5.03.A.

[3] Row Houses, Small, and Medium Apartments shall have a 10' side setback when abutting lots with a detached house; Large Apartments / Apartment Complexes shall have a 20' side setback when abutting lots with a detached house.

[4] Buildings and structures shall be setback from existing or plugged and abandoned oil and gas facilities as provided in Section 4.04.I..

[4][5] An Accessory Dwelling Unit is also allowed in the RO Zone District associated with a Principal Dwelling Unit.

Article 8. Landscape & Site Design Standards

- 8.01 Intent & Applicability
- 8.02 Landscape Design
- 8.03 Buffer & Screening
- 8.04 Plant Specifications
- 8.05 Fences & Walls
- 8.06 Outdoor Lighting

8.01 Intent & Applicability

- A. **Intent.** The intent of the landscape and site design standards is to:
1. Improve the image of the City and build value with a well-designed public realm coordinating streetscapes, open spaces, and lot frontages.
 2. Strengthen the character and quality of development and emphasize distinct areas throughout the City with the location and design of landscape areas
 3. Coordinate landscape and design amenities across multiple sites with special attention to the consistent relationship of public and private frontages.
 4. Encourage site design that allows spaces to serve multiple functions, including aesthetic, screening, environmental, recreational, or social functions.
 5. Provide comfort, spatial definition and visual interest to active outdoor spaces including walkways, civic spaces, parks, trails or other similar outdoor gathering places.
 6. Enhance the environmental and ecological function of un-built portions of sites, and protect and integrate established natural amenities rather than plant or design new ones.
 7. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or at transitions where the scale and pattern of development changes.
 8. Ensure the efficient use of limited water resources through efficient irrigation and waterwise landscaping practices that are ~~Conserve water and shift to water-conscious landscape design that is~~ regionally appropriate ~~and specific to~~ for the arid Front Range climate.
 9. Encourage on-site stormwater infiltration to improve water quality and reduce stormwater infrastructure costs.
 10. Promote energy efficiency through increased shading.
 11. Reduce heat islands by protecting and expanding the City's tree canopy.
 12. Protect public health and safety.
 13. Increase biodiversity and pollinator habitat.
 - 8.14. Promote fire safe landscaping practices.
- B. **Applicability.** The standards of this Section shall apply to all new development and redevelopment except:
- ~~1. Detached house or multi-unit house projects involving 3 or fewer new buildings;~~
 1. Individual residential lots with landscaped area not maintained by a common HOA or Metro District after the approval of a subdivision to which these standards apply. However, tThe following standards apply to front and corner side yards for new individual residential lots at time of platting and building permit:
 - No artificial turf
 - At least 50% of the landscape must consist of living plant material.
 - No more than 50% of the landscape area may consist of high water use turfgrass.Etc.
 2. Additions to existing buildings or sites that do not result in an increase in building footprint or impervious surfaces by more than 10%; or
 - 2.3. Redevelopment projects that result in a disturbance of less than 50 percent of the

aggregate landscape area.

4. Changes in use that do not result in an increase in land use intensity, considering hours of operation, types of activity, or other functional impacts of the use.
3. ~~Construction of new parking lots containing less than 10 spaces, and redesign or reconfiguration of existing parking lots containing 10 or more parking spaces.~~

In cases where the landscape standards apply, the intent is to bring the site into full compliance with these standards. However, for infill and rehabilitation of existing sites the Director may prorate the requirements to the extent of the site work where full compliance is not possible or practical, and only apply the standards to portions of the site subject to development.

8.02 Landscape Design

- A. **Design Objectives.** Landscape plans shall meet the following design objectives:
1. Frame important streets and emphasize gateways with street trees, landscape massing, and other vertical elements.
 2. Promote storm water management and prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
 3. Create focal points, gathering places, and pathways that enhance the comfort, interest and movement of pedestrians.

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4. Improve resource and energy efficiency with landscape arrangements that consider wind blocks, heat gain, water usage, slope and drainage patterns, and other elements inherent to the site.
5. Encourage the protection and preservation of healthy plants that can meet current and future needs of the site through development.

B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1, Plant Requirements.

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
Streetscape: The landscape area in the ROW or along the lot line immediately abutting the right of way.	1 large tree per 35' of lot frontage;	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 20.'		
Frontage & Foundation. The area between the building line and ROW along a street, including street sides of corner lots, where landscape is used to create transitions to the streetscape and to provide accents and soften larger expanses of buildings	1 ornamental tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND 1 large tree per 35' of lot frontage for buildings set back more than 40'.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, for up to 50% of the requirement.	1 shrub per 5' of building frontage. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the entrance may substitute for any building located closer than 10' to the front lot line.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain, and infiltrate stormwater.	1 large tree per 5 parking spaces	Evergreen trees may be substituted for large trees at a rate of 2 for 1, for up to 50% of the requirement	1 shrub per 5' of perimeter. 1 shrub per 3' for any parking area within 20' of any right of way or sidewalk. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement.
	Ornamental trees may be substituted for large trees at a rate of 2 for 1 up to 50% of the requirement		
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 8.03.		
Civic and Open Spaces. Areas of the site designed as part of a broader system of formal and natural open spaces.	See Section 3.02		
Other.	All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces. <u>At least 50% of any landscape area must consist of living plant material (at maturity).</u> Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas.		

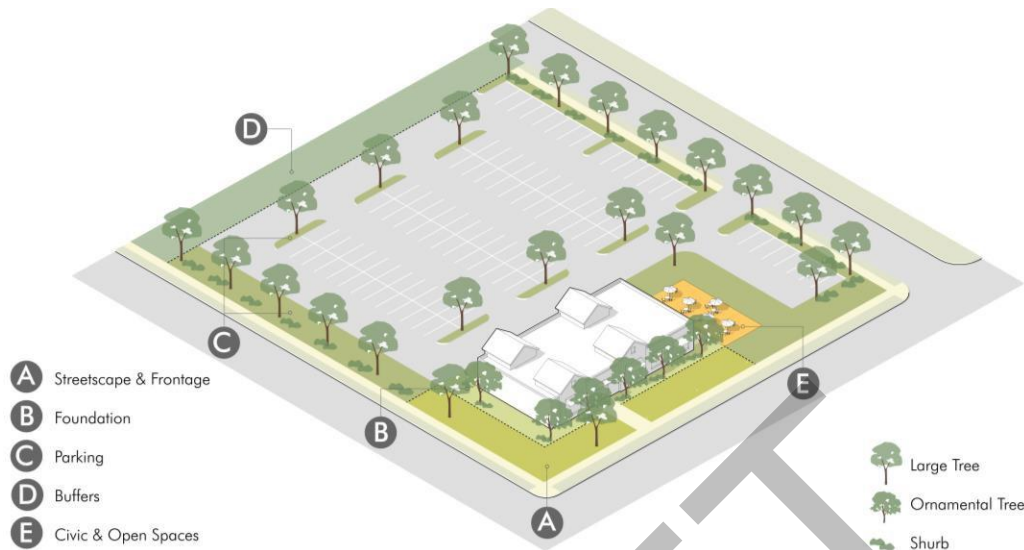


Figure 8-1 Landscape Design

The landscape requirements are allocated to different elements of the site and emphasize how different landscape standards and designs should be used to serve different functions on the site, including relating the streetscape, adding comfort and interest to active spaces, and or mitigating impacts on adjacent areas.

C. Non-living landscape material requirements

1. Soil amendment. The existing soil shall be amended with a minimum of three (3) cubic yards of organic matter soil amendment per one thousand (1,000) square feet of landscaped area, tilled into the soil to a depth of not less than six (6) inches.
2. Mulch.
 - a. Organic mulch including bark and wood chips is the preferred mulch treatment around all plant material and shall be applied:
 1. At one (1) cubic yard per eighty (80) square feet at a depth of four (4) inches, and as appropriate to each species.
 2. To the soil surface, not against the plant stem or base of tree trunks to minimize disease.
 - b. Inorganic mulch including rock, gravel, or cobble shall:
 1. Have a minimum depth of two (2) inches.
 2. Recycled rubber for landscape use is discouraged, however, may be considered for playground use.
3. Water features.
 - a. Shall recirculate water and be designed to reduce evaporation.
 - b. Wind shut off devices are required.
 - c. Hot tub and pool covers are strongly recommended.
4. Artificial Turf. Synthetic ground covers, including but not limited to artificial turf, are prohibited except for use in athletic fields.

D. Credit for Preservation of Existing Trees and Shrubs

1. Where healthy existing trees and shrubs exist in locations where this Code requires the installation of new trees or shrubs, the applicant shall preserve the existing trees and shrubs

- to the maximum extent practicable, and shall receive credit against requirements to plant new trees or shrubs.
2. Preservation of each existing healthy deciduous tree greater than 6 inches diameter at breast height (DBH) shall relieve the applicant of the obligation to plant 2 new trees that would otherwise be required by this Code.
 3. Preservation of each existing healthy evergreen tree greater than 6 feet in height shall relieve the applicant of the obligation to plant 1 new tree that would otherwise be required by this Code.
 4. Preservation of each existing healthy deciduous or evergreen shrub greater than 2 feet in height shall relieve the applicant of the obligation to plant 1 new shrub that would otherwise be required by this Code.
 5. The Director may extend the credit listed in subsections (2), (3), and (4) as applicable, to the preservation of rare native shrubs or plants if the comprehensive plan or another county plan calls for protection of that type of vegetation.
 6. Where irrigation is already installed for existing trees and shrubs for which credit is provided in this subsection C, the existing irrigation may remain in place and shall not reduce the amount of irrigation permitted for new plants and shrubs.
- E. Protection of Existing Trees and Shrubs During Construction
- A. Where a landscaping plan indicates that existing trees or shrubs are to be preserved, those existing trees and shrubs shall be protected from damage during construction on site.
 - B. Each tree indicated for preservation shall be protected by installing temporary fencing at a distance of at least one-and-one-half times the distance of the dripline from the tree trunk, and construction materials and debris shall not be placed or stored within that fenced area.
 - C. Each shrub indicated for preservation shall be protected by installing temporary fencing around that shrub.
- ~~C. Credits for Existing Vegetation. Preservation of existing landscape material that is healthy and desirable species may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.~~
- ~~1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal.~~
 - ~~2. Existing landscape credits shall only count towards the portion of the site where it is located, according to the site elements in Table 8-1. For example, an existing tree may only count towards the required planting for parking lot perimeters if it remains in the parking perimeter in the final design.~~
 - ~~3. Credits shall be on a 1 for 1 basis provided it meets the minimum specifications for new plants. The Director may approve landscape material that is larger or otherwise established and valuable on a 2 for 1 basis, or may approve plants of exceptional quality due to species, location, maturity, and health on a 3 for 1 basis.~~
 - ~~4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.~~
- ~~D.F. Design & Location.~~ The landscape required by Table 8-1 shall be arranged and designed in a way that best achieves the intent of this Article and design objectives of this Section, considering the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.

1. *Streetscape Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations ~~in order of priority as determined by the Planning Director.~~
 - a. On center between the sidewalk and curb where at least 6 feet of landscape area exists;
 - b. In tree wells ~~that are at least 4 feet in all directions and at least 24 square feet~~

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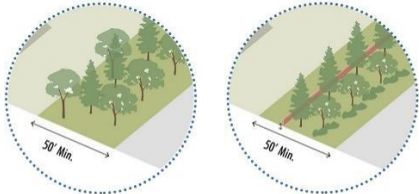
- located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);
- c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk in other situations where the sidewalk is attached;
 - d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations;
 - e. Ornamental trees may be substituted for large street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Ornamental trees should be used where trees are to be located within 10 feet of any overhead wires.
 - f. Shrubs or perennials planted in the streetscape (parkway, medians) shall not exceed 36 inches high, or 30 inches high in any area impacted by the sight distance limits of Section 3.01.D.2.
2. *Frontage & Foundation Trees & Shrubs.* Foundation plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.
 - a. Ornamental and evergreen trees shall be located within 25 feet ~~from~~ of the building.
 - b. Shrubs and other plantings shall be located within 6 feet of the foundation.
 - c. Where planting beds are used within hardscape around a foundation, they should be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.
 - d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften larger building expanses.
 3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and landscape islands planned and designed according to Section 7.04, Parking Lot Design.
 - a. There shall be at least one large tree per 35 feet of parking lot perimeter, or one ornamental or evergreen tree per 20 feet of perimeter.
 - b. There shall be at least one tree per parking lot island, or one large tree or two evergreen or ornamental trees per 300 feet of other internal landscape area.
 - c. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes.
 - d. Any parking within 20' of the right-of-way shall have a Type I buffer per Section 8.03.
 - ~~d.e.~~ Vegetative swales are strongly encouraged in landscape islands and perimeter buffers where deemed appropriate by the Planning Director and Public Works Director.
 - ~~4.~~ *Visibility at Intersections.* Screens, buffers and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 3.01.D.2., Sight Distances.
 - ~~4.5.~~ Utilities and fire hydrants. No landscaping shall be required to be installed within four feet of any fire hydrants or utility box, but any vegetation that would otherwise be required to be installed in that location shall be installed elsewhere on the lot or parcel. No trees shall be required to be installed within any easement for underground utilities or where it would grow within four vertical feet of any overhead electric or utility lines, but any vegetation that would otherwise be required to be installed in that location shall be installed elsewhere on the lot or parcel.
 - ~~5.6.~~ *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, effective site and landscape design may enable the space and plants to

count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by section 8.03 may also be along a parking area perimeter, or a parking area perimeter may also be along a streetscape, and the greater planting requirement between these areas can satisfy both requirements. Approval shall be subject to the Director determining that the intent and design objectives of this section are achieved.

- E.G. Alternative Compliance.** Alternative compliance to the landscape design standards established in Section 8.02, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
1. The alternative results in better design of common or civic space on the site;

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Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement	
<p>Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian pedestrian-oriented streetscapes.</p>	<p>Width: 6' min.</p> <p>Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 3'</p> <p>Variation: the shrub rate may be reduced by 50% in combination with the following:</p> <ul style="list-style-type: none"> ▪ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or ▪ 3' berm in wider landscape areas or in association with buffers. 	 <p>Dense shrubs Decorative fence or wall Berm</p>
<p>Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.</p>	<p>Width: 15' min.</p> <p>Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 5'; and 1 evergreen tree per 25'</p> <p>Variation: A 6' fence or ornamental wall compatible with the materials of the building may be used with a lesser combination of plants (up to 50% less), or with a smaller space (6' min.).</p>	 <p>Shrubs and evergreens 6' fence or wall</p>
<p>Type III – A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along major streets.</p>	<p>Width: 30' min.</p> <p>Planting: 1 large tree per 50'; and 1 ornamental per 25'; and 1 evergreen tree per 25'</p> <p>Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide a visual 6' – 7' screen.</p>	 <p>Separation + Planting 6'-7' fence or wall Berm</p>
<p>Type IV – A densely planted area intended to separate incompatible situations or high-intensity uses.</p>	<p>Width: 50' min.</p> <p>Planting: 1 large tree per 30'; and 1 ornamental tree per 25'; and 1 evergreen per 15'</p> <p>Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide solid barrier and separation.</p>	

- D. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, frontages, open space, buffers and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this Section.
1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
 2. Permanent or temporary outdoor storage areas.
 3. Trash enclosures.
 4. Utility stations or fixtures.
 5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
 6. Large blank walls visible from public streets, public or common areas or other sensitive boundaries in association with the buffer standards.
 7. Nonresidential or multi-family parking lots over 10 spaces adjacent to residential lots.
- E. **Alternative Compliance.** Alternative compliance to the buffer and screening standards established in Section 8.03, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance.

8.04 Plant Specifications

- A. **Design Objectives.** The plant specifications have the following design objectives:
1. Ensure the longevity and survival of landscape investments with proper species, location, installation and maintenance of plants.
 2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or city-wide basis.
 3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
 4. Require water efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.
- B. **Species.** All trees and shrubs shall be selected and planted according to the Fort Lupton Recommended Plant ~~Materials~~-List in Appendix C available on the City's website. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
 2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
 3. Are not invasive or otherwise problematic to the overall health of the landscape.
- C. Water Wise Plants. Where landscaping is required by this Code, at least 75 percent of all trees and 75 percent of plant material, as measured by coverage area shown on the submitted landscape plan, shall be a very low to moderate water use species acceptable for the region, as defined by the Fort Lupton Recommended Plant List or shown to be very low to moderate water use and acceptable to the region as determined by the Planning Director.
- D. **Permitted Turf.**
1. No more than 25 percent of the total landscaped area of any lot or parcel, as shown on the submitted landscaping plan, may be vegetated with water intensive turf such as Kentucky bluegrass or fescue.

- 2. Irrigated turf shall not be installed in roadway medians, curbside landscaping strips, parking lot islands and swales, stormwater detention areas, transportation corridors, or any areas with slopes greater than 25 percent.
- 3. Notwithstanding subsections (1) and (2) above, nonfunctional turf shall not be installed on:
 - i. Any property containing a principal use that is listed as a Public, Institutional, or Civic Use, a Commercial Use (except an Outdoor Recreation and Entertainment Use), or an Industrial use;
or
 - ii. Any property within a common interest community as defined in C.R.S. 38-33.3-103 that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements as defined in C.R.S. 38-33.3-103.

G.E. Plant Specifications. All plant materials shall comply with or exceed minimum standards in the Colorado Nursery Act Regulations (C.R.S. Title 35, Article 26) and the current edition of the American Standard for Nursery Stock (ANSI Z60.1-2014). ~~All landscape materials shall meet the American Standards for Nursery Stock standards,~~ and be selected for its native characteristics or survival in the climate for the Front Range region. Plants shall meet the following specifications at planting:

<i>Type</i>	<i>Specification</i>
<i>Large Tree</i>	2" DBH; Mature height of at least 30'
<i>Ornamental Tree</i>	2" DBH ; 8' to 10' minimum planting height for multi-stemmed; Mature height of 15' – 30'
<i>Evergreen Tree</i>	6' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as large trees.
<i>Shrub</i>	24" or 5-gallon minimum container
<i>Perennials</i>	1-gallon container
<i>Ground Cover</i>	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
<i>General</i>	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

DBH – Diameter at breast height

D.F. Tree Diversity. The required trees planted shall promote diversity with the following species selection criteria.

Required Trees	Diversity
1 - 9	No specific requirement, but trees should be diversified from those existing trees in the vicinity.
10 - 39	At least 2 genus; AND At least 3 species No more than 50% of any one species
40+	At least 3 genus; AND At least 4 species No more than 33% of any one species

* Any streetscape master plan or public realm plan may achieve street tree diversity on a broader or block-scale basis while planting the same species on individual segments for the urban design effect.

G. Prohibited Plants. The following plants may not be planted as landscaping:

1. Plants listed on the Colorado Department of Agriculture Noxious Weed lists or in the county weed management plan.;
 - ~~— Ash (*Fraxinus*, species);~~
 - ~~— Aspen (all *Populus tremuloides* species and cultivars);~~
 - ~~— Cottonwood (all species, including *Populus deltoides*, *P. fremontii*, and *P. nigra*), unless being used to continue the native appearance along the borders of side or rear lot or parcel lines with open space or natural areas;~~
 - ~~— Tamarisk (*Tamarix*, all species);~~
 - ~~— Siberian elm (*Ulmus*, all species); and~~
 - ~~— Russian olive (*Elaeagnus angustifolia*, all cultivars).~~

H. Hydrozones

1. Incorporate a “zoned planting scheme” to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.
 - i. For example, plants of a very low hydrozone are not to be planted in a moderate to high hydrozone.
 - (1) Irrigation Standard.** Irrigation system improvements shall be designed in conformance with the following criteria. Any deviations shall be reviewed and approved by the Public Works Director. Additional advisory technical design criteria are available in the planning and building office.
2. New landscaped areas shall be watered by a permanent automatic irrigation system. Exemptions may be provided for:
 - i. Edible plants that are hand watered.
 - ii. Native plants and grasses that do not require supplemental irrigation post-establishment and may instead be irrigated by hand or with a temporary irrigation system for establishment.
 - iii. Very low and low hydrozone plants that are hand watered.

3. Use of nontreated water for irrigation is encouraged if a permanent, legal, suitable supply is available.
1. Dedicated landscape water meters shall be installed for all irrigated landscapes of 5,000 square feet or more.
- 2.4. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, downstream of the meter but as close as possible to the point of connection of the water supply and to isolate sections of mainline on larger systems, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
5. Smart irrigation controllers labeled by U.S. Environmental Protection Agency’s Water Sense Program or with published reports posted on the Smart Water Application Technologies website are required.¹
 - i. Master shut-off valves and flow sensors, integrated with the automatic irrigation controller, are required.
 - ii. Sensors (rain, freeze, wind, soil moisture etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions or when sufficient soil moisture is present shall be required on all irrigation systems.
6. All irrigation emission devices shall meet the requirements set in the American National Standards Institute (ANSI) standard, ASABE/ICC 802-2014 “Landscape Irrigation Sprinkler and Emitter Standard” authored by the American Society of Agricultural and Biological Engineers and the International Code Council and verified by an independent third-party.
7. The irrigation system shall be designed in accordance with the following requirements:
 - i. Provide peak season irrigation during night hours.
 - ii. Prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 - iii. Ensure that the operating pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
8. Turfgrass irrigation shall be designed in accordance with the following requirements:
 - i. In order to reduce runoff, and maximize sprinkler effectiveness, maximum application rate shall be one and a quarter inches per hour.
 - ii. Six-inch minimum pop-up height is required for all spray heads and rotors.²
 - iii. Check valves or anti-drain valves are required on all sprinkler heads.
 - iv. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer’s recommendations. Spacing must achieve head-to-head coverage. Minimum acceptable distribution uniformities shall be 60 percent for spray head zones and 70 percent for rotor zones.³
 - v. Turf and non-turf areas shall be irrigated on separate valves.
9. Irrigation of specific hydrozones shall be designed in accordance with the following requirements:
 - i. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
 - ii. Each remote-control valve shall irrigate a hydrozone with similar microclimate, soil conditions, slope, and plant materials with similar water demand.
 - iii. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plants and soil type within that hydrozone.

¹ New, based on the availability and affordability of smart irrigation controllers.

² New, based on irrigation efficiency best practices.

³ New, based on irrigation efficiency best practices.

- iv. In mulched planting areas, the use of low flow irrigation is required for any vegetation that will exceed 12 inches mature height.
- v. Trees shall be placed on separate valves from shrubs, groundcovers, and turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree. Bubblers for trees shall not exceed one and one-half gallons per minute (gpm) for each device.

10. Irrigation Installation

- i. Installation of irrigation systems shall be in accordance with an approved final irrigation plan.
- ii. Property owner shall keep a set of "as-built" drawings of irrigation system with dimensions shown for irrigation components.
- iii. Property owners shall operate their irrigation system in accordance with the approved final landscape plan.
- iii. Backflow prevention required.
- iv. Non-potable service lines are required to be installed outside of foundations.

~~E. **Xeric Guidelines.** All landscape plans shall conserve water with landscape materials and design techniques using the following xeric principles.~~

- ~~1.11. Incorporate a "zoned planting scheme" to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.~~
- ~~2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs, and use water-conserving grasses such as fescue sods.~~
- ~~3. Use drought tolerant plants, suitable to the region, with low watering and pruning requirements.~~
- ~~4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.~~
- ~~5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover and drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.~~
- ~~6. Alternative sources of irrigation for all landscape areas is encouraged.~~

I. **Firescaping Standards**

- 1. Wood mulches and living plant material with high fuel volume shall not be installed within the first five six feet from the home or building in order to create defensible space.
- 2. Non-flammable materials such as flagstone, pavers, rock mulch, and/or fire resistant plants shall be installed within the first six feet of the home or building. Fire resistant plant species shall be identified through CSU Extension's FireWise Plant Materials Fact Sheet.
- 3. At maturity, tree canopies shall not extend within five six feet of the home or building.
- 4. Shrubs shall be planted individually or grouped into clusters.
- 5. Fire-resistant plant species are highly recommended throughout the landscape.

- F.J. Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended, provided they can meet both the landscape design standards and the stormwater management performance standards. Techniques such as bioswales, water quality ponds, and rain gardens should be used to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces.
- G.K. Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:
1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any pervious material, compacted soils, stones 1 inch or larger, or any other material harmful to plant growth.
 2. All plant materials and planting areas shall be prepared and planted according to American Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.
 3. All plantings shall be properly maintained. Plant materials which fail to grow within a 2-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the Director to be removed and replaced.
 - ~~3.4.~~ Cool season turf grass should be mowed to a preferred height of three and one-half inches, to promote root growth and reduce water requirements.
 - 4.5. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this ordinance.
- H.L. Alternative Compliance.** Alternative compliance to the plant specification standards established in Section 8.04, may be authorized according to the process and criteria in Section 2.07, Alternative Compliance, and any of the following additional applicable criteria:
1. The alternative is necessary to improve the longevity or survival of plant materials.
 2. The alternative improves the health or general species mix specific to the context and vicinity of the site.
 3. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

8.05 Fences & Walls

- A. Design Objectives.** Fences and walls provide safety and security, screening, and architectural enhancements to sites and buildings and shall meet the following design objectives:
1. Fence and wall designs shall consider the context of the area, the location on the site, and the desired functions.
 2. Fences and walls with prominent publicly visible locations require higher design standards, accompaniment of landscape to soften the expanse, or a combination of both.
 3. Fences and walls in walkable contexts or nearest pedestrian facilities require a lower profile, more open design, or both.
 4. Fences and walls in prominent public places should complement the design of the site and the architecture of the associated building.
 5. Fences and walls shall be designed and located sensitive to the massing and design relationship, and other impacts to adjacent property.
- B. Fence & Wall Design.** All fences and walls shall meet the following standards.

Carport. A residential accessory building or portion of a building that is intended or used primarily for the storage of motor vehicles, and which is open on not less than two (2) sides and enclosed in such a manner that the stored or parked motor vehicle is either contained entirely within the building or under a permanent roof.

Comprehensive Plan. The City of Fort Lupton Comprehensive Plan, as amended. The Comprehensive Plan may include any other plans, policies, or programs officially adopted or approved by the City under the guidance of that plan, including the City’s Three Mile Area Plan.

Condominium. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis, and where all other physical attributes of the building and site beyond ownership units meet the standards of these regulations.

Construction Sign. A temporary sign announcing construction, remodeling or other improvements of a property.

Coverage, Lot. Land area which is covered with impervious surfaces, such as buildings, patios, or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots.

Deciduous. A plant with foliage that is shed annually.

Density. The total number of dwelling units on a property, divided by the gross area in acres of such property.

Drive-through, Accessory. An accessory site design and building design component of any business in which the provision of services or the sale of food or merchandise to the customer in a motor vehicle without the need for the customer to exit the motor vehicle. This definition includes, but is not limited to, bank drive-up tellers and drive-through fast food restaurants.

Driveway. An improved concrete or asphalt path, or other area of a site otherwise dedicated to vehicle access to a site or leading directly to one or more city-approved parking spaces or parking spaces within a building.

Dwelling Unit. A single unit providing complete independent ingress and egress, and independent living facilities for one (1) or more individuals, including permanent facilities for cooking, eating, living, sanitation and sleeping. The term dwelling unit does not include hotels, motels, recreational vehicles or other places or accommodations when used for transient occupancy.

Essential Public Infrastructure Equipment or Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

Evergreen. A plant with foliage that persists and remains green year-round.

Household:

- a. ~~A single individual doing his or her own cooking and living upon the premises as a separate, independent housekeeping unit; with his or her own children or children over whom he or she has custody or guardianship through a court order, or with his or her brothers, sisters, parents or grandparents;~~

~~b. — A collective body of persons doing their own cooking and living together upon the premises as a separate, independent housekeeping unit in a domestic relationship based upon birth or marriage, limited to a married couple, their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship through a court order or to include their brothers, sisters, parents or grandparents; or~~

~~A group of not more than two unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit with their own children or the child or children of one or the other of them or over whom one or the other of them has custody or guardianship through a Court order. Single persons 18 years of age or older, not living with their parents or legal guardian, are considered to be unrelated to each other.~~

~~In addition to the above, in order to be considered a family, there may be no more than three persons per bedroom living in a residence unless the adult persons living therein file an affidavit with the City establishing that these persons meet the above descriptions of Subparagraph a, b or c.~~

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3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-2 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. Residential Dwelling

The Residential Dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more joined rooms designed and used by a household for residential occupancy, including sleeping, bathroom(s) and eating facilities. A dwelling is owned by the resident or leased or rented on a monthly basis or longer. The arrangement and extent of dwelling units depends on the zoning district, lot sizes and building types, arranged in the following types:

Detached House. A residential building designed for one primary dwelling unit in an urban neighborhood, suburban or rural setting. Variants of this type are based primarily on lot size and context, based on the standards of the particular zoning district.

Accessory Dwelling Unit (ADU). An ~~apartment-independent dwelling unit~~ integrated within a detached house or duplex/multi-unit house, or located in an attached or detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as those buildings, and subject to other standards in this code to ensure that it is subordinate and customarily incidental to the principal dwelling unit.

Duplex / Multi-unit House. A residential building designed to accommodate 2 to 4 primary dwelling units in an urban neighborhood or suburban setting. Duplex units that share a single common wall may be on a single lot, or it may be platted as separate lots along the common wall line subject to platting restrictions. All other Duplex or Multi-unit Houses shall be on a single lot. Duplex / Multi-unit Houses shall have a scale, design and orientation of access and entrance features that maintains the appearance and form similar to a Detached House.

Established Detached House in Nonresidential. A detached house used as a residence in a nonresidential district, but where new development of the same use or similar building type is no longer permitted in the zoning district. These buildings and uses shall be permitted subject to the standards for Detached Houses in Table 5-1, and compliance with any utility, public health and safety codes, so that continued use and further investment in the same or similar building and use is not discouraged, including reconstruction of the same or similar building.

Row House. A multi-unit residential building designed for 3 to 8 dwelling units in an urban and or suburban setting. Row Houses abut one another sharing an adjoined party wall. These units are attached, however, each unit has its own private entry. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to platting restrictions.

Apartment (small or medium). A multi-unit residential building designed on a small or moderate-sized lot in a compact walkable neighborhood or mixed-use setting. The building is accessed by a common lobby entrance at building frontage, is designed with a compatible scale and frontage to other residential building types, and arranged to integrate into the block structure of a neighborhood. Variants of this type are based primarily on building scale, lot size and context, and the standard of the particular zoning district.

Apartment (large or complex). A multi-unit residential building designed on a large lot, or a grouping of small or medium multi-unit buildings in a common development in a suburban setting, including accessory uses and buildings to support the residential use of the property, and arranged around an internal system of streets/internal access, walkways and common open space.



Planning & Building Department

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003

Fax: 303.857.0351

www.fortluptonco.gov

SUMMARY OF CHANGES – DEVELOPMENT CODE UPDATE NOVEMBER 2025

The Fort Lupton Development Code became effective on July 16, 2022. Upon adoption it was determined that periodic updates Chapter 16 – Fort Lupton Development Code that may change the character or intent as approved by the Ordinance shall be considered by City staff, Planning Commission, and City Council to address issues and recommended updates identified during its implementation. With this in mind, revisions to Chapter 16 were approved by City Council on and August 20, 2024 and January 23, 2025. Staff has identified some additional changes to be reviewed by Planning Commission and City Council.

Specific changes to note are:

1) **Updating various portions of code relevant to Accessory Dwelling Units (ADUs)**

- a) **HB24-1152 (ADUs) and HB24-1007 (HOME Act)**
- b) Updating the Land Use Schedule of Residential Uses to allow ADUs by right in all Zone Districts that allow single family homes by right, and turning it into an administrative review process with objective review criteria.
- c) Repealing and replacing Section 4.03.B related to ADUs, making them an administrative process, and creating objective criteria related to designs, requirements, and development standards.
- d) Updating “Table 5-1: Residential Building and Lot Standards” to include ADU standards and to explicitly distinguish them from other accessory building standards.
- e) Correcting a typo, repealing the definition of “Household”, creating a definition for a “Dwelling Unit”, and making minor edits to the definition of “Accessory Dwelling Unit (ADU)” in Article 11 related to definitions and descriptions of uses.

2) **Updating various portions of code relevant to In-Home Day Care.**

- a) **HB21-1222 (Family Child Care Homes)**
- b) Updating “Table 4-2: Allowed Uses” to make Child Care – In-Home an allowed use in all residential Zone Districts.
- c) Updating Section 4.03.C. Home Occupation to include flexibility for Child Care – In-Home uses in relation to home occupation standards.

3) **Water Wise Landscape Standards.**

a) SB24-005 (Prohibit Landscaping Practices for Water Conservation)

- b) Updates to be in line with SB24-005 Non-functional Turf regulations and waterwise principles
- c) Limits cool season turf (i.e., Kentucky bluegrass and fescue) in non-functional areas
- d) Applicability: all new development and redevelopment that meets certain thresholds (pretty similar to site plan and admin site plan criteria)
- e) No artificial turf, 50% living material for front yards and corner side yards for new residential at time of platting/development (*removed proposed application for existing single family residential after discussion*)
- f) Encouraging swales and other creative design
- g) Landscape standards related to firescaping, utilities, and irrigation, along with plant list flexibility

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

Notice is hereby given that a public hearing has been scheduled for Thursday, November 13, 2025 at 6:00 P.M. with the Fort Lupton Planning Commission to consider proposed amendments to Chapter 16 - Development Code of the Fort Lupton Municipal Code. A copy of the proposed amendments is available for public inspection at City Hall during regular business hours for fifteen (15) days prior to the public hearings on such amendments, and may also be reviewed on the City website at www.fortluptonco.gov.

The public hearing shall be held at the Fort Lupton City Hall, 130 South McKinley Avenue in Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. In the event that City Hall is closed to the public at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda posted on the City's website, www.fortluptonco.gov. For additional information, please contact the Fort Lupton Planning Department at 720-928-4003.

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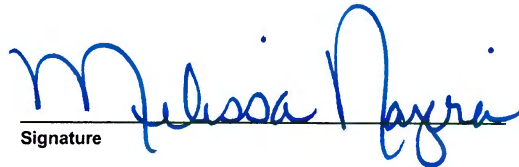
PUBLISHER'S AFFIDAVIT

**County of Weld
State of Colorado**

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Oct 24, 2025


Signature

Subscribed and sworn to me before me this
24th day of October 2025


Notary Public

(SEAL)

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AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/30/2025, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.

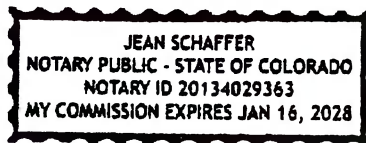


For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Erin Adams, director of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/30/2025. Erin Adams has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-142964
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public notice

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