



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, December 2, 2025
6:00 PM
130 South McKinley Avenue

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://meet.goto.com/793699389>

Call to Order

Pledge of Allegiance

Roll Call

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

Approval of Agenda

Review of Accounts Payables

a. December 2, 2025 Accounts Payable

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.** November 18, 2025 City Council Meeting Minutes
- b.** AM 2025-169 Approving a Resolution Certifying the 2025 Mill Levy for Tax Collection in 2026
- c.** AM 2025-170 Approving the Payment of \$33,000.00 to Dwain Burkhart for Water Pipeline Facilities Easement for the Water Tower Project Water Main Connection, Located Along His Southern Property Line Parallel to Highway 52
- d.** AM 2025-171 Declaring Four Fleet Vehicles Surplus and Authorizing the City to Sell the Vehicles
- e.** AM 2025-172 Approving a Resolution Appointing Bruce Fitzgerald as Treasurer for the City of Fort Lupton for a Two (2) Year Term
- f.** AM 2025-173 Approving a Resolution Appointing Claud Hanes as Mayor Pro Tem for the City of Fort Lupton for a Two (2) Year Term
- g.** AM 2025-174 Approving a Resolution Declaring a Vacancy and Establishing the Appointment Process for Which to Fill the Vacancy for Ward II
- h.** AM 2025-175 Approving a Resolution Ratifying the Mayor's Appointment of Evelyn Garcia to the Fort Lupton Public and School Library Board as a Trustee for a Term Beginning January 1, 2026 and Ending December 31, 2029
- i.** AM 2025-176 Approve Amendment No. 1 to the Twenty First Interim Agreement with Northern Colorado Water Conservancy District for the Northern Integrated Supply Plan

- j. AM 2025-182 Approving a Resolution Ratifying the Extension of the one percent (1%) Water Sales and Use Tax Approved by the Electors at the November 4, 2025 Coordinated Election
- k. AM 2025-185 Approving the Mayor's Signature for a Grant of Easement to United Power for Electrical and Communications Facilities Located Adjacent to Existing Right of Way for College Avenue at the New City Hall Site
- l. AM 2025-186 Accepting the Grant Agreement from the Colorado Health Foundation for the Construction of Koshio Park Outdoor Space Project for an Amount of \$550,000

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Hubbard

- a. AM 2025-183 An Ordinance Approving the Rezoning of a Property Legally Described in Exhibit A of the Proposed Ordinance Known as the Northland Business Park Change of Zone
- b. AM 2025-177 Adopting an Ordinance Accepting an Annexation Known as the L.G. Everist NW Annexation Nos. 1-2 and Approving the Annexation Agreement
- c. AM 2025-178 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the L.G. Everist NW Initial Zoning, to the 'A' Agriculture Zone District
- d. AM 2025-179 Adopting an Ordinance Accepting an Annexation Known as the L.G. Everist NE Annexation and Approving the Annexation Agreement
- e. AM 2025-180 Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the L.G. Everist NE Initial Zoning, to the 'A' Agriculture Zone District
- f. AM 2025-181 A Resolution Approving a Request for a Special Use Permit by L.G. Everist, Inc. Amending an Existing Special Use Permit to Remove Certain Parcels and Include New Ones for a Sand & Gravel Mining Operation
- g. AM 2025-187 Adopting an Ordinance of the City of Fort Lupton, Amending Portions of the Fort Lupton Municipal Code Chapter 16 – Development Code

Action Memorandum

- a. AM 2025-184 Approving a Resolution Expressing the City of Fort Lupton's Commitment to Expedited Review Policies for Affordable Housing Projects as Identified in Proposition 123

Staff Reports

Mayor/Council Reports

Future City Events

- a. December 3, 2025 Coffee with a Cop, Recreation Center, 203 S. Harrison Ave. 8:00 a.m.-9:00 a.m.
December 6, 2025 Cookies & Cocoa with Santa, Library, 370 S. Rollie Ave. 3:30 p.m.
December 6, 2025 Winter Fest, Recreation Center, 203 S. Harrison Ave. 4:00 p.m.-6:30 p.m.
December 25, 2025 City Offices Closed in Observance of Christmas

Upcoming Meetings

- a. December 9, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- December 16, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- December 30, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.
- January 7, 2026 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

Executive Session

- a. *To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e). Water.*

Adjourn

Check Report

By Check Number

City of Fort Lupton

Date Range: 11/19/2025 - 12/02/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: New Main Operating-New Main Operating						
002254	ADIDAS AMERICA INC	11/25/2025	Regular	0.00	-453.90	108002
003328	A TO Z RECREATION, LLC	11/25/2025	Regular	0.00	20,000.00	109050
4263	Invoice	11/07/2025	Pickleball Courts - Shade Structure	0.00	20,000.00	
000023	ACE EQUIPMENT & SUPPLY	11/25/2025	Regular	0.00	1,744.20	109051
179677	Invoice	11/05/2025	GF-PARTS/SUPPLIES-STREETS	0.00	1,744.20	
000031	ADAMSON POLICE PRODUCTS	11/25/2025	Regular	0.00	471.98	109052
INV442579	Invoice	11/01/2025	GF-UNIFORMS FOR TRUJILLO-PD	0.00	89.99	
INV442688	Invoice	11/01/2025	GF-UNIFORM PATCHES FOR TOVES-PD	0.00	9.00	
INV442851	Invoice	11/04/2025	GF-UNIFORMS FOR D TRUJILLO-PD	0.00	310.00	
INV442916	Invoice	11/05/2025	GF-UNIFORMS FOR NOURAGAS-PD	0.00	62.99	
001387	ANGEL ARMOR	11/25/2025	Regular	0.00	819.01	109053
INV16043	Invoice	11/05/2025	GF-UNIFORM ACCESSORIES-PD	0.00	819.01	
003652	ANIMAL CLINIC LLC	11/25/2025	Regular	0.00	108.00	109054
538828	Invoice	11/01/2025	GF-TECH LAB CHARGES/VET TECH SERVICE...	0.00	108.00	
000108	AUSMUS LAW FIRM PC	11/25/2025	Regular	0.00	7,700.00	109055
9758	Invoice	11/01/2025	GF-2025 City Attorney Services-Legal	0.00	6,500.00	
9765	Invoice	11/01/2025	GF-PROSECUTION SERVICES FOR OCT 2025...	0.00	1,200.00	
003524	BEST CLEANER DISPOSAL	11/25/2025	Regular	0.00	936.00	109056
26390	Invoice	12/01/2025	GF-CITY HALL DECEMBER 2025 TRASH SER...	0.00	135.00	
26391	Invoice	12/01/2025	CPR-203 S HARRISON DEC 2025 TRASH SE...	0.00	85.00	
26393	Invoice	12/01/2025	GF-800 12TH ST, DECEMBER 2025 TRASH ...	0.00	129.00	
26394	Invoice	12/01/2025	GF-205 S HARRISON, DECEMBER 2025 TRA...	0.00	91.00	
26395	Invoice	12/01/2025	CEM-13750 WCR12, DEC 2025 TRASH SER...	0.00	72.00	
26396	Invoice	12/01/2025	GOLF-222 CLUBHOUSE DR, DEC 2025 TRA...	0.00	164.00	
26397	Invoice	12/01/2025	GOLF-465 COLLEGE, DEC 2025 TRASH SERV..	0.00	135.00	
26398	Invoice	12/01/2025	GF-0 HWY 52, DECEMBER 2025 TRASH SE...	0.00	85.00	
26399	Invoice	12/01/2025	GF-1025 1ST ST, DECEMBER 2025 TRASH S...	0.00	40.00	
003773	BLUEDAG LLC	11/25/2025	Regular	0.00	2,750.00	109057
2091974	Invoice	11/13/2025	GF-ON SITE INSPECTION TRAINING-SAFETY	0.00	2,750.00	
000241	CITY OF FT LUPTON-UTIL INVOICE	11/25/2025	Regular	0.00	19,738.36	109058
110035001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-S RAILRO...	0.00	1,116.26	
110036002 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-ANIMAL ...	0.00	180.43	
110221001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-RR PK SO...	0.00	497.09	
110222001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-RR PK NO...	0.00	816.85	
110249001 OCT25	Invoice	11/01/2025	GOLF-09/30-10/31WATER USAGE-CLUBH...	0.00	322.87	
110251001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-CC MAST ...	0.00	405.50	
110252001 OCT25	Invoice	11/01/2025	GOLF-09/30-10/31 WATER USAGE-IRRIGAT..	0.00	605.55	
110252101 OCT25	Invoice	11/01/2025	GOLF-09/30-10/31 WATER USAGE-RESTR...	0.00	122.97	
330025001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-9TH ST PK	0.00	200.34	
330031001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-N RAILRO...	0.00	914.22	
330045001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-PW SHOP	0.00	166.22	
330092001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-5TH & FU...	0.00	197.24	
330166001 OCT25	Invoice	11/01/2025	CPR-09/30-10/31 WATER USAGE-MUSEUM	0.00	188.32	
330920000 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-CANNERY ...	0.00	34.66	
550055501 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-VERIZON ...	0.00	183.45	
550057001 OCT25	Invoice	11/01/2025	CPR-09/30-10/31 WATER USAGE-COMM C...	0.00	755.02	
550057601 OCT25	Invoice	11/01/2025	REC-09/30-10/31 WATER USAGE-REC CEN...	0.00	2,068.25	

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
550057701 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-IRRG REC ...	0.00	4,635.81	
660092001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-LANCAST...	0.00	588.10	
770109501 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-HERITAGE...	0.00	96.72	
770116501 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-HERITAGE...	0.00	108.12	
770214501 OCT25	Invoice	11/01/2025	GOLF-09/30-10/31 WATER USAGE-IRRIGAT..	0.00	46.59	
770229001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-ROADSIDE...	0.00	574.86	
770229501 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-PEARSON ...	0.00	1,291.82	
770229601 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-PEARSON ...	0.00	51.68	
770231101 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-25.5 S GR...	0.00	40.85	
990004001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-S MCKINL...	0.00	734.00	
990004101 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-KOSHIO PK..	0.00	97.43	
990006001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-IRRG N IS...	0.00	122.44	
990007001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-IRRG CITY...	0.00	151.17	
990008001 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-IRRG S IS...	0.00	46.95	
990132001 OCT25	Invoice	11/01/2025	CEM-09/30-10/31 WATER USAGE-CEMETE...	0.00	2,183.46	
999910000 OCT25	Invoice	11/01/2025	GF-09/30-10/31 WATER USAGE-FULTON V...	0.00	193.12	
	Void	11/25/2025	Regular	0.00	0.00	109059
	Void	11/25/2025	Regular	0.00	0.00	109060
002651	COLORADO COMMUNITY MEDIA	11/25/2025	Regular	0.00	117.56	109061
143139	Invoice	11/01/2025	GF-LEGAL/PUBLIC NOTICES-CITY CL	0.00	117.56	
003740	COLORADO PORTABLES LLC	11/25/2025	Regular	0.00	350.00	109062
140391	Invoice	11/06/2025	CEM-PORTABLE TOILET SERVICE-CEMETERY	0.00	215.00	
140392	Invoice	11/06/2025	GF-PORTABLE TOILET SERVICE @ HERITAG...	0.00	135.00	
000307	COMCAST CABLE COMM, LLC	11/25/2025	Regular	0.00	232.89	109063
0120790 NOV25	Invoice	11/06/2025	GOLF-NOVEMBER 2025 INTERNET SERVICE...	0.00	232.89	
001517	CORE&MAIN LP	11/25/2025	Regular	0.00	39.20	109064
Y066623	Invoice	11/06/2025	SF-GASKET-S LINES	0.00	39.20	
000372	DELL MARKETING LP	11/25/2025	Regular	0.00	40,423.40	109065
10845402332	Invoice	11/05/2025	GF- DELL PowerEdge R660 Servers- IT	0.00	40,423.40	
003925	DESIGN WORKSHOP, INC	11/25/2025	Regular	0.00	20,608.94	109066
0083290	Invoice	11/12/2025	GF-PARKS & TRAILS MASTER PLAN-PARKS	0.00	20,608.94	
003559	DRAKE DUO PRINTS LTD	11/25/2025	Regular	0.00	530.70	109067
1334	Invoice	11/07/2025	REC-SCREEN PRINTING-REC CENTER	0.00	454.50	
1336	Invoice	11/10/2025	REC-3 MONTH BC T-SHIRTS-REC CENTER	0.00	76.20	
000410	E-470 PUBLIC HIGHWAY AUTHORITY	11/25/2025	Regular	0.00	26.90	109068
2107483584	Invoice	11/10/2025	CPR-SENIOR TRIP TOLL FEES-SENIORS	0.00	26.90	
000512	FUZION FIELD SERVICES LLC	11/25/2025	Regular	0.00	84.38	109069
403393	Invoice	11/01/2025	GOLF-PORTABLE TOILET SERVICES-MAINT	0.00	84.38	
002143	GREEN CO2 SYSTEMS	11/25/2025	Regular	0.00	185.48	109070
00391706	Invoice	11/12/2025	REC-CO2 REFILL-REC CENTER	0.00	185.48	
001580	INTERMOUNTAIN HEALTH PLATTE VALLEY HOSF	11/25/2025	Regular	0.00	1,040.00	109071
10008714	Invoice	11/01/2025	GF-MEDICAL SERVICES-PD	0.00	340.00	
10008719	Invoice	11/01/2025	GF-FORENSIC EVIDENCE COLLECTION-PD	0.00	700.00	
003577	JR ENGINEERING LLC	11/25/2025	Regular	0.00	1,309.60	109072
87815	Invoice	11/01/2025	SST-HWY 52 & COLLEGE AVE PROJECT DES...	0.00	1,109.60	
87816	Invoice	11/01/2025	GF-Transportation Plan-Engineering	0.00	200.00	
000716	LEONARD B. MEDOFF, Ph.D.	11/25/2025	Regular	0.00	850.00	109073
102525	Invoice	11/01/2025	GF-PRE EMPLOYMENT PSYCHOLOGICAL E...	0.00	850.00	
001913	LUXOTTICA OF AMERICA, INC	11/25/2025	Regular	0.00	110.65	109074
6923264366	Invoice	11/08/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	110.65	

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
003514	LYONS SANDSTONE	11/25/2025	Regular	0.00	4,594.96	109075
28933-01DR	Invoice	11/10/2025	GF-PRAIRIE GOLD BLOCK BENCH-PARKS	0.00	4,594.96	
003741	MEMBERSPORTS INC	11/25/2025	Regular	0.00	750.00	109076
MS-3674-18009	Invoice	11/15/2025	GOLF-MONTHLY SUBSCRIPTION FOR DEC...	0.00	750.00	
000865	OFFICE DEPOT	11/25/2025	Regular	0.00	210.45	109077
442922174001	Invoice	11/07/2025	GF-LYSOL WIPES AND LYSOL SPRAY-ADMIN	0.00	68.48	
445453594001	Invoice	11/01/2025	GF-DAWM DISH SOAP, SCENTED OIL-ADMIN	0.00	33.03	
445454346001	Invoice	11/01/2025	GF-CASCADE PODS-ADMIN	0.00	57.18	
446085295001	Invoice	11/06/2025	GF-CUPS, HOT AND LIDS-ADMIN	0.00	51.76	
000916	PRAIRIE MOUNTAIN MEDIA	11/25/2025	Regular	0.00	662.64	109078
0000434151	Invoice	11/01/2025	GF-NOTICE OF PUBLIC HEARING-CTY CLER...	0.00	662.64	
002493	QUADIENT LEASING USA INC	11/25/2025	Regular	0.00	433.59	109079
Q2088787	Invoice	11/04/2025	GF-QUARTERLY LEASE SEP 7-DEC 6, 2025-...	0.00	433.59	
000999	SHAMROCK FOODS COMPANY	11/25/2025	Regular	0.00	1,041.97	109080
35215834	Invoice	11/17/2025	GOLF-FOOD, PRE PACKAGED GOODS-PRO ...	0.00	1,041.97	
001022	SOUTHERN GLAZER'S OF CO	11/25/2025	Regular	0.00	218.68	109081
3895063	Invoice	11/12/2025	GOLF-BEVERAGES-PRO SHOP	0.00	218.68	
001624	STATE OF COLORADO	11/25/2025	Regular	0.00	4,433.34	109082
000055865	Invoice	11/13/2025	UF-OCT BILLS/LATE NOTICES-WATER & S...	0.00	4,433.34	
003965	TAYLOR IMPERIAL	11/25/2025	Regular	0.00	150.00	109083
2007918.001	Invoice	11/06/2025	REC-POOL PARTY REFUND-	0.00	150.00	
001075	THE CONSOLIDATED MUTUAL	11/25/2025	Regular	0.00	183.45	109084
111125A	Invoice	11/11/2025	UF-OCT 2025 PERRY PIT DISCHARGE PUMP...	0.00	85.55	
111125B	Invoice	11/11/2025	UF-OCT 2025 WELL PUMP B-W STOR	0.00	62.63	
111125C	Invoice	11/11/2025	UF-OCT 2025 WELL PUMP C-W STOR	0.00	35.27	
001137	UNITED POWER	11/25/2025	Regular	0.00	208.27	109085
10213507 NOV25	Invoice	11/14/2025	GF-NOVEMBER 2025 ELECTRIC SERV 1200...	0.00	208.27	
001217	WOHNRAD CIVIL ENGINEERS INC	11/25/2025	Regular	0.00	3,733.50	109086
2663	Invoice	11/01/2025	SST-9th Street Extension Engineering-Stre...	0.00	3,733.50	
001224	XCEL ENERGY-GAS	11/25/2025	Regular	0.00	259.52	109087
953168447	Invoice	11/14/2025	GF-NOVEMBER 2025 GAS SERVICE-PRO S...	0.00	259.52	
000453	FAMILY SUPPORT REGISTRY	11/26/2025	Regular	0.00	140.76	109088
INV0001879	Invoice	11/28/2025	A. Infante Jr - Remit ID 06092977-SDU/Tri...	0.00	140.76	
003612	JOHNSON MARK LLC	11/26/2025	Regular	0.00	450.34	109089
INV0001880	Invoice	11/28/2025	Brian Oswalt-Case #2024C042153	0.00	450.34	
003901	PROFESSIONAL FINANCE CO	11/26/2025	Regular	0.00	344.16	109090
INV0001881	Invoice	11/28/2025	Keith Jackel - Case #2025C031349	0.00	344.16	
002254	ADIDAS AMERICA INC	12/02/2025	Regular	0.00	453.90	109091
6163415511-1	Invoice	11/01/2025	GF-UNIFORMS-PARKS	0.00	369.00	
6163415513-1	Invoice	11/01/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	61.20	
6163439641-1	Invoice	11/01/2025	GF-WELLNESS-HR	0.00	23.70	
000040	AFLAC	12/02/2025	Regular	0.00	2,037.34	109092
976221	Invoice	11/11/2025	GF-SUPPLEMENTAL INS FOR NOVEMBER 2...	0.00	2,037.34	
000044	AGFINITY INC	12/02/2025	Regular	0.00	1,757.23	109093
I88749	Invoice	11/21/2025	GOLF-UNLEADED GASOHOL-MAINT	0.00	1,203.43	
I88750	Invoice	11/21/2025	GOLF-FIELDMASTER DYED DIESEL-MAINT	0.00	119.66	
I88751	Invoice	11/21/2025	GOLF-FIELDMASTER W CFI DYED DIESEL-...	0.00	434.14	

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
002941	AMERITAS LIFE INSURANCE CORP	12/02/2025	Regular	0.00	9,243.16	109094
010-57637-01 D...	Invoice	12/01/2025	GF-DENTAL INS FOR DECEMBER 2025-HR	0.00	8,246.28	
010-57637-02 VIS...	Invoice	12/01/2025	GF-VISION INS FOR DECEMBER 2025-HR	0.00	996.88	
003766	BIG WILLY MEAT COMPANY	12/02/2025	Regular	0.00	203.90	109095
0000931	Invoice	11/24/2025	GOLF-PRE PACKAGED GOODS-PRO SHOP	0.00	203.90	
003968	BROTHERS REDEVELOPMENT, INC.	12/02/2025	Regular	0.00	2,500.00	109096
1	Invoice	11/24/2025	CPR-6 Home Exterior Maintenance	0.00	2,500.00	
003967	CAITLIN WEGLIN	12/02/2025	Regular	0.00	40.00	109097
2007931.001	Invoice	11/19/2025	REC-PARTIAL ROOM RENTAL REFUND-	0.00	40.00	
000183	CALLAWAY GOLF SALES COMPANY	12/02/2025	Regular	0.00	71.66	109098
941484188	Invoice	11/18/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	71.66	
002300	CASSIE FRANCONI	12/02/2025	Regular	0.00	137.20	109099
112125	Invoice	11/21/2025	GF-MILEAGE REIMBURSEMENT FOR GFOA...	0.00	137.20	
000239	CITY OF FORT LUPTON	12/02/2025	Regular	0.00	513.00	109100
CIT#132624-1D	Invoice	11/20/2025	GF-RESTITUTION PAYMENTS-	0.00	418.00	
CIT#140194-1	Invoice	11/20/2025	GF-RESTITUTION PYMNT, CIT#140194-1, ...	0.00	95.00	
003810	CMC DESIGN LLC	12/02/2025	Regular	0.00	241.86	109101
CMC127139-1	Invoice	11/01/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	241.86	
000267	COLONIAL LIFE	12/02/2025	Regular	0.00	105.96	109102
78168201201699	Invoice	12/01/2025	GF-SUPPLEMENTAL INS FOR DECEMBER 2...	0.00	105.96	
000306	COMCAST BUSINESS	12/02/2025	Regular	0.00	2,453.91	109103
256240484	Invoice	11/15/2025	GF-OCTOBER 2025 PHONE SERVICE-	0.00	2,453.91	
000307	COMCAST CABLE COMM, LLC	12/02/2025	Regular	0.00	247.85	109104
0215335 DEC25	Invoice	12/01/2025	GF-INTERNET SERVICE DEC 2025 (VET OFF...	0.00	247.85	
000307	COMCAST CABLE COMM, LLC	12/02/2025	Regular	0.00	220.05	109105
0164533 DEC25	Invoice	12/01/2025	GF-INTERNET SERVICE FOR DECEMBER 20...	0.00	220.05	
003970	DANIELA MOLER	12/02/2025	Regular	0.00	125.93	109106
112525	Invoice	11/25/2025	GF-REISSUE OUTSTANDING PR CK #5886, D...	0.00	125.93	
000431	EMPLOYERS COUNCIL SERVICES INC	12/02/2025	Regular	0.00	864.36	109107
1002588734	Invoice	11/20/2025	GF-SUBSCRIPTION FOR JANUARY 1-DEC 31,...	0.00	864.36	
003631	EVERON, LLC	12/02/2025	Regular	0.00	179.17	109108
50576495	Invoice	11/01/2025	GF/REC-SECURITY MONITORING FOR DEC ...	0.00	179.17	
000512	FUZION FIELD SERVICES LLC	12/02/2025	Regular	0.00	233.75	109109
403879	Invoice	11/18/2025	GOLF-PORTABLE TOILET SERVICE RENTAL ...	0.00	233.75	
001881	HALO BRANDED SOLUTIONS INC	12/02/2025	Regular	0.00	501.96	109110
8664656	Invoice	11/03/2025	REC-SMART CLOTHS MARKETING ITEM-RE...	0.00	501.96	
000567	HIGH COUNTRY BEVERAGE CORP	12/02/2025	Regular	0.00	157.60	109111
W-7255314	Invoice	11/22/2025	GOLF-BEVERAGES-PRO SHOP	0.00	157.60	
000795	MILE HIGH TURFGRASS, LLC	12/02/2025	Regular	0.00	2,470.50	109112
13221	Invoice	11/19/2025	GOLF-CHEMICALS, FERTILIZER-MAINT	0.00	2,470.50	
000807	MORNING STAR ELEVATOR LLC	12/02/2025	Regular	0.00	325.00	109113
10073	Invoice	11/12/2025	CPR-ELEVATOR REPAIRS/MAINTENANCE-...	0.00	325.00	
003430	O'CONNOR, INC.	12/02/2025	Regular	0.00	401.87	109114
90514	Invoice	11/18/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	401.87	
003545	POINT AND PAY, LLC	12/02/2025	Regular	0.00	50.00	109115

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Date Range: 11/19/2025 - 12/02/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
PNP11108-00-10...	Invoice	11/20/2025	GF-MONTHLY FEES FOR OCTOBER 2025-P...	0.00	50.00	
002493	QUADIENT LEASING USA INC	12/02/2025	Regular	0.00	380.46	109116
Q2104201	Invoice	12/01/2025	GF-QUARTERLY LEASE DEC 15, '25-MARCH...	0.00	380.46	
003969	ROGER ESPINOZA	12/02/2025	Regular	0.00	114.36	109117
112525	Invoice	11/25/2025	GF-REISSUE OUTSTANDING PR CK#5337, R...	0.00	114.36	
001035	STANDARD INSURANCE CO.	12/02/2025	Regular	0.00	5,829.99	109118
00 759761 0001...	Invoice	12/01/2025	GF-DEC25 LI & AD&D PREM	0.00	5,829.99	
001624	STATE OF COLORADO	12/02/2025	Regular	0.00	4,609.56	109119
000055876	Invoice	11/19/2025	UF-BILLS/LATE NOTICES SEPTEMBER 2025...	0.00	4,609.56	
003200	SUNICE	12/02/2025	Regular	0.00	74.01	109120
U5556560	Invoice	11/11/2025	GOLF-MERCHANDISE-PRO SHOP	0.00	74.01	
002967	SYNERGETIC STAFFING LLC	12/02/2025	Regular	0.00	543.22	109121
21012327	Invoice	11/24/2025	GF-TEMP WAGES NOVEMBER 20-21, 2025...	0.00	543.22	
001174	WAGNER EQUIPMENT CO.	12/02/2025	Regular	0.00	728.56	109122
P00C2863571	Invoice	11/19/2025	GF-FILTERS, PARTS-STREETS	0.00	728.56	
001198	WELD COUNTY PUBLIC HEALTH	12/02/2025	Regular	0.00	200.00	109123
WELDEHS202332...	Invoice	11/01/2025	REC-CHILD CARE FACILITY INSPECTION FEE...	0.00	200.00	
001224	XCEL ENERGY-GAS	12/02/2025	Regular	0.00	513.00	109124
954318031	Invoice	11/01/2025	GF-NOV25 GAS BILL-PLANNING UNIT13	0.00	513.00	
000024	ACE HARDWARE OF FORT LUPTON	11/25/2025	EFT	0.00	3.99	9100371
110645/1	Invoice	11/12/2025	GOLF-HOUSE KEY-PRO SHOP	0.00	3.99	
001293	AMAZON.COM	11/25/2025	EFT	0.00	8,704.51	9100372
17TY-QMNM-36...	Invoice	11/05/2025	GF-SUPPLIES, OFFICE SUPPLIES-PD	0.00	1,191.15	
1M9X-4N4X-3QVQ	Invoice	11/05/2025	GF/REC/CPR-SUPPLIES, MISC ITEMS-EVEN...	0.00	7,513.36	
002600	BEARCOM	11/25/2025	EFT	0.00	31,590.00	9100373
5967042	Invoice	11/01/2025	GF-UPFIT 4 CHEVY TAHOES-PD	0.00	31,590.00	
002853	BUCKEYE CLEANING CENTER	11/25/2025	EFT	0.00	667.16	9100374
90715436	Invoice	11/10/2025	GF-JANITORIAL SUPPLIES-FAC	0.00	204.65	
90715437	Invoice	11/10/2025	GOLF-JANITORIAL SUPPLIES-PRO SHOP	0.00	462.51	
002122	BURNS & MCDONNELL ENGINEERING CO INC	11/25/2025	EFT	0.00	267,699.24	9100375
160868-25	Invoice	11/17/2025	UF-WATER TOWER CONSTRUCTION MAN...	0.00	217,713.93	
160868-25A	Invoice	11/17/2025	UF-ENGINEERING FOR WATER TOWER-UF	0.00	1,612.72	
169164-19	Invoice	11/13/2025	UF-LIFT STATION/FORCE MAIN PROJECT R...	0.00	48,372.59	
000455	FASTENAL COMPANY 01COFTL	11/25/2025	EFT	0.00	53.14	9100376
COFTL205494	Invoice	11/05/2025	GF-PARTS FOR SNOW PLOW UNIT #13-STR...	0.00	53.14	
000691	KONE INC	11/25/2025	EFT	0.00	140.80	9100377
871842973	Invoice	11/01/2025	REC-ELEVATOR MAINTENANCE-REC CENT...	0.00	140.80	
003259	KUMAR & ASSOCIATES, INC.	11/25/2025	EFT	0.00	4,070.00	9100378
238777	Invoice	11/13/2025	GF-City Hall Const.Observation & Materials..	0.00	4,070.00	
003101	LANGUAGELINE SOLUTIONS	11/25/2025	EFT	0.00	224.42	9100379
11752445	Invoice	11/01/2025	GF-OVER THE PHONE INTERPRETATION-PD	0.00	224.42	
000862	O'REILLY AUTO PARTS	11/25/2025	EFT	0.00	356.85	9100380
4489-257916	Invoice	11/05/2025	GF-VEHICLE SUPPLIES-PD	0.00	18.48	
4489-259183	Invoice	11/12/2025	CEM-BATTERY FOR UNIT#13-CEMETERY	0.00	166.28	
4489-259495	Invoice	11/14/2025	GF-VEHICLE SUPPLIES-PW SHOP	0.00	17.77	
4489-260433	Invoice	11/18/2025	GF-BATTERY FOR SPREADER FOR SNOW R...	0.00	154.32	

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Date Range: 11/19/2025 - 12/02/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
003491	THALLE CONSTRUCTION CO INC	11/25/2025	EFT	0.00	2,251,189.32	9100381
14	Invoice	11/05/2025	UF FORCE MAIN & LIFT CONSTRUCITON S...	0.00	2,251,189.32	
001101	TODD HODGES DESIGN, LLC	11/25/2025	EFT	0.00	9,058.40	9100382
3735	Invoice	11/17/2025	GF-PLANNING SERVICES NOV 3-16, 2025-P...	0.00	9,058.40	
000975	TRINITY GROUP COMPANIES, INC	11/25/2025	EFT	0.00	299.47	9100383
19460-IN	Invoice	11/11/2025	GF-SAFETY EQUIPMENT-PW SHOP	0.00	299.47	
003398	UNIVERSITY AUTO PARTS	11/25/2025	EFT	0.00	285.97	9100384
254496	Invoice	11/12/2025	GF-HYD HOSE FITTINGS-STREETS	0.00	172.58	
254767	Invoice	11/14/2025	SF-PARTS, SUPPLIES-S LINES	0.00	47.46	
254831	Invoice	11/14/2025	GF-GRADE OXY-ACET HOSE-PW SHOP	0.00	59.99	
255043	Invoice	11/17/2025	SF-PARTS/SUPPLIES FOR SEWER JET-S LINES	0.00	5.94	
002158	WW BACKHOE & DOZER SERVICES INC	11/25/2025	EFT	0.00	4,900.00	9100385
28004	Invoice	11/14/2025	SST-2025 ON CALL GRADING SERVICES-SST	0.00	2,450.00	
28005	Invoice	11/14/2025	SST-2025 ON CALL GRADING SERVICES-SST	0.00	2,450.00	
000024	ACE HARDWARE OF FORT LUPTON	11/25/2025	EFT	0.00	892.59	9100386
110637/1	Invoice	11/12/2025	GOLF-PARTS/SUPPLIES-MAINT	0.00	482.07	
110652/1	Invoice	11/13/2025	GOLF-TWINE-MAINT	0.00	27.98	
110722/1	Invoice	11/19/2025	GOLF-CONCRETE MIX-MAINT	0.00	382.54	
002835	BRANDING BY BRE	11/25/2025	EFT	0.00	3,500.00	9100387
1385	Invoice	12/01/2025	GF-SOCIAL MEDIA COMMUNCIATON FOR ...	0.00	3,500.00	
002853	BUCKEYE CLEANING CENTER	11/25/2025	EFT	0.00	257.69	9100388
90717091	Invoice	11/14/2025	REC-JANITORIAL SUPPLIES-REC CENTER	0.00	182.49	
90717105	Invoice	11/14/2025	REC-FLOOR BRUSHES-REC CENTER	0.00	75.20	
003720	FREDERICK M GOODBEE	11/25/2025	EFT	0.00	1,600.00	9100389
111825	Invoice	11/18/2025	GF-JUDGE SERVICES FOR NOVEMBER 2025...	0.00	1,600.00	
000783	MEANDERING WITH MARY	11/25/2025	EFT	0.00	75.00	9100390
NOVEMBER 2025	Invoice	11/18/2025	CPR-NOVEMBER 2025 CASINO TRIP-SENIO...	0.00	75.00	
002195	MINUTEMAN PRESS	11/25/2025	EFT	0.00	590.32	9100391
42031	Invoice	11/19/2025	GF-#10 WINDOW ENVELOPES-FIN	0.00	590.32	
000869	OPERATIONS MANAGEMENT INT	11/25/2025	EFT	0.00	146,600.09	9100392
351230-26-12	Invoice	11/19/2025	GF-OMI SERVICES-	0.00	146,600.09	
000862	O'REILLY AUTO PARTS	11/25/2025	EFT	0.00	241.48	9100393
4489-252938	Invoice	11/01/2025	GOLF-OIL AND FUEL FILTERS-MAINT	0.00	81.46	
4489-253363	Invoice	11/01/2025	GOLF-AIR FILTERS-MAINT	0.00	54.31	
4489-256306	Invoice	11/01/2025	GOLF-ENGINE CLEANER, OIL-MAINT	0.00	67.71	
4489-258744	Invoice	11/10/2025	GOLF-WINTER BLADES-MAINT	0.00	38.00	
000931	R & L TIRES	11/25/2025	EFT	0.00	865.36	9100394
60106	Invoice	11/14/2025	SF-VEHICLE MAINTENANCE-S LINES	0.00	865.36	
003160	UNITEDHEALTHCARE INSURANCE COMPANY	11/25/2025	EFT	0.00	109,043.07	9100395
259037460564	Invoice	12/01/2025	GF-HEALTH INS FOR DECEMBER 2025-HR	0.00	109,043.07	
003398	UNIVERSITY AUTO PARTS	11/25/2025	EFT	0.00	119.04	9100396
254727	Invoice	11/13/2025	GF-HYD HOSE, PARTS-STREETS	0.00	31.35	
255255	Invoice	11/18/2025	GF-GREASE CART-PARKS	0.00	59.70	
255326	Invoice	11/19/2025	GF-ZIP TIES FOR CHRISTMAS LIGHTS-STRE...	0.00	27.99	
001594	WILBUR-ELLIS COMPANY LLC	11/25/2025	EFT	0.00	1,222.55	9100397
17566719 RI	Invoice	11/18/2025	GOLF-TURF DEF READY MIX-MAINT	0.00	1,222.55	
000119	BANK OF COLORADO	11/28/2025	Bank Draft	0.00	7,390.27	DFT0002693
INV0001876	Invoice	11/28/2025	HSA DISTRIBUTION	0.00	7,390.27	

Check Report

Date Range: 11/19/2025 - 12/02/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000119	BANK OF COLORADO	11/28/2025	Bank Draft	0.00	1,583.32	DFT0002694
INV0001877	Invoice	11/28/2025	HSA DISTRIBUTION	0.00	1,583.32	
001416	VALIC_1	11/28/2025	Bank Draft	0.00	51,643.15	DFT0002695
INV0001878	Invoice	11/28/2025	VALIC - 457(b) \$ Contributions	0.00	51,643.15	
001265	IRS	11/28/2025	Bank Draft	0.00	90,823.16	DFT0002696
INV0001882	Invoice	11/28/2025	Federal Withholding	0.00	90,823.16	
001418	CO DEPARTMENT OF REVENUE	11/28/2025	Bank Draft	0.00	15,414.00	DFT0002697
INV0001883	Invoice	11/28/2025	CO Withholding	0.00	15,414.00	

Bank Code New Main Operating Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	132	73	0.00	176,523.20
Manual Checks	0	0	0.00	0.00
Voided Checks	0	3	0.00	-453.90
Bank Drafts	5	5	0.00	166,853.90
EFT's	46	27	0.00	2,844,250.46
	183	108	0.00	3,187,173.66

Check Report

Date Range: 11/19/2025 - 12/02/2025

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
003810	CMC DESIGN LLC	11/25/2025	Regular	0.00	-241.86	104872

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-241.86
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	0	1	0.00	-241.86

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	132	73	0.00	176,523.20
Manual Checks	0	0	0.00	0.00
Voided Checks	0	4	0.00	-695.76
Bank Drafts	5	5	0.00	166,853.90
EFT's	46	27	0.00	2,844,250.46
	183	109	0.00	3,186,931.80

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH/CONSOLIDATED CASH	11/2025	3,148,401.48
999	POOLED CASH/CONSOLIDATED CASH	12/2025	38,530.32
			3,186,931.80

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, November 18, 2025. Mayor Zo Hubbard called the meeting to order at 6:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, Claud Hanes, Michael Sanchez, Bruce Fitzgerald, Chris Ceretto and Valerie Blackston. Councilmember David Crespín was absent.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Finance Director, Leann Perino, Planning Director, Todd Hodges and Chief of Police, William Carnes.

PROCLAMATION

Mayor Hubbard proclaimed Saturday, November 29, 2025, as Small Business Saturday in the City of Fort Lupton.

PERSONS TO ADDRESS COUNCIL

The Board of County Commissioners presented Mayor Hubbard with a Certificate of Appreciation for dedicating 16 years to the City of Fort Lupton; 8 years as Mayor and 8 years as Councilmember. They expressed gratitude for her leadership, public service and valuable contribution to Fort Lupton and Weld County.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the November 18 2025, payables; Mayor Hubbard questioned the purchase from Amazon that was over \$11,000.00. Finance Director, Leann Perino stated she would find the itemized receipt and share the breakdown.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

PUBLIC HEARING

AM 2025-160 Adopting a Resolution for the 2026 Budget and Financial Plan and Setting Appropriations for Various Funds for the Period Beginning January 1, 2026 and Ending December 31, 2026

Mayor Hubbard opened the public hearing at 6:08 p.m.

Leann Perino, Finance Director, stated the City Council met on October 18th to review and amend the 2026 budget requested by various funds and departments of the City. The budget reflects those changes. She stated revenue citywide is \$71,277,969.00, the expenses are 93,110,000.00. The city will be reducing reserves by 21,832,000.00. She stated overall, the City's capital will contribute 47,879,000.00 to those expenses. Tentatively, the City should hear from DOLA regarding the Oil and Gas exemption this week. The statutory 20 days the oil and gas company had to respond to the City's application has passed and they have not logged a response.

Mayor Hubbard asked if anyone wanted to speak for or against the proposal. Hearing none, Mayor Hubbard closed the public hearing at 6:10 p.m.

It was moved by Claud Hanes and seconded by Bruce Fitzgerald to adopt Resolution 2025R050 for the 2026 Budget and Financial Plan and Setting Appropriations for Various Funds for the Period Beginning January 1, 2026 and Ending December 31, 2025. Motion passed with 5 yes votes and 1 no vote from Mayor Hubbard.

CONSENT AGENDA

It was moved by Chris Ceretto and seconded by Valerie Blackston to approve the Consent Agenda as presented with the following items:

- November 4, 2025 City Council Meeting Minutes
- Authorize the City Administrator to Accept a Service Agreement from Dig Deep to Provide Grants-Related Technical Assistance Services for the 2026 Year (AM 2025-161)
- Approving a Resolution 2025R051 for the Annual Review and Changes to the Level 1 Cybersecurity Maturity Model Certification Guidelines (AM 2025-158)
- Authorize the Mayor's Signature on Amendment 7 to the Agreement for Operations, Maintenance, and Management Services with OMI INC. Jacobs Contract (AM 2025-159)
- Authorizing the Police Department to Purchase Three Fleet Vehicles and Approving Payment to John Elway Chevrolet in an Amount Not to Exceed \$169,260.00, Allocated from the Police Department Capital Projects Budget (AM 2025-163)
- Approving Estimates and Payment of Invoices to BearCom for Patrol Vehicle Upfit in an

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

Amount Not to Exceed \$109,975.00, Allocated from the Police Department Capital Projects Budget (AM 2025-164)

- Approving the Purchase and Payment for Ten Getac Mobile Data Terminals in an Amount Not to Exceed \$44,457.60, Allocated from the 2026 Police Department Capital Projects Budget (AM 2025-165)
- Accepting a 5 Year Product & Services Agreement with Active Network LLC for Recreation Membership Management Services at the Fort Lupton Recreation Center (AM 2025-166)

Motion passed unanimously on roll call vote.

ACTION MEMORANDUM

AM 2025-162 Approve Change Order #1 to Contract with Hall-Irwin Corporation, Inc., for an Amount Not to Exceed \$81,287.75 for the Lagoon Slurry Wall Project from the Water Sales Tax Fund

Contract was awarded to Hall-Irwin on July 1, 2025 for the construction of the Lagoon Storage Slurry Wall project.

Change Order No. 1, is a result of design changes that required extending the platform to the west along the east side of the lagoons to buffer a separation to the existing sewer force main. The demising berm between the two cells of the lagoon was found to be too sandy of material to satisfactorily construct the platform, contributing to the shortage of suitable platform material.

The platform construction portion of the project was bid as \$389,200 for 40,000 cy of fill.

The 2025 budget did not include this project. Mining royalties were expected to cover the slurry wall construction. There are sufficient funds in a Water Sales Tax Fund ColoTrust investment account to cover the cost. A supplemental budget resolution was required.

The Utility Fund includes \$150,000 in the non-potable budget CIP for a SCADA System project. Staff was unable to do this project this year and this change order can be covered by this.

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to Approve Change Order #1 to Contract with Hall-Irwin Corporation, Inc., for an Amount Not to Exceed \$81,287.75 for the Lagoon Slurry Wall Project from the Water Sales Tax Fund. Motion passed unanimously on roll call vote.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

AM 2025-167 Approving a Resolution for a Public Improvements Agreement between the City of Fort Lupton and Triple P Services, LLC. A Colorado Corporation

This Public Improvement Agreement was drafted for the Site Plan for development of the Triple P Services, LLC parcel, Number 130929000067 on 07/02/2024, (SPR2023-003) (the "Plan ")

approved by Planning Commission on October 24, 2024 by Resolution No. P2024-017, which is located north of CR 16 and Denver Ave. on the north side of the intersection.

Improvements are for the construction of water main extensions, access roadway construction, and landscape and storm drainage system improvements. Approximate cost of this agreement for construction is \$303,511.00.

Resolution No. P2024-017, approved by Planning Commission on October 24, 2024 requires the applicant to enter into a Public Improvements Agreement.

It was moved by Valerie Blackston and seconded by Claud Hanes to Approve Resolution 2025R052 for a Public Improvements Agreement between the City of Fort Lupton and Triple P Services, LLC. A Colorado Corporation. Motion passed unanimously on roll call vote.

AM 2025-168 Adopting an Ordinance Accepting the Right of Way Dedication from Triple P Services LLC, A Colorado Limited Liability Company for 60 feet of the Highway 85 Access Road north of County Road 16

Triple P Services LLC, submitted the Site Plan for development of future Oil and Gas Support Services. Since ROW dedication cannot be done for a Site Plan, the dedication will need to be done by separate document. This is to approve an ordinance to accept the dedication of a 60-foot wide public right of way located along Highway 85 containing 5.64 acres, more or less from the owner.

It was moved by Chris Ceretto and seconded by Valerie Blackston adopt Ordinance 2025-1191 Accepting the Right of Way Dedication from Triple P Services LLC, A Colorado Limited Liability Company for 60 feet of the Highway 85 Access Road north of County Road 16. Motion passed unanimously on roll call vote.

STAFF REPORTS

Roy Vestal, Public Works Director, stated the transportation committee meeting has been moved to the eleventh and he should be back in the office on the eighth.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

Leanne Perino, Finance Director, stated the summer sewer average was turned off before they ran the October billing, which overcharged 1,600 people for their sewer. The finance department added a contract with a credit on their bills and letters will be mailed to all who were affected.

Mari Peña, City Clerk, stated official results for the election have not been posted yet. She also stated that last week City Administrator, Chris Cross and herself had the privilege of meeting a lady who was 104 years old and in very good condition. She flew in from California because she was born right outside of Wattenberg and was looking for history on her childhood home and the school she went to which was located at County Road 23 and County Road 6.

MAYOR/COUNCIL REPORTS

Councilmember Bruce Fitzgerald reported he assisted in an accident this week and that he was very pleased with the professionalism of the Fort Lupton Police Department.

Councilmember Michael Sanchez reported he attended Cocoa with a cop on Saturday at the Copper Kettle and that it was a very good turnout with a lot of very engaged residents.

FUTURE CITY EVENTS

November 27 & 28 2025, City Offices Closed in Observance of Thanksgiving

December 3, 2025 Coffee with a Cop, Recreation Center, 203 S. Harrison Ave. 8:00 a.m.-9:00 a.m.

December 6, 2025 Cookies & Cocoa with Santa, Library, 370 S. Rollie Ave. 3:30 p.m.

December 6, 2025 Winter Fest, Recreation Center, 203 S. Harrison Ave. 4:00 p.m.-6:30 p.m.

UPCOMING MEETINGS

November 25, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

December 2, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

December 9, 2025 Town Hall Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

December 16, 2025 City Council Meeting, City Hall, 130 S. McKinley Ave. 6:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:27 p.m.

Submitted by,

Maricela Peña, City Clerk

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
November 18, 2025**

Approved by City Council,

Chris Ceretto, Mayor

DRAFT



SUBJECT FOR DISCUSSION

Approving a Resolution Certifying the 2025 Mill Levy for Tax Collection in 2026

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Every year the City must certify the mill levy for the following year by December 15th.

The 2025 net assessed valuation is \$427,358,869. This a \$144,964,739 increase over the 2024 valuations. The expected revenue is approximately \$18,346,943.61 from a 42.931 total Mill Levy.

FINANCIAL CONSIDERATIONS

The budget has been built around a 5.5% increase in the property tax revenue in the general fund. The allocation of the mill levies and revenue is as follows:

	<u>Mill Levy</u>	<u>Revenue</u>
General	36.852	\$ 15,749,029.04
Recreation Center Operations	4.680	2,000,039.51
Recreation Center Debt	1.399	597,875.06
Total	42.931	\$ 18,346,943.61

LEGAL/POLITICAL CONSIDERATIONS

Deadline for certification of mill levy to county commissioners is December 15th. Local governments levying property tax must adopt their budgets before certifying the levy to the county. If the budget is not adopted by certification deadline, then 90% of the amount appropriated in the current year for operations and maintenance expenses shall be deemed re-appropriated for the purposes specified in such last appropriation (C.R.S. 39-1-111(1)).

ALTERNATIVES/OPTIONS

None

STAFF RECOMMENDATIONS

Approve resolution 2025R0xx certifying the 2025 mill levy for 2026 collection

Attachments:

- Proposed Resolution
- Certified Values from Weld County Assessor's Office
- Form DLG70 – Certification of Tax Levies for Non-School Governments

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025XXX

A RESOLUTION OF THE CITY COUNCIL LEVYING GENERAL PROPERTY TAXES FOR THE TAX YEAR 2026, TO FUND THE COST OF GOVERNMENT, FOR THE CITY OF FORT LUPTON, COLORADO FOR THE 2026 FISCAL YEAR.

WHEREAS, the City Council of the City of Fort Lupton has adopted the 2026 Budget and 6 Year Capital Improvement Plan in accordance with Colorado Revised Statutes Title 29; and

WHEREAS, the amount of money necessary to fund the budget for general operating expenses is \$15,683,643.13; and

WHEREAS, the amount of money necessary to cover the debt service of the Recreation Center is \$597,875.06; and

WHEREAS, the amount of money necessary to cover the operation & maintenance of the Recreation Center is \$2,000,039.51; and

WHEREAS, the State of Colorado has granted an exemption for new assessed oil and gas; and

WHEREAS, the 2025 net assessed valuation for the City of Fort Lupton is \$427,358,869;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1

That for the purpose of meeting general expenses of the City of Fort Lupton for the 2026 fiscal year, there is hereby levied a tax 36.699 mills upon each dollar of the total valuation for the assessment of all taxable property within the City of Fort Lupton for the tax year 2026 as follows:

Description	Mill Levy	Dollar Amount
General Fund operating expenses	36.699	\$ 15,683,643.13
Recreation Center Debt Service	4.680	2,000,039.51
Recreation Center Operation & Maintenance	1.399	597,875.06
Total Mill Levy	42.778	\$ 18,281,557.70

Section 2

That the City Council of the City of Fort Lupton, Colorado hereby certifies to Weld County, Colorado the mill levy as hereinabove determined and set.

Section 3

The City Council hereby finds, determines and declares that this Resolution is necessary for the immediate preservation of the public peace, health and safety, and that it serves a valid public purpose.

APPROVED AND PASSED BY THE FORT LUPTON CITY COUNCIL THIS 2nd DAY OF DECEMBER, 2025.

City of Fort Lupton, Colorado

Zo Hubbard, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

New Tax Entity? ☐ YES ☒ NO

WELD COUNTY ASSESSOR

Date 11/17/2025

NAME OF TAX ENTITY: FORT LUPTON CITY

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATION ("5.5%" LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2025 :

1.	PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1.	\$	282,394,130.00
2.	CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2.	\$	437,890,230.00
3.	LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3.	\$	10,531,361.00
4.	CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4.	\$	427,358,869.00
5.	NEW CONSTRUCTION: *	5.	\$	8,105,470.10
6.	INCREASED PRODUCTION OF PRODUCING MINE: ≈	6.	\$	0.00
7.	ANNEXATIONS/INCLUSIONS:	7.	\$	37,960.00
8.	PREVIOUSLY EXEMPT FEDERAL PROPERTY: ≈	8.	\$	0.00
9.	NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): Φ	9.	\$	129,457,459.95
10.	TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(a), C.R.S.). Includes all revenue collected on valuation not previously certified:	10.	\$	178.73
11.	TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	11.	\$	17,608.71

‡ This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution

* New Construction is defined as: Taxable real property structures and the personal property connected with the structure.

≈ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use Forms DLG 52 & 52A.

Φ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form DLG 52B.

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART.X, SEC.20, COLO. CONSTUTION AND 39-5-121(2)(b), C.R.S., THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2025 :

1.	CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1.	\$	1,908,448,401.00
ADDITIONS TO TAXABLE REAL PROPERTY				
2.	CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: *	2.	\$	76,205,351.28
3.	ANNEXATIONS/INCLUSIONS:	3.	\$	21,252.00
4.	INCREASED MINING PRODUCTION: §	4.	\$	0.00
5.	PREVIOUSLY EXEMPT PROPERTY:	5.	\$	3,159,483.00
6.	OIL OR GAS PRODUCTION FROM A NEW WELL:	6.	\$	147,951,382.78
7.	TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.):	7.	\$	0.00
DELETIONS FROM TAXABLE REAL PROPERTY				
8.	DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	8.	\$	0.00
9.	DISCONNECTIONS/EXCLUSIONS:	9.	\$	0.00
10.	PREVIOUSLY TAXABLE PROPERTY:	10.	\$	2,057.00

¶ This includes the actual value of all taxable real property plus the actual value of religious, private school, and charitable real property.

* Construction is defined as newly constructed taxable real property structures.

§ Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS: TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY:

\$ 0.00

IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:

HB21-1312 ASSESSED VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): **

** The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

\$ 219,421.00

USE FOR STATUTORY PROPERTY TAX LIMIT CALCULATION ("5.25% LIMIT")

0407 County Tax Entity Code

DOLA LGID/SID 62014/1

IN ACCORDANCE WITH §§ 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2025 :

1.	CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION:	1.	\$	437,890,230.00
2.	LESS TOTAL TIF AREA INCREMENTS, IF ANY:	2.	\$	10,531,361.00
3.	CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	3.	\$	427,358,869.00
4.	NEW CONSTRUCTION:	4.	\$	8,105,470.10
5.	ANNEXATIONS/INCLUSIONS:	5.	\$	37,960.00
6.	PREVIOUSLY EXEMPT PROPERTY:	6.	\$	197,490.00
7.	TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(a), C.R.S.): Includes all revenue collected on valuation not previously certified:	7.	\$	178.73
8.	INCREASED VALUATION FOR ASSESSMENT ATTRIBUTABLE TO A CHANGE IN LAW FOR A PROPERTY TAX CLASSIFICATION* (29-1-306(3)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	8.	\$	0.00
9.	TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	9.	\$	17,608.71
10.	TOTAL VALUATION FOR ASSESSMENT FROM PRODUCING MINES OR LANDS OR LEASEHOLDS PRODUCING OIL OR GAS	10.	\$	151,503,330.00
11.	REVENUE INCREASE FROM EXPIRED TIF:	11.	\$	0.00

* Change in law for property tax classification does not include changes in classification due to property use changes.

Notes:

The property tax limit will apply to all property taxing entities with the exception of school districts and any county, city and county, city, or town that has adopted a home rule charter (29-1-306(1)(b), C.R.S.). The revenue limit applies to any property taxing entities that have authority to exceed current 5.5% and the TABOR limit.

The Division of Local Government ("the Division") has developed technical assistance resources to assist taxing entities with the calculation of the property tax limit available online here (<https://dlg.colorado.gov/budget-information-and-resources>). Please understand that the Division has no statutory or administrative role in calculating or enforcing the property tax limit, and each taxing entity's revenue limits and voter approval history may be unique. The technical assistance resources provided by the Division with regard to the property tax limit are not definitive and not legal advice. Taxing entities may choose to calculate the property tax limit with a methodology that is different from the methodology presented in the Division's technical assistance resources. The Division always recommends that taxing entities consult with an attorney in order to understand and apply the various statutory and constitutional revenue limits that may apply to that taxing entity.

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of WELD COUNTY, Colorado.On behalf of the FORT LUPTON CITY,
(taxing entity)^Athe City Council
(governing body)^Bof the FORT LUPTON CITY
(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ \$437,890,230.00
assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ \$427,358,869.00
(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: _____ for budget/fiscal year 2026.
(no later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)**LEVY²****REVENUE²**

1. General Operating Expenses ^H	<u>36.852</u> mills	\$ <u>15,749,029.04</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< _____ > mills	\$ < <u>0.00</u> >
SUBTOTAL FOR GENERAL OPERATING:	<u>36.852</u> mills	\$ <u>15,749,029.04</u>
3. General Obligation Bonds and Interest ^J	<u>1.399</u> mills	\$ <u>597,875.06</u>
4. Contractual Obligations ^K	_____ mills	\$ <u>0.00</u>
5. Capital Expenditures ^L	_____ mills	\$ <u>0.00</u>
6. Refunds/Abatements ^M	_____ mills	\$ <u>0.00</u>
7. Other ^N (specify): <u>Recreation Center Voter Approved</u>	<u>4.68</u> mills	\$ <u>2,000,039.51</u>
	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>42.931</u> mills	\$ <u>18,346,943.61</u>

Contact person: _____ Daytime phone: _____
(print)

Signed: _____ Title: _____

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.

¹ If the *taxing entity's* boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).



SUBJECT FOR DISCUSSION

Approving the Payment of \$33,000.00 to Dwain Burkhart for Water Pipeline Facilities Easement for the Water Tower Project Water Main Connection, Located Along his Southern Property Line Parallel to Highway 52.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The forty-foot-wide easement gives the City of Fort Lupton the right to install, maintain, operate, and access the underground pipe. Located along the south property line of the property adjacent to Highway 52.

The associated Temporary Construction easement has also been executed by Duain Burkhart for an additional 20-feet wide work area.

Additionally, a 20-feet wide permanent easement to the west will encompass the existing water line.

An offer of \$33,000.00 was made and accepted. Payment of \$23,380.00 is due upon accepting of these easements.

FINANCIAL CONSIDERATIONS

Not Applicable.

LEGAL/POLITICAL CONSIDERATIONS

Not Applicable.

ALTERNATIVES/OPTIONS

- A. Approve the payment
- B. Do not approve
- C. Do nothing

STAFF RECOMMENDATIONS

City staff recommends approving the payment and accepting the easement agreement with Dwain Burkhart.

Attachments: a. Easement Dedication.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

WATER PIPELINE FACILITIES EASEMENT

1. **GRANT.** In consideration of the sum of Thirty Three Thousand Dollars (\$33,000) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **DWAIN BURKHARDT**, 850 S Hoover Ave , Fort Lupton, CO 80621 (the "Grantor") hereby grants to, and its successors and assigns the **CITY OF FORT LUPTON, COLORADO** (the "Grantee"), this Water Pipeline Facilities Easement (this "Easement") for the purposes described herein, situated in the County of Weld, State of Colorado, for the use and benefit of Grantee, and its employees, agents, licensees, invitees, contractors, and lessees. The permanent Easement shall be forty (40) feet in width and shall be located as depicted on Exhibit "A" ("Pipeline Improvements Easement Area"). Grantee may use up to an additional twenty (20) feet of adjacent land for the purpose of initial construction, installation, reclamation and reseeding operations (hereinafter referred to as the "Temporary Construction Easement") as depicted on Exhibit "B".

As part of the consideration paid herein by Grantee, Grantor grants and conveys to Grantee a non-exclusive permanent easement for the existing waterline previously constructed by Occidental Petroleum Corporation, formerly known as Anadarko Petroleum Corporation on the real property ("Installed Waterline Easement") as set forth on Exhibit "C" ("Installed Waterline Easement Area") All of the terms of this Easement shall apply to the Installed Waterline Easement except with regard to the provisions regarding installation and construction. The portion of the waterline installed Occidental Petroleum Corporation along County Road 31 within the Weld County Right-of-Way has been accepted by the Grantee and is owned and maintained by the Grantee.

2. **WATER PIPELINE USE.** This Easement may be used for the installation, construction, operation, maintenance, monitoring, repair, reconstruction replacement for repairs only, inspection, surveying, and removal, at any time and from time to time, of one underground water pipeline, with a diameter of twenty inches (20") or less, together with below-ground associated valving, valve sets, vaults, wiring, and all other improvements and appurtenances used or useable in connection with said water pipeline as may be necessary or convenient for the transmission of water, (collectively, the "Pipeline Improvements"), with the right to modify, improve, reconstruct, relocate, remove, and replace for repairs the Pipeline Improvements in whole or in part at any time and from time to time, on, over, under and across the premises described on the attached **Exhibit A** (the "Pipeline Improvements Easement Area"), subject to the Shared Use Restrictions set forth below, and to mark the location of the Pipeline Improvements by suitable markers set in or on the ground placed as closely as possible along the edge of the fields, fence lines or at the property boundaries; together with all the rights and privileges necessary or convenient for the full enjoyment of the above-mentioned purposes. The easement rights granted to Grantee hereunder include the rights of ingress and egress on, over and across the Pipeline Improvements Easement Area, and Installed Waterline Easement Area on foot or through use of such vehicles and equipment as Grantee deems appropriate for the activities and uses allowed under this Easement, together with the rights to maintain and improve the Pipeline Improvements Easement Area as needed. To accommodate said vehicles and equipment

Grantee shall bury the water pipeline to a minimum depth of forty-eight (48) inches below the surface of the ground measured from the top of the pipeline to the surface. No above-ground appurtenances shall be constructed on the Pipeline Improvements Easement Area.

3. **INSURANCE REQUIREMENT FOR ENTRY.** Grantor and Grantee agree that any contractors, subcontractors, or other third parties retained by Grantee to perform work or services within the Pipeline Improvements Easement Area shall maintain, at a minimum, general liability insurance and workers' compensation coverage in accordance with applicable law. Prior to entry onto the property, such contractors or subcontractors shall provide proof of valid insurance coverage to the other party upon request. Failure to maintain or provide such insurance may be grounds for denying entry or access to the Pipeline Easement Improvements Area. During the construction period, Grantee, its agents, contractors and subcontractor shall confine operations to the Pipeline Improvements Easement Area.
4. **NON-EXCLUSIVITY, PERPETUITY.** This Easement shall be non-exclusive (subject to the provisions of Sections 4 and 5 below) and perpetual, and shall run with the land, burdening all present and future owners.
5. **SHARED USE RESTRICTIONS.** Grantee reserves the right to use and occupy the Pipeline Improvements Easement Area as a municipal water distribution system with related and ancillary below-ground facilities (collectively, the "Grantee Facilities and Uses"), in a manner that will not pose a significant risk of damage to Grantor's property, or interfere with any of the rights and privileges herein granted to the Grantee. In connection with Grantor's use of this Easement, Grantor will: (i) collaborate with Grantee regarding the location of the Pipeline Improvements; (ii) provide Grantee with Grantor's written consent with respect to location and compatibility with then-existing Grantor Facilities and Uses, before commencing construction, such consent not to be unreasonably withheld or delayed; and (iii) otherwise make reasonable efforts not to interfere with, endanger or damage the Grantee Facilities and Uses (collectively, the "Shared Use Restrictions"). Notwithstanding anything herein to the contrary, Grantor will cooperate in good faith with Grantee to reasonably accommodate the Pipeline Improvements and otherwise allow the purpose and intent of this Easement to be fulfilled. Grantee agrees to install temporary fencing when necessary to prevent Grantor's livestock from entering the Pipeline Improvements Easement Area. Grantee also agrees to install a gate on the southwest corner of the subject property to allow access to the Easement.
6. **GRANTOR COVENANTS.** With respect to any Pipeline Improvements that have been constructed from time to time, unless prior written permission is granted by Grantee, neither Grantor nor its successors or assigns shall: i) erect or construct any building or other structure (including but not limited to mobile homes or travel trailers) on, over, under the Pipeline Improvements or otherwise in such a manner that might unreasonably interfere with the Pipeline Improvements; ii) block or unreasonably hinder Grantee's access to the Pipeline Improvements; iii) alter the grade of the ground surface or otherwise disturb the surface in a manner that will result in the removal of surface cover from underground Pipeline Improvements; iv) undertake or allow any action that might impair the lateral or subjacent support for the Pipeline Improvements; nor v) grant any easement, lease, license

or other interest purporting to grant another rights in contradiction of the foregoing. Notwithstanding anything to the contrary, nothing herein is intended to restrict Grantor's reasonable access to Colorado State Highway 52 and Grantor reserves the right to allow crossing over the Pipeline Improvements Easement Area and the Installed Waterline Easement.

Upon receipt of written notice from Grantee identifying material or property deemed by Grantee to interfere with the safe operation or maintenance of the Pipeline Improvements, Grantor shall remove the material or property within 30 days. If there is a failure to so remove the material within 30 days, Grantee may remove the material or property and collect the costs of such removal from Grantor.

During the three -year period immediately following execution of this Easement, Grantor must obtain Grantee's prior written consent before granting any subsequent easement encumbering the Pipeline Improvements Easement Area; and following said three-year period, Grantee must during the three-year period immediately following execution of this Easement, and (i) thereafter, before granting any subsequent, which consent must not unreasonably be withheld or delayed.

7. **GRANTOR WARRANTS.** Grantor warrants that: i) Grantor is the owner of the land on which this Easement is situated; ii) Grantor has full authority to grant this Easement; iii) the individual or individuals signing this Easement have full authority to execute this Easement on behalf of Grantor; and iv) the rights granted herein are subject only to easements of record and mineral rights of record in third parties.
8. **GRANTEE MAINTENANCE.** Grantee may at any time cut, remove, clear away, trim and control, by machinery or other non-chemical means, any and all trees, brush and shrubbery whether on the easement areas described herein, or adjacent thereto, which now or hereafter, in the sole and exclusive opinion of Grantee, may interfere with the safe construction, operation and maintenance of the Pipeline Improvements, after seven (7) days advance written notice to Grantor. Grantee may also use gates of Grantor's facility fences which now or might hereafter cross or be adjacent to the easement areas conveyed herein. Access of Grantee's easement area must be coordinated with Grantor's staff, but Grantee will have reasonable 24 hour per day, 7 day per week access. Grantee shall at all times exercise reasonable care and diligence to avoid damage to Grantor's real property, fences, and other personal property located on or adjacent to the Pipeline Improvements Easement Area. However, Grantee shall repair or pay for the reasonable costs of any and all damage to said real property, fences, and other personal property caused by Grantee, its employees, agents, licensees, invitees, contractors, or lessees while performing construction or maintenance work within the Water Pipeline Improvements Easement Area and Installed Waterline Easement Area. All disturbed ground surfaces will be restored to pre-construction condition, with verified establishment of grass.

9. **GRANTEE FACILITIES.** All Pipeline Improvements installed on, across, and under the Water Pipeline Easement Area at Grantee's expense, shall remain the property of Grantee, removable at the sole discretion of Grantee. This includes all water mains installed adjacent to and within existing Right-of-Way and on the property within this easement.
10. **RECLAMATION.** Grantee agrees to restore the lands and the contour of the surface disturbed during such operations as nearly as practicable to the condition that existed at the time immediately prior to construction and installation of the Pipeline(s). Grantee shall reseed the disturbed lands per the approved construction drawings. Grantee further agrees that, if within three years after construction, installation, or similar operations, any settling of the Easement or lands adjacent thereto occurs, including the Temporary Easement, Grantee shall make all necessary repairs at Grantee's sole cost and expense. Upon completion of the Pipeline installation and reclamation and reseeding, the Temporary Construction Easement shall terminate.
11. **MISCELLANEOUS.** The provisions of this Easement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the Grantor and Grantee. The rights, privileges, and obligations granted and created hereunder may be assigned, licensed or otherwise conveyed or transferred by Grantee in whole or in part. Grantee shall be entitled to all remedies at law or in equity to enforce the terms of this Easement or to recover damages for breach. If any provision of this Easement is held by a court of competent jurisdiction to be invalid or unenforceable or not run with the land, such holding shall not affect the validity or enforceability of the remainder of this Easement. The headings and captions in this Easement are used for convenience only and shall not be construed to affect its meaning.
12. **COMPLETE AGREEMENT.** This Agreement, and the exhibits hereto, shall constitute the entire agreement between the parties with respect to the subject matter hereof, and there are no agreements, representations or warranties other than as set forth herein. This Grant cannot be modified, except by an instrument in writing executed by Grantor and an authorized representative of Grantee.
13. **SEVERABILITY.** In the event any portion of this Agreement is held to be unenforceable, the unenforceable portion of this Agreement will be deleted and the remaining provisions of the Agreement shall continue in full force and effect.
14. **GOVERNING LAW.** Grantee agrees to comply with all local, state and federal laws in its use of easement under this Agreement. This Agreement shall be governed by the laws of the State of Colorado. All parties agree that any dispute regarding enforcement of this Agreement shall be filed in Weld County District Court after first attempting in good faith to submit the dispute to mediation. Submission of any dispute to mediation shall be a condition precedent to filing litigation in this matter, other than the request for injunctive relief.

- 15. OSHA REQUIREMENTS.** Grantee agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Grantee shall at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Grantee acknowledges and agrees that with respect to the use of this easement, it shall comply with all obligations and assume all responsibilities imposed upon the Grantee as such term is defined and construed under all OSHA rules and regulations. The Grantee shall adhere to all federal, state and local safety and health regulations, laws and ordinances.
- 16. NO WAIVER OF GOVERNMENTAL IMMUNITY.** The Grantee, its elected officials, officers and employees are relying upon, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the Grantee. Nothing herein shall operate as a waiver of any right the Grantee has of governmental immunity under Colorado law which is specifically herein reserved.
- 17. INDEMNIFICATION BY GRANTEE.** Subject to the protections and limitations afforded by the Colorado Governmental Immunity Act, Grantee shall defend, indemnify and hold the Grantor harmless from any damages, including but not limited to any loss, liability, expenses, suit or claim, or claim for injury to persons or damage to property arising out of the activities of Grantee or its contractors pursuant to this Agreement. The indemnification obligations stated herein shall include the access to, use and maintenance of the City's water line as depicted on Exhibit C.

18. APPROVAL OF COUNCIL. This Agreement is subject to the approval of the Fort Lupton City Council.

GRANTOR:

By: _____
Name: Dwain Burkhardt
Title: Property Owner

ACKNOWLEDGMENT

STATE OF)
) ss:
COUNTY OF)

The foregoing instrument was acknowledged before me on _____,
20____, by Dwain Burkhardt.

(Notarial Seal)

Notary Public

My commission expires: _____

GRANTEE:

By: _____
Name: Chris Ceretto
Title: Mayor

EXHIBIT A

(1 of 2)

PROPERTY DESCRIPTION

A strip of land, Forty (40) feet in width, being part of the Northeast Quarter (NE1/4) of Section Three (3), Township One North (T.1N.), 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:

The North Forty (40) feet of the South Ninety (90) feet of the Northeast Quarter (NE1/4) of said Section 3 lying between that parcel of land described in that Special Warranty Deed recorded March 18, 2022 as Reception No. 4811294 of the records of the Weld County Clerk and Recorder and Lot 1, Patterson Amended Plat, recorded November 8, 2017 as Reception No. 4351083 of the records of the Weld County Clerk and Recorder.

Said described strip of land contains 56,727 sq. ft. or 1.302 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described strip of land.

SURVEYORS STATEMENT

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.

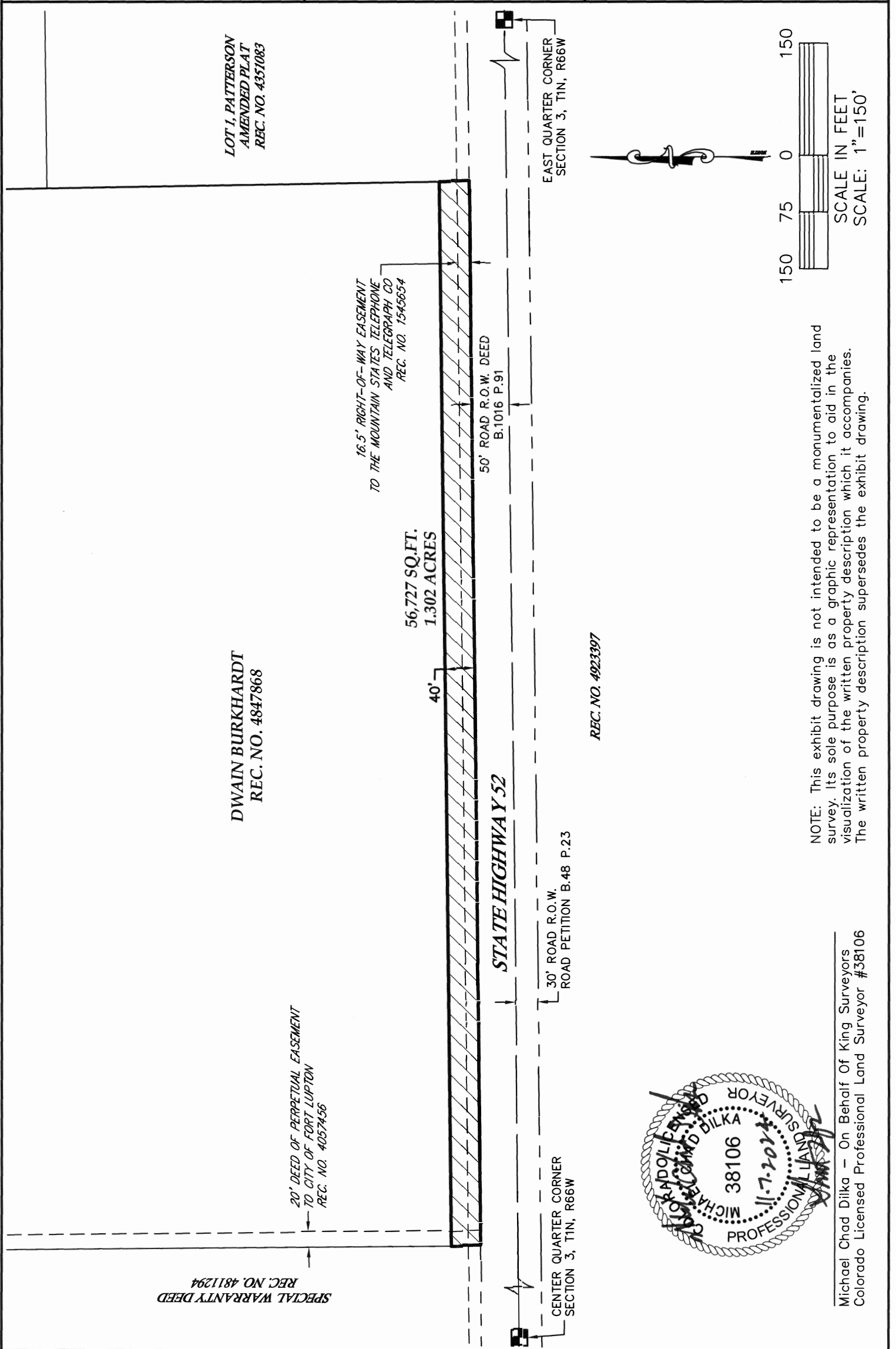


Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS

650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20240030



NOTE: This exhibit drawing is not intended to be a monumentalized land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

EXHIBIT B
Temporary Easement
(1 of 2)
PROPERTY DESCRIPTION

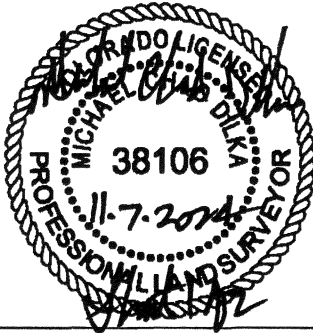
A strip of land, Twenty (20) feet in width, being part of the Northeast Quarter (NE1/4) of Section Three (3), Township One North (T.1N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado, and being more particularly described as follows:

The North Twenty (20) feet of the South One Hundred Ten (110) feet of the Northeast Quarter (NE1/4) of said Section 3 lying between that parcel of land described in that Special Warranty Deed recorded March 18, 2022 as Reception No. 4811294 of the records of the Weld County Clerk and Recorder and Lot 1, Patterson Amended Plat, recorded November 8, 2017 as Reception No. 4351083 of the records of the Weld County Clerk and Recorder.

Said described strip of land contains 28,359 sq. ft. or 0.651 acre, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described strip of land.

SURVEYORS STATEMENT

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20240030

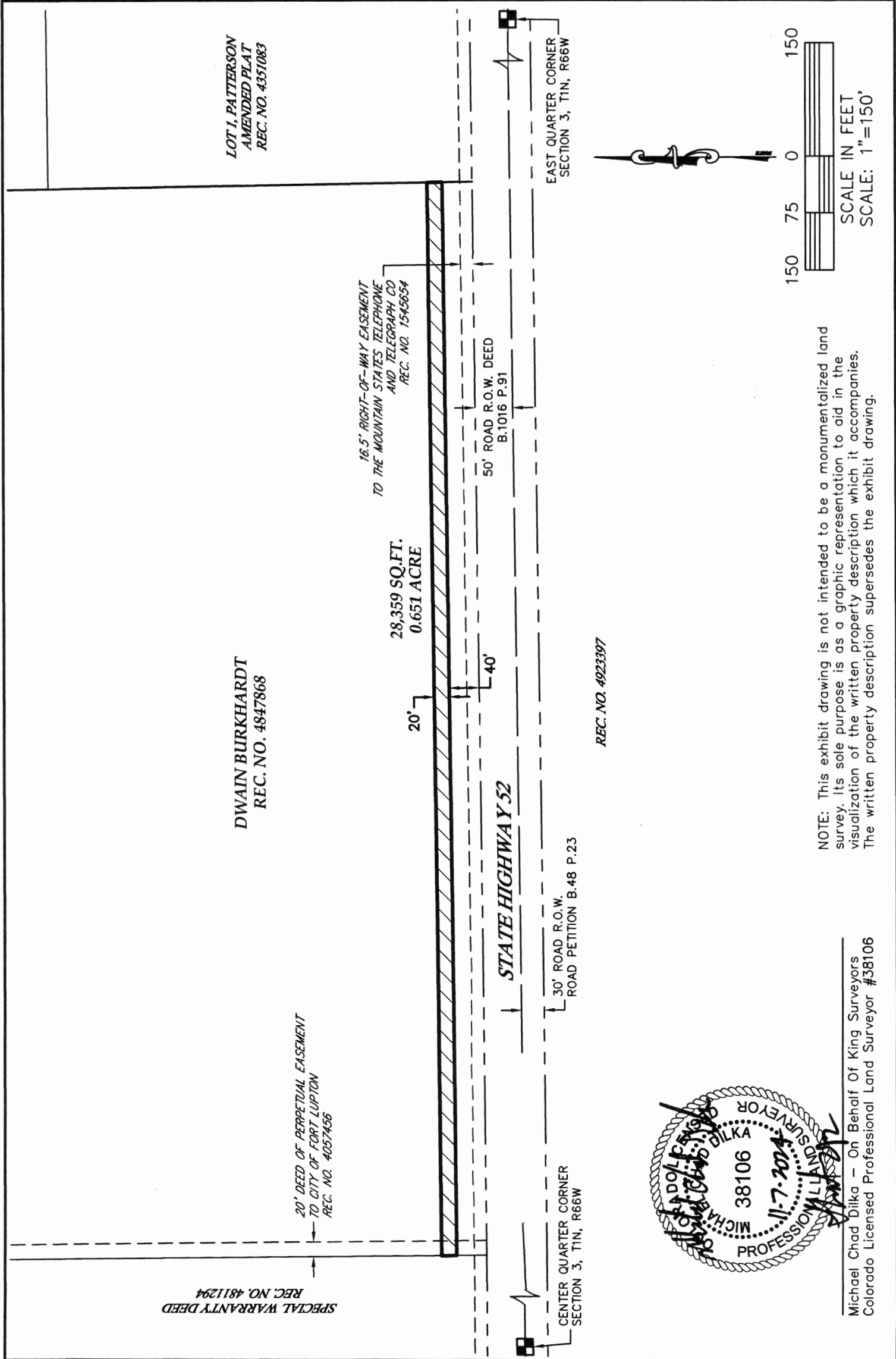


EXHIBIT "C"

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

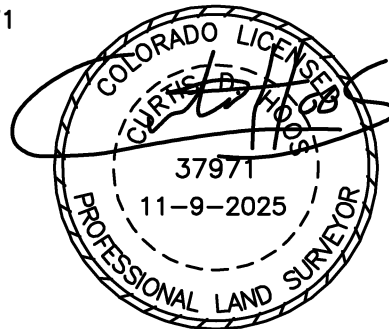
CONSIDERING THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 TO BEAR NORTH 00°16'32" WEST, BEING MONUMENTED ON THE NORTH END BY A 3/4" REBAR WITH 2 1/2" ALUMINUM CAP, PLS 22097, AND ON THE SOUTH END BY A 2" ALUMINUM CAP, PLS 25937 IN MONUMENT BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE NORTH 23°57'31" EAST, A DISTANCE OF 73.09 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 31 AND THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 52, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°20'55" EAST, A DISTANCE OF 227.14 FEET; THENCE SOUTH 87°58'44" EAST, A DISTANCE OF 214.49 FEET; THENCE NORTH

89°11'09" EAST, A DISTANCE OF 175.69 FEET; THENCE SOUTH 00°39'05" EAST, A DISTANCE OF 6.93 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 52; THENCE NORTH 89°20'48" EAST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°39'05" WEST, A DISTANCE OF 6.98 FEET; THENCE NORTH 89°11'09" EAST, A DISTANCE OF 1167.89 FEET; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 14.35 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 52; THENCE NORTH 89°20'48" EAST, COINCIDENT WITH SAID RIGHT-WAY LINE, A DISTANCE OF 27.97 FEET; THENCE NORTH 45°00'00" WEST, A DISTANCE OF 42.35 FEET; THENCE SOUTH 89°11'09" WEST, A DISTANCE OF 1371.54 FEET; THENCE NORTH 87°58'44" WEST, A DISTANCE OF 214.46 FEET; THENCE SOUTH 89°20'55" WEST, A DISTANCE OF 227.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 31; THENCE SOUTH 00°16'32" EAST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE TRUE POINT OF BEGINNING

SAID PARCEL CONTAINS 36,893 SQUARE FEET OR 0.85 ACRES, MORE OR LESS

PREPARED BY: CURTIS D. HOOS, PLS 37971
FOR AND ON BEHALF OF:
AMERICAN WEST LAND SURVEYING CO.
BRIGHTON, CO 80601



NOTE: THIS DRAWING IS MEANT TO DEPICT THE ATTACHED DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

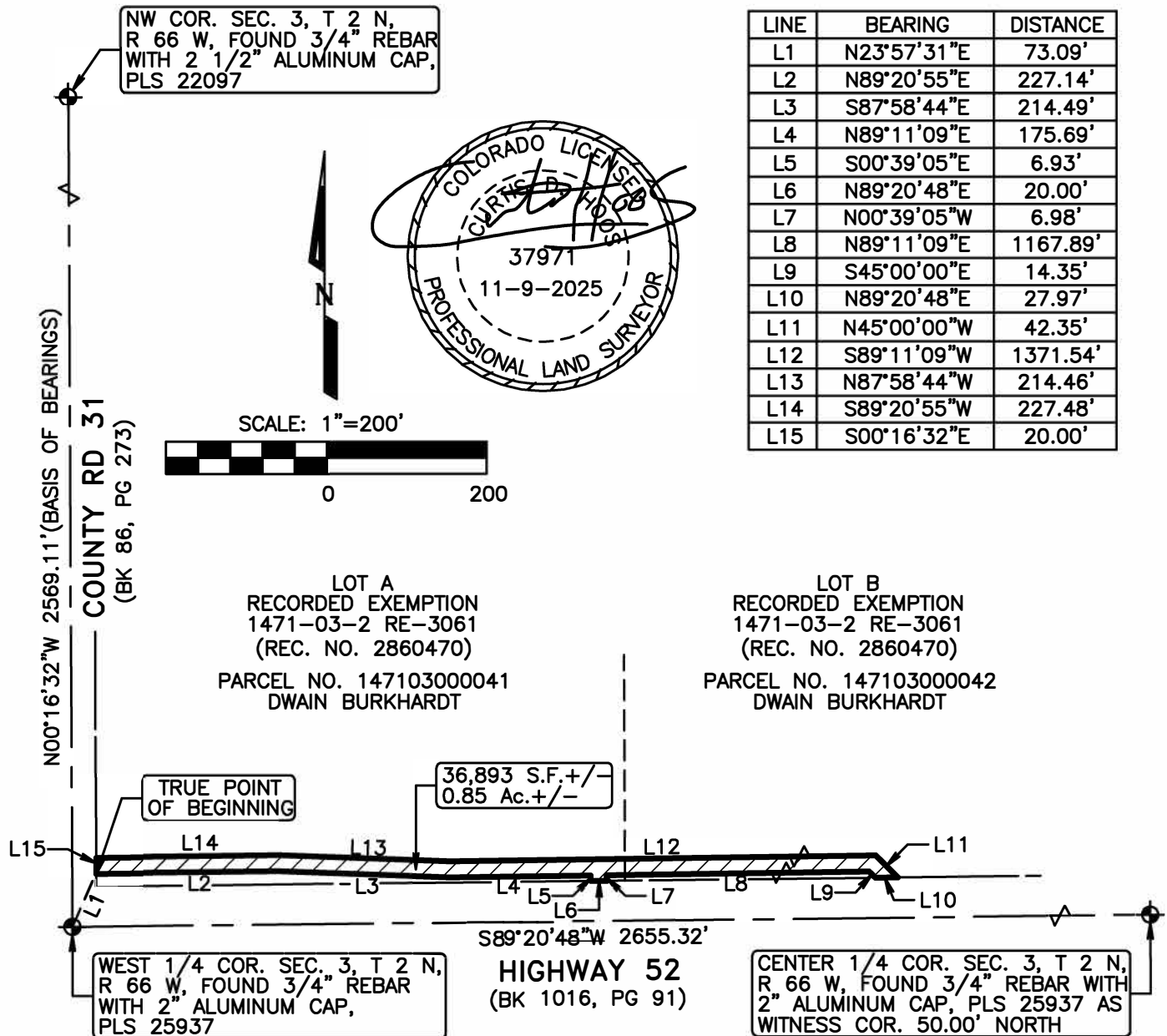
PARCEL NO. 147103000041
PARCEL NO. 147103000042
DWAINE BURKHARDT

DRAWN BY: CDH
FIELD: CDH
NOV 9, 2025
PAGE 1 OF 2



PO Box 129, Brighton, CO 80601 * P 303-659-1532 F 303-655-0575 * AMWESTLS.COM

EXHIBIT "C"



NOTE: THIS DRAWING IS MEANT TO DEPICT THE ATTACHED DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

PARCEL NO. 147103000041
PARCEL NO. 147103000042
DWAIN BURKHARDT

DRAWN BY: CDH

FIELD: CDH

NOV 10, 2025

PAGE 2 OF 2



PO Box 129, Brighton, CO 80601 * P 303-659-1532 F 303-655-0575 * AMWESTLS.COM



SUBJECT FOR DISCUSSION

Declaring Four Fleet Vehicles Surplus and Authorizing the City to Sell the Vehicles.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

As part of the Police Department's (PD) 2025 Capital Projects, the PD purchased four new fleet vehicles to replace aging fleet vehicles.

The PD is requesting the following fleet vehicles be declared surplus:

2016 Chevy Tahoe 1GNSKFECXGR228982
2020 Ford Explorer 1FM5K8AB8LGA71467
2020 Ford Explorer 1FM5K8AB0LGA95360
2020 Chevy Tahoe 1GNSKFEC7LR284341

The PD is requesting that the City be authorized to sell the surplus fleet vehicles.

FINANCIAL CONSIDERATIONS

LEGAL/POLITICAL CONSIDERATIONS

ALTERNATIVES/OPTIONS

No reasonable alternatives available due to vehicle age, mileage, and/or condition.

STAFF RECOMMENDATIONS

Staff recommends declaring the fleet vehicles surplus and authorizing the City to sell.

Attachments: N/A

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date



SUBJECT FOR DISCUSSION

Approving a Resolution Appointing Bruce Fitzgerald as Treasurer for the City of Fort Lupton for a Two (2) Year Term

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Colorado Revised Statutes Section 31-4-103 authorizes statutory cities to appoint a City Treasurer. Section 2-51 of the Fort Lupton Municipal Code ("Code") provides for the appointment of the City Treasurer by the City Council for a two (2) year term. The City Treasurer shall have the powers and duties as set forth in Section 4-11 of the Municipal Code.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

N/A

STAFF RECOMMENDATIONS

Attachments: a. Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION APPOINTING BRUCE FITZGERALD AS CITY TREASURER FOR THE CITY OF FORT LUPTON, FOR A TWO (2) YEAR TERM

WHEREAS, Section 31-4-107 C.R.S. authorizes statutory cities to appoint a City Treasurer; and

WHEREAS, Section 2-51 of the Fort Lupton Municipal Code (“Code”) provides for the appointment of the City Treasurer by the City Council for a two (2) year term; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON AS FOLLOWS:

Bruce Fitzgerald is hereby appointed as City Treasurer for the City of Fort Lupton, Colorado, for a two (2) year term and shall have the powers and duties as set forth in Section 4-11 of the Municipal Code.

APPROVED AND PASSED BY MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2ND DAY OF DECEMBER 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approving a Resolution Appointing Claud Hanes as Mayor Pro Tem for the City of Fort Lupton for a Two (2) Year Term

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Colorado Revised Statutes Section 31-4-103 authorizes statutory cities to appoint a Mayor Pro Tem. Section 2-23 and 2-51 of the Fort Lupton Municipal Code provides for the appointment of the Mayor Pro Tem by the City Council for a two (2) year term. The Mayor Pro Tem shall, in the absence of the Mayor from any meeting of the City Council or during the absence of the Mayor from the City or the inability to act, perform the duties of the Mayor.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

N/A

STAFF RECOMMENDATIONS

Attachments: a. Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION APPOINTING CLAUD HANES AS MAYOR PRO TEM FOR THE CITY OF FORT LUPTON FOR A TWO (2) YEAR TERM

WHEREAS, Section 31-4-103 C.R.S authorizes statutory cities to appoint a Mayor Pro Tem; and

WHEREAS, Sections 2-23 and 2-51 of the Fort Lupton Municipal Code provides for the appointment of the Mayor Pro Tem by the City Council for a two (2) year term; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON AS FOLLOWS:

Claud Hanes is hereby appointed as Mayor Pro Tem for the City of Fort Lupton, Colorado, and shall act as Mayor in the Mayor's absence from the City or if for any reason is temporarily unable to perform the duties of his office.

APPROVED AND PASSED BY MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2ND DAY OF DECEMBER 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approving a Resolution Declaring a Vacancy and Establishing the Appointment Process for Which to Fill the Vacancy for Ward II

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The proposed Resolution declares a vacancy for Ward III and describes the vacancy to be filled by appointment. At the November 4, 2025, Election, Councilmember Chris Ceretto was elected as Mayor. Due to Councilmember Ceretto's election to Mayor, the City only has one Councilmember in Ward II.

The resolution establishes the appointment process to fill the vacancy. Applications will be available at the City Clerk's office beginning December 2, 2025. The deadline to submit an application shall be December 31, 2025, at 5:00 P.M. Applicants qualified as to age, registered voter and residency in Ward II will be interviewed by City Council, on Tuesday, January 13, 2025, and an appointment will be made at the Council meeting on January 20, 2025.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

ALTERNATIVES/OPTIONS

STAFF RECOMMENDATIONS

Staff seeks recommendation.

Attachments: a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION 2025Rxxx

A RESOLUTION DECLARING A VACANCY IN WARD II AND ESTABLISHING THE APPOINTMENT PROCESS TO FILL THE VACANCY FOR A TERM ENDING NOVEMBER 2027

WHEREAS, the Fort Lupton City Council, pursuant to Colorado statute, is vested with the authority of administering the affairs of the City of Fort Lupton; and

WHEREAS, at the November 4, 2025, Election, Councilmember Chris Ceretto was elected to the Mayor position, leaving a vacancy in Ward II; and

WHEREAS, C.R.S. 31-4-106, states that if a vacancy occurs in the office of councilman because of death, resignation or removal or for any other reason, the vacancy shall be filled by appointment by a majority vote of the City Council or by election as provided in C.R.S. 31-4-108(2)(b); and

WHEREAS, the City Council of the City of Fort Lupton, desires the appointment process as the process of choice; and

WHEREAS, the City Clerk shall make public notice the City Council is seeking applications from interested, qualified citizens within Ward II by December 3, 2025; and

WHEREAS, the deadline to submit an application shall be December 31, 2025 at 5:00 P.M.; and

WHEREAS, interviews of such applicants will be held at the January 13, 2026, Town Hall meeting; and

WHEREAS, the qualified applicant will be appointed at the January 20, 2026, City Council meeting and will be filled until the next regular election, which will be held on November 2, 2027.

NOW, THEREFORE, BE IT RESOLVED by the City of Fort Lupton City Council, a vacancy has occurred by resignation in Ward II and whereas the City of Fort Lupton City Council desires the appointment process to be interviewing qualified applicants at the January 13, 2026, Town Hall meeting and whereas the qualified applicant will be appointed at the January 20, 2026, City Council meeting and will serve the term of Councilmember until the next election, to be held on November 2, 2027.

**APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL
THIS 2ND DAY OF DECEMBER 2025.**

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approving a Resolution Ratifying the Mayor's Appointment of Evelyn Garcia to the Fort Lupton Public and School Library Board as a Trustee for a Term Beginning January 1, 2026 and Ending December 31, 2029

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Per the Intergovernmental Agreement, executed November 18, 2013, between the City of Fort Lupton and the Weld County School District Re-8, three (3) trustees shall be appointed by the City Council and three (3) trustees shall be appointed by the School Board. Each board member's term shall not exceed four (4) years and no board member may serve more than two (2) consecutive terms.

All voting members of advisory committees shall live within one of the following zones: school district, fire district, or Fort Lupton zip code.

With Gerri Holton's term to expire on December 31, 2025, one vacancy will become available. The Fort Lupton Public Library received five (5) applications from qualified applicants. Evelyn Garcia has been selected to fill the four (4) year position. This will be her first term.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

1. Deny the applications and seek additional qualified applicants.

STAFF RECOMMENDATIONS

Staff seeks recommendation.

Attachments: a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION 2025Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE MAYOR'S APPOINTMENT OF EVELYN GARCIA TO THE FORT LUPTON PUBLIC AND SCHOOL LIBRARY BOARD FOR A TERM BEGINNING JANUARY 1, 2026 AND ENDING DECEMBER 31, 2029

WHEREAS, Evelyn Garcia has submitted an application for the Mayor to consider appointment to the Fort Lupton Public and School Library Board; and

WHEREAS, per the Intergovernmental Agreement executed November 18, 2013, three (3) trustees shall be appointed by the City Council; and

WHEREAS, each board member's term shall not exceed four (4) years and no board member may serve more than two (2) consecutive terms; and

WHEREAS, this will be Evelyn Garcia's first term.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby ratifies the Mayor's appointment of Evelyn Garcia to the Fort Lupton Public and School Library Board for a term beginning January 1, 2026 and ending December 31, 2029.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2ND DAY OF DECEMBER 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approve Amendment No. 1 to the Twenty First Interim Agreement with Northern Colorado Water Conservancy District (NCWCD) for the Northern Integrated Supply Plan (NISP).

SUMMARY STATEMENT/BACKGROUND DISCUSSION

This is the Twenty First Interim agreement between the twelve municipalities and three water districts and NCWCD to design and build a 40,000 acre-feet water system consisting of two reservoirs, a distribution system and relocation of highway 287 north of Fort Collins.

On December 9, 2022, NCWCD received the Army Corp of Engineers record of decision on the final environmental impact study when the 404 Permit was issued authorizing fill and discharge associated with the NISP project. This completed phase 3 of the project.

NCWCD is currently working on phases 3A, 5-8.

- Phase 3A Compliance with National Environmental Policy Act, field work, modeling and design related activities
- Phase 5 Geotechnical Investigation for Glade Reservoir and Highway 287 Relocation Design
- Phase 6 Conveyance Delivery
- Phase 7 Allotment Contracts
- Phase 8 Pipeline Construction

FINANCIAL CONSIDERATIONS

No payment is due. Unspent funds contributed by participants in 2025 will be retained and used to cover expenditures through April 30, 2026.

If the next agreement effective after April 30, 2026 requires participant funding the Water Sales Tax Fund has \$784,875 budgeted for NISP in 2026.

LEGAL/POLITICAL CONSIDERATIONS

The attorneys for the participants have been working on an allotment contract. Currently, the only documents governing the project is the 21st interim agreements.

ALTERNATIVES/OPTIONS

1. Stop participating in the project. Do not make the 2025 contribution
2. Sell shares to lower the City's participation level.

STAFF RECOMMENDATIONS

Approve Amendment No. 1 to the 21st Interim Agreement

Attachments: a. Amendment No. 1 Twenty First Interim Agreement

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

AMENDMENT NO. 1 TO
TWENTY-FIRST INTERIM AGREEMENT WITH THE
NORTHERN INTEGRATED SUPPLY PROJECT WATER ACTIVITY ENTERPRISE
FOR PARTICIPATION IN THE
NORTHERN INTEGRATED SUPPLY PROJECT

This Amendment No. 1 (“Amendment”), dated this _____ day of _____, 2025, modifies the Twenty-First Interim Agreement with the Northern Integrated Supply Project Water Activity Enterprise for Participation in the Northern Integrated Supply Project between the Northern Integrated Supply Project Water Activity Enterprise, a government-owned business within the meaning of Article X, § 20(2)(d) of the Colorado Constitution, organized pursuant to C.R.S. §§ 37-45.1-101 et seq., owned by the Northern Colorado Water Conservancy District, and whose address is 220 Water Avenue, Berthoud, Colorado 80513 (the "NISP Enterprise"), and the City of Fort Lupton Utility Enterprise, whose address is 130 South McKinley Avenue, Fort Lupton, CO 80621-0148 (“Participant”), dated December 30, 2024, (“Agreement”). All provisions of the Agreement not specifically modified in this Amendment No. 1 shall remain in full force and effect in accordance with their terms.

The Agreement is modified as described below.

- I. Funds provided by Participant to NISP Enterprise pursuant to the Agreement for work on Phases 3A, 5, 6, 7 and 8 of the Project (as defined in the Agreement) for 2025 that are unspent as of December 31, 2025, may be retained and spent by NISP Enterprise on costs to continue the pursuit of Phases 3A, 5, 6, 7, and 8 up to April 30, 2026 without a new interim agreement. NISP Enterprise shall not use such funds for any purposes unrelated to Phases 3A, 5, 6, 7 and 8 of the Project without the prior written consent of Participant.

IN WITNESS WHEREOF, NISP Enterprise and Participant have executed this Amendment No. 1 on the date first set out above.

CITY OF FORT LUPTON UTILITY ENTERPRISE

By: _____

Name: _____

Title: _____

THE NORTHERN INTEGRATED SUPPLY PROJECT WATER ACTIVITY
ENTERPRISE

By: _____
Bradley D. Wind, P.E.
General Manager



SUBJECT FOR DISCUSSION

Approving a Resolution Ratifying the Extension of the one percent (1%) Water Sales and Use Tax
Approved by the Electors at the November 4, 2025 Coordinated Election

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The voters approved Ballot Issue 2C extending the water sales and use tax of one percent (1%) to January 1, 2047.

City of Fort Lupton Ballot Issue 2C

WITHOUT INCREASING ANY TAX RATE OR IMPOSING ANY NEW TAX, SHALL THE CITY OF FORT LUPTON SALES AND USE TAX OF 1% DEDICATED TO WATER PURPOSES FOR THE WATER ACQUISITION AND IMPROVEMENT FUND, APPROVED BY THE VOTERS IN 1991 AND EXTENDED IN 2005, WHICH IS SCHEDULED TO EXPIRE ON JANUARY 1, 2027, BE EXTENDED TO JANUARY 1, 2047, AND SHALL THIS FUND BE USED SOLELY FOR THE PURPOSE OF ACQUIRING, CONVEYING AND TREATING WATER, AND FOR THE CONSTRUCTION OF INFRASTRUCTURE, IMPROVEMENTS, AND PAYMENT OF ANY RELATED DEBT; SHALL APPLICABLE PROVISIONS OF THE CITY CODE BE AMENDED BY ORDINANCE OF THE CITY COUNCIL CONSISTENT WITH THIS BALLOT ISSUE AND SHALL SUCH TAX REVENUES AND ANY INTEREST THEREON BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND NOTWITHSTANDING ANY REVENUE EXPENDITURE LIMIT CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

On November 4, 2025, the voters elected to extend this tax for 20 years to continue the water sales tax.

After approval in November, the City needs to ratify the vote of the citizenry to reflect the extension of the water sales and use tax. No Code section exists that needs to be amended as the overall water sales tax is stated correctly in the Code and does not need to be changed.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

ALTERNATIVES/OPTIONS

N/A

STAFF RECOMMENDATIONS

Staff seeks approval.

Attachments: a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, RATIFYING THE EXTENSION OF THE ONE PERCENT (1%) WATER SALES AND USE TAX AS APPROVED BY THE ELECTORS AT THE NOVEMBER 4, 2025 COORDINATED ELECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO AS FOLLOWS:

Section 1. This one percent (1%) Water Sales and Use Tax extension approved and made part of the Fort Lupton Code by a referendum of the registered electors of the City on November 4, 2025, for a period of twenty years ending January 1, 2047. The extension is hereby recognized and ratified by this Council.

Section 2. Any resolution, code section, communication to the Colorado State Director of Revenue, or executive or administrative provision of the City of Fort Lupton shall be amended to change the termination of this tax from January 1, 2027 to January 1, 2047.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 2nd DAY OF DECEMBER 2025.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



SUBJECT FOR DISCUSSION

Approving the Mayor's Signature for a Grant of Easement to United Power for Electrical and Communications Facilities Located Adjacent to Existing Right of Way for College Avenue at the New City Hall site.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The twenty by twenty-foot easement provides United Power the right to construct, maintain, operate, and access its facilities along the east side of College Avenue in the southwest corner of the City Hall site. The purpose of this easement is for placing the electrical service to the new City Hall facility.

The legal descriptions are included as Exhibit A of the agreement.

FINANCIAL CONSIDERATIONS

Not Applicable.

LEGAL/POLITICAL CONSIDERATIONS

Not Applicable.

ALTERNATIVES/OPTIONS

- A. Approve the Mayor's signature
- B. Do not approve
- C. Do nothing

STAFF RECOMMENDATIONS

City staff recommends approving the Mayor's signature and executing the easement agreement with United Power required for electrical service to the new City Hall facility.

Attachments:

- a. Grant of Easement.
- b. United Power Work Order Design Plans

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

GRANT OF EASEMENT

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

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

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

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

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

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

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

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

Grantor shall defend, indemnify and hold harmless Grantee, its affiliates and the officers, directors, employees and agents of both, from any and all claims for personal injury to Grantee's personnel or damage to Grantee's property or to the property of Grantee's personnel occurring as a result of Grantor's actions, howsoever caused.

Grantee shall defend, indemnify and hold harmless Grantor, its affiliates and the officers, directors, employees and agents of both, from any and all claims for personal injury to Grantor's personnel or damage to Grantor's property or to the property of Grantor's personnel, occurring as a result of Grantee's activities described herein, howsoever caused.

The venue for any dispute arising from this Grant of Easement shall be in the courts of _____ County, Colorado.

Unless special provisions are listed below and/or attached, the above constitutes the entire agreement between the parties and no additional or different oral representation; promise or agreement shall be binding on any of the parties with respect to the subject matter of this Grant of Easement.

SIGNED AND SEALED BY GRANTOR this ____ day of _____, 2025.

GRANTOR:
CITY OF FORT LUPTON

BY: _____

ITS:

STATE OF COLORADO _____)
)
COUNTY OF WELD _____)

ACKNOWLEDGMENT

This record was acknowledged before me on _____, 2025
by _____ as _____ of
_____) .

(Notary's official signature)

(Commission Expiration)



JR ENGINEERING

EXHIBIT A

ELECTRIC EASEMENT

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1, AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT RECORDED UNDER RECEPTION NO. 3667542 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "22097" AT THE NORTH END AND A 3-1/4" ALUMINUM CAP STAMPED "13155" AT THE SOUTH END, SAID LINE BEARING S00°14'31"W AS SHOWN ON SAID AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4;

THENCE ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, S00°14'31"W A DISTANCE OF 327.49 FEET;

THENCE DEPARTING SAID WEST LINE, S89°45'29"E A DISTANCE OF 70.00 FEET, TO A POINT ON THE EASTERLY LINE OF A UNITED POWER EASEMENT RECORDED UNDER RECEPTION NO. 3667542 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID EASTERLY EASEMENT LINE, THE FOLLOWING THREE (3) COURSES:

1. S89°45'29"E A DISTANCE OF 20.00 FEET;
2. S00°14'31"W A DISTANCE OF 20.00 FEET;
3. N89°45'29"W A DISTANCE OF 20.00 FEET, TO A POINT ON THE EASTERLY LINE OF SAID UNITED POWER EASEMENT;

THENCE ON SAID EASTERLY EASEMENT LINE, N00°14'31"E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 400 SQUARE FEET OR 0.0092 ACRES.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

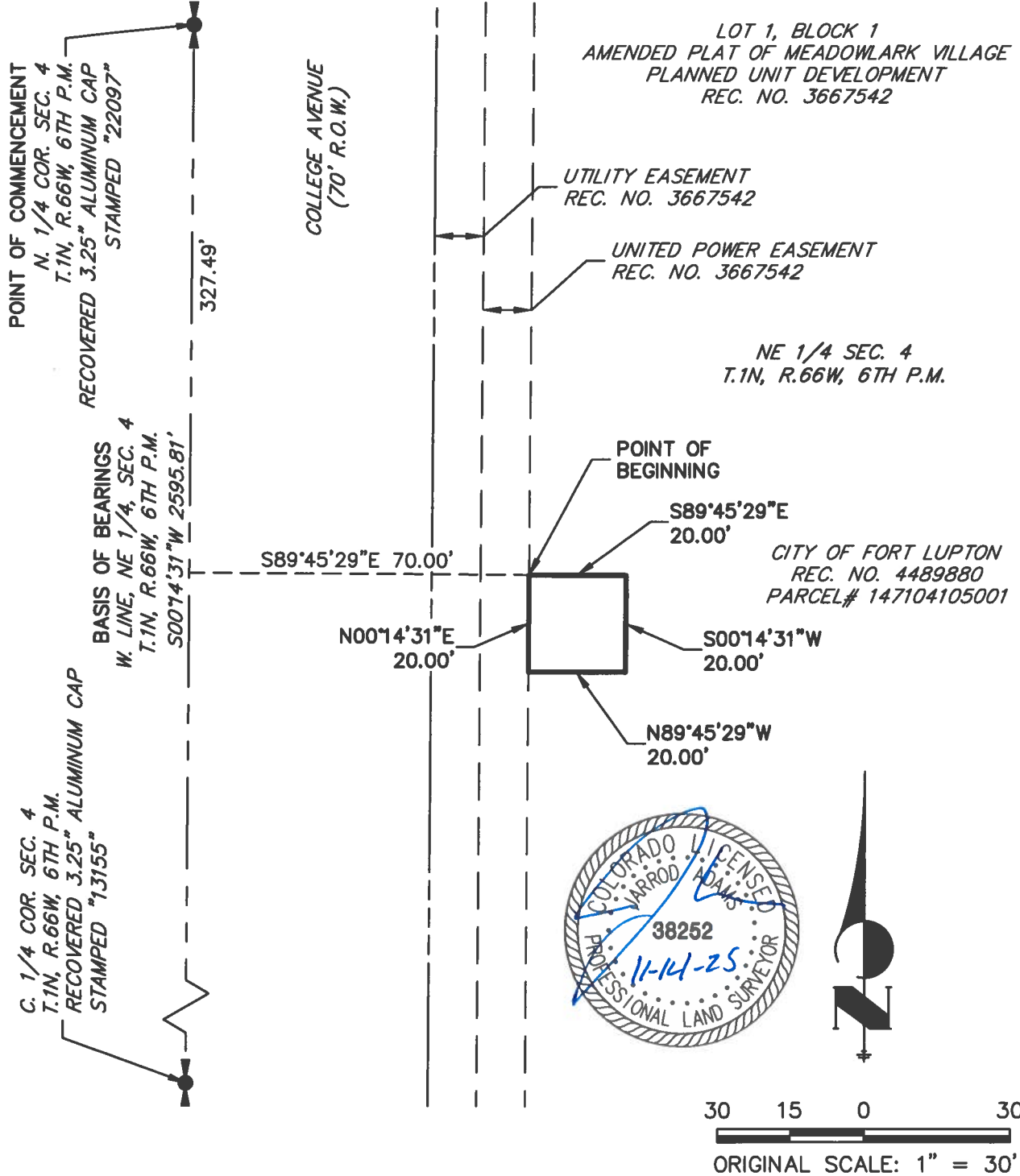
PROPERTY DESCRIPTION STATEMENT

I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING, LLC



EXHIBIT A



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

ELECTRIC EASEMENT
PROJECT NO.: 16152.66
DATE: 11/14/25

SHEET: 2 OF 2



J-R ENGINEERING

A Westrian Company

Centennial 303-740-0888 • Colorado Springs 719-583-2583
Fort Collins 970-491-8888 • www.jrengineering.com



Your Touchstone Energy® Cooperative

Proj Coord: **Samuel Wilson**

PC Cell: **303-637-1345**

Designed By: **Curtis Gordon**

Designer Cell: **970-371-8281**

Design Comp Date: **10/2/2025**

Revised By:

Date:

ROW Agent: **Zayda Vargas**

Const. Coord:

CC Cell:

Sub/Circuit/Phase: **ABC**

Right of Way (All): ☒

Spec. Equipment: ☐

Primary/CT Metering: ☐

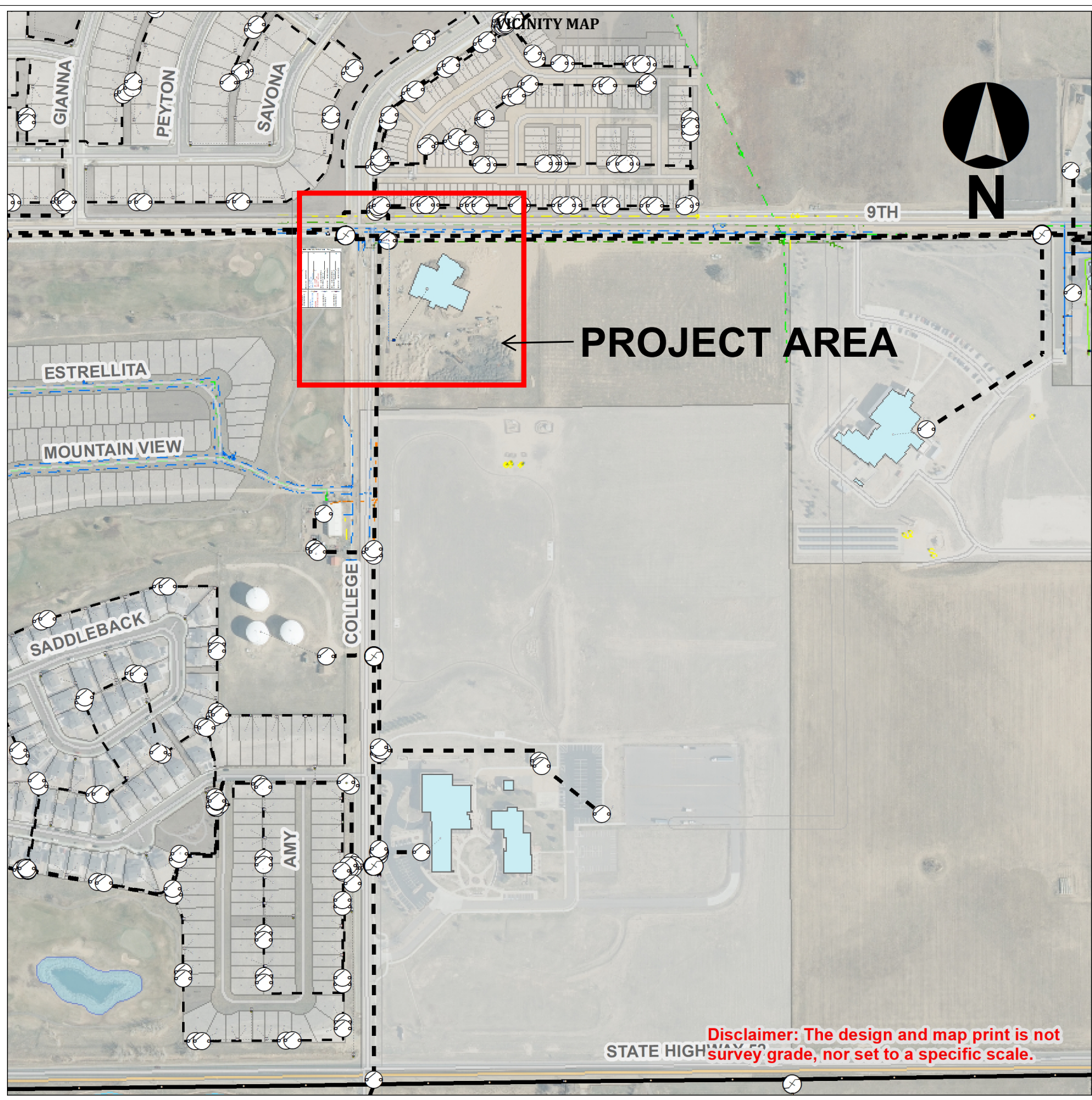
Locates Req'd: ☐

Work Order: **202507026**

Service Order: **2025037355**

Project Name:

Description: **CITY OF FT LUPTON/NEW CITY HALL**



Equipment Loc: **46042752004**

Service Loc: **4604**

Contact Ph: **303-857-6694**

Svc Address: **2500 9TH ST**

City: **FORT LUPTON**

County: **WELD**

Sec/Twn/Rng: **4 1N 66W**

Conductor Summary						
Conductor Size	Status	Placement	Type	# Wires	Span (Ft)	Total
UP 1/0 EPR C	New	UG	PRIMARY	3	345	1125
UP 4/0 EPR C	New	UG	PRIMARY	3	35	195
UP 4/0 EPR	Retired	UG	PRIMARY	3	33	99

Bore/Trench Summary		

COMMENTS

Inspection By:

Reviewed/Approved By:

Date:

Date:

Construction By:

Date:

Date:

COVERSHEET

10/3/2025

Page 1 of 1



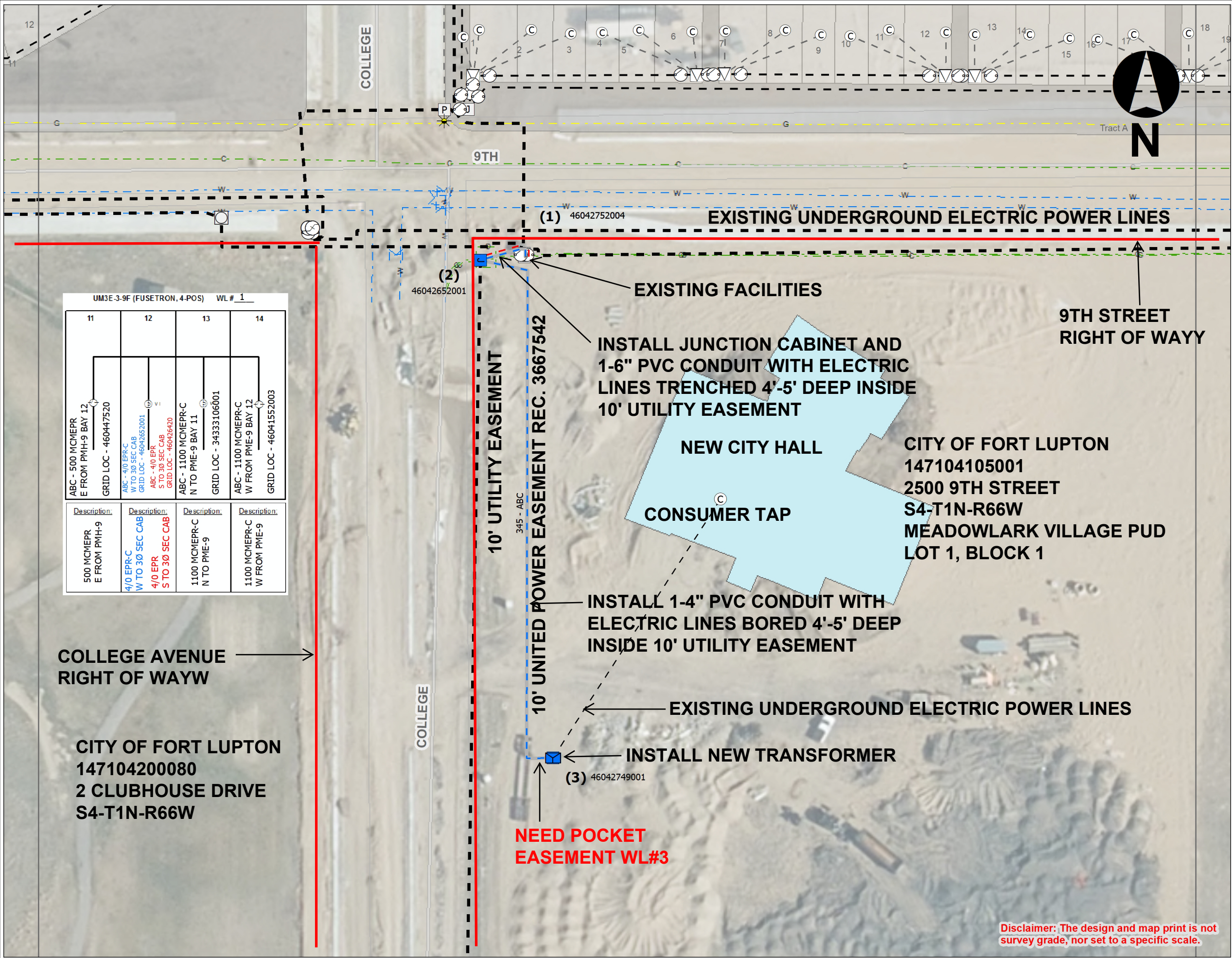
Your Touchstone Energy® Cooperative

Work Order:	202507026
Service Order:	2025037355
Project Name:	
Description:	CITY OF FT LUPTON/NEW CITY HALL
Service Loc:	4604
Customer:	CITY OF FT LUPTON
Svc Address:	2500 9TH ST
City:	FORT LUPTON
County:	WELD

Proj Coordinator:	Samuel Wilson
PC Cell:	303-637-1345
Designer:	Curtis Gordon
Designer Cell:	970-371-8281
Design Comp Date:	10/02/2025

Legend	
STRUCTURES	DEVICES
Poles	Switches
Junction Cab	Fuses
Pedestal	Regulators
Switch Cab	Capacitors
Vault	Sectionalizers
Pull Box	Step Trans
LOCATIONS	Oil Reclosers
Fiber	Elec. Reclosers
UG	Sub. Reclosers
Consumer	MISCELLANEOUS
TRANSFORMERS	Open Points
OH 1PH	Lights
OH 2PH	Anchors
OH 3PH	CONDUCTOR
UG 1PH	OH Prim
UG 3PH	UG Prim
METER PEDESTALS	OH Sec
Single Multi	UG Sec

Reviewed/Approved By:	
Date:	
LAYOUT	10/3/2025
Page 1 of 1	



LAND SURVEY PLAT

Of Lot 1, Block 1, Amended Plat of Meadowlark Village P.U.D.
Situate in the Northeast Quarter of Section 4, Township 1 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

PROPERTY DESCRIPTION

Lot 1, Block 1, of the Amended Plat of Meadowlark Village Planned Unit Development (P.U.D.), situate in the Northeast Quarter (NE1/4) of Section 4 (Sec.4), Township 1 North (T.1N.), Range 66 West (R.66W.) of the Sixth Principle Meridian (6th P.M.), City of Fort Lupton, County of Weld, State of Colorado.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the East lot line of Lot 1, Block 1, of the Amended Plat of Meadowlark Village P.U.D., situate in the NE1/4, Sec.4, T.1N., R.66W., 6th P.M., as bearing South 00°10'39" East as monumented as shown on this plat, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 512.36 feet with all other bearings contained herein relative thereto.

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

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)

TITLE COMMITMENT NOTE

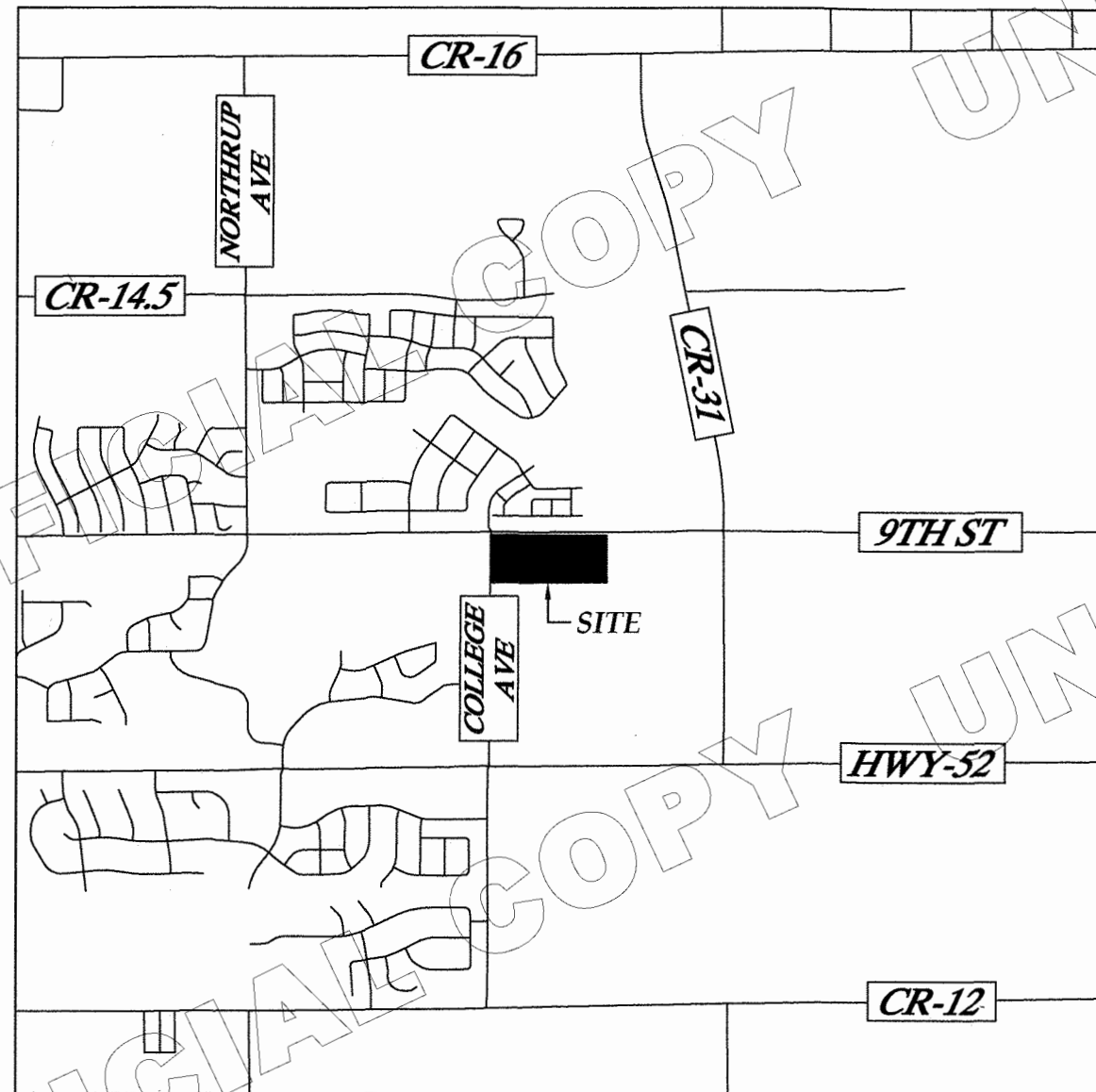
At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown hereon. (38-51-106 C.R.S. 1994)

SURVEYOR'S STATEMENT

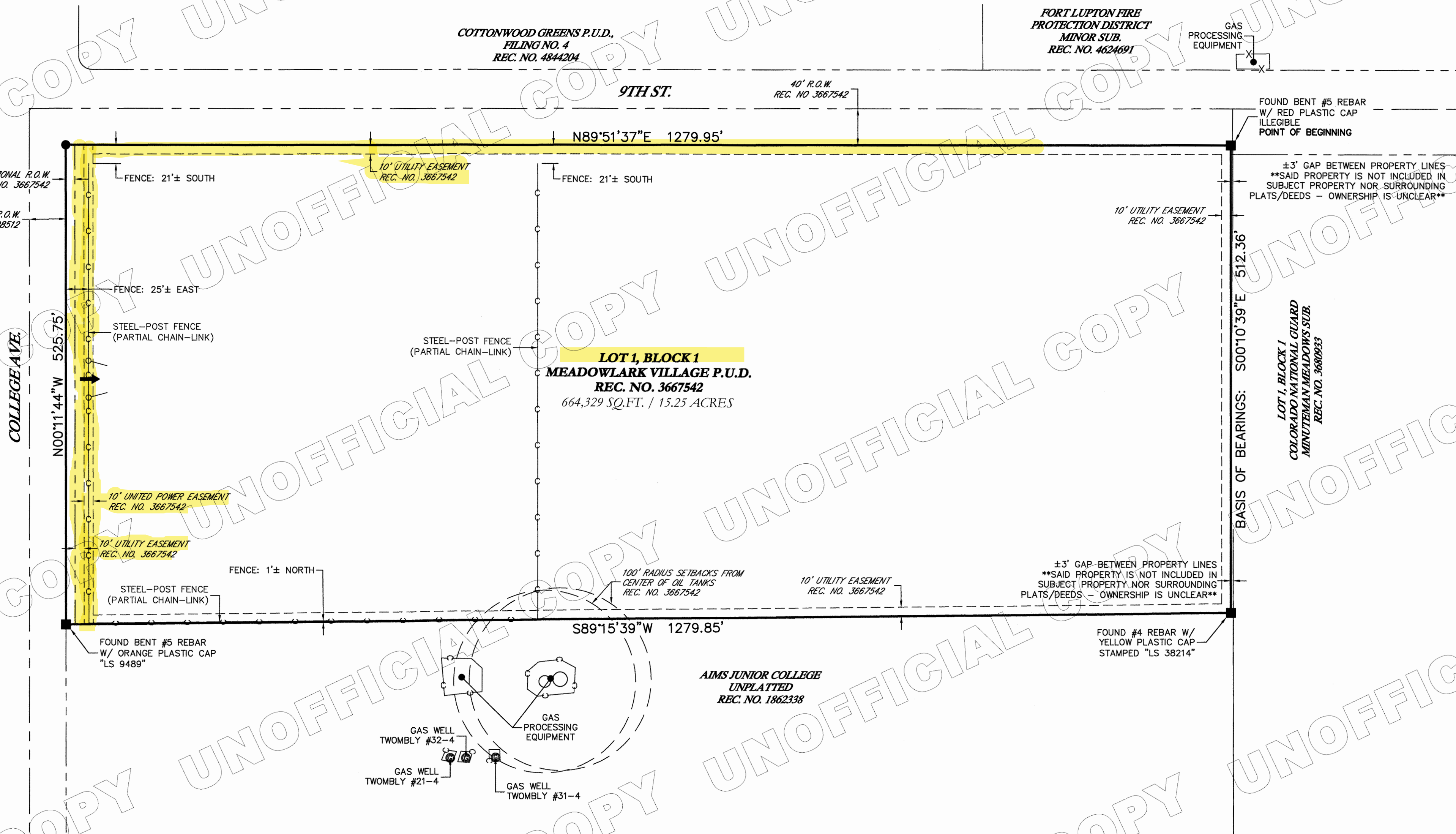
I, Paul Groves, a Colorado Licensed Professional Land Surveyor, do hereby state that this Land Survey Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon was found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.



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

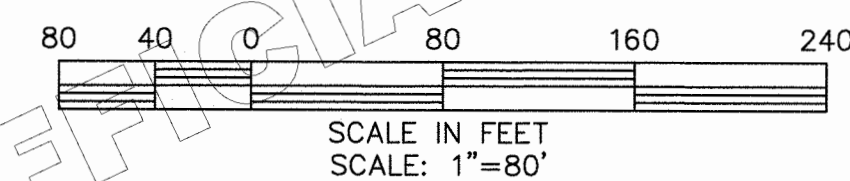


VICINITY MAP
SCALE: 1"=2000'



LEGEND

—	PROPERTY LINE	→	EXISTING ACCESS POINT
- - -	ADJACENT PROPERTY LINE	●	SET 24" OF #4 REBAR WITH A BLUE PLASTIC CAP STAMPED KS, LS 38209
- - -	EASEMENT LINE	■	FOUND MONUMENT AS DESCRIBED
- - -	RIGHT-OF-WAY LINE	○	CALCULATED POSITION (BASED ON FOUND MONUMENTS)
- - -	SECTION LINE		
- - -	CHAIN LINK FENCE		



DATE:	01/31/2025
FILE NAME:	20240596LSP
SCALE:	1"=80'
DRAWN BY:	SAF
CHECKED BY:	PG

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



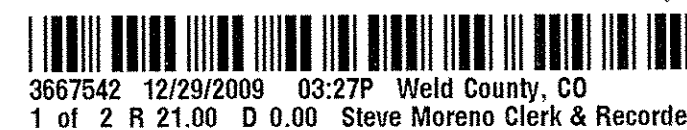
DATE:	
REVISIONS:	

LAND SURVEY PLAT
FOR
FORT LUPTON PARKS AND RECREATION
203 S. HARRISON AVE.
FORT LUPTON, CO 80621

PROJECT #:
20240596

AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT

542



PARCEL LOCATED IN THE NORTHEAST QUARTER
SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M.
WELD COUNTY, COLORADO
FINAL PLAT

LOT 1
15.1269 ACRES
PUBLIC RIGHT OF WAY
0.1206 ACRES

LEGAL DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTHEAST ¼ OF SECTION 4, T1N, R66W OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3, AND 4, COLLEGE INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE NORTHWEST CORNER OF SAID LOT 1; THENCE S89°41'55"E ALONG NORTH LINE OF SAID LOT 1 AND SAID LINE EXTENDED, A DISTANCE OF 1,279.95 FEET; THENCE S00°14'31"W, A DISTANCE OF 512.42 FEET; THENCE S89°43'12"W, A DISTANCE OF 1,280.00 FEET; THENCE N00°14'31"E, A DISTANCE OF 525.40 FEET TO THE POINT OF BEGINNING.

COUNTY OF WELD, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL 15.2475 ACRES MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE SIMCO VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY BEING THE SOLE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS AND UTILITY EASEMENTS AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND AND SEAL
THIS 29th DAY OF October, 2009.

SIMCO VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY, OWNER

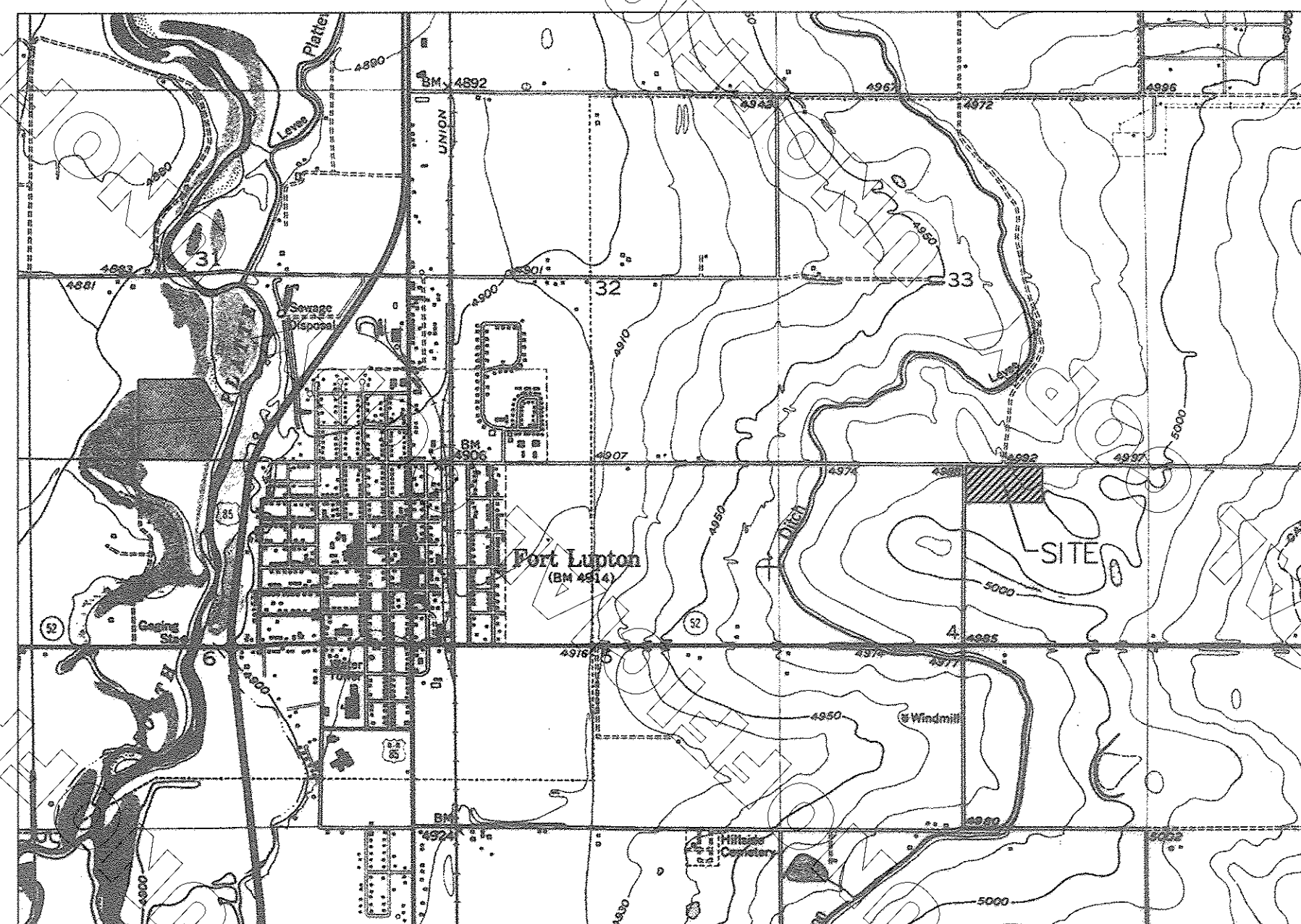
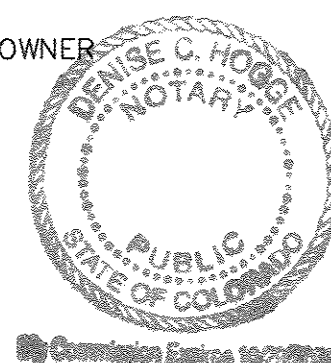
Dennis E. Simonich
DENNIS E. SIMONICH, GENERAL MANAGER

STATE OF COLORADO)
COUNTY OF Weld

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
BY DENNIS E. SIMONICH, GENERAL MANAGER OF SIMCO VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY THIS 29th DAY OF October, 2009.

WITNESS MY HAND AND SEAL
MY COMMISSION EXPIRES: 10-29-09

BY: Denise C. Hogge
NOTARY PUBLIC



VICINITY MAP
1" = 2000'

OWNER'S APPROVAL (SUBDIVIDER)

KNOWN ALL MEN BY THESE PRESENTS, THAT WE SIMCO VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY BEING THE SOLE OWNER OF THE LAND DESCRIBED HEREIN, AND HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 29th DAY OF October, 2009.

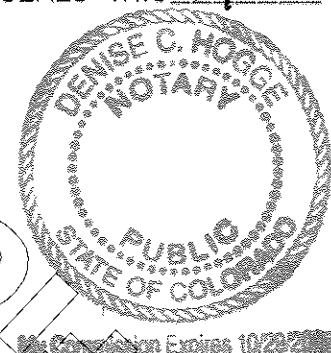
Dennis E. Simonich
DENNIS E. SIMONICH, GENERAL MANAGER

STATE OF COLORADO)
COUNTY OF Weld

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
BY DENNIS E. SIMONICH, GENERAL MANAGER OF SIMCO VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY THIS 29th DAY OF October, 2009.

WITNESS MY HAND AND SEAL
MY COMMISSION EXPIRES: 10-29-09

BY: Denise C. Hogge
NOTARY PUBLIC



SURVEYORS CERTIFICATE

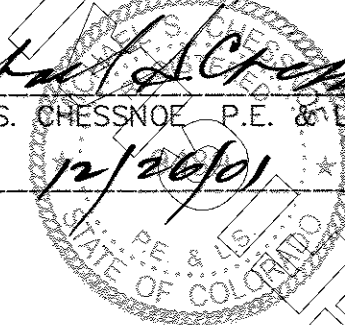
I, MICHAEL S. CHESSNOE, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Michael S. Chessnoe
MICHAEL S. CHESSNOE, P.E. & L.S. #9489
DATE: 10/29/09

SURVEYORS IMPROVEMENT CERTIFICATE

I HEREBY CERTIFY, THAT ON THE DATE SHOWN, A FIELD SURVEY WAS CONDUCTED UNDER MY SUPERVISION OF THE ABOVE-DESCRIBED PROPERTY, AND THAT ALL BUILDING IMPROVEMENTS, EASEMENTS AND RIGHTS-OF-WAY IN EVIDENCE OR KNOWN TO ME ARE CORRECTLY SHOWN ON THE ABOVE PLAT. I FURTHER CERTIFY THAT THERE ARE NO ENCROACHMENTS BY AND/OR ON THIS PROPERTY, UNLESS OTHERWISE NOTED.

Michael S. Chessnoe
MICHAEL S. CHESSNOE, P.E. & L.S. #9489
DATE: 12/29/09



EASEMENT APPROVAL

UTILITY EASEMENTS ARE ADEQUATE AS SHOWN AND ARE HEREBY APPROVED

Ramon Hernandez
CITY OF FORT LUPTON
PUBLIC WORKS DEPARTMENT

CITY ENGINEER'S APPROVAL

APPROVED THIS 28th DAY OF December, 2009.

Lot Mikel
CITY ENGINEER

PLANNING DIRECTOR'S APPROVAL

APPROVED THIS 18th DAY OF November, 2009.

M. Parkko
PLANNING DIRECTOR

CITY WATER AND SEWER DEPARTMENT APPROVAL

APPROVED THIS 18th DAY OF November, 2009.

Ramon Hernandez
DIRECTOR OF PUBLIC WORKS

AMENDED PLAT OF MEADOWLARK
VILLAGE PLANNED UNIT
DEVELOPMENT

SHEET 1 OF 2

DATE: 10/27/09 SCALE: 1"=50' DWG: DEC
CHESSNOE AND ASSOCIATES TELE: (303) 722-3267 CONTACT: MIKE CHESSNOE
2430 SOUTH UNIVERSITY BLVD, SUITE 203, DENVER, COLORADO 80210

AMENDED PLAT OF MEADOWLARK VILLAGE PLANNED UNIT DEVELOPMENT

PARCEL LOCATED IN THE NORTHEAST QUARTER
SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M.
WELD COUNTY, COLORADO
FINAL PLAT

3667542 12/29/2009 03:27P Weld County, CO
2 of 2 R 21.00 D 0.00 Steve Moreno Clerk & Recorder

Geo. SURV
T2N R66W
S 33
S 4
1998
T1N R66W
1998
LS 22097

UNPLATTED
OWNER: AIMS I
R-2 ZONE

UNPLATTED
OWNER: RENNOX CORPORATION
I-2 ZONE

NE COR. SEC. 4, T1N, R66W
FOUND: 3 1/4" DIA. ALLOY
CAP STAMPED LS #22097

Geo. SURV
T2N R66W
S 33 S 34
S 4 1998
T1N R66W
LS 22097

SET #5 REBAR
STAMPED P.E. &
L.S. #9489

N 1/4 COR. SEC. 4, T1N, R66W
FOUND: 3 1/4" DIA. ALLOY
CAP STAMPED "22097"

NINTH STREET
80' R/W

80.00'

N 89°41'55" W 1279.95'

NINTH STREET
80' R/W

NORTH LINE NE 1/4 SEC. 4, T1N, R66W
2644.39' N89°41'55" W

40.00'

SET #5 REBAR
STAMPED P.E. &
L.S. #9489

N 89°41'55" W 1269.95'

10' UTILITY
& UNITED POWER
EASEMENT

10' UTILITY
EASEMENT

10' UNITED
POWER
EASEMENT

UNPLATTED
OWNER: CITY OF FORT LUPATON
P.U.D. ZONE

WEST LINE NE 1/4 SEC. 4, T1N, R66W
2592.81' N001°43'1"E

COLLEGE AVENUE
EXIST. 70' R/W

10' ADDITIONAL R/W TO BE
DEDICATED W/ THIS PLAT

PROPOSED EAST
R/W LINE

EXISTING EAST
R/W LINE

40.00'

40.00'

S001°43'1"W 525.30'

S001°43'1"W 525.30'

LOT 1
BLOCK 1

N89°43'12"E 1270.00'

10' UTILITY
EASEMENT

N89°43'12"E 1280.00'

10' UTILITY
EASEMENT

EAST LINE NE 1/4 SEC. 4, T1N, R66W
2568.95' S000°53'3"W

UNPLATTED
OWNER: BILL RITTER JR
C/O THE NATIONAL GUARD
I-2 ZONE

SET #5 REBAR
STAMPED P.E. &
L.S. #9489

T1N R66W
C 1/4
S 4
1995
PLS 13155

UNPLATTED
OWNER: AIMS JUNIOR COLLEGE
I-1 ZONE

C 1/4 COR. SEC. 4, T1N, R66W
FOUND: 3 1/4" DIA. ALLOY
CAP STAMPED "13155"

GAS
WELLS

OIL TANKS
100' RADIUS
SETBACK
FROM CENTER
OF OIL TANK

SOUTH LINE NE 1/4 SEC. 4, T1N, R66W
2647.97' S89°43'12"W

UNPLATTED
OWNER: AIMS JUNIOR COLLEGE
I-1 ZONE

E 1/4 COR. SEC. 4, T1N, R66W
FOUND: 3 1/4" DIA. ALLOY
CAP STAMPED LS# 25937

FOUND NO. 4
REBAR WITH
NO CAP

E 1/4 COR. SEC. 4, T1N, R66W
FOUND: 3 1/4" DIA. ALLOY
CAP STAMPED LS# 25937

ALPHA ENGINEERING
T1N
SEC 4 + SEC 3
R66W
1999
L.S. 25937

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

AMENDED PLAT OF MEADOWLARK
VILLAGE PLANNED UNIT
DEVELOPMENT

SHEET 2 OF 2

DATE: 10/27/09 SCALE: 1"=50' DWG: / DEC
CHESSNOE AND ASSOCIATES TELE: (303) 722-3267 CONTACT: MIKE CHESSNOE
2430 SOUTH UNIVERSITY BLVD., SUITE 203, DENVER, COLORADO 80210



Coordinator:	Samuel Wilson	Work Order:	202507026
Cell:	3036371345	Service Order:	2025037355
Designer:	Curtis Gordon	Project Name:	
Cell:	9703718281	Description:	CITY OF FT LUPTON/NEW CITY HALL
Design Date:	10/2/2025 11:45:37AM	Customer:	CITY OF FT LUPTON

Location	Assembly	Quantity	Status	Comments
1	BUSBAR	3	Existing	
	RECLOSERBANK	1	Existing	
	RECLOSERBANK	1	Existing	
	SWITCHBANK	1	Existing	
	SWITCHBANK	1	Existing	
	UP UM3E-3-9F	1	Existing	
	UP 45ELL-P-6	1	Install	
	UP UM6-13	3	Install	
	UP UM6-1-40	3	Install	
	UP UM6-14-2	3	Install	
	UP UR2-4S	20	Install	
	UP UR-HD	80	Install	
	UP UM6-13	3	Retire	
	UP UM6-1-40	3	Retire	
	UP UM6-14-2	3	Retire	

EXISTING 4-WAY G&W

2	UP 4/0 EPR C	195	Install	
	UP 45ELL-P-4	1	Install	
	UP 45ELL-P-6	1	Install	
	UP UM1-7NC-8	1	Install	
	UP UM3-15-26	1	Install	
	UP UM50-PVC-6	35	Install	
	UP UM6-10	3	Install	
	UP UM6-1-10	3	Install	
	UP UM6-1-40	6	Install	
	UP UR2-4S	40	Install	
	UP UR-HD	40	Install	
	UP 4/0 EPR	99	Retire	

CUT IN NEW 3Ø SEC CAB

3	UP 1/0 EPR C	1,125	Install	
	UP 45ELL-P-4	1	Install	
	UP 90ELL-P-4	1	Install	
	UP UG172-5003	1	Install	
	UP UM1-7NC-3	1	Install	

 Your Touchstone Energy® Cooperative 	Coordinator:	Samuel Wilson	Work Order:	202507026
	Cell:	3036371345	Service Order:	2025037355
	Designer:	Curtis Gordon	Project Name:	
	Cell:	9703718281	Description:	CITY OF FT LUPTON/NEW CITY HALL
	Design Date:	10/2/2025 11:45:37AM	Customer:	CITY OF FT LUPTON

Location	Assembly	Quantity	Status	Comments
3	UP UM6-1-10	3	Install	
	UP UM6-34	3	Install	
	UP UR2-4S	40	Install	FOR BORE PITS
	UP UR6-4	345	Install	
	UP UR-HD	40	Install	FOR BORE PITS

277/480V 3PH 500KVA XFMR

4	LO AS-BUILT	5	Install	
	LO CONEX/STORAGE	2	Install	
	LO DESIGN	10	Install	
	LO FIELD STAKING	10	Install	
	LO FINAL INSPECTIONS	5	Install	
	LO HYDRO-VAC	4	Install	
	LO PERMIT FEES	1,000	Install	
	LO ROW LABOR	5,000	Install	
	LO SURVEY	5,000	Install	
	LO TRAFFIC CONTROL	4	Install	

LABOR ONLY UNITS



Coordinator:	Samuel Wilson	Work Order:	202507026
Cell:	3036371345	Service Order:	2025037355
Designer:	Curtis Gordon	Project Name:	
Cell:	9703718281	Description:	CITY OF FT LUPTON/NEW CITY HALL
Design Comp Date:	10/2/2025	Customer:	CITY OF FT LUPTON

STATISTICAL SUMMARY

		PRIM	SECD	SERV	TRAN	CONS	SL	MET	TRA	POLES
INSTALL	OH:	-	-	-	-	-	-	-	1	-
INSTALL	UG:	380	-	-	-	-				
RETIRE	OH:	-	-	-	-	-	-	-	-	-
RETIRE	UG:	33	-	-	-	-				

ASSEMBLY SUMMARY

ASSEMBLY	DESCRIPTION	INSTALL	USED	RETURNED	RETIRE	SALVAGED
LO AS-BUILT	AS-BUILT	5			-	
LO CONEX/STORAG	CONEX/STORAGE	2			-	
LO DESIGN	DESIGN	10			-	
LO FIELD STAKING	FIELD STAKING	10			-	
LO FINAL INSPECTI	FINAL INSPECTIONS	5			-	
LO HYDRO-VAC	HYDRO-VAC	4			-	
LO PERMIT FEES	PERMIT FEES	1000			-	
LO ROW LABOR	ROW LABOR	5000			-	
LO SURVEY	SURVEY	5000			-	
LO TRAFFIC CONTR	TRAFFIC CONTROL	4			-	
UP 1/0 EPR C	CABLE, DIST PRI UG, 1/0 EPR,IN CONDUIT	1125			-	
UP 4/0 EPR	CABLE, DIST PRI UG, 4/0 EPR	-			99	
UP 4/0 EPR C	CABLE, DIST PRI UG, 4/0 EPR, IN CONDUIT	195			-	
UP 45ELL-P-4	ELBOW, 45 DEG, 4 , PVC	2			-	
UP 45ELL-P-6	ELBOW, 45 DEG, 6 , PVC	2			-	
UP 90ELL-P-4	ELBOW, 90 DEG, 4 , PVC	1			-	
UP UG172-5003	TRANSF, 3-P PDMT, 277/480V, 500 KVA	1			-	
UP UM1-7NC-3	SLEEVE,FBG,3PH XFMR 300-750KV, 69X65X36	1			-	
UP UM1-7NC-8	SLEEVE,FBG,SC 3PH 600A, 67X23X18,6 POS	1			-	
UP UM3-15-26	SEC CABINET, 200A, 3P, W/600A ENCLOSURE	1			-	



Coordinator:	Samuel Wilson	Work Order:	202507026
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Design Comp Date:	10/2/2025	Customer:	CITY OF FT LUPTON

DESCRIPTION	MAT ITEM ID	INSTALL	USED	RETURNED	RETIRE	SALVAGED
UP UM50-PVC-6	CONDUIT, PVC, 6 - ISSUED IN 20" LENGTHS	35			-	
UP UM6-10	PROTECTIVE CAP, INSULATED, 1/0 ACSR	3			-	
UP UM6-1-10	ELBOW, LOAD BREAK, 1/0 EPR	6			-	
UP UM6-13	BUSHING, LOAD BREAK INSERT, 200A	3			3	
UP UM6-1-40	ELBOW, LOAD BREAK, 4/0 EPR	9			3	
UP UM6-14-2	BUSHING EXTEN,600-200A,W 200A BUSHING IN	3			3	
UP UM6-34	ARRESTER,DEAD BRK SURGE ELBOW	3			-	
UP UR2-4S	TRENCH, NORMAL SOIL/COND 3 CABLE/8 MAX	100			-	
UP UR6-4	BORE, 1,4" POLY CONDUIT, 4 POTHOLES	345			-	
UP UR-HD	HAND DIG PER CU FOOT	160			-	

MATERIAL ITEM SUMMARY

DESCRIPTION	MAT ITEM ID	INSTALL	USED	RETURNED	RETIRE	SALVAGED
BUSHING EXTENSION 600A/200A	10	3			3	
REDUCING BUSHING 600/200A	13	3			3	
POLY DUCT 4" 13.5-SDR Bk/Rd (750"REELS)	13003290	345			-	
CONDUIT PVC SCH 40 6" (20"EA)	13004842	35			-	
LNGSWP 4" 45* SCH40PVC 48"	13013245	2			-	
LNGSWP 6"45*DG SCH40PVC-48"	13014845	2			-	
LNGSWP 4" 90*SCH40PVC ELBW 48"	13023247	1			-	
ELBOW 1/0 UG ARRESTOR	1591094	3			-	
CONTR PG COMP 1/0-2(189)	17011000N	3			-	
EQUIP TANK GRND #2 STR	17210500N	4			-	
CLAMP 5/8" GRND ROD CWC	17311000N	2			-	
COVER SPADE 3-PHASE XFMR	18054500	4			-	
DEADEND RECEPTACLE 200AMP	18056000	3			-	
SEC CAB LRG 200AMP/3PH 23X6	22014321	1			-	
SLV SEC 600AMP/3PH 23X60X30	43600023	1			-	
SLV FIB 69X65X36(3PH)	43606965	1			-	



Coordinator:	Samuel Wilson	Work Order:	202507026
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Design Comp Date:	10/2/2025	Customer:	CITY OF FT LUPTON

DESCRIPTION	MAT ITEM ID	INSTALL	USED	RETURNED	RETIRE	SALVAGED
GRND ROD CWC 5/8"X10"	53828510	2			-	
SIGN WARNING 4 X 17 STICK-ON	58001222N	1			-	
TERM ELBOW 1/0 AL .220	66936653	6			-	
TERM 4/0 15KV ELBOW 220ML	66936742	9			3	
COLD SHRINK 500 MCM (8453)	66992210	9			3	
GRND WIRE BARE 2 SOL CU SD (125")	72500207N	1			-	
GRND WIRE BARE 4 SOL CU SD (200"EAC)	72500401N	1			-	
BUSHING INSERT LOADBREAK	8000001	3			3	
CABLE 1/0 EPR 15KV JKTD 220MI (2500"EA.)	9129260	1,125			-	
CABLE 4/0EPR 15KV 220 JKTD(2500"EA)	9129275	195			99	
500KVPM,277/480,72/762,3PH	99896866	1			-	
NON-STOCK FOR INTERFACE ONLY	INTERFACE	6,040			-	

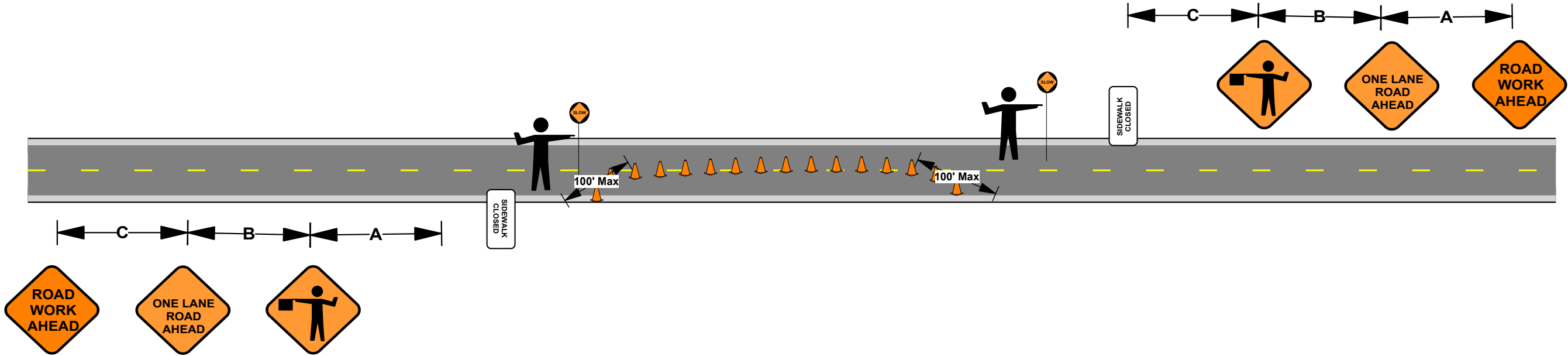
SUGGESTED ADVANCE WARNING SIGN SPACING			
ROAD TYPE	DISTANCE BETWEEN SIGNS		
	A	B	C
URBAN (LOW SPEED)	100	100	100
URBAN (HIGH SPEED)	350	350	350
RURAL	500	500	500
EXPRESSWAY / FREEWAY	1000	1500	2640

Typical One Lane Road

Legend

 Cone
  flagger

Not to Scale



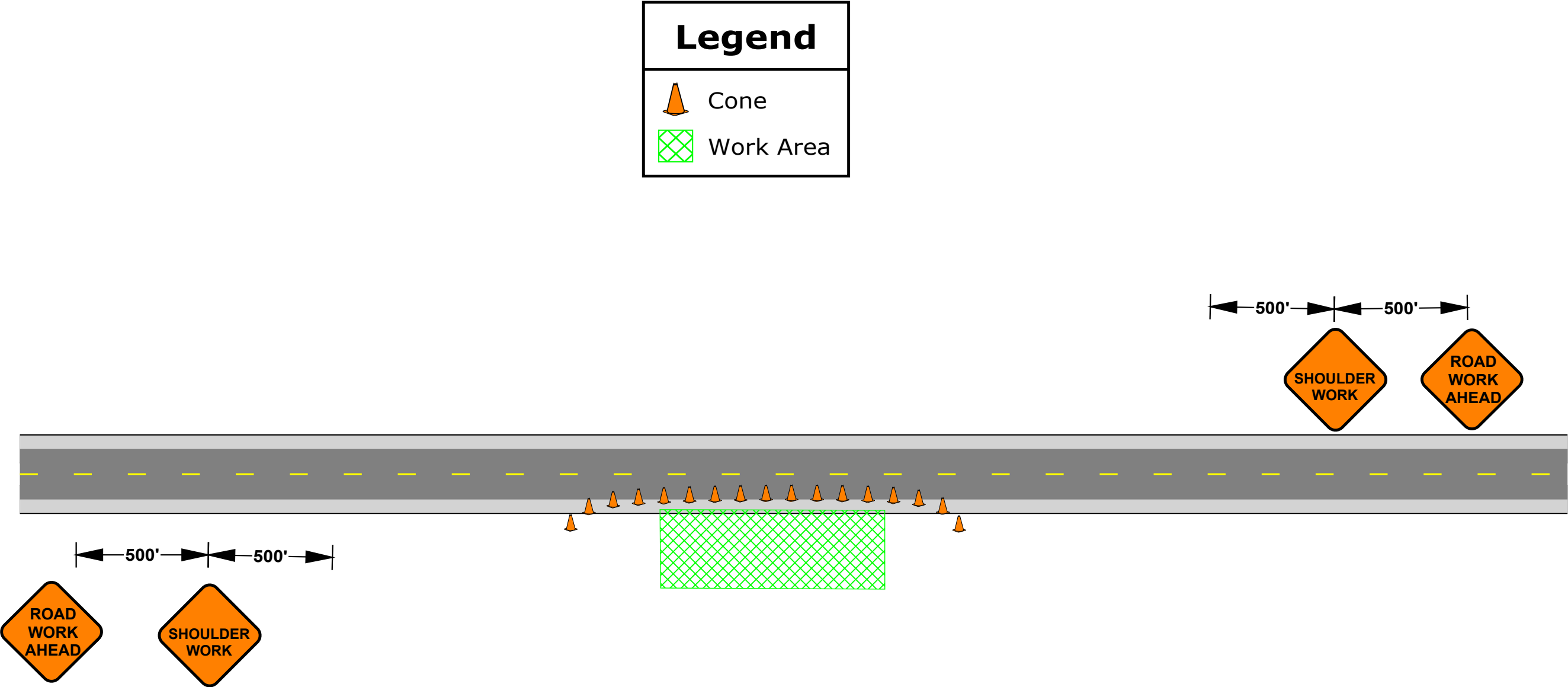
- Tabulation:
- 4 - 48 x 48 Road Work Ahead
 - 4 - 48 x 48 One Lane Road Ahead
 - 4 - 48 x 48 Flagger Symbol
 - 2 - 12 x 18 Sidewalk Closed
 - 20 - 36" Cones

Owner/ Contractor/ CDOT:
Foreman:
TCS:

- Notes:
1. This TCP is for the purpose of traffic control for _____
 2. All Devices shall conform to MUTCD standards
 3. Sign spacing will be _____
 4. Taper will be a min. of 50' and a max of 100'
 5. Changes will be implemented in the field as needed
 6. Closure can be flipped to close the other side of the road

Typical Shoulder Closure
Urban High Speed

Not Drawn to Scale



Tabulation:
2 - 48 x 48 Road Work Ahead
2 - 48 x 48 Shoulder Work
20 - 36" cones

CERTIFICATE OF INSURANCE

8/28/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

THIS IS TO CERTIFY THAT:

United Power Inc.
500 Cooperative Way
Brighton, CO 80603



FEDERATED RURAL ELECTRIC
INSURANCE EXCHANGE

NAIC: 11118
P.O. Box 15147, Lenexa, KS 66285-5147
(913) 541-0150 fax (913) 541-9004
www.federatedrural.com

IS, AT THE ISSUE DATE OF THIS CERTIFICATE, INSURED BY THE COMPANY UNDER THE POLICY(IES) LISTED BELOW. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY DATES	LIMITS (\$)	
GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY OCCURRENCE-BASIS COMPREHENSIVE FORM PREMISES / OPERATIONS UND / EXPLOSION & COLLAPSE PRODUCTS / COMP OPS CONTRACTUAL BROAD-FORM PROPERTY DAMAGE NO GENERAL AGGREGATE	05 ARB 005-25	9/1/2025 to 9/1/2026	EACH OCCURRENCE	\$2,000,000
			DAMAGE TO RENTED PREMISES	\$2,000,000
			MED EXP (PER PERSON)	\$1,000
			PERSONAL & ADV INJURY	\$2,000,000
			GENERAL AGGREGATE LIMIT	UNLIMITED
AUTOMOBILE ANY AUTO HIRED & NON-OWNED AUTO GARAGE LIABILITY (ANY AUTO)	05 ARB 005-25	9/1/2025 to 9/1/2026	COMBINED SINGLE LIMIT (EACH ACCIDENT)	\$2,000,000
			COMP DEDUCTIBLE	\$1,000
			COLLISION DEDUCTIBLE	\$1,000
UMBRELLA LIABILITY OCCURRENCE-BASIS \$10,000 SELF-INSRD RETENTION	05 UMB 005-25	9/1/2025 to 9/1/2026	EACH OCCURRENCE	\$20,000,000
			PRODUCTS-COMP/OP AGG	\$20,000,000
WORKERS COMPENSATION AND EMPLOYERS LIABILITY	05 WC 005-25	1/1/2025 to 1/1/2026	WC LIMITS	STATUTORY
			E.L. EACH ACCIDENT	\$500,000
			E.L. DISEASE EACH EMPLOYEE	\$500,000
			E.L. DISEASE - POLICY LIMIT	\$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EQUIPMENT / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

It is agreed that where required by mortgage, lease, or other legal agreement, the interests of mortgagees, lessors, and loss payees are insured as their interests may appear as additional insured's and/or loss payees. Blanket Additional Insured and Waiver of Subrogation are included under General Liability and Automobile Liability insurance if required by written contract or agreement. Policy provisions include a 60-day cancellation notice.

CERTIFICATE HOLDER:

CITY OF FT LUPTON
130 S MCKINLEY
FORT LUPTON, CO 80621

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE:

Jennifer L. Hays Willey

Blanket Additional Insured & Waiver of Subrogation Endorsement

05 ARB 005-25

United Power Inc.

Section II, General Liability and Automobile Liability Insurance, Item F. Persons Insured, is amended to include any person or organization for whom the policyholder is performing operations when the policyholder and the person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured or insureds to this policy. Such person or organization is an additional insured only with respect to liability caused, in whole or in part, by the policyholder's acts or omissions, or by the acts or omissions of others acting on the policyholder's behalf, provided:

1. The insurance afforded to such additional insured or insureds only applies to the extent permitted by law; and
2. If such coverage is required by written contract or agreement, the insurance afforded will not be broader than that required by the contract or agreement to be provided to the additional insured or insureds; and
3. If such coverage is required by written contract or agreement, the insurance afforded shall not exceed the limit of insurance required by the contract or agreement, or the applicable Limit of Liability stated in the Declarations, whichever is less.
4. If required by written contract or agreement, the Company waives any rights of recovery against the additional insureds shown above because of payments made under Section II, General Liability. Such waiver applies only to the extent that the policyholder has waived its rights of recovery against such person(s) or organization(s) prior to loss.
5. The following amends General Condition H. Other Insurance, and supersedes any provision to the contrary:
This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under this policy provided that:
 - (1) The additional insured is a Named Insured under such other insurance; and
 - (2) It is required by written contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

With respect to the insurance afforded to these additional insureds, no coverage shall apply to Personal Injury or Property Damage arising out of or caused directly or indirectly by providing or failing to provide any professional service. This exclusion shall not apply to the rendering of emergency first aid or incidental medical service.
A professional service can mean, but is not limited to Personal Injury or Property Damage arising out of the rendering of, or the failure to render, any architectural, engineering or surveying services, including:

- a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- b. Supervisory, inspection, architectural or engineering activities.

This endorsement shall not, in any event, increase the Limit of Liability stated in the Declarations.

All other policy provisions apply.



SUBJECT FOR DISCUSSION

Accepting the Grant Agreement from the Colorado Health Foundation for the Construction of Koshio Park Outdoor Space Project for an Amount of \$550,000.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The Recreation Department submitted a full application to The Colorado Health Foundation on October 15, 2025 and was approved in the amount of \$550,000 for the construction of Koshio Park Outdoor Space Project November 24, 2025. Grant period of December 1, 2025 – December 1, 2027. The next step is to execute the Grant Agreement (attachment a). The grant award will be issued upon completion of the Grant agreement (attachment a).

FINANCIAL CONSIDERATIONS

Additional funding for the construction of Koshio Park Outdoor Space Project will help complete the conceptual design plan.

LEGAL/POLITICAL CONSIDERATIONS

City staff will need to execute the Grant Agreement - electronic signature (attachment a). The Fort Lupton City Council would need to approve the Mayor to electronically sign the Grant Agreement (attachment a) via DocuSign.

ALTERNATIVES/OPTIONS

Seek additional funding from other grant agencies.

STAFF RECOMMENDATIONS

Staff recommends to accept and execute The Colorado Health Foundation grant agreement for the construction of Koshio Park Outdoor Space Project in the amount of \$550,000.

Attachments: a. Colorado Health Foundation grant agreement (attachment a)

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date



GENERAL, GRANTS TERMS, CONDITIONS, AND UNDERSTANDINGS

Title of Project:

Koshio Park Outdoor Space
Grant ID# 36617

Purpose of Project:

Execute upon implementation of the community co-created design for the outdoor play and gathering space of Koshio Park in Fort Lupton. A robust and thoughtful community design and engagement process has progressed to and informed the conceptual design for the Koshio Park outdoor space.

Grantee Organization:

City of Fort Lupton
130 S McKinley
Fort Lupton, CO 80621

Checks to be Made Payable to:

City of Fort Lupton
130 S McKinley
Fort Lupton, CO 80621

Tax Identification Number: 84-6000665

Amount of Grant Awarded:

\$550,000 over a 24-month period

Period for Which Support is Granted:

From December 01, 2025 *Through* December 01, 2027

Contingencies, if any:

Special Provisions, if any:

1. In the event there are any funds left unspent from G-30007, Grantee agrees to use the remaining unspent funds from G-30007 to achieve key activities and target milestones of this grant.
2. Grantee agrees to install playground signage to acknowledge support of this grant funding.
3. Grantee to allow TCHF staff or consultants access to the project throughout the grant period to capture multimedia both pre and post-project. This multimedia would only be used by TCHF to demonstrate impact of the grant. TCHF will work with the grantee to obtain any necessary client releases for distribution purposes.

Key Grantee Activities and Target Milestones:

1. Install and activate the community co-designed outdoor space in the vision and spirit conceptualized through the planning process by Summer 2027.
 2. Gather information and report on community usage of the outdoor space, the community's sense of belonging in the outdoor space, how the space is being utilized, and whether it is having the intended impact. These outcomes should be collected and shared approximately six months after activation.
 3. Grantee will serve at least 600 youth/community members approximately 6 months into activation.
-

Payment and Requirement Schedule

Payment Amount	Approximate Payment Schedule
\$550,000	12/04/2025

Requirement Due Date	Requirement
12/01/2025	Executed Agreement
11/01/2026	Grantee Report
01/01/2028	Grantee Report

First payment is contingent upon the receipt of the executed grant agreement.

The Foundation uses an online system to receive reports and other requirements. Please visit www.coloradohealth.org for more information

*Project Contact (please correct the information below if necessary) Mr. Doug Cook Parks and Recreation Director City of Fort Lupton 130 S McKinley Fort Lupton, CO 80621	**Grantee Organization Primary Signatory (please correct the information below if necessary) Chris Ceretto Mayor City of Fort Lupton 130 S McKinley Fort Lupton, CO 80621
--	--

*The project contact is the individual directly responsible for developing the proposed activity, its implementation, and day-to-day direct supervision of the project. The email associated with the project contact will be added to the Foundation's email distribution list upon grant approval. To opt out of the email distribution list please notify the Foundation by emailing grants@coloradohealth.org.

**The organization primary signatory is the CEO/Executive Director of the grantee organization.

The Colorado Health Foundation is awarding this Grant to the above named organization (“Grantee”) and Grantee agrees to, the following:

1. Tax Exempt Status, Grantee represents that:

- a. To provide current and appropriate documentation if organization is a government supported agency, such as school, museum, library or government agency or department.
- b. To provide The Colorado Health Foundation with immediate written notification of any changes in the organization’s tax-exempt status.

2. Expenditure of Funds

This Agreement (together with any income earned upon investment of Grant funds) is made for the purpose outlined herein and may not be expended for any other purpose without The Colorado Health Foundation’s prior written approval. If the Grant is intended to support a specific project or for a specific period, any portion of the Grant unexpended at the completion of the project or the end of the period specified above on Page 1 (the “Grant Period”) shall be returned immediately to The Colorado Health Foundation. With prior written approval from The Colorado Health Foundation the Grant Period may be extended in order to reach the anticipated outcomes. Requests should be submitted by logging in to the grantee portal and accessing the “Request an Amendment” section.

3. Prohibited Use of Funds

Grantee will not permit any Grant funds or income derived from such funds to be used for “political expenditures” as defined in Section 4955 of the Code, including but not limited to participation or intervention in a political campaign for a public office.

This grant is not in any way earmarked to support or carry on any lobbying or voter registration drive. Grantee intends to expend at least the amount of this grant on project non-lobbying and non-voter registration activities in Grantee’s current fiscal year.

Grantee represents that it is knowledgeable about Executive Order 13224 and the USA Patriot Act of 2001 and Grantee will not permit any Grant funds or income derived from such funds to be expended or re-granted so as to benefit any person or organization with ties to terrorists.

4. Anti-Discrimination Expectations

Grantee will not willfully discriminate against a particular class of individuals and will abide by all applicable local, state, and federal anti-discrimination laws in hiring, employment practices and when providing services.

5. No Assignment or Delegation

Grantee may not assign or otherwise transfer its rights or delegate any of its obligations under this Agreement without the prior written approval of The Colorado Health Foundation.

6. Records and Reports

Grantee must keep a record of all receipts and expenditures relating to this Agreement and to provide The Colorado Health Foundation with a report summarizing the project promptly following the end of the Grant Period. The Colorado Health Foundation may also require interim reports. Grantee reports should describe progress achieving the Grant Purposes (including progress toward Key Grantee Activities and Target Milestones outlined above on Page 1) and include an accounting of the uses or expenditure of all Grant funds. Grantee also agrees to provide any other information reasonably requested by The Colorado Health Foundation. Grantee must keep the financial records with respect to the Grant and this Agreement, along with copies of any reports submitted to The Colorado Health Foundation, for at least four years following the year in which all Grant funds are fully expended.

7. Required Notification

Grantee must provide The Colorado Health Foundation with immediate written notification of: (1) its inability to expend the Grant funds for the Grant Purposes; or (2) any expenditure of Grant funds for any purpose other than the Grant Purposes; and, (3) any other breach by Grantee of this Agreement.

8. Reasonable Access for Evaluation and Oversight

The Colorado Health Foundation incorporates evaluation into its charitable grant-making so that it and the Grantee can understand the impact of the Grant and how to improve the impact of the charitable grant-making moving forward, and for the benefit of other Grantees and for the State of Colorado. As a condition to the receipt of this Grant, Grantee agrees to comply with and to participate in any requests from The Colorado Health Foundation to conduct an evaluation of the effectiveness of this grant (the "Evaluation") either individually with the Grantee or with multiple grantees as part of a broader strategy of The Colorado Health Foundation, including but not limited to follow-up reporting and/or additional activities above and beyond those listed in the Payment and Requirements section of this Agreement.

Grantee will permit The Colorado Health Foundation and its representatives, at its request, to have reasonable access during regular business hours to its files, records, accounts, personnel and clients, or other beneficiaries for the purpose of making such financial audits, verifications, or program evaluations as The Colorado Health Foundation deems necessary or appropriate concerning the Grant and to discuss Grantee's programs, procedures and operations with Grantee's personnel.

9. Research Involving Human Subjects:



If the Grant is to be used in whole or in part for research involving human subjects, Grantee hereby certifies that Grantee, applying the ethical standards and the criteria for approval of grants set forth in its Internal Review Boards and professional oaths, has determined that the human subjects involved in this Grant will not experience risk over and above that involved in the normal process of care and are likely to benefit from the proposed research program.

10. Publicity:

The Colorado Health Foundation encourages Grantee to publicize information concerning the Grant in the Grantee's newsletters, annual reports, press releases, website, social media and other relevant media. If the Grantee has received these funds for "General Operating Support," The Colorado Health Foundation expects to be acknowledged as a sponsor for major events by the inclusion of The Colorado Health Foundation's logo in the event promotional materials and print collateral. For more information and resources regarding the publicity of your grant, please visit www.coloradohealth.org/communicating-about-your-grant.

Without further notice to or consent from Grantee, The Colorado Health Foundation may include information regarding this Agreement and/or Grant, the amount and purpose of the Grant and photographs, logo or trademark, and other published/printed information or materials (provided by Grantee) and its activities, on The Colorado Health Foundation's communications channels, such as blog posts, newsletters, press releases, website and social media.

11. Colorado Charitable Solicitations Act

Grantee represents that it is aware of and in compliance with the Colorado Charitable Solicitations Act governing fundraising in Colorado.

12. Right to Modify or Revoke

The Colorado Health Foundation reserves the right to discontinue, modify or withhold any payments to be made under this Agreement or to require a total or partial refund of any Grant funds if, in The Colorado Health Foundation's sole judgment, such action is necessary or prudent: (1) because the Grantee has not fully complied with the terms and conditions of this Agreement; (2) to protect the purpose and objectives of this Agreement or any other charitable interest of The Colorado Health Foundation; or (3) to comply with the requirements of any law or regulation applicable to Grantee, The Colorado Health Foundation, or this Grant.

13. Termination

The Colorado Health Foundation's obligations under this Agreement shall automatically terminate in the event of the insolvency, receivership, bankruptcy filing, or dissolution of Grantee.

In addition to its right of revocation under Paragraph 12 above, The Colorado Health Foundation may terminate this Agreement at any time by giving Grantee at least 30 days of written notice. Upon termination of this agreement for any reason, all payments by The Colorado Health Foundation to Grantee shall cease at such time as may be determined by The Colorado Health Foundation.

Termination or revocation of this Agreement by The Colorado Health Foundation will not terminate Grantee's obligations under this Agreement with respect to Grant funds expended or otherwise not returned to The Colorado Health Foundation. Grantee's obligations under Paragraphs 6, 8, 10 and 17 shall also survive termination of this Agreement.

14. Special Conditions and Reporting

Grantee will submit reports to The Colorado Health Foundation according to the Payment and Requirement Schedule in this Agreement.

The Colorado Health Foundation requires grantees to share any public opinion research conducted with foundation funds. Public opinion research includes both qualitative and quantitative methods to learn about the thoughts, perceptions, or beliefs of the general public, including but not limited to focus groups, ethnography, online surveys, and telephone polling. Grantees should plan to share the results of this research, including findings and reports, with the foundation. The Colorado Health Foundation will not share the research without permission from the grantee.

15. Amendment

This Agreement may be amended, supplemented or extended only by written communication signed by The Colorado Health Foundation.

16. No Partnership Agency or Third Party Beneficiaries

Nothing contained in this Agreement shall create or be deemed to create a partnership or agency between The Colorado Health Foundation and Grantee and nothing contained in this Agreement shall be deemed to give rise to any rights or benefits to third parties not a party to this Agreement.

17. Intellectual Property

(a) Grantee represents and warrants that it owns or has the right to use all intellectual property that will be employed by Grantee or its agents in the performance of this Agreement, including without limitation, Grantee's obligations under subsection (c) below.

(b) All works and matters created or discovered through the performance of this Agreement, including but not limited to, implementation methodologies, best practices guides and training curricula (the "Work"), are owned by the Grantee

provided, however, that the Work may be used by Grantee only in furtherance of charitable purposes (i.e., activities recognized by the IRS as charitable and not resulting in “unrelated business taxable income” as defined in Section 512 of the Code), unless otherwise agreed in writing by The Colorado Health Foundation.

(c) Grantee hereby grants to The Colorado Health Foundation a nonexclusive, irrevocable, perpetual, worldwide, fully transferable, royalty-free license to (i) the Work, to make, use, sell, license to others, reproduce, create derivative works of, publish, republish, distribute, perform and display the Work in any current or future form and for any purpose in furtherance of charitable purposes, and (ii) any other intellectual property incorporated into or used in connection with the Work to the extent reasonably necessary to enable The Colorado Health Foundation to use and practice the licensed Work. The license herein granted to The Colorado Health Foundation shall vest without any further action on the part of Grantee. Without the prior written consent of The Colorado Health Foundation, Grantee will not enter into any agreement with a third party that would restrict Grantee’s ability to perform its obligations under this subsection (c).

18. Release

Nothing contained herein, including the required reporting and review procedures, shall be construed as a warranty, representation, or approval by The Colorado Health Foundation that the services rendered by Grantee are adequately or properly rendered on either an individual or program-wide basis. Grantee shall have sole responsibility for all damages, costs, fines, attorneys’ fees, or liabilities of any kind or nature arising from any claims, demands or suits resulting from the Grantee’s performance or failure to perform under this Agreement.

19. Controlling Document

The terms and conditions of this Agreement shall be the controlling document between The Colorado Health Foundation and Grantee. All verbal communication, notes, minutes or other documentation of The Colorado Health Foundation shall be deemed merged into this Agreement. In making this Grant, The Colorado Health Foundation has relied on the information and representations submitted to The Colorado Health Foundation by Grantee and Grantee represents that all such information and representations are true and complete.

20. Future Funding

Grantee acknowledges that, except as expressly provided in this Agreement, The Colorado Health Foundation has no obligation to Grantee with respect to any additional or future funding.

21. Counterparts; Electronic Signature

This Agreement may be signed in multiple counterparts, which may be signed by the parties separately, but together shall constitute a single agreement. The counterparts of this Agreement may be executed and delivered by facsimile, email, other means of electronic transmission, or other electronic signature and shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement.

[Signature Page Follows]

Jennifer Chheang
Vice President, Community Investment and Impact
The Colorado Health Foundation

Date

The undersigned certify that they are duly authorized officers of Grantee and, as such, are authorized to accept this contract on behalf of Grantee, to obligate the Grantee to observe all of the terms and conditions placed on this Agreement, and in connection with this Agreement to make, execute, and deliver on behalf of the Grantee all agreements, representations, receipts, reports, and other instruments of every kind.

ACCEPTED AND AGREED TO:

CEO/Executive Director of (typed/printed name)

CEO/Executive Director (signature)

Date



SUBJECT FOR DISCUSSION

An Ordinance Approving the Rezoning of a Property Legally Described in Exhibit A of the Proposed Ordinance Known as the Northland Business Park Change of Zone.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Daniel Allen with Henry Group Real Estate (Applicant) has submitted a request for rezoning of properties, legally described in Exhibit A of the proposed ordinance on behalf of the seven property owners within the Northland Business Park. The properties comprise of approximately 413.705 acres, more or less, and are located south and adjacent to CR 18, adjacent to CR 16, and adjacent to Northland Drive. The Applicants are requesting a Change of Zone from 'PUD' Planned Unit Development Zone District to the 'I-2' Heavy Industrial Zone District.

The Northland PUD currently comprises of a list of allowed industrial and commercial uses with a review procedure and criteria that differ from City code, with a Design Review Board that reviews architectural design criteria. The proposed Change of Zone would bring the review process for land use applications within the Northland Business Park, including administrative site plans, site plans, and special use permits, in line with current code standards, which would help streamline the process to ensure quality and consistency in development and encourage new business activity.

Additional application information, including all referral responses, is available for review at <https://www.fortluptonco.gov/DocumentCenter/Index/981>.

FINANCIAL CONSIDERATIONS

All applicable land use application fees have been paid and a fee deposit has been submitted to cover costs related to the application.

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

The City Council has the following options for each request:

- a) Adopt the Ordinance.
- b) Continue the hearing for additional information or further study.
- c) Do not adopt the Ordinance.

STAFF RECOMMENDATIONS

Staff and Planning Commission per Resolution P2025-013 recommend approval of the proposed Ordinance rezoning the land described in Exhibit A of the proposed Ordinance to the I-2 Heavy Industrial Zone District.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution P2025-013
- c. Planning Commission Minutes
- d. Staff Report
- e. Project Description
- f. Change of Zone Map
- g. Legal Notifications

ORDINANCE NO. 2025-xxx

INTRODUCED BY:

ADOPT AN ORDINANCE REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND 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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, under the procedures detailed in Section 16-2.03 of the Fort Lupton Municipal Code, the Applicant, Daniel Allen of Henry Group Real Estate, representing the ownership of all included properties, submitted a request to rezone approximately 413.705 acres, more or less, of land more particularly described in Exhibit A; 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 posting notice of the hearing on the property, at least (15) days before the hearing date; and

WHEREAS, the Planning Commission held a public hearing on the change of zone request on November 13, 2025, and has provided City Council with Resolution No. P2025-013 recommending approval of the rezoning of the subject property from the PUD Planned Unit Development Zone District to the I-2 Heavy Industrial Zone District, with all the allowed uses in said district; and

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the official zoning map be amended to reflect the change of zone on the property described in Exhibit A of this Ordinance to the I-2 Heavy Industrial Zone District, with all allowed uses in said district, and that this Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December, 2025.

PUBLISHED in the Fort Lupton Press this 11th day of December, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____ 20____.

PUBLISHED BY TITLE ONLY the ____ day of _____ 20____.

EFFECTIVE (after publication) the ____ day of _____ 20____.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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

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:

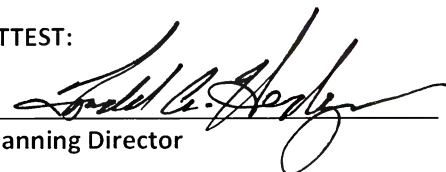

Planning Director

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

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

PROJECT DESCRIPTION

Project No.: COZ25-003

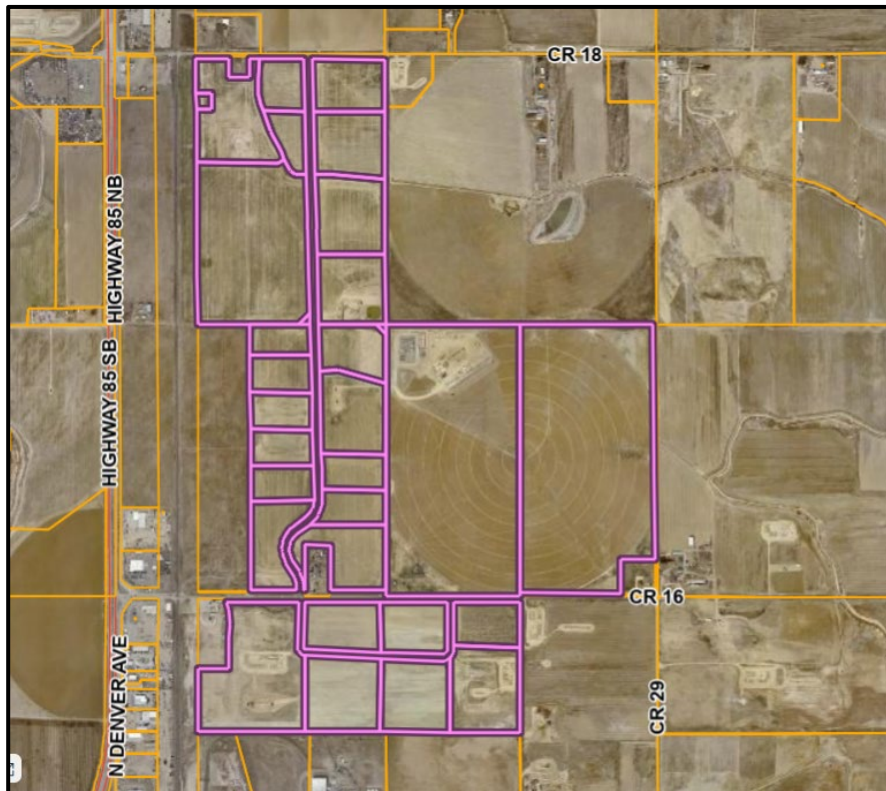
Project Name: Northland Business Park Change of Zone

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:

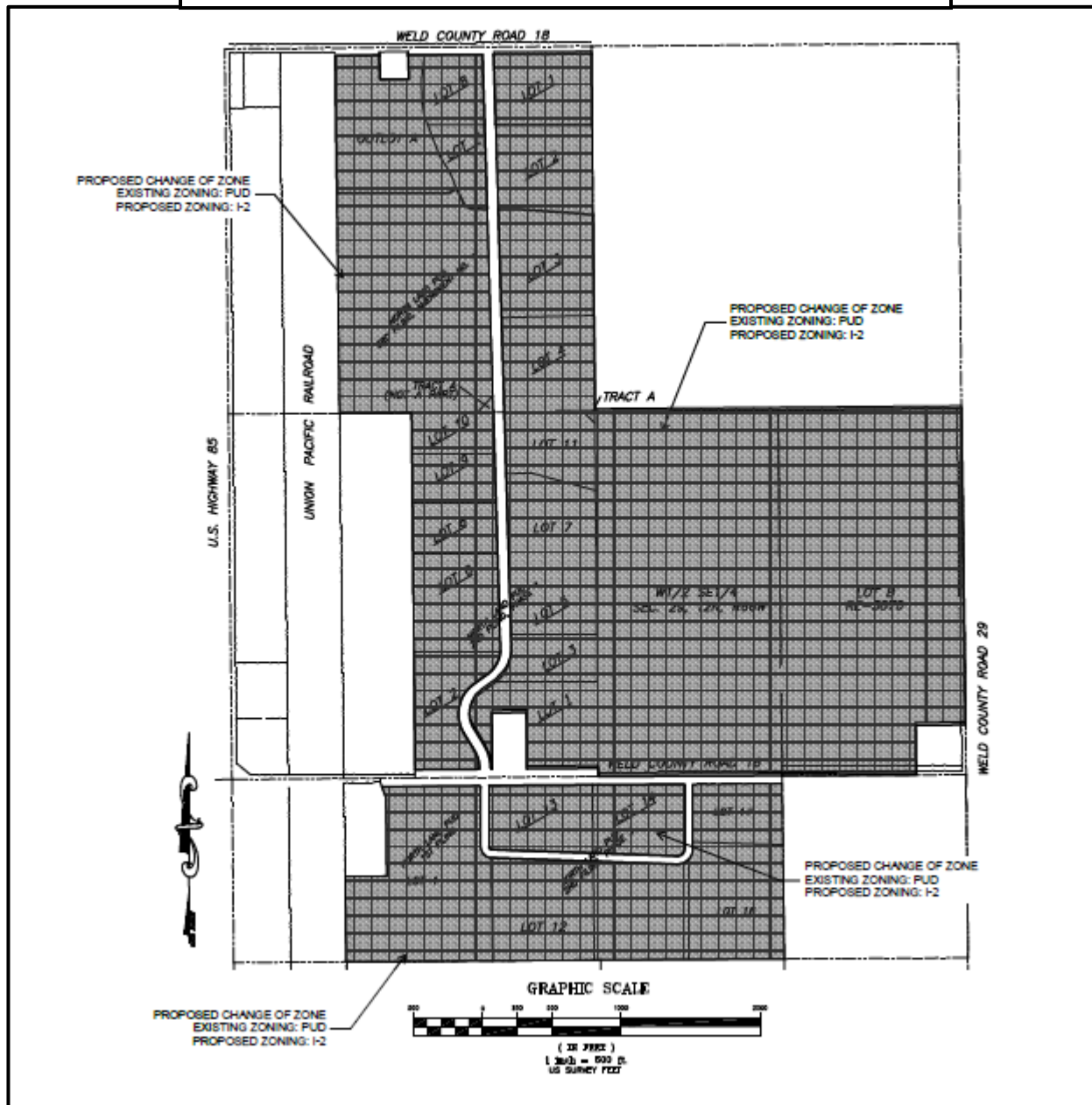
The site is located south and adjacent to CR 18, adjacent to CR 16, and adjacent to Northland Drive (The Property). The Property is located in the NW, SW, and SE Quarters of Section 29 and the NW and NE Quarters of Section 32, Township 2 North, Range 66 West of the 6th PM, City of Fort Lupton, County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

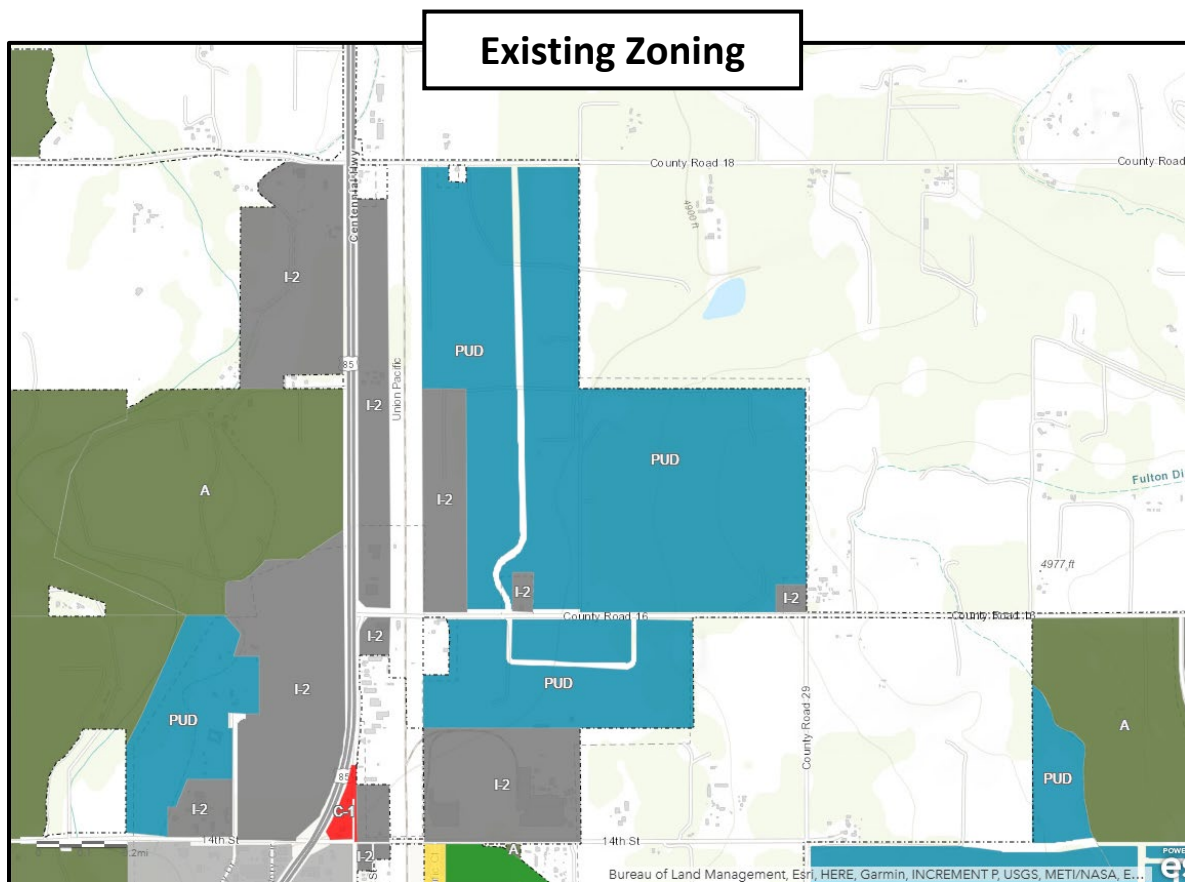
Any anticipated impacts will be mitigated through the review process and associated conditions for specific Site Plans or Special Use Permits. Potential impacts should not differ from existing zoning and the City's current design standards provide for buffering, frontage design, etc., where appropriate.

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

CURRENT ZONING

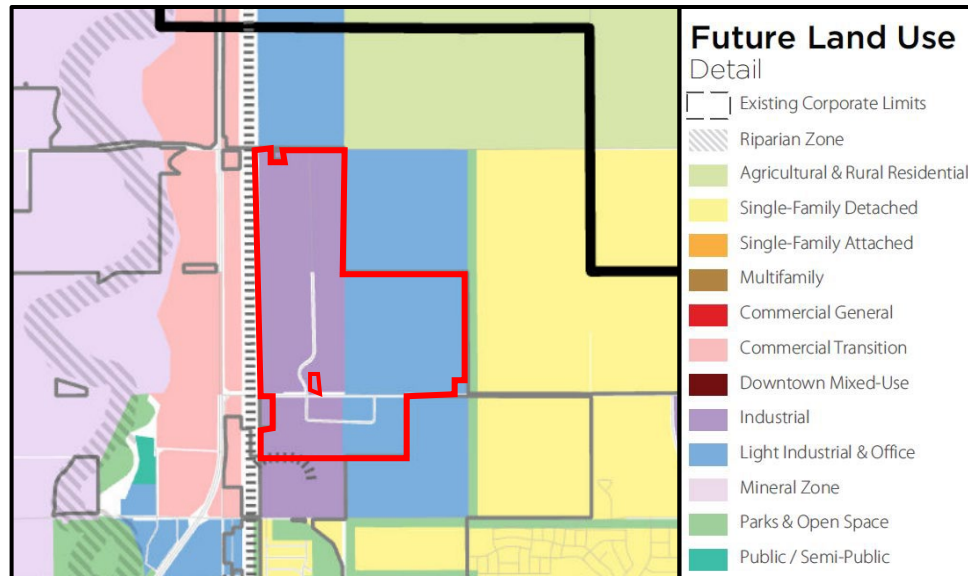
	EXISTING ZONING	EXISTING LAND USE
NORTH	Unincorporated Weld County	Agriculture

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 and Planning Commission via Resolution P2025-013 recommend 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@henrygroupe.com with any questions.

Sincerely,

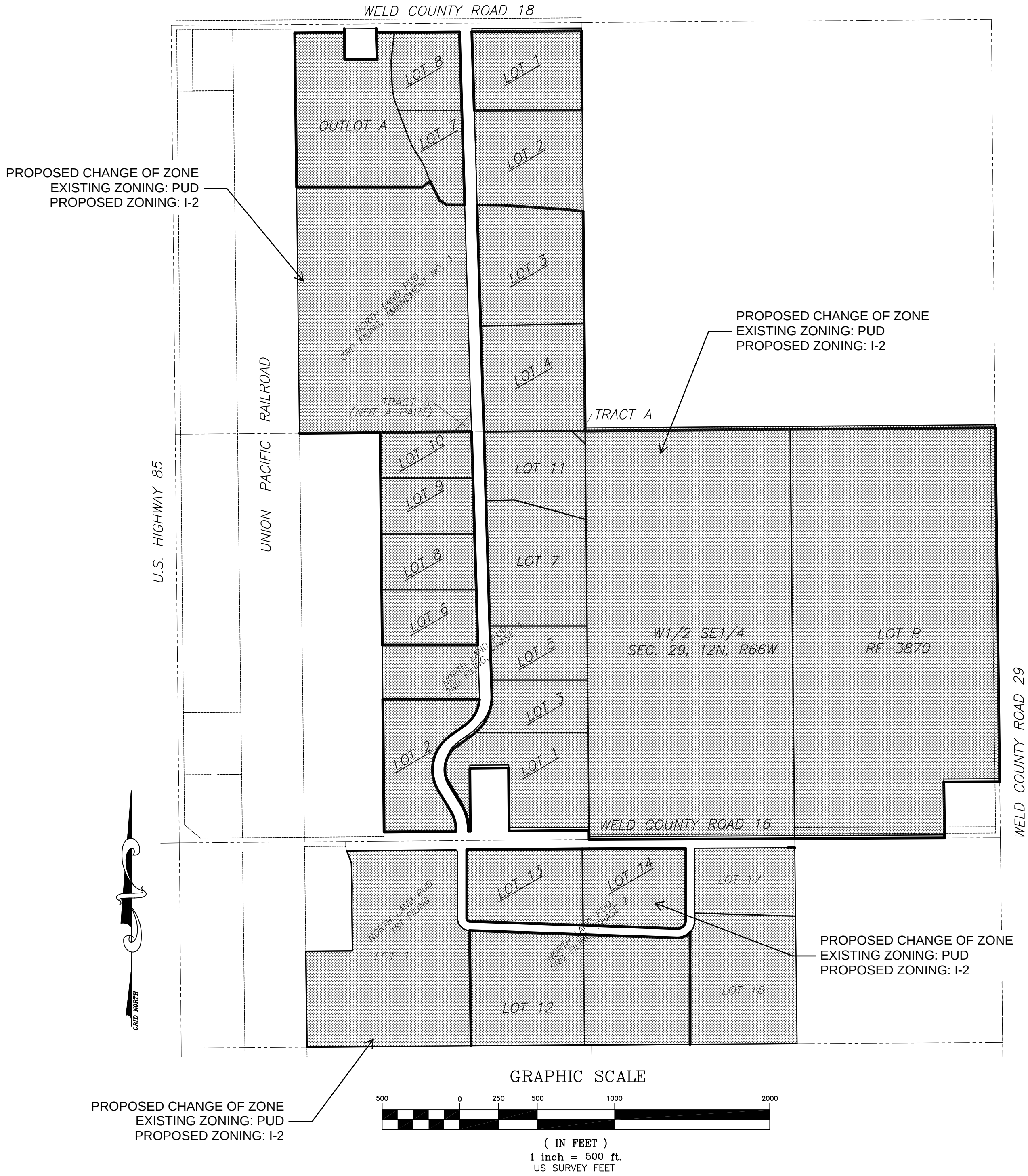


Daniel Allen
Development Manager
Henry Group Real Estate

NORTHLAND BUSINESS PARK CHANGE OF ZONE MAP

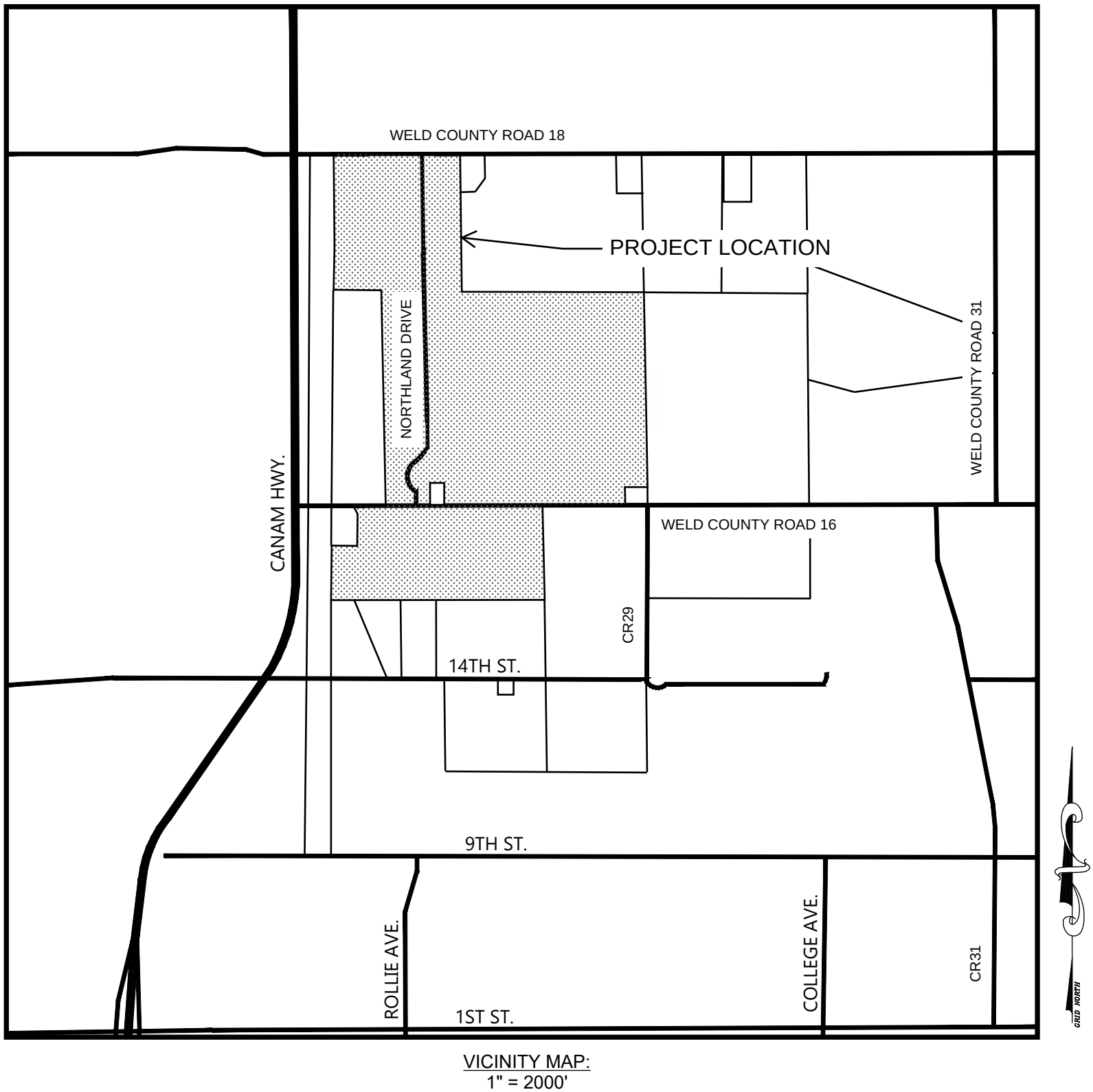
PROJECT NO. COZ25-003

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



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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.

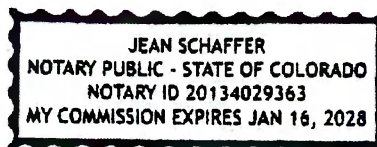


For the Fort Lupton Press

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
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

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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: **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

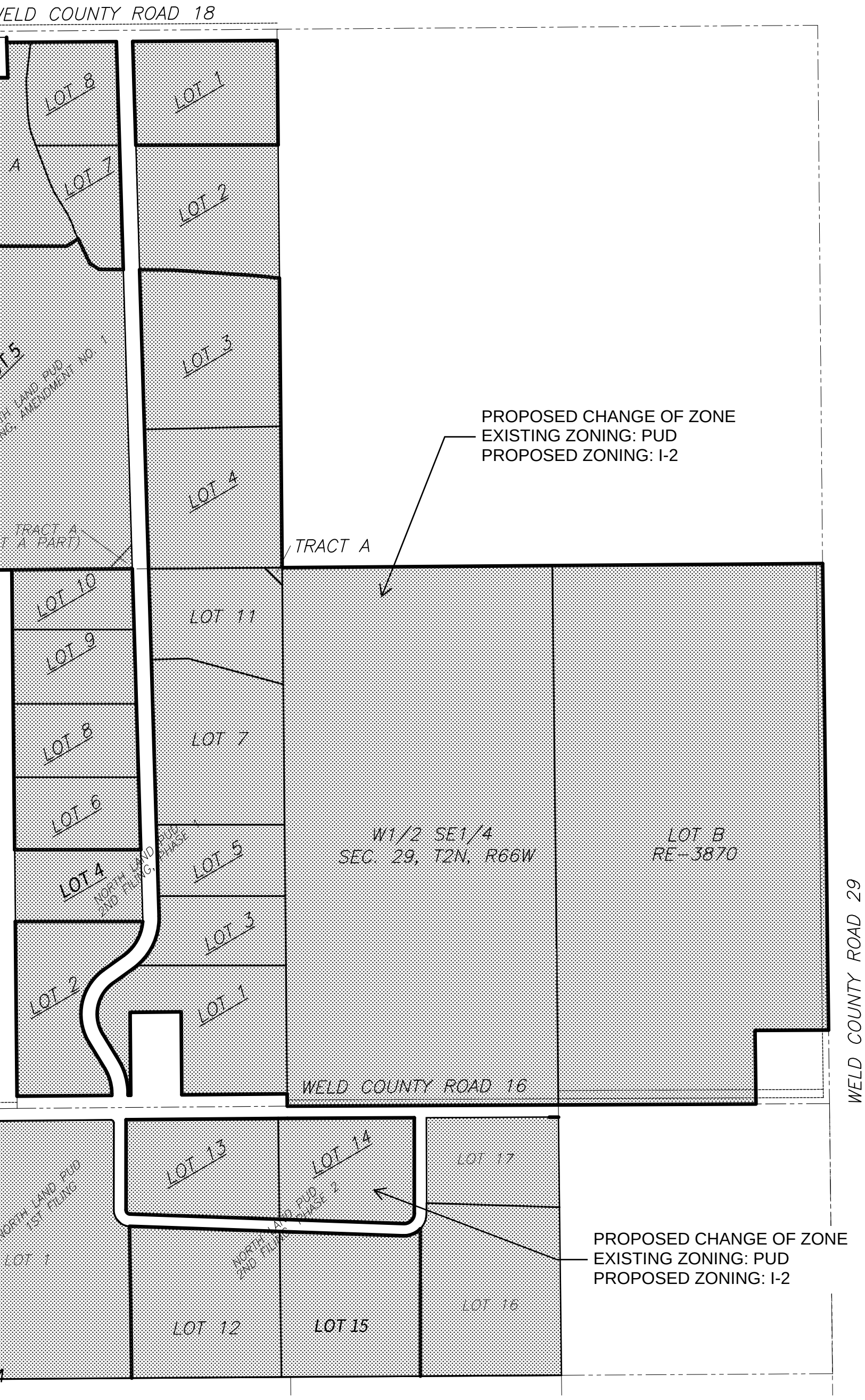
PT E2SE4 29-2-66 LOT B REC EXEMPT RE-3870

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 _____.

CITY ENGINEERS APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 202__.

PLANNING COMMISSION RECOMMENDATION

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

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 PASSES 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:

CITY CLERK

(SEAL)

NOTARY PUBLIC

CITY ENGINEER

DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATOR

CHAIRPERSON, FORT LUPTON
PLANNING COMMISSION

MAYOR

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



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CHANGE OF ZONE MAP
09/23/2025



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

Sign Posting Affidavit

Northland Business Park Change of Zone
COZ25-003

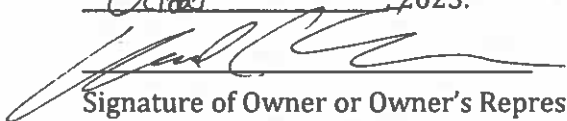


Facing County Road 16



Facing County Road 18

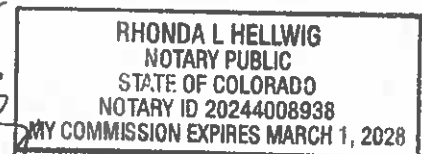
I, Daniel Allen hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 31 day of October, 2025.


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





SUBJECT FOR DISCUSSION

Adopting an Ordinance Accepting an Annexation Known as the L.G. Everist NW Annexation Nos. 1-2 and Approving the Annexation Agreement

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Lynn Shults with L.G. Everist Inc. has submitted a request for annexation of land totaling 50.808 acres more or less, known as the L.G. Everist NW Annexation Nos. 1-2. The parcel is generally located immediately north along County Road 18, between County Road 23 and County Road 25 (Parcel No. 131124001003). The proposed initial zoning is to the 'A' Agriculture Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

The proposed use of the property is for sand and gravel mining. This use is being reviewed through a Special Use Permit, and will be brought to Council via a separate AM and Resolution.

FINANCIAL CONSIDERATIONS

The applicant has paid all applicable land use application fees and is covering ongoing review expenses.

LEGAL/POLITICAL CONSIDERATIONS

This annexation meets the requirements set forth by Colorado Statutes in 31-12-104 and by Municipal Code, Section 15-3. The Applicant has submitted the required documents pursuant to the Code.

All notification requirements were met, details can be found in the packet.

ALTERNATIVES/OPTIONS

The City Council has the following options for this request:

- a) Adopt the Ordinance.
- b) Do not adopt the Ordinance.

STAFF RECOMMENDATIONS

Staff recommends conditional approval of the proposed Ordinance annexing land legally described in Exhibit A of the proposed Ordinance and approving the annexation agreement.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Staff Report
- e. Project Narrative
- f. Annexation Map
- g. Annexation Agreement & Petition
- h. City Council Resolution 2025R043 Accepting Annexation Petition
- i. Annexation Impact Report
- j. Legal Notifications

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

ADOPT ORDINANCE 2025-XXXX ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE L.G. EVERIST NW ANNEXATION NOS. 1-2 AND APPROVING THE ANNEXATION AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, a petition for annexation of the subject property, legally described in Exhibit “A”, was filed with the City on October 7, 2025. The owner of 100% of the territory, with the exception of any road rights-of-ways, if applicable, is L.G. Everist, Inc., and this territory is not solely a public street or rights-of-ways. The City Council accepted said petition and has found and determined that an election was not required for this annexation under state statute or municipal ordinance or code section and that no additional terms and conditions are to be imposed upon the annexation, other than those expressed in the annexation agreement. The Planning Commission of the City of Fort Lupton, after public hearing on November 13, 2025, has recommended approval of the annexation known as the L.G. Everist NW Annexation Nos. 1-2. After a public hearing on October 7, 2025, Council found that the area to be annexed is eligible for annexation pursuant to Section 31-12-104 C.R.S. as to contiguity; and, the area is not affected by any of the limitations that would prevent annexation set forth in Section 31-12-105 C.R.S.

WHEREAS, the annexation agreement between the applicant and the City has been reviewed by City staff and by this Council and is approved and shall be signed by the Mayor.

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the subject property is hereby annexed conditional to 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.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December, 2025.

PUBLISHED in the Fort Lupton Press this 11th day of December, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this X day of MONTH 2025.

PUBLISHED BY TITLE ONLY the X day of MONTH 2025.

EFFECTIVE (after publication) the X day of MONTH 2025.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
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 ($\pm$), 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.

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;

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CONTAINING 23,221 SQ. FT. / 0.5331 ACRES, MORE OR LESS.
ALL LINEAL DISTANCE ARE REPRESENTED IN U.S. SURVEY FEET.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

RECORD OF PROCEEDINGS
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Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

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mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

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

PROJECT DESCRIPTION

Project No.: ANX25-002

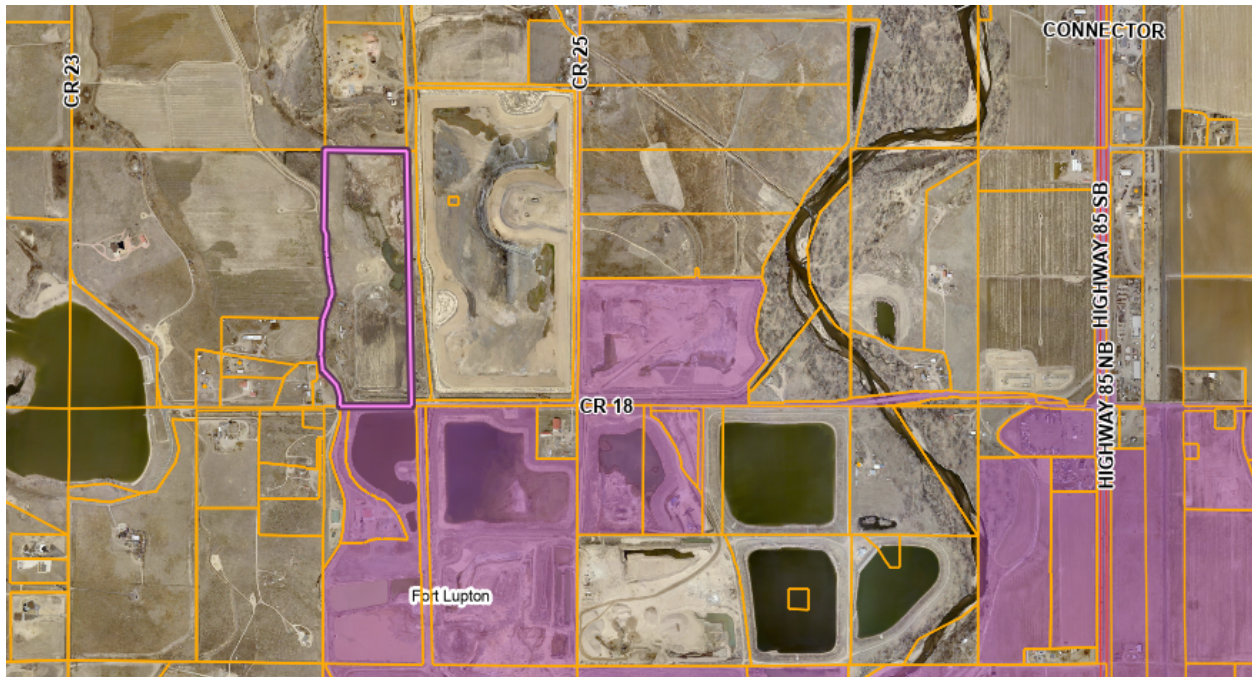
Project name: L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning

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

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 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 via certified mail, return-receipt requested. The annexation impact report was sent 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," Agricultural, 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 and Planning Commission recommend 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 City Council packet provided. Additional documents can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/971>.

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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

Project No. ANX25-002 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 plot 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;

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 31.61 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.

DESCRIPTION

Fort Lupton North Annexation No. 2

A plot 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 _____)

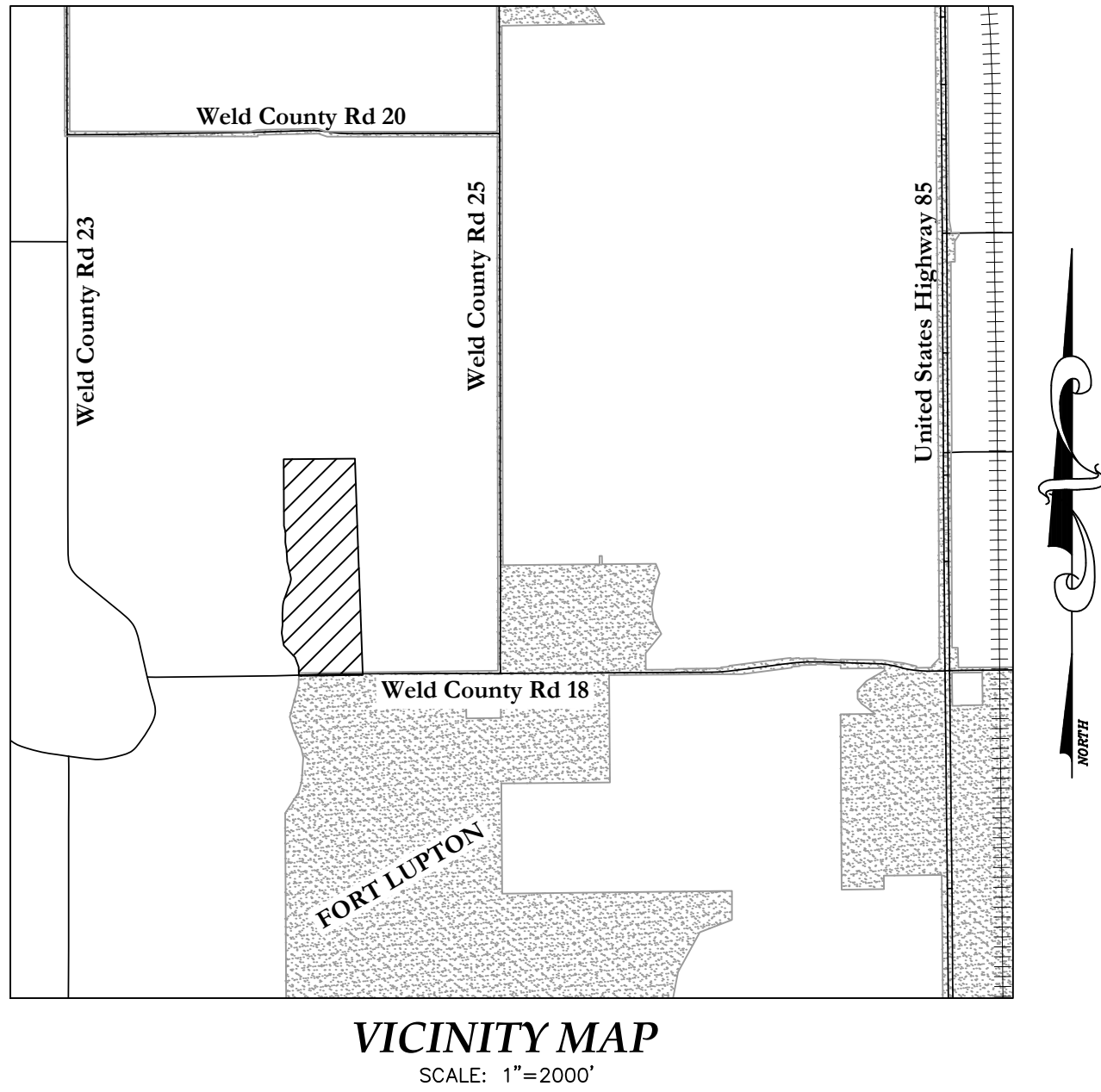
COUNTY OF _____ ss)

The foregoing instrument was acknowledged before me by _____,

this _____ day of _____, 20 _____ Witness my hand and seal.

My commission expires _____ (SEAL)

Notary Public



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.

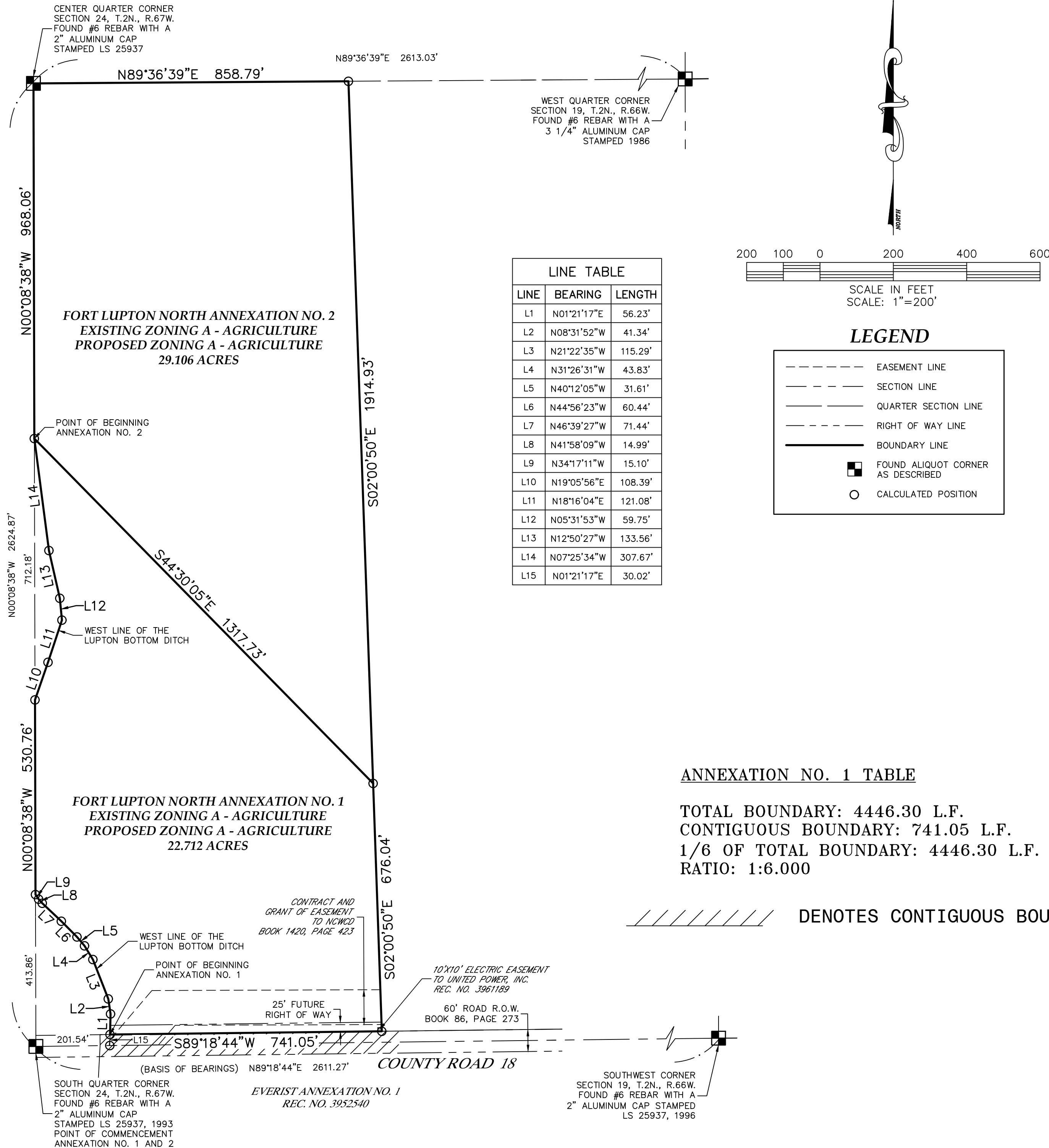
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

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

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

L. G. Everist, Inc. – Fort Lupton NW Annexation No. 1 & 2
ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2025, by and between L. G. Everist, Incorporated, a South Dakota corporation (“Owner”) and the City of Fort Lupton (“Fort Lupton” or “City”), a municipal corporation of the State of Colorado (collectively, the “Parties”).

WITNESSETH:

WHEREAS, Owner desires to annex to Fort Lupton the property more particularly described on Exhibit A, which is attached hereto, incorporated herein, and made a part hereof (such property is hereinafter referred to as “the Property”); and

WHEREAS, Owner has executed a petition to annex the Property, a copy of which petition is attached hereto as Exhibit B, and incorporated herein and made a part hereof; and

WHEREAS, it is to the mutual benefit of the Parties hereto to enter into the following Agreement; and

WHEREAS, Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of Fort Lupton, as they may be amended from time to time; and

WHEREAS, the Parties mutually agree that the annexation of the Property shall not create any additional cost or impose additional burden on the existing residents of the City to provide public facilities and services to the Property after annexation; and

WHEREAS, Owner acknowledges that the need for conveyances and dedication of certain property, including but not limited to property for rights of ways and easements to Fort Lupton as contemplated in this Agreement, are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND THE CONVENANTS AS HEREINAFTER SET FORTH, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. **Maps and Surveys.** Owner agrees to execute, promptly upon request of Fort Lupton, any and all maps, surveys, engineering, master planning, annexation impact reports and public notice and other documents necessary to finalize the annexation of the Property and the other provisions of this Agreement.
2. **Exclusivity.** Owner agrees to not sign any other petition for annexation of the Property or any petition for an annexation election relating to the Property, except upon request of Fort Lupton.
3. **Fees.** Owner agrees to pay Fort Lupton an annexation fee in the amount of \$[1,816.60].
4. **Resolution of Substantial Compliance.** Fort Lupton shall act upon the annexation petition on [October 7, 2025] and shall set a public hearing for [December 2, 2025], unless Owner consents to later action.
5. **Zoning.** The Parties recognize that it is necessary by State law to zone the Property within 90 days of annexation, and that the most appropriate use of the Property is for [mining] purposes. Owner has submitted a request to zone the Property [Agriculture] ([A]) and the City will act upon this request following a public hearing on [December 2nd, 2025]. The Parties recognize that it is the intent and desire of Owner to develop the Property in a manner consistent with the zoning requested and that the granting of such zoning by Fort Lupton is a condition to annexation of the Property. Owner shall take all actions necessary to permit zoning by Fort Lupton of the annexed Property within the time prescribed by State statutes. The Owner recognizes that the City has adopted design standards for [non-residential] uses and the Owner will comply with, and adhere to, these guidelines subject to the terms of this Agreement.
6. **Rights-of-Way and Easements.** Owner agrees to dedicate by General Warranty Deed or appropriate instrument of conveyance acceptable to the City, easements and rights-of-way for streets and other public ways and for other public purposes, as required by City master plans, ordinances, and resolutions. Unless otherwise agreed, such dedication shall include Right of Way for County Road 18 as set forth on the Annexation Map. Such dedications shall occur immediately upon request of the City, except that internal rights-of-way shall be dedicated at the time of subdivision platting, unless the City specifies another time.
7. **Streets.** Owner agrees to design, improve, and provide signage, lighting, and signalization for all public streets and other public ways within or adjacent to the Property in accordance with City ordinances and resolutions and other applicable standards, subject to any reimbursement which may be provided for in such ordinances, resolutions, and standards, and to make such other improvements as required by City ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Fort Lupton, to dedicate to Fort Lupton any or all other required improvements. Additionally, Owner agrees that as part of any Special Use Permit for the Property, Owner will be required to enter into an Improvements and Road Maintenance Agreement. Owner agrees to enter into an agreement pertaining to such improvements and other matters prior to any development

and/or subdivision of the Property and as a condition of any Special Use Permit for the Property.

In the event traffic numbers and usage significantly exceed those represented by Owner and relied upon by the City for compilation of the traffic study applicable to this project, future improvements to the truck routes may be required by the City for reasons related to site activity or truck circulation patterns and numbers, roadway classification changes and newly permitted facilities affecting the truck haul route traffic usage. Owner shall pay a proportionate cost share of future improvements not described herein based on the Owner's percentage of truck total trips using the current data on the haul route in comparison to the numbers and usage represented by Owner in compilation of the traffic study. After execution of this Agreement, the City may retain a third party traffic study consultant to evaluate traffic data usage by Owner and provide said study to Owner prior to the imposition of any costs stated herein.

8. **Compliance with Master Plans.** Owner agrees that future development of the Property will comply with any adopted infrastructure plans, including but not limited to, transportation, drainage, water, sewer, land use and comprehensive plans.
9. **Special Improvement Districts.** If requested by Fort Lupton, Owner agrees to include the Property in one or more special improvement districts or other mechanisms established by Fort Lupton for making improvements to streets and other public ways, or for making other public improvements authorized by law, and Owner hereby appoints the City Administrator of Fort Lupton as Owner's attorney-in-fact for the purpose of executing all documents determined by Fort Lupton to be necessary for such inclusion. If requested by Owner, Fort Lupton agrees to consider the establishment of one or more special improvement districts for making such improvements.
10. **Compliance with Ordinances, Resolutions and Standards.** Owner agrees that the design, improvement, construction, development, and use of the Property shall be in conformance with, and that Owner shall comply with, all City ordinances and resolutions including, without limitation, ordinances and resolutions pertaining to subdivision, zoning, storm drainage, utilities, and flood control.
11. **Limitations.** Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the City's ordinances or resolutions, or as a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the City and its inhabitants; nor shall this Agreement prohibit the enactment or increase by the City of any tax or fee.
12. **Disconnection.** No right or remedy of disconnection of the Property from the City shall accrue from this Agreement, other than that provided by applicable State laws. In the event the Property or any portion thereof is disconnected at Owner's request, Fort Lupton shall have no obligation to serve the disconnected Property or portion thereof and this Agreement shall be void and of no further force and effect as to such Property or portion thereof.

13. **Severability.** The Parties agree that if any part, term, portion, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision held to be invalid.
14. **Municipal Services.** Fort Lupton agrees to make available to the Property all of the usual municipal services in accordance with the ordinances and policies of the City, which services include, but are not limited to, police protection and water and sewer services. Owner acknowledges that City services do not include, as of the date of the execution of this Agreement, fire protection or emergency medical services, but the Property is presently included within the boundaries of and is entitled to receive such services from the Fort Lupton Fire Protection District.
15. **Existing Water Rights.**
Fort Lupton acknowledges that Owner's underground water rights are limited to certain wells located on the Property. Fort Lupton agrees that Owner shall retain the well rights until such time that municipal water serves the Property. At such time that the Property is served by municipal water the wells shall be transferred to the City at the City's option. In the event that Owner conveys its water rights to Fort Lupton, Owner shall convey all pertinent easements for access, use, maintenance and repair.
16. **Water-Storage Reservoir.** The Owner grants to the City to have a forty-five (45) day first right of refusal on the purchase of the Property for water storage.
17. **Future Conveyance of Water Rights.** In accordance with Fort Lupton Municipal Code Section 13-122, Owner agrees to convey to the City all water rights necessary for development future development separate from existing Agricultural uses and separate from those included in the Special use Permit being applied for, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, but the City retains the right to require cash in lieu thereof. Water rights may be conveyed on a pro-rata basis as the Property develops.
- Owner hereby acknowledges its receipt of a copy of Fort Lupton Municipal Code Section 13-122 concerning City policy with respect to the dedication of water rights, or cash in lieu, to the City in connection with annexations, and agrees to comply with such resolutions and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the subject Property.
18. **Parks and Public Lands.** Owner agrees to dedicate to the City, areas to be used for public purposes upon release of the DRMS Permit M-1999-120 for the Property. Lands dedicated shall be acceptable to City and shall comply with Section 16-3.02 "Open and Civic Space" of the Fort Lupton Municipal Code. All dedicated lands shall be platted by the Owner in

accordance with the City's subdivision regulations. Owner agrees to pay to City at the time of building permit any applicable park development fees as enacted by City Council by ordinance.

19. **Cooperation.** The Parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the same.
20. **Amendments.** This Agreement may be amended with the written consent of the City and Owner of the Property. Such amendments shall be in writing, shall be recorded with the County Clerk of Weld County, Colorado, shall be covenants running with the land, and shall be binding upon all persons or entities having an interest in the Property subject to the amendment unless otherwise specified in the amendment.
21. **Sole Agreement.** This Agreement embodies the entire agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the Parties.
22. **Liability.** Owner agrees to indemnify and hold harmless the City and the City's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of the Property, or which are in any manner connected with Fort Lupton's enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees for defense counsel of the City's choice for any such liability, claims, or demands.
23. **No Waiver of Governmental Immunity.** The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.
24. **"Owner" Defined.** As used in this Agreement, the term "Owner" shall include any of the heirs, transferees, successors, or assigns of Owner, and all such parties shall have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original Parties thereto.
25. **External References.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any City ordinance, resolution, or policies are incorporated herein by reference, and the Parties agree that amendments or revisions thereto shall be binding upon Owner.

26. **Transferability.** This Agreement shall be binding upon and inure to the benefit of the heirs, transferees, successors, and assigns hereof, and shall constitute covenants running with the land.
27. **Recording.** This Agreement shall be recorded with the County Clerk of Weld County, Colorado, at Owner's expense.
28. **Enforcement.** Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.
29. **Termination.** This Agreement shall be null and void if the City fails to approve the annexation of the Property.
30. **No Assurance of Annexation.** The Owner acknowledges that the annexation and zoning of the Property are subject to the legislative discretion of the Fort Lupton City Council. No assurances of annexation or zoning have been made or relied upon by Owner. In the event that, in the exercise of its legislative discretion, any action with respect to the Property herein contemplated is not taken, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by the Owner, or disconnection from the City in accordance with State law, as may be appropriate.
31. **Inclusion in NCWCD.** The Owner consents to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub-district pursuant to Section 37-45-136 (3.6) C.R.S. and to pay the appropriate inclusion fees and costs associated with such inclusion **at such time that municipal water is necessary to serve current or future development on the property.** At such time, the Owner shall complete a water study at the Owner's expense as requested by the City or applicable water provider(s). Owner acknowledges that, upon inclusion into the district and sub-district, Owner's Property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and sub-district at the time of inclusion of Owner's lands. Owner agrees to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and sub-district can impose such mill levies and special assessments as it has the authority to impose. Owner also agrees to waive, upon inclusion, any right, which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

(SIGNATURES ON THE FOLLOWING PAGE)

**L. G. EVERIST INCORPORATED., a
South Dakota corporation**

By: [Signature]
Matthew Noteboom, VP-Mountain Division

CITY OF FORT LUPTON

By: _____
Chris Ceretto, Mayor

ATTEST:

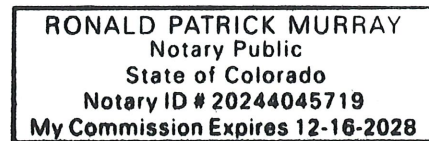
By: _____
Mari Peña, City Clerk

State of Colorado)
) ss
County of Adams)

The foregoing instrument was acknowledged before me this 21st day of November, 2025
by Matthew Noteboom as Vice President - MTN Division of
L. G. EVERIST INCORPORATED, a South Dakota corporation.

[Signature]
Notary Signature

Seal



State of Colorado)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025
by Chris Ceretto as Mayor for the City of Fort Lupton, Colorado.

Notary Signature

Seal

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 (±), 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.

EXHIBIT B

Signed Petition for Annexation

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

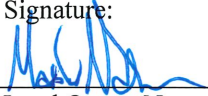
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, 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.

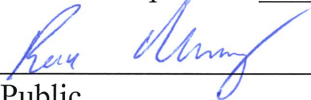
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: 5-21-25
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

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

EXHIBIT C

~~[IF APPLICABLE — SEE PARAGRAPH 15]~~

~~Water Rights Appurtenant to Property~~

<u>Water rights</u>	<u>Number of Shares</u>	<u>Certificate Number(s)</u>
TBD	TBD	TBD

Fort Lupton North Annexation No. 1 & 2 – Plat Maps

Plat Map 1 – Annexation Map

Plat Map 2 – Utilities & Landscape

Lot Line Adjustments
(not applicable)

RESOLUTION NO. 2025R043

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE LG EVERIST NW ANNEXATION NOS. 1-2 AND SETTING THE PUBLIC HEARING FOR DECEMBER 2, 2025

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Lynn Mayer Shults with L.G. Everist, Inc. for 50.808 acres, more or less, and known as the LG Everist NW Annexation; and

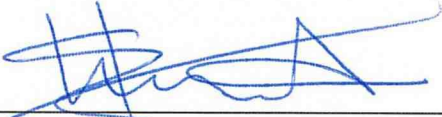
WHEREAS, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the LG Everist NW Annexations Nos. 1-2 and sets the hearing date for December 2, 2025, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF OCTOBER 2025.

City of Fort Lupton, Colorado




Zo Hubbard, Mayor

Attest:


Maricela Peña, City Clerk

Approved as to form:


Andy Ausmus, City Attorney



Planning & Building Department

1200 Dexter Unit W13
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

October 14, 2025

LG EVERIST NW NOS. 1-2 ANNEXATION IMPACT REPORT

Statement of Purpose

This Annexation Impact Report, which has been prepared pursuant to Section 31-12-108.5 of the Colorado Revised Statutes, is based on the Annexation Petition for an annexation known as the LG Everist NW Annexation Nos. 1-2, submitted by the Applicant, Lynn Mayer Shults with L. G. Everist, Inc. It is being reviewed and evaluated by the City of Fort Lupton staff, and is scheduled for review by the City of Fort Lupton Planning Commission on November 13th, 2025 at 6:00 PM and City Council on December 2nd, 2025 at 6:00 PM. Please contact Todd Hodges or Zachary Mettler in the Planning Department at the address on the header of this report, or at telephone number 720-928-4003, with any comments and/or questions.

Project Description

The property proposed for annexation is located in a portion of Section 24, Township 2 North, Range 67 West of the Sixth Principal Meridian, County of Weld, State of Colorado. The property is situated generally north along County Road 18, starting approximately 1,667 feet west of County Road 25, more or less. The total acreage of the LG Everist NW Annexation Nos. 1-2 is 50.808 acres, more or less. The annexation meets the 1/6th or 16.67% contiguity requirements set by State Statutes. The annexation map is attached along with the vicinity map.

Requested zoning for the properties proposed for annexation is 'A' Agriculture and is substantially compliant with City of Fort Lupton Zoning Regulations. The land is currently zoned Agricultural in Weld County.

This report is divided into six elements, which correspond to C.R.S. 31-12-108.5(1)(a) through (f) and are set forth as follows:

- (a) a map or maps of the municipality and adjacent territory to show the following:
 - (I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - (II) The present streets, major trunk water lines, sewer interceptors, and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation and;
 - (III) The existing and proposed land use pattern in the areas to be annexed.

- (b) a copy of any draft of the annexation agreement, if available;
- (c) a statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;
- (d) a statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;
- (e) a statement identifying existing districts within the area to be annexed;
- (f) a statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.

The following maps* have been attached as required in subparagraph (a) of C.R.S. Section 31-12-108.5:

- The present and proposed boundaries of the City of Fort Lupton in the immediate vicinity of the proposed annexation;
- The present streets, major water transmission mains, primary sanitary sewer outfalls, storm drainage infrastructure, ancillary utility mainlines, irrigation canals and ditches, and the proposed extension of such streets and utility services in the vicinity of the proposed annexation;
- The existing and proposed land use pattern in the area. The existing land use pattern is agricultural and residential.

In addition, pursuant to the requirements of subparagraphs (b) through (f), inclusive of said section, the following items have been addressed or presented:

- (a) A final Annexation Agreement and Annexation Ordinance shall be submitted to the Weld County Clerk and Recorder for recording and to the Weld County Attorney, upon request.
- (b) The plans of the City of Fort Lupton for extending municipal services to, or otherwise providing for, municipal services to the subject property to be annexed as follows:
 1. **On-Site / Off-Street Improvements:** The annexation agreement will address any future improvements. This will be specifically reviewed at time of development and will require development agreements.
 2. **Dry Utilities to Service Property:** Electrical, telephone, cable television and natural gas facilities are located in the vicinity of the property or already serving the property to be annexed.
 3. **Water Transmission and Sanitary Sewer Interceptors:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required water and sewer lines in accordance with the City's Standards or agreements.
 4. **Police, Fire, and Other City Services:** Police protection will be provided by the City of Fort Lupton. Fire protection will be provided by the Fort Lupton Fire Protection District.
 5. **Water Distribution and Sewer Collection:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required water and sanitary sewer systems in accordance with the City's Standards or agreements

with other service providers and Specifications for on-site services. This item will be addressed in the annexation agreement.

6. **Storm Drainage:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required storm drainage in accordance with the City's Standards or agreements.
 7. **Public Lands / Open Space:** The dedication of public lands and open space will be addressed in the annexation agreement.
 8. **Public Facility Extension:** The City does not anticipate that there will be a need for the Applicants to extend or construct any offsite public facilities, i.e. recreation centers, etc., for the annexation and initial zoning.
- (c) In the event that property is developed further and the extension of municipal services to the annexed property is required, the development of future water, sewer, and storm water infrastructure shall be accomplished by one or more of the following Financing Methods:
1. Development Fees and Surcharges collected by the City of Fort Lupton;
 2. Direct Developer Financing;
 3. Metropolitan Districts;
 4. Special Improvement Districts; and/or
 5. Otherwise by agreement between City and the Developer as deemed appropriate.
- (d) Consistent with C.R.S. 31-12-108.5, the Districts and all taxing entities are identified with the current 2024 property tax mill levy attached hereto.
- (f) This current annexation and zoning should not have any negative impact on the Weld County RE-8 Fort Lupton School District. Any future development proposals will be sent to the School District for review and comments. The School District has received a referral request for their review and comment.

****Please contact Zachary Mettler at zmettler@fortluptonco.gov or 720-928-4003 to request any of the provided maps in a larger format or in electronic format.***

Attachments:

1. Annexation map and vicinity map with Fort Lupton boundary
2. Comprehensive Plan Land Use Map
3. Zoning map
4. Water maps
5. Wastewater maps
6. Storm drainage study area maps
7. Storm sewer map
8. Irrigation canals and ditches map
9. Ultimate Roadway Network Map
10. 2024 Tax Levies Weld County, Colorado

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

[illegible][illegible][illegible]

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

By _____ At _____

NOMINAL CERTIFICATE

STATE OF _____)
COUNTY OF _____)
as _____)

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

_____ Notary Public _____
commission expires _____ (S&AL)



City of Fort Lupton City Council by way of Resolution No. _____
Recommended this _____ day of _____, 20 ____

Chairperson, Fort Lupton
Planning Commission

This is to certify that the annexation map of the above described property was approved by the City Council of the City of _____, A.D. 20____ and that the Mayor, on the City of _____ day of _____, A.D. 20____, as an agent of the City of _____, authorized by and Ordinance No. _____ of the City of _____, authorized the said annexation map upon which this certificate is based, to be recorded for all purposes indicated therein.

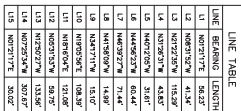
Attest: City Clerk _____ Mayor _____

I certify this plot 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

Assuming the South line of the Southwest Quarter of Section 24, T.2N., R.67W., on 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 final dimensions on contained herein are based upon the "U.S. Survey Foot."



☐ CALCULATED POSITION

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

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

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



REVISIONS:	DATE:

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

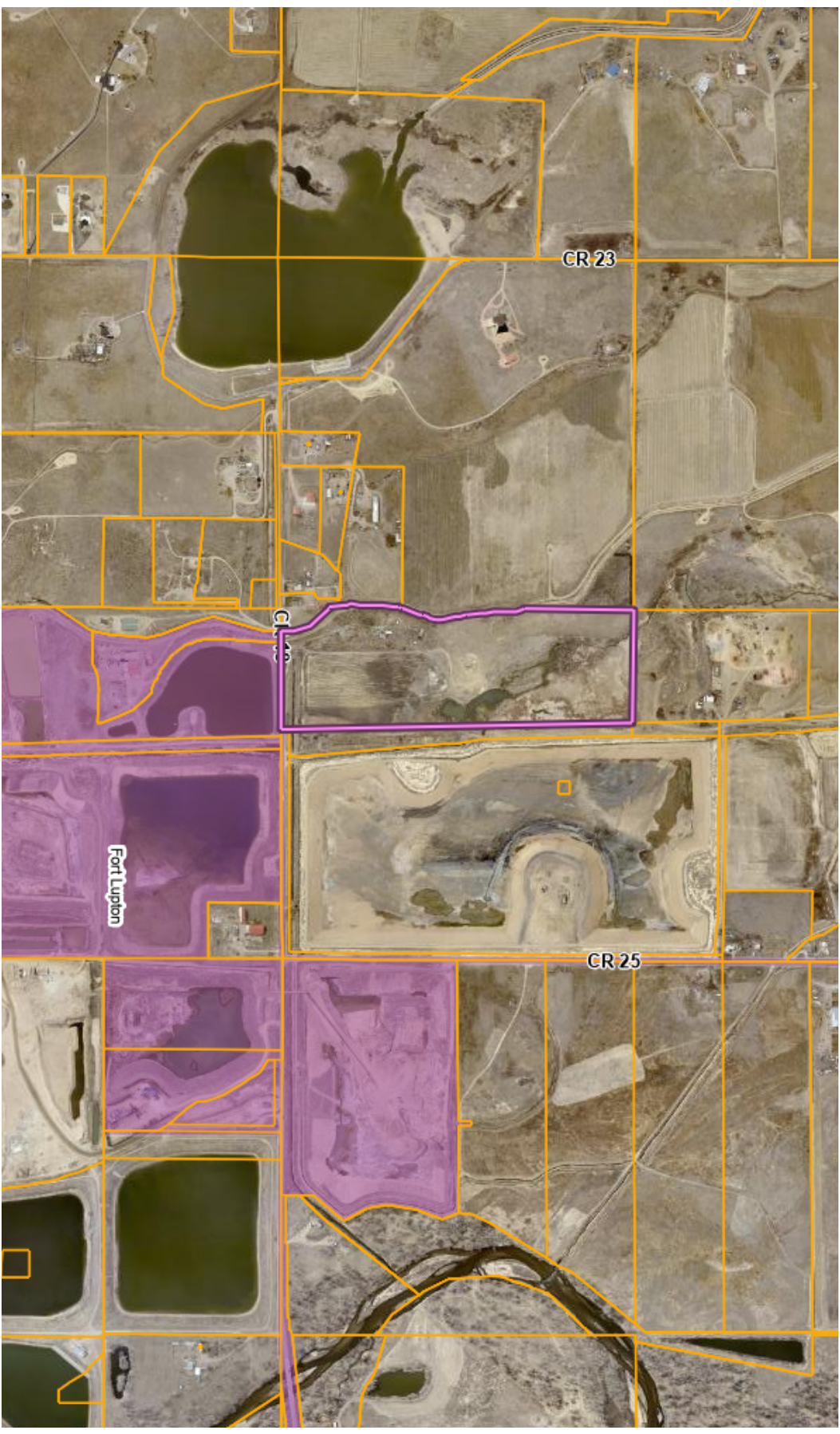
PROJECT #
20240524

SHEET 1 OF 1



Vicinity Map

10/7/2025 12:41:24 PM

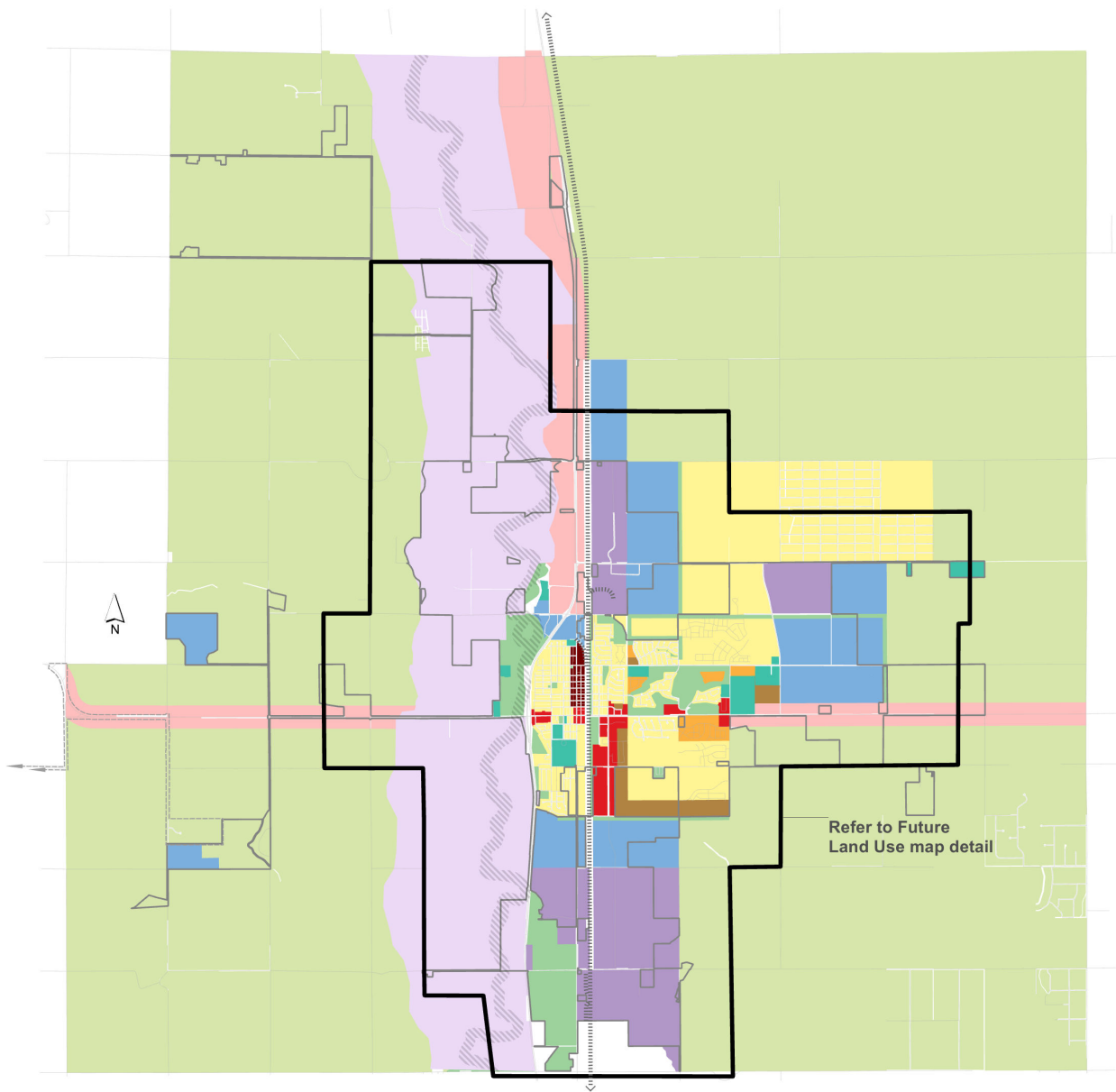


Scale: 1:12,000 (1" = 1,000')

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes:

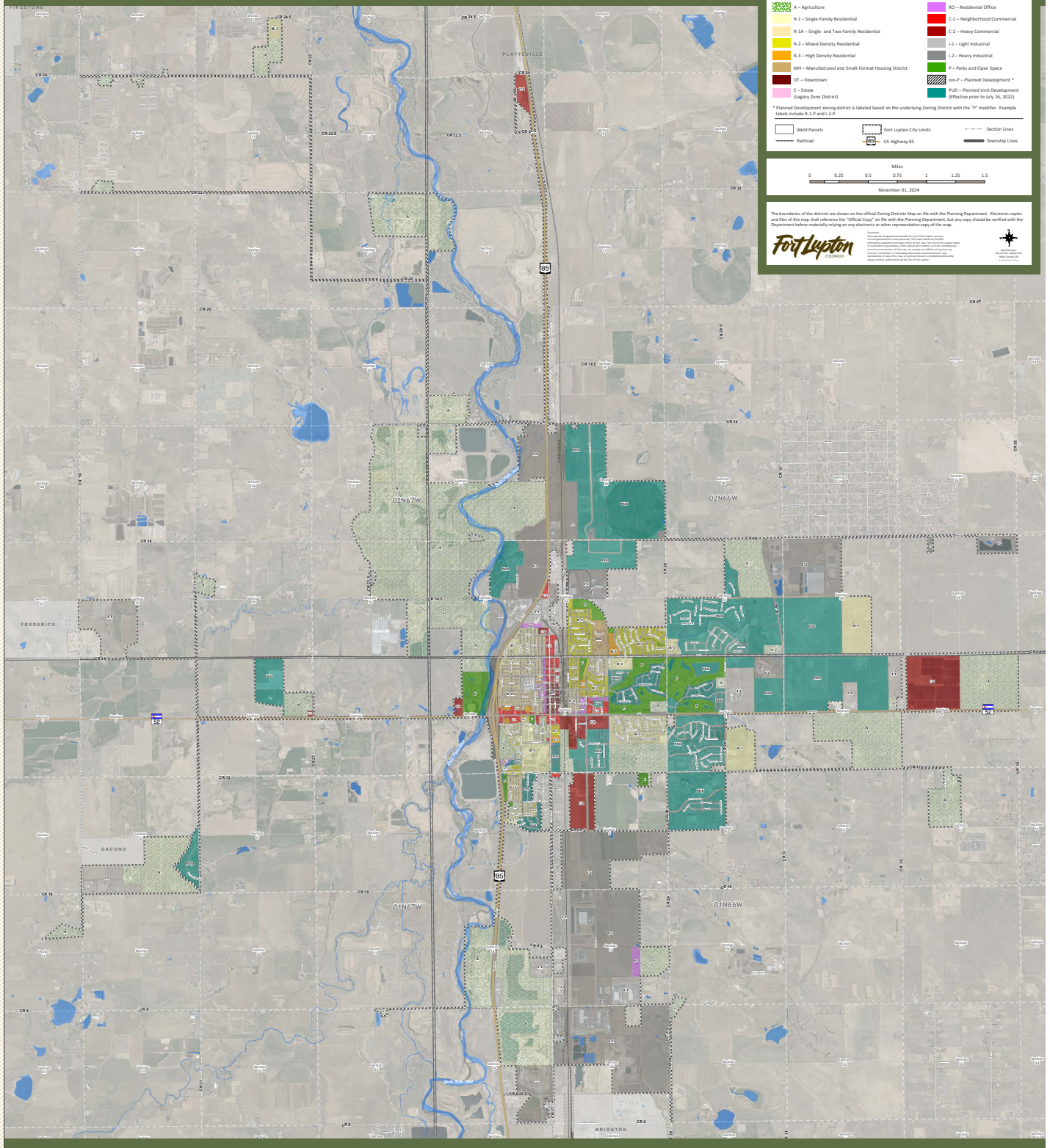
DISCLAIMER: This product has been developed solely for internal use only by Weid County. The GIS database, applications, and data in the product is subject to constant change and the accuracy and completeness cannot be and is not guaranteed. The designation of lots or parcels or land uses in the database does not imply that the lots or parcels were legally created or that the land uses comply with applicable State or local law. UNDER NO CIRCUMSTANCE SHALL ANY PART OF THE PRODUCT BE USED FOR FINAL DESIGN PURPOSES. WEID COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, ACCURACY, OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY, ARISING FROM ANY INCORRECT, INCOMPLETE OR MISLEADING INFORMATION CONTAINED THEREIN.



Future Land Use Updated August 1, 2024 Planning Area

Riparian	Agricultural & Rural Residential	Commercial General	Light Industrial & Office
Dacono City	Single-Family Detached	Commercial Transition	Mineral Zone
Existing Corporate	Single-Family Attached	Downtown Mixed-Use	Parks & Open Space
	Multifamily	Industrial	Public / Semi-Public

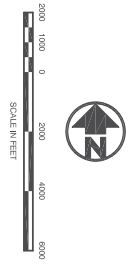
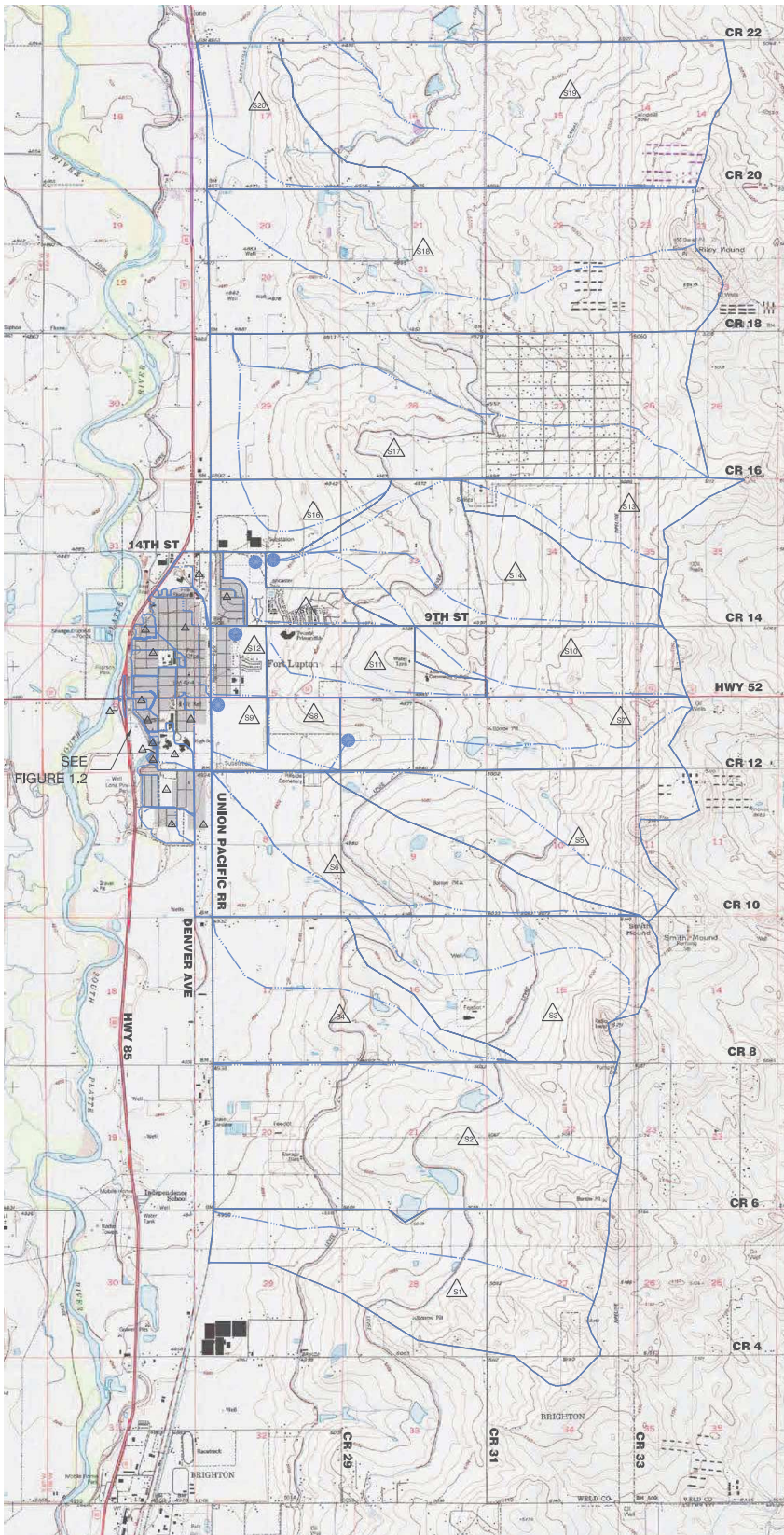
Zoning Districts







Fort Lupton - Sewer



Basin ID	Basin Area (ac)	5 Year Historic Flow	2 Year Developed Flow	5 Year Developed Flow	10 Year Developed Flow	50 Year Developed Flow	100 Year Developed Flow
1	1303.36	547.76	1510.50	1545.54	1556.06	1572.14	1577.02
2	1741.55	734.06	2036.29	2071.20	2085.29	2106.85	2113.38
3	1004.46	506.03	982.81	1012.69	1025.54	1046.01	1052.37
4	858.21	406.14	1042.54	1053.73	1058.20	1065.02	1067.09
5	807.16	380.79	751.49	772.86	781.92	796.15	800.54
6	1108.86	442.02	1526.16	1542.64	1549.26	1555.35	1562.40
7	731.31	352.15	1424.20	1433.90	1437.78	1443.09	1445.48
8	199.81	114.68	318.95	324.41	326.62	330.00	331.02
9	1322.28	533.07	1411.39	1412.80	1412.80	1413.44	1413.63
10	1507.48	535.97	1525.47	1525.47	1525.47	1525.47	1525.47
11	367.74	235.38	416.82	429.46	433.93	439.21	443.52
12	119.33	63.07	127.20	128.58	129.83	131.12	131.46
13	448.97	281.08	437.43	437.43	437.43	437.43	437.43
14	1016.07	456.36	1237.30	1248.06	1254.06	1254.06	1254.06
15	170.75	102.12	338.14	356.11	368.80	404.53	406.28
16	307.67	234.82	1163.86	1166.71	1167.87	1169.07	1170.21
17	2103.33	734.09	1748.46	1778.07	1805.70	1831.72	1859.67
18	2137.04	767.86	940.77	962.62	972.20	987.84	992.87
19	1720.16	823.06	1008.28	1031.68	1042.04	1054.82	1064.10
20	503.84	220.00	269.50	275.76	278.53	283.02	284.43

LEGEND:

DEVELOPED BASIN DELINEATION
 DEVELOPED BASIN TRAVEL PATH
 BASIN DESIGNATION
 FUTURE/PROPOSED BASIN

REVISIONS				
Description				
No	Date	By	Chk	

City of Fort Lupton

Storm Drainage Study Area East Basins

 Figure 1.1

J&T Consulting, Inc.
 305 Denver Avenue • Suite D
 Fort Lupton, CO 80621
 Ph: 303-857-6222 Fax: 303-857-6224
www.j-tconsulting.com

Fort Lupton - Storm Sewer





Irrigation, Ditches, and Canals

10/7/2025 3:27:13 PM



Scale: 1:16019

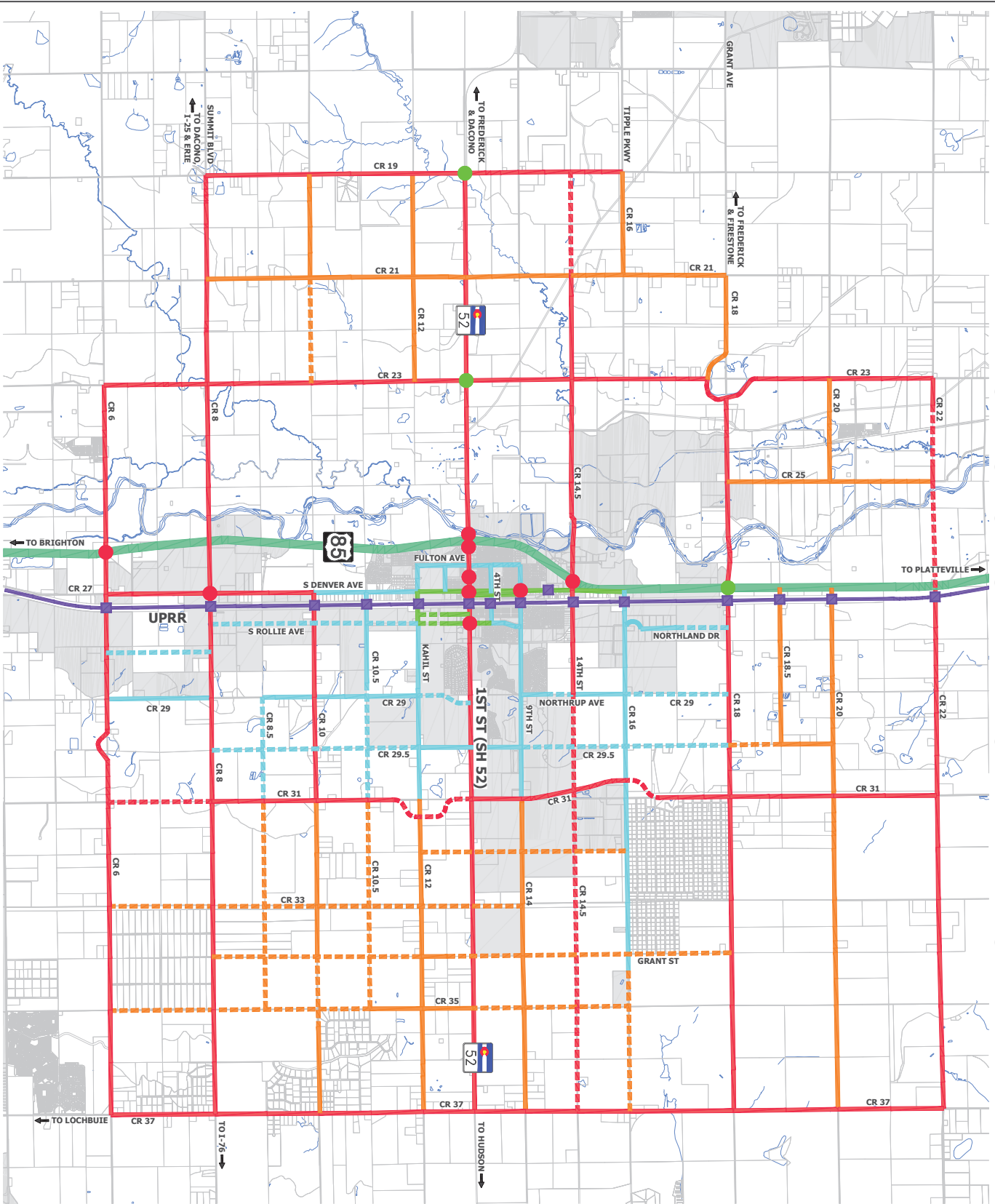
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FORT LUPTON - ULTIMATE ROADWAY NETWORK



LEGEND - ROAD IMPROVEMENTS

- 4-LANE ARTERIAL
- RURAL COLLECTOR
- URBAN COLLECTOR
- RETAIL STREET
- UNION PACIFIC RR
- 4-LANE HIGHWAY
- TRAFFIC SIGNAL
- RR CROSSING

LEGEND - ROAD IMPROVEMENTS

- 4-LANE ARTERIAL
- RURAL COLLECTOR
- URBAN COLLECTOR
- RETAIL STREET
- UNION PACIFIC RR
- 4-LANE HIGHWAY
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- RETAIL STREET
- UNION PACIFIC RR
- 4-LANE HIGHWAY
- TRAFFIC SIGNAL
- RR CROSSING

TAX DISTRICT: 3440

AUTHORITY #	AUTHORITY NAME	MILL LEVY
0100	WELD COUNTY	15.956
0208	SCHOOL DIST RE8-FORT LUPTON	18.508
0301	NORTHERN COLORADO WATER (NCW)	1.000
0506	FORT LUPTON FIRE	9.446
0700	AIMS JUNIOR COLLEGE	6.305
1050	HIGH PLAINS LIBRARY	3.179
1201	PLATTE VALLEY CONSERVATION	0.000
LEVY TOTAL:		54.394

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.

Erin Adams

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

JEAN SCHAFFER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20134029363
MY COMMISSION EXPIRES JAN 16, 2028

Public Notice

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 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 6:30 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 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 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. 4595004 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. 3955540 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°21'52" 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 07°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 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 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" 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" 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 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 750.00 FEET;

THENCE S87°24'03" W, A DISTANCE OF 700.00 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 22,221 SQ. FT. / 0.5331 ACRES MORE OR LESS.

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

Legal Notice No. FLPI357

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 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.

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**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

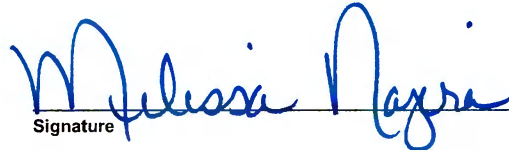
PUBLISHER'S AFFIDAVIT

**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

(SEAL)

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

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
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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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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.



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:

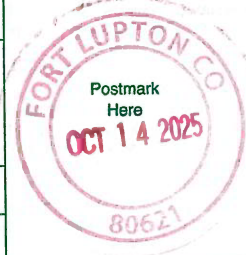
WELD COUNTY 1150 O STREET GREELEY, 80631	SCHOOL DISTRICT RE-8 301 REYNOLDS STREET FORT LUPTON, CO 80621	NORTHERN COLORADO WATER 220 WATER AVENUE BERHTOUD, CO 80513
FORT LUPTON FIRE PROTECTION DISTRICT 1121 DENVER AVENUE FORT LUPTON, CO 80621	AIMS JUNIOR COLLEGE PO BOX 69 GREELEY, CO 80632	HIGH PLAINS 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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Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Weid County</u> Street and Apt. No., or PO Box No. <u>1150 O Street</u> City, State, ZIP+4® <u>Greely, CO 80631</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9119

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Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>School District RE-8</u> Street and Apt. No., or PO Box No. <u>301 Reynolds Street</u> City, State, ZIP+4® <u>Fort Lupton, CO 80621</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9126

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Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Northern Colorado Water</u> Street and Apt. No., or PO Box No. <u>220 Water Avenue</u> City, State, ZIP+4® <u>Berthoud, CO 80513</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

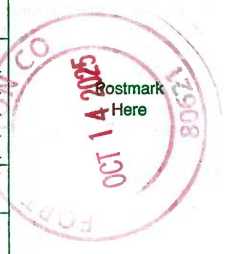
7019 2970 0001 1465 9133

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Certified Mail Fee \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Fort Lupton Fire Protection District</u> Street and Apt. No., or PO Box No. <u>1121 Denver Avenue</u> City, State, ZIP+4® <u>Fort Lupton, CO 80621</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9171

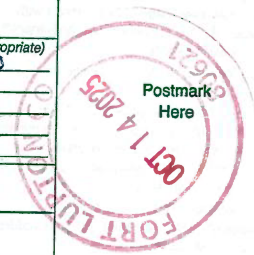
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Aims Junior College</u> Street and Apt. No., or PO Box No. <u>PO Box 69</u> City, State, ZIP+4® <u>Greely, CO 80632</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9164

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☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>High Plains Library</u> Street and Apt. No., or PO Box No. <u>2650 West 29th Street</u> City, State, ZIP+4® <u>Greely, CO 80631</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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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	
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
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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 **L. G. Everist NW Annexation Nos. 1-2** located **north and immediately adjacent to County Road 18 and 1,642 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 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: **L. G. 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; 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.

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

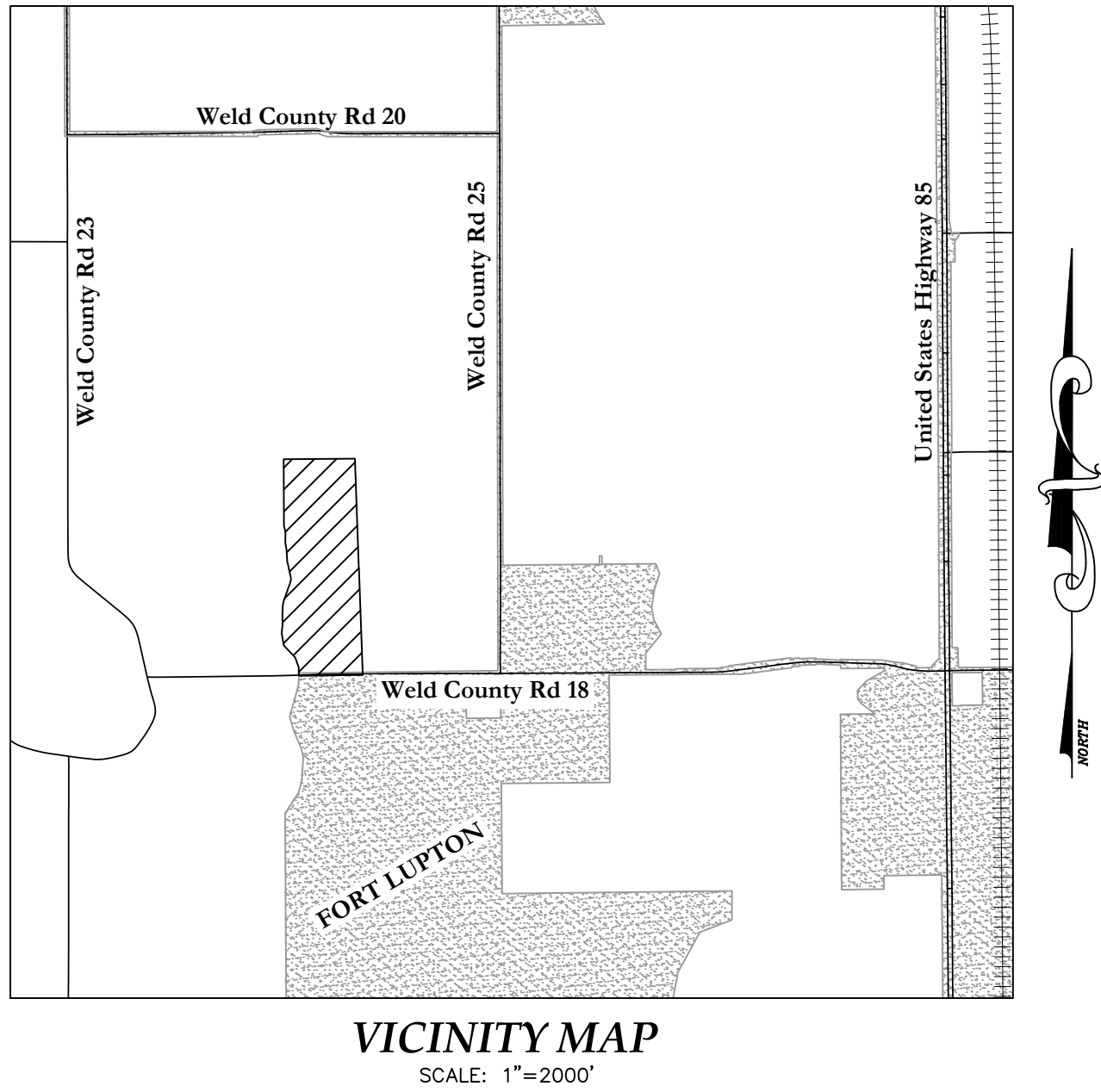
Know All Men By These Presents, that we L.G. Everist, incorporated, a South Dakota corporation being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

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

By: _____ As: _____

NOTARIAL CERTIFICATE

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



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

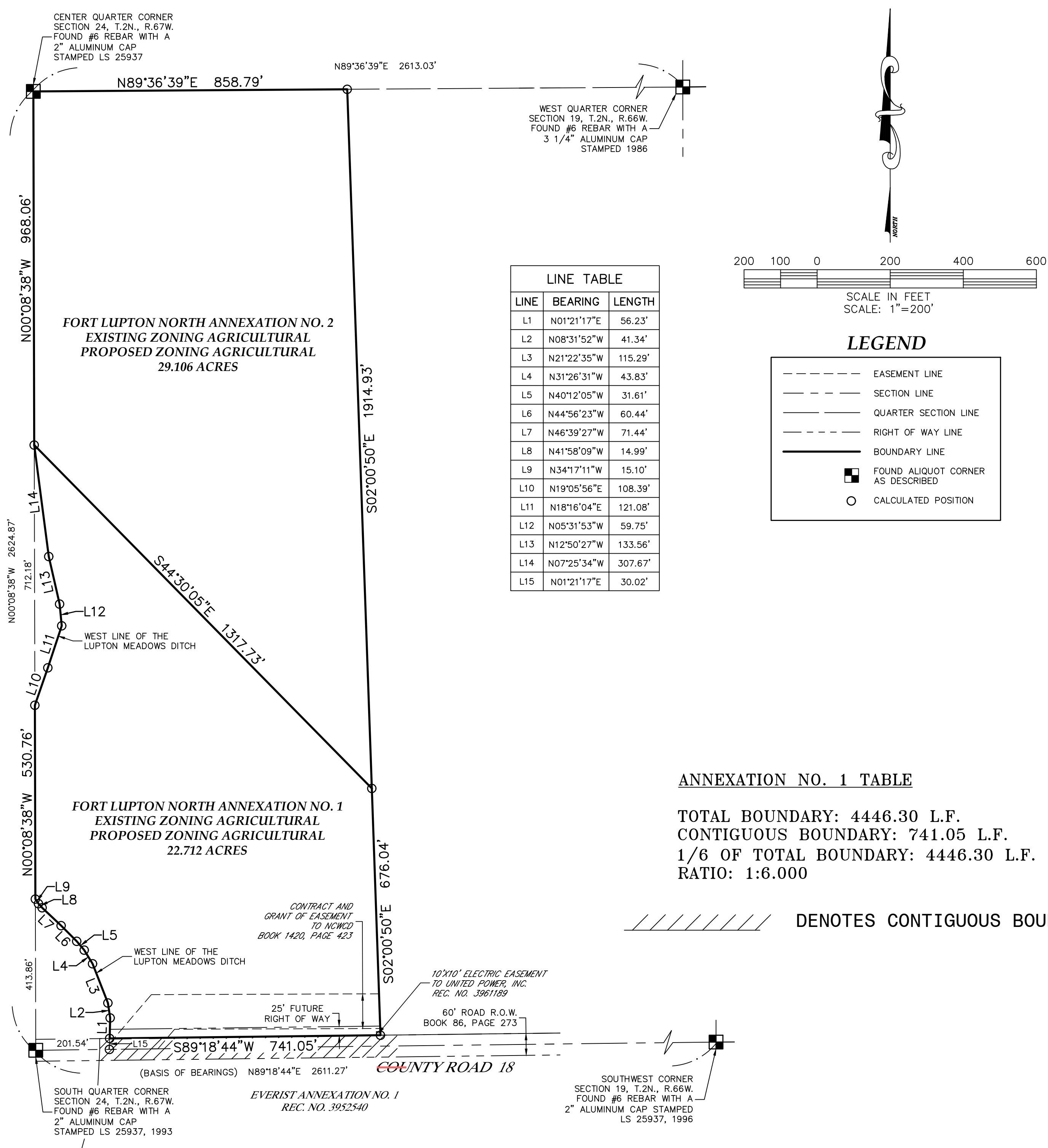
I certify this plat accurately represents the results of a survey made by me under my direct supervision.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

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

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

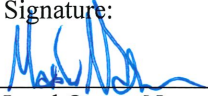
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, 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.

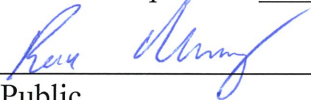
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: 5-21-25
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

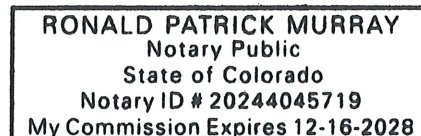


Exhibit A

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 (±), 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

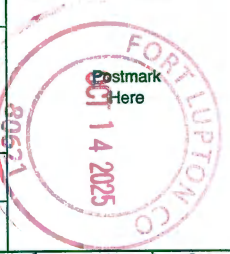
I, the undersigned, hereby certify that on the **14th day of October 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L. G. Everist NW Annexation Nos. 1-2** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

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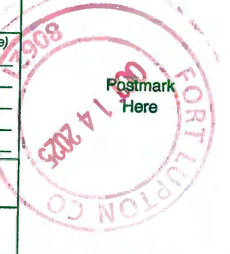


City Official

7019 2970 0001 1465 9089

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Weld County Attn: Commissioners</u>	
Street and Apt. No., or PO Box No. <u>1150 O Street</u>	
City, State, ZIP+4® <u>Greeley, CO 80631</u>	
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 <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Weld County Attn: Attorneys</u>	
Street and Apt. No., or PO Box No. <u>1150 O Street</u>	
City, State, ZIP+4® <u>Greeley, CO 80631</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Affidavit of Mineral Notice

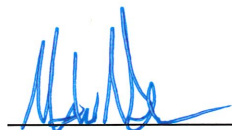
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103

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



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

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

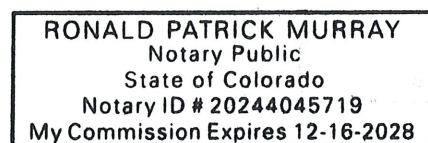
Signature of Owner or Owner's Representative

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 Patrick Murray

Notary Public





SUBJECT FOR DISCUSSION

Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the L.G. Everist NW Initial Zoning, to the 'A' Agriculture Zone District

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Lynn Shults with L.G. Everist, Inc. has submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agriculture Zone District. The parcel is generally located immediately north along County Road 18, between County Road 23 and County Road 25 (Parcel No. 131124001003).

FINANCIAL CONSIDERATIONS

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

LEGAL/POLITICAL CONSIDERATIONS

All notification requirements were met, details can be found in the packet.

ALTERNATIVES/OPTIONS

The City Council has the following options for this request:

- a) Adopt the Ordinance.
- b) Do not adopt the Ordinance.

STAFF RECOMMENDATIONS

Staff recommends conditional approval of the proposed Ordinance annexing land legally described in Exhibit A of the proposed Ordinance and approving the annexation agreement.

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Project Narrative
- e. Annexation Map
- f. Legal Notifications

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

ADOPT ORDINANCE 2025-XXXX INITIALLY ZONING LAND KNOWN AS THE L.G. EVERIST NW INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURE ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, under the procedures detailed in Section 16-9 of the Fort Lupton Municipal Code, the Applicant, L.G. Everist, Inc. represented by Lynn Shults, submitted a request to initially zone 50.808± acres of land more particularly described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on the zone request on November 13, 2025, and recommended approval to City Council of the initial zoning of land described in Exhibit A to the 'A' Agriculture Zone District, with all the uses-by-right allowed in said district; and

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the official zoning map be amended to reflect the initial zone on the property described in Exhibit A of this Ordinance to the 'A' Agriculture Zone District, and that the Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December 2025.

PUBLISHED in the Fort Lupton Press for four consecutive weeks starting October 16, 2025 and in the Greeley Tribune for four consecutive weeks starting October 10, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this X day of MONTH 2025.

PUBLISHED BY TITLE ONLY the X day of MONTH 2025.

EFFECTIVE (after publication) the X day of MONTH 2025.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
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.

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;

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THENCE North 07°25'34" West a distance of 307.67 feet;
THENCE South 44°30'05" East a distance of 1317.73 feet;
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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.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair



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

Project No. ANX25-002 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 plot 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;
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 31.61 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.

DESCRIPTION

Fort Lupton North Annexation No. 2

A plot 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

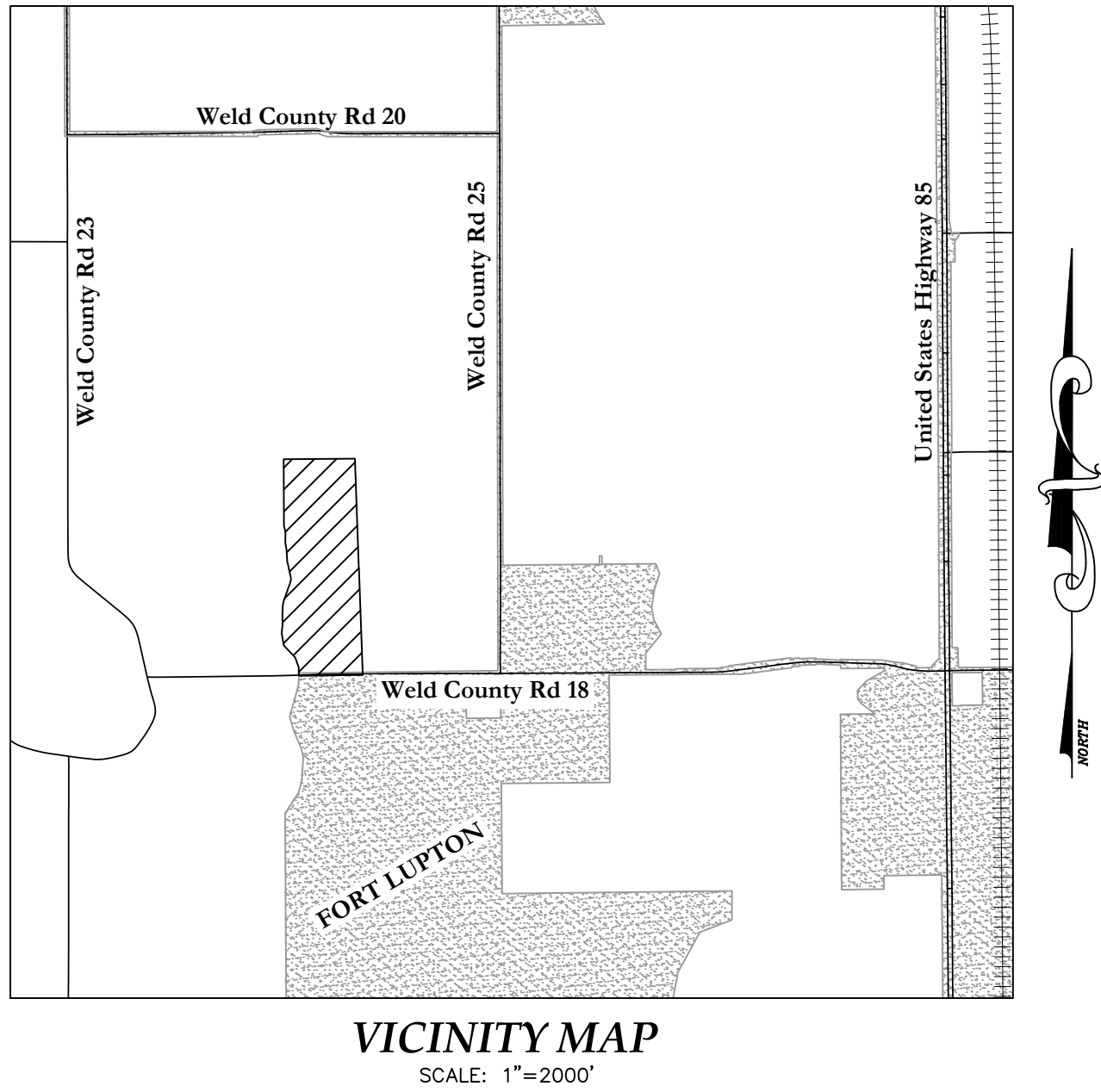
Know All Men By These Presents, that we L.G. Everist, Incorporated, a South Dakota corporation, being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

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 _____ Notary Public (SEAL)



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

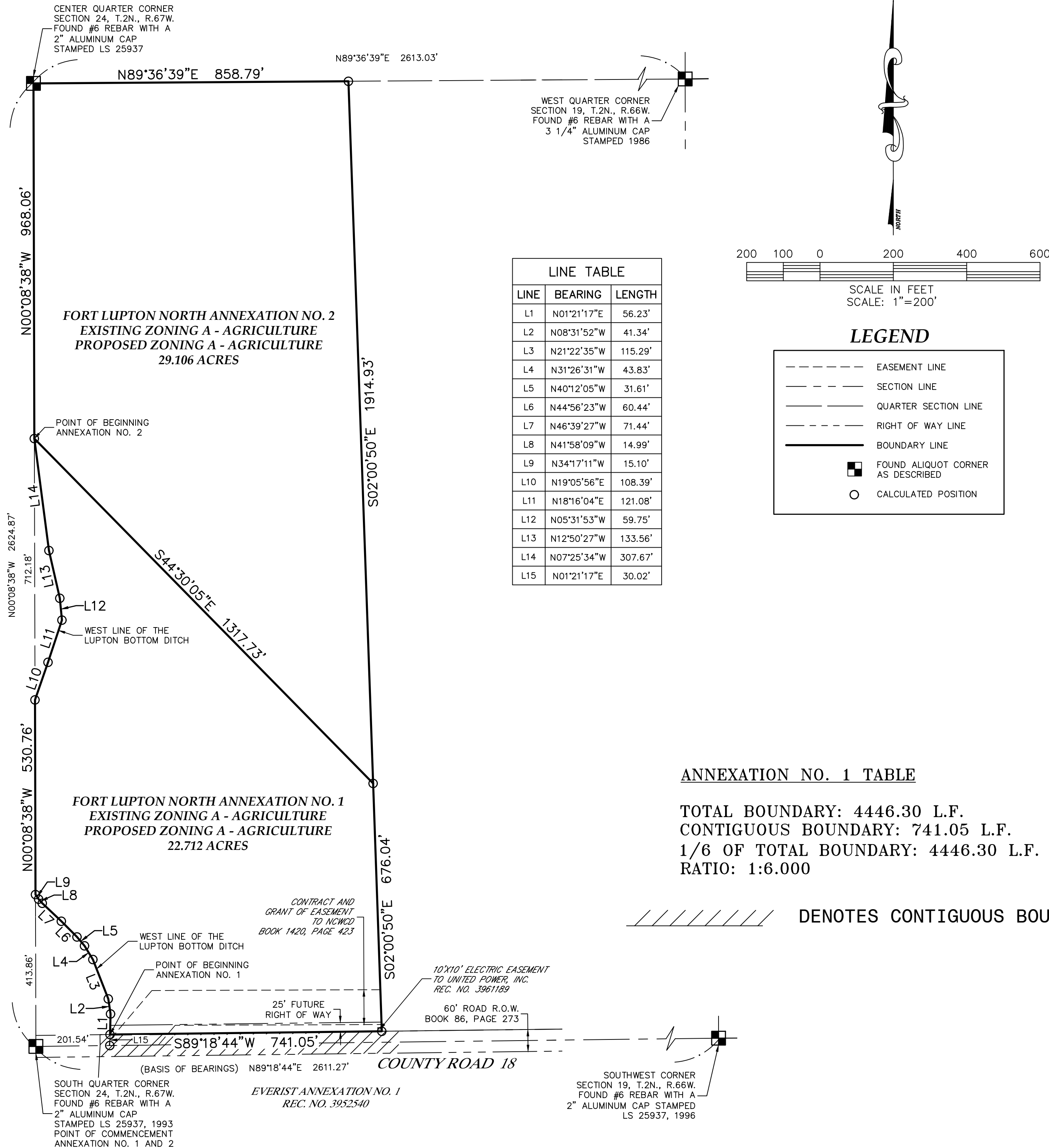
I certify this plat accurately represents the results of a survey made by me under my direct supervision.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

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

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

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.

Erin Adams

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

JEAN SCHAFFER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20134029363
MY COMMISSION EXPIRES JAN 16, 2028

Public Notice

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 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 6:30 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 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. 4595004 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. 3955540 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°21'52" 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 07°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 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 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" 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" 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 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 750.00 FEET;

THENCE S87°24'03" W, A DISTANCE OF 700.00 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 154.43 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 22.221 SQ. FT. / 0.5331 ACRES MORE OR LESS.

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

Legal Notice No. FLPI357

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

(SEAL)

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

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
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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.

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 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 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.



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:

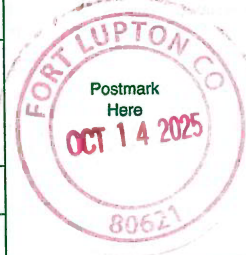
WELD COUNTY 1150 O STREET GREELEY, 80631	SCHOOL DISTRICT RE-8 301 REYNOLDS STREET FORT LUPTON, CO 80621	NORTHERN COLORADO WATER 220 WATER AVENUE BERHTOUD, CO 80513
FORT LUPTON FIRE PROTECTION DISTRICT 1121 DENVER AVENUE FORT LUPTON, CO 80621	AIMS JUNIOR COLLEGE PO BOX 69 GREELEY, CO 80632	HIGH PLAINS 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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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 Weid County Street and Apt. No., or PO Box No. 1150 O Street City, State, ZIP+4® Greely, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9119

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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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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 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	

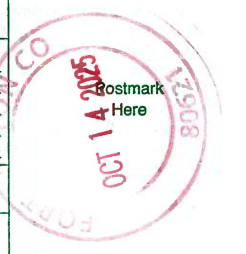
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Postage \$ 0.74	
Total Postage and Fees \$ 10.44	
Sent To Fort Lupton Fire Protection District Street and Apt. No., or PO Box No. 1121 Denver Avenue City, State, ZIP+4® Fort Lupton, CO 80621	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9171

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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® Greely, CO 80632	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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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® Greely, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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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

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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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Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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 **L. G. Everist NW Annexation Nos. 1-2** located **north and immediately adjacent to County Road 18 and 1,642 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 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: **L. G. 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; 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.

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

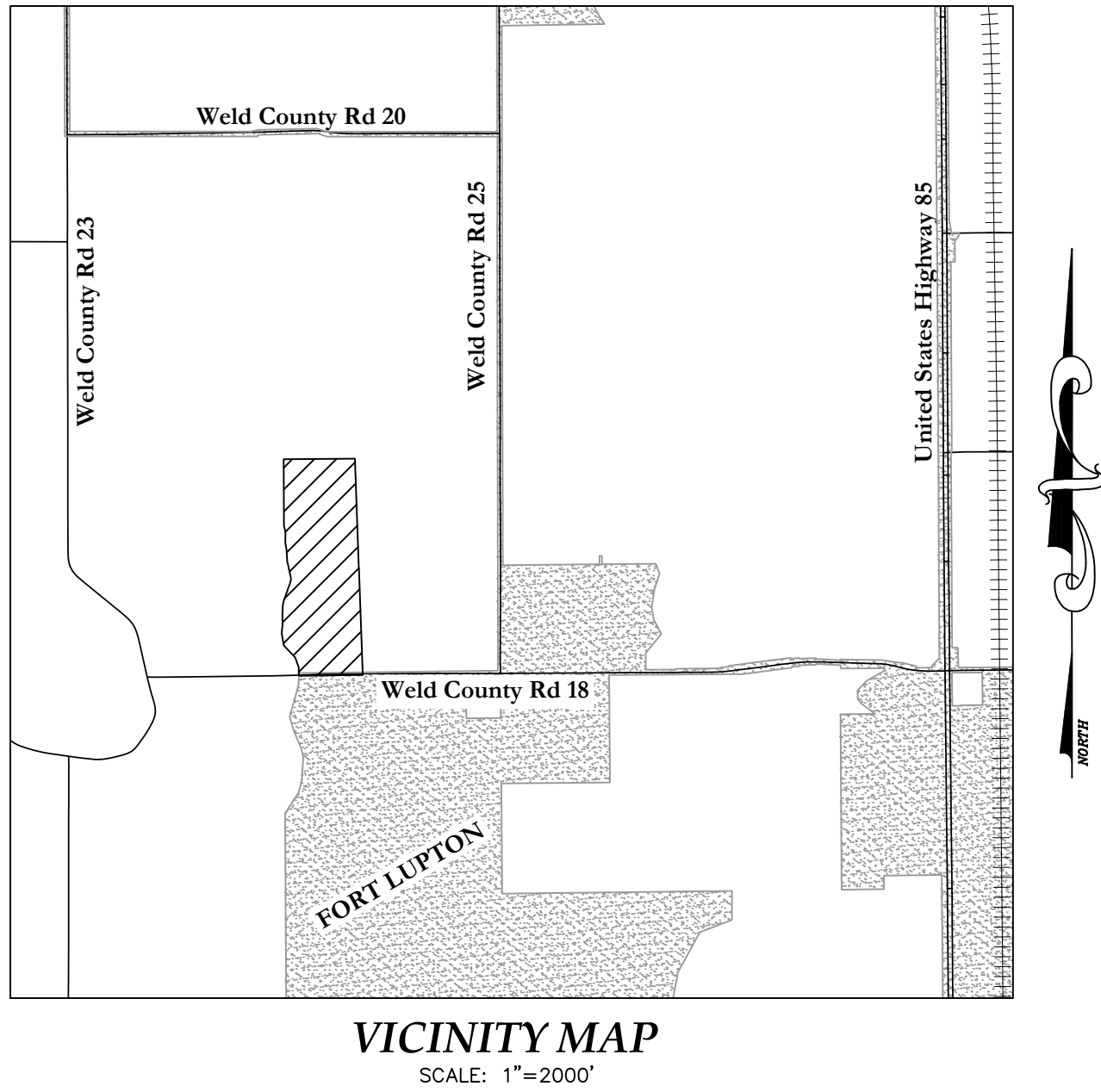
Know All Men By These Presents, that we L.G. Everist, incorporated, a South Dakota corporation being the sole owners of the land described herein, have caused said land to be annexed under the name of Fort Lupton North Annexation No. 1 & 2.

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

By: _____ As: _____

NOTARIAL CERTIFICATE

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



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

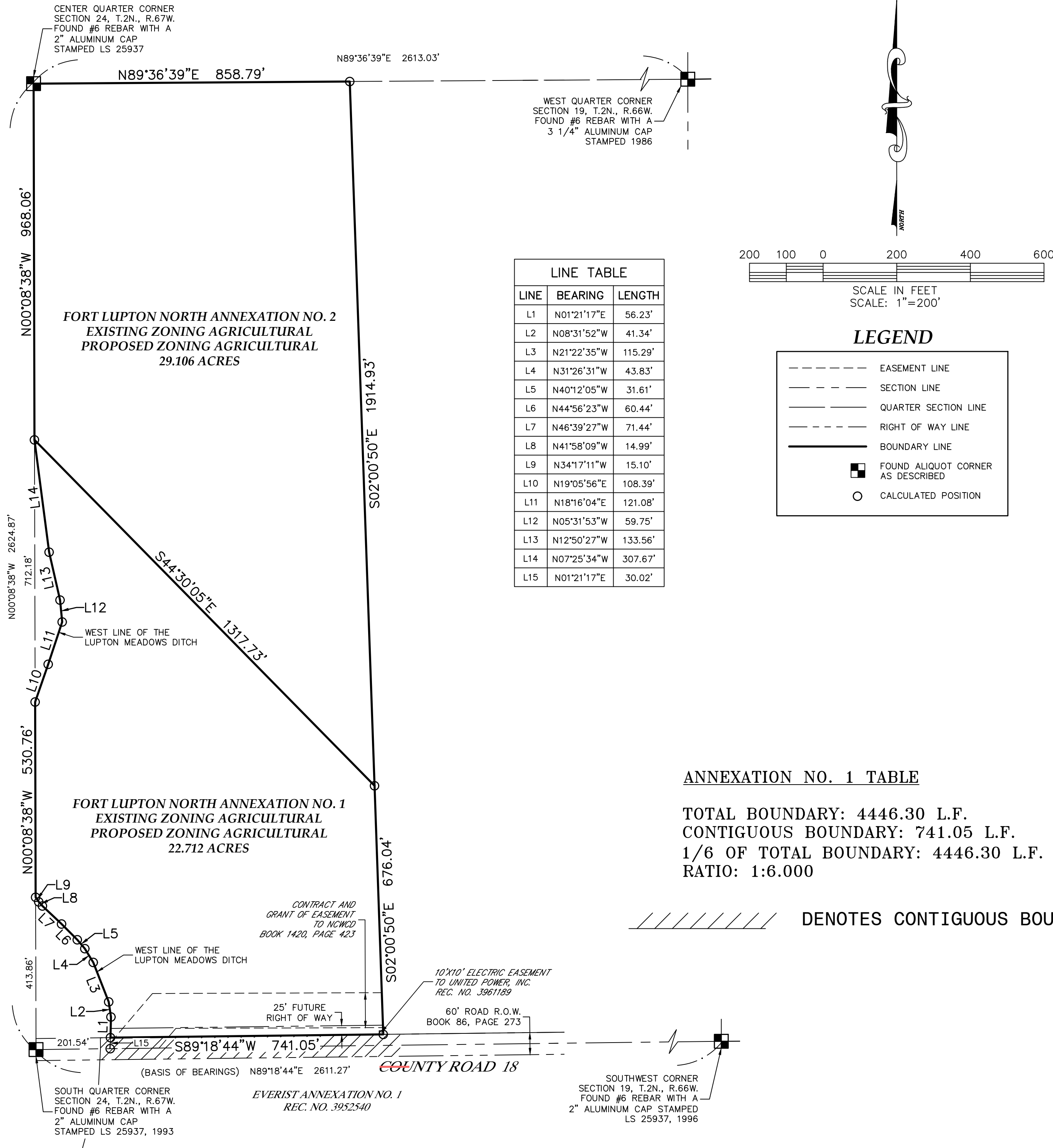
I certify this plat accurately represents the results of a survey made by me under my direct supervision.
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Lupton, County of Weld, State of Colorado.

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

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

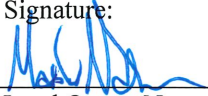
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, 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.

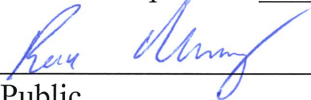
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: <u>5-21-25</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

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

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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.

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;

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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 0000 1465 9089

U.S. Postal ServiceTM
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 0000 1465 9072

U.S. Postal ServiceTM
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

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Affidavit of Mineral Notice

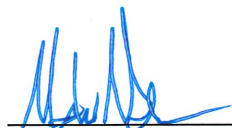
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103

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



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

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

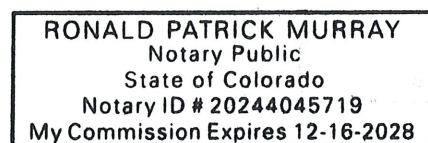
Signature of Owner or Owner's Representative

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 Patrick Murray

Notary Public





SUBJECT FOR DISCUSSION

Adopting an Ordinance Accepting an Annexation Known as the L.G. Everist NE Annexation and Approving the Annexation Agreement

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Lynn Shults with L.G. Everist Inc. has submitted a request for annexation of land totaling 149.995 acres more or less, known as the L.G. Everist NE Annexation. The parcels are generally located immediately east along County Road 25 AND approximately 1280 feet north of County Road 18 (Parcel Nos. 130919303006, 130919303005, 130919303004, and 130919303003). The proposed initial zoning is to the 'A' Agriculture Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

The proposed use of the property is for sand and gravel mining. This use is being reviewed through a Special Use Permit, and will be brought to Council via a separate AM and Resolution.

FINANCIAL CONSIDERATIONS

The applicant has paid all applicable land use application fees and is covering ongoing review expenses.

LEGAL/POLITICAL CONSIDERATIONS

This annexation meets the requirements set forth by Colorado Statutes in 31-12-104 and by Municipal Code, Section 15-3. The Applicant has submitted the required documents pursuant to the Code.

All notification requirements were met, details can be found in the packet.

ALTERNATIVES/OPTIONS

The City Council has the following options for this request:

- a) Adopt the Ordinance.
- b) Do not adopt the Ordinance.

STAFF RECOMMENDATIONS

Staff recommends conditional approval of the proposed Ordinance annexing land legally described in Exhibit A of the proposed Ordinance and approving the annexation agreement.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Staff Report
- e. Project Narrative
- f. Annexation Map
- g. Annexation Agreement & Petition
- h. City Council Resolution 2025R042 Accepting Annexation Petition
- i. Annexation Impact Report
- j. Legal Notifications

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

ADOPT ORDINANCE 2025-XXXX ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE L.G. EVERIST NE ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, a petition for annexation of the subject property, legally described in Exhibit “A”, was filed with the City on October 7, 2025. The owner of 100% of the territory, with the exception of any road rights-of-ways, if applicable, is L.G. Everist, Inc., and this territory is not solely a public street or rights-of-ways. The City Council accepted said petition and has found and determined that an election was not required for this annexation under state statute or municipal ordinance or code section and that no additional terms and conditions are to be imposed upon the annexation, other than those expressed in the annexation agreement. The Planning Commission of the City of Fort Lupton, after public hearing on November 13, 2025, has recommended approval of the annexation known as the L.G. Everist NW Annexation Nos. 1-2. After a public hearing on October 7, 2025, Council found that the area to be annexed is eligible for annexation pursuant to Section 31-12-104 C.R.S. as to contiguity; and, the area is not affected by any of the limitations that would prevent annexation set forth in Section 31-12-105 C.R.S.

WHEREAS, the annexation agreement between the applicant and the City has been reviewed by City staff and by this Council and is approved and shall be signed by the Mayor.

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the subject property is hereby annexed conditional to 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.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December, 2025.

PUBLISHED in the Fort Lupton Press this 11th day of December, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this X day of MONTH 2025.

PUBLISHED BY TITLE ONLY the X day of MONTH 2025.

EFFECTIVE (after publication) the X day of MONTH 2025.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
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 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.

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:

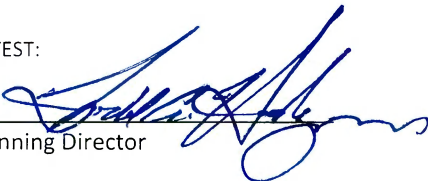

Planning Director

EXHIBIT A
PROPERTY DESCRIPTION

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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;

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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.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

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

PROJECT DESCRIPTION

Project No.: ANX25-003

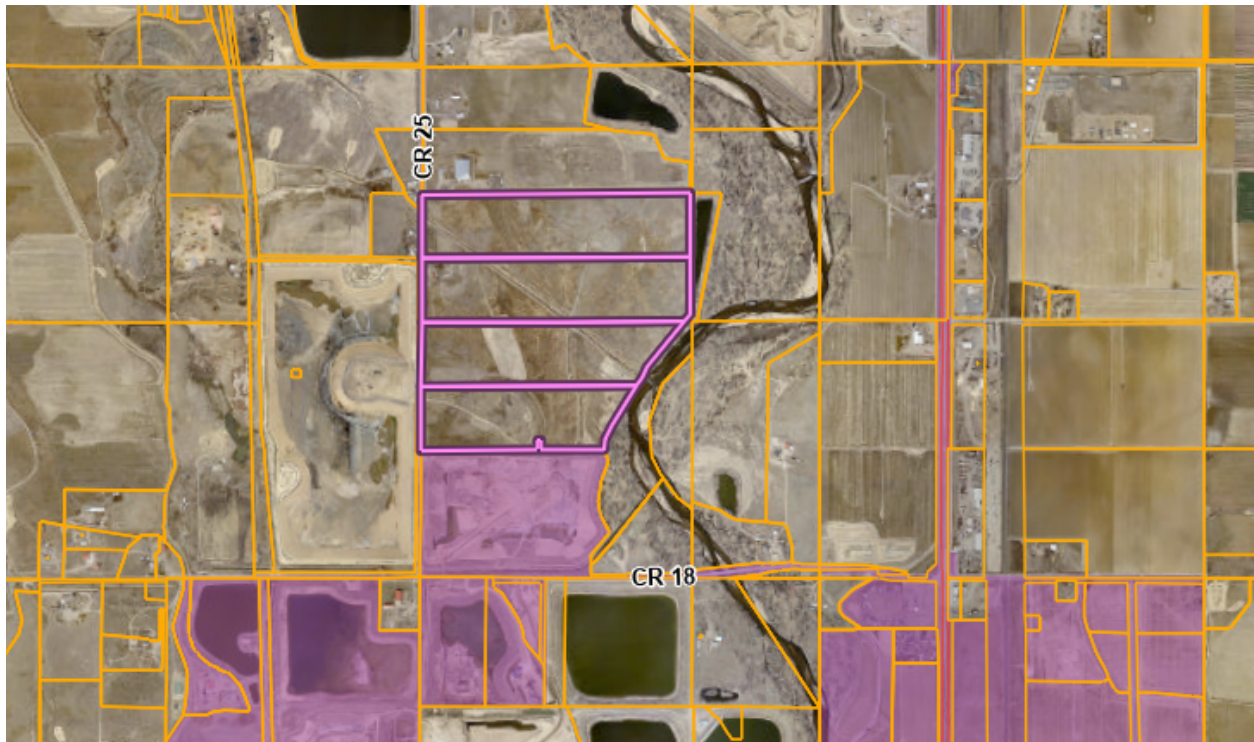
Project name: L.G. Everist NW Annexation Nos. 1-2 and Initial Zoning

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

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 via certified mail, return-receipt requested. The annexation impact report was sent 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," Agricultural, 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/973>

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 and Planning Commission recommend 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 City Council packet provided. Additional documents can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/973>.

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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. 3

Project No. ANX25-003 TO THE CITY OF FORT LUPTON

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

DESCRIPTION

Fort Lupton North Annexation No. 3

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 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.

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 _____ Notary Public (SEAL)

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)

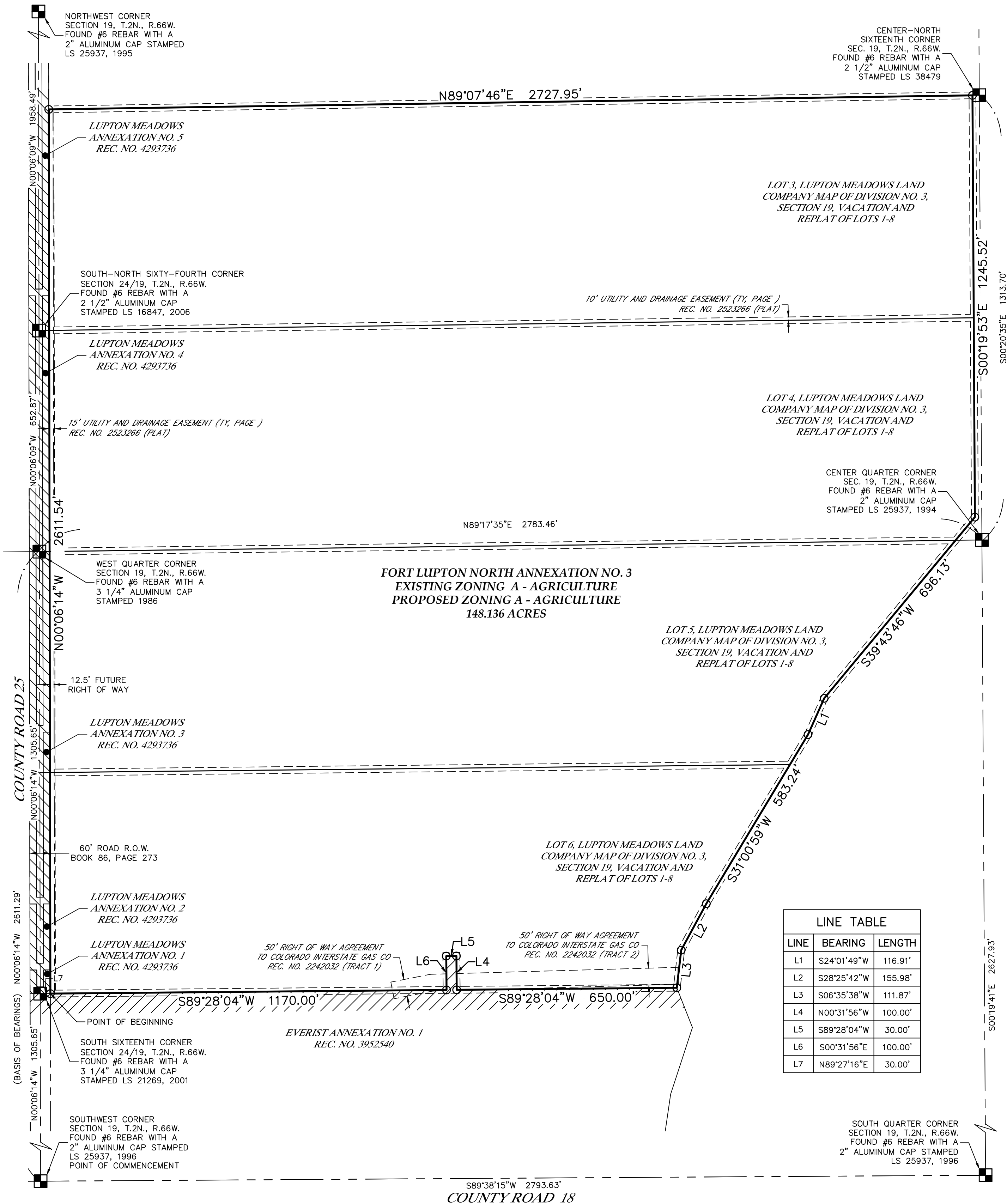
NOTICE

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)

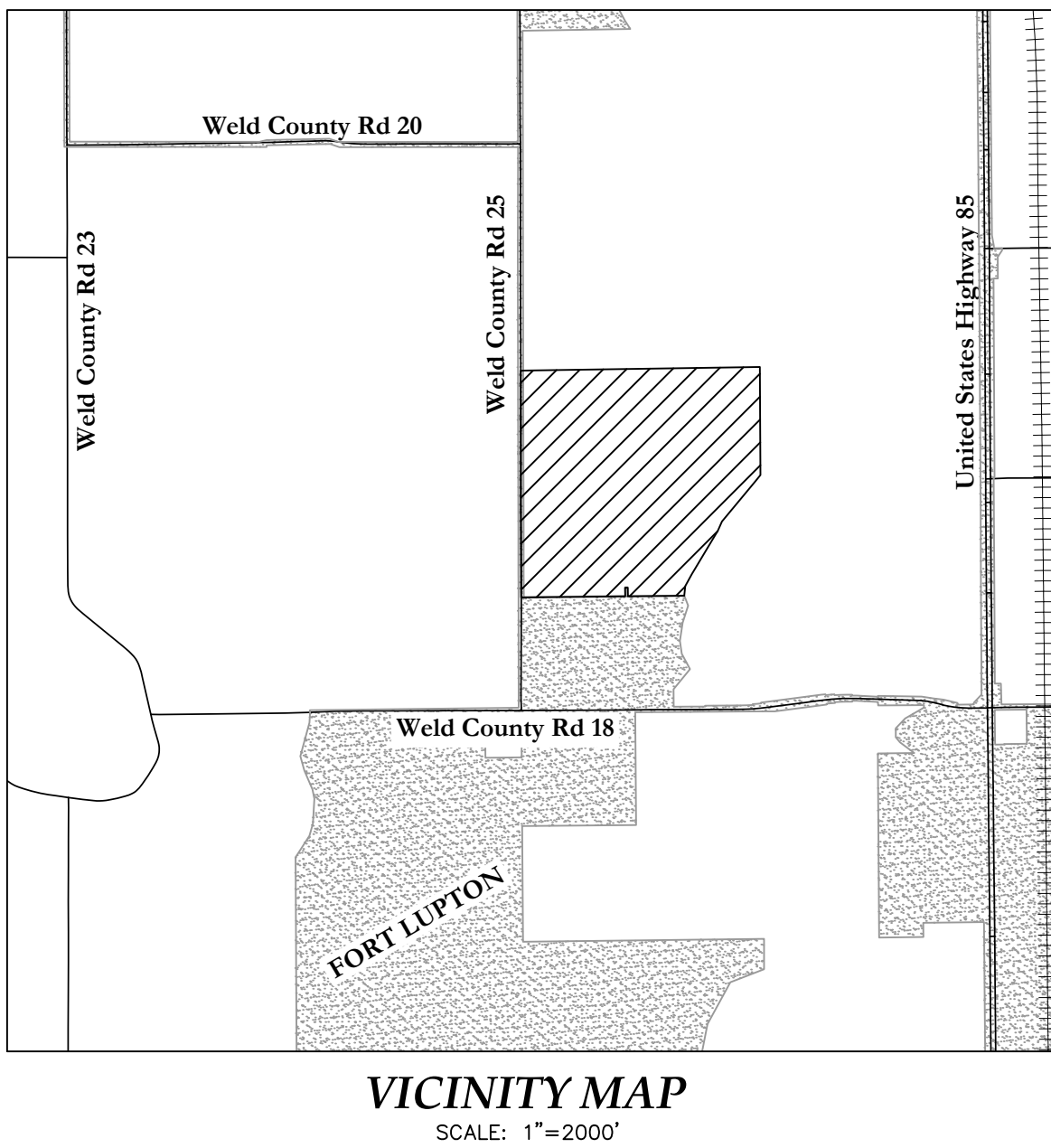
LEGEND

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

200 100 0 200 400 600
SCALE IN FEET
SCALE: 1"=200'



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'



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.

PRELIMINARY

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

ANNEXATION NO. 3 TABLE

TOTAL BOUNDARY: 10299.14 L.F.
CONTIGUOUS BOUNDARY: 4661.54 L.F.
1/6 OF TOTAL BOUNDARY: 27969.24 L.F.
RATIO: 1:2.209

////// DENOTES CONTIGUOUS BOUNDARY

DATE:	10/17/2024
FILE NAME:	20240524ANX-3
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. 3
FOR
LG EVERIST, INC.
7321 E. 88TH AVENUE, SUITE 200
HENDERSON, CO 80640

PROJECT #:
20240524

1
SHEET 1 OF 1

L. G. Everist, Inc. – Fort Lupton NE Annexation
ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2025, by and between L. G. Everist, Incorporated, a South Dakota corporation (“Owner”) and the City of Fort Lupton (“Fort Lupton” or “City”), a municipal corporation of the State of Colorado (collectively, the “Parties”).

WITNESSETH:

WHEREAS, Owner desires to annex to Fort Lupton the property more particularly described on Exhibit A, which is attached hereto, incorporated herein, and made a part hereof (such property is hereinafter referred to as “the Property”); and

WHEREAS, Owner has executed a petition to annex the Property, a copy of which petition is attached hereto as Exhibit B, and incorporated herein and made a part hereof; and

WHEREAS, it is to the mutual benefit of the Parties hereto to enter into the following Agreement; and

WHEREAS, Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of Fort Lupton, as they may be amended from time to time; and

WHEREAS, the Parties mutually agree that the annexation of the Property shall not create any additional cost or impose additional burden on the existing residents of the City to provide public facilities and services to the Property after annexation; and

WHEREAS, Owner acknowledges that the need for conveyances and dedication of certain property, including but not limited to property for rights of ways and easements to Fort Lupton as contemplated in this Agreement, are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND THE CONVENANTS AS HEREINAFTER SET FORTH, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. **Maps and Surveys.** Owner agrees to execute, promptly upon request of Fort Lupton, any and all maps, surveys, engineering, master planning, annexation impact reports and public notice and other documents necessary to finalize the annexation of the Property and the other provisions of this Agreement.
2. **Exclusivity.** Owner agrees to not sign any other petition for annexation of the Property or any petition for an annexation election relating to the Property, except upon request of Fort Lupton.
3. **Fees.** Owner agrees to pay Fort Lupton an annexation fee in the amount of \$[2,589.54].
4. **Resolution of Substantial Compliance.** Fort Lupton shall act upon the annexation petition on [October 7, 2025] and shall set a public hearing for [December 2, 2025], unless Owner consents to later action.
5. **Zoning.** The Parties recognize that it is necessary by State law to zone the Property within 90 days of annexation, and that the most appropriate use of the Property is for [mining] purposes. Owner has submitted a request to zone the Property [Agriculture] ([A]) and the City will act upon this request following a public hearing on [December 2, 2025]. The Parties recognize that it is the intent and desire of Owner to develop the Property in a manner consistent with the zoning requested and that the granting of such zoning by Fort Lupton is a condition to annexation of the Property. Owner shall take all actions necessary to permit zoning by Fort Lupton of the annexed Property within the time prescribed by State statutes. The Owner recognizes that the City has adopted design standards for [non-residential] uses and the Owner will comply with, and adhere to, these guidelines subject to the terms of this Agreement.
6. **Rights-of-Way and Easements.** Owner agrees to dedicate by General Warranty Deed or appropriate instrument of conveyance acceptable to the City, easements and rights-of-way for streets and other public ways and for other public purposes, as required by City master plans, ordinances, and resolutions. Unless otherwise agreed, such dedication shall include Right of Way for County Road 25 as set forth on the Annexation Map. Such dedications shall occur immediately upon request of the City, except that internal rights-of-way shall be dedicated at the time of subdivision platting, unless the City specifies another time.
7. **Streets.** Owner agrees to design, improve, and provide signage, lighting, and signalization for all public streets and other public ways within or adjacent to the Property in accordance with City ordinances and resolutions and other applicable standards, subject to any reimbursement which may be provided for in such ordinances, resolutions, and standards, and to make such other improvements as required by City ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Fort Lupton, to dedicate to Fort Lupton any or all other required improvements. Additionally, Owner agrees that as part of any Special Use Permit for the Property, Owner will be required to enter into an Improvements and Road Maintenance Agreement. Owner agrees to enter into an agreement pertaining to such improvements and other matters prior to any development

and/or subdivision of the Property and as a condition of any Special Use Permit for the Property.

In the event traffic numbers and usage significantly exceed those represented by Owner and relied upon by the City for compilation of the traffic study applicable to this project, future improvements to the truck routes may be required by the City for reasons related to site activity or truck circulation patterns and numbers, roadway classification changes and newly permitted facilities affecting the truck haul route traffic usage. Owner shall pay a proportionate cost share of future improvements not described herein based on the Owner's percentage of truck total trips using the current data on the haul route in comparison to the numbers and usage represented by Owner in compilation of the traffic study. After execution of this Agreement, the City may retain a third-party traffic study consultant to evaluate traffic data usage by Owner and provide said study to Owner prior to the imposition of any costs stated herein.

8. **Compliance with Master Plans.** Owner agrees that future development of the Property will comply with any adopted infrastructure plans, including but not limited to, transportation, drainage, water, sewer, land use and comprehensive plans.
9. **Special Improvement Districts.** If requested by Fort Lupton, Owner agrees to include the Property in one or more special improvement districts or other mechanisms established by Fort Lupton for making improvements to streets and other public ways, or for making other public improvements authorized by law, and Owner hereby appoints the City Administrator of Fort Lupton as Owner's attorney-in-fact for the purpose of executing all documents determined by Fort Lupton to be necessary for such inclusion. If requested by Owner, Fort Lupton agrees to consider the establishment of one or more special improvement districts for making such improvements.
10. **Compliance with Ordinances, Resolutions and Standards.** Owner agrees that the design, improvement, construction, development, and use of the Property shall be in conformance with, and that Owner shall comply with, all City ordinances and resolutions including, without limitation, ordinances and resolutions pertaining to subdivision, zoning, storm drainage, utilities, and flood control.
11. **Limitations.** Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the City's ordinances or resolutions, or as a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the City and its inhabitants; nor shall this Agreement prohibit the enactment or increase by the City of any tax or fee.
12. **Disconnection.** No right or remedy of disconnection of the Property from the City shall accrue from this Agreement, other than that provided by applicable State laws. In the event the Property or any portion thereof is disconnected at Owner's request, Fort Lupton shall have no obligation to serve the disconnected Property or portion thereof and this Agreement shall be void and of no further force and effect as to such Property or portion thereof.

13. **Severability.** The Parties agree that if any part, term, portion, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision held to be invalid.
14. **Municipal Services.** Fort Lupton agrees to make available to the Property all of the usual municipal services in accordance with the ordinances and policies of the City, which services include, but are not limited to, police protection and water and sewer services. Owner acknowledges that City services do not include, as of the date of the execution of this Agreement, fire protection or emergency medical services, but the Property is presently included within the boundaries of and is entitled to receive such services from the Fort Lupton Fire Protection District.
15. **Existing Water Rights.**
Fort Lupton acknowledges that Owner's underground water rights are limited to certain wells located on the Property. Fort Lupton agrees that Owner shall retain the well rights until such time that municipal water serves the Property. At such time that the Property is served by municipal water the wells shall be transferred to the City at the City's option. In the event that Owner conveys its water rights to Fort Lupton, Owner shall convey all pertinent easements for access, use, maintenance and repair.
16. **Water-Storage Reservoir.** The Owner grants to the City to have a forty-five (45) day first right of refusal on the purchase of the Property for water storage.
17. **Future Conveyance of Water Rights.** In accordance with Fort Lupton Municipal Code Section 13-122, Owner agrees to convey to the City all water rights necessary for development future development separate from existing Agricultural uses and separate from those included in the Special use Permit being applied for, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, but the City retains the right to require cash in lieu thereof. Water rights may be conveyed on a pro-rata basis as the Property develops.
- Owner hereby acknowledges its receipt of a copy of Fort Lupton Municipal Code Section 13-122 concerning City policy with respect to the dedication of water rights, or cash in lieu, to the City in connection with annexations, and agrees to comply with such resolutions and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the subject Property.
18. **Parks and Public Lands.** Owner agrees to dedicate to the City, areas to be used for public purposes upon release of the DRMS Permit M-1999-120 for the Property. Lands dedicated shall be acceptable to City and shall comprise of Right of Way Dedication for trails along the adjacent Ditch and the South Platte River.

19. **Cooperation.** The Parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the same.
20. **Amendments.** This Agreement may be amended with the written consent of the City and Owner of the Property. Such amendments shall be in writing, shall be recorded with the County Clerk of Weld County, Colorado, shall be covenants running with the land, and shall be binding upon all persons or entities having an interest in the Property subject to the amendment unless otherwise specified in the amendment.
21. **Sole Agreement.** This Agreement embodies the entire agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the Parties.
22. **Liability.** Owner agrees to indemnify and hold harmless the City and the City's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of the Property, or which are in any manner connected with Fort Lupton's enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees for defense counsel of the City's choice for any such liability, claims, or demands.
23. **No Waiver of Governmental Immunity.** The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.
24. **"Owner" Defined.** As used in this Agreement, the term "Owner" shall include any of the heirs, transferees, successors, or assigns of Owner, and all such parties shall have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original Parties thereto.
25. **External References.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any City ordinance, resolution, or policies are incorporated herein by reference, and the Parties agree that amendments or revisions thereto shall be binding upon Owner.

26. **Transferability.** This Agreement shall be binding upon and inure to the benefit of the heirs, transferees, successors, and assigns hereof, and shall constitute covenants running with the land.
27. **Recording.** This Agreement shall be recorded with the County Clerk of Weld County, Colorado, at Owner's expense.
28. **Enforcement.** Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.
29. **Termination.** This Agreement shall be null and void if the City fails to approve the annexation of the Property.
30. **No Assurance of Annexation.** The Owner acknowledges that the annexation and zoning of the Property are subject to the legislative discretion of the Fort Lupton City Council. No assurances of annexation or zoning have been made or relied upon by Owner. In the event that, in the exercise of its legislative discretion, any action with respect to the Property herein contemplated is not taken, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by the Owner, or disconnection from the City in accordance with State law, as may be appropriate.
31. **Inclusion in NCWCD.** The Owner consents to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub-district pursuant to Section 37-45-136 (3.6) C.R.S. and to pay the appropriate inclusion fees and costs associated with such inclusion **at such time that municipal water is necessary to serve current or future development on the property.** At such time, the Owner shall complete a water study at the Owner's expense as requested by the City or applicable water provider(s). Owner acknowledges that, upon inclusion into the district and sub-district, Owner's Property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and sub-district at the time of inclusion of Owner's lands. Owner agrees to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and sub-district can impose such mill levies and special assessments as it has the authority to impose. Owner also agrees to waive, upon inclusion, any right, which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

(SIGNATURES ON THE FOLLOWING PAGE)

**L. G. EVERIST INCORPORATED., a
South Dakota corporation**

By: [Signature]
Matthew Noteboom, VP-Mountain Division

CITY OF FORT LUPTON

By: _____
Chris Ceretto, Mayor

ATTEST:

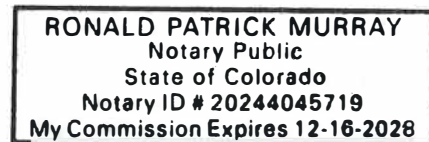
By: _____
Maricela Peña, City Clerk

State of Colorado)
) ss
County of Adams)

The foregoing instrument was acknowledged before me this 21st day of November, 2025
by Matthew Noteboom as Vice President MTA Division of
L. G. EVERIST INCORPORATED, a South Dakota corporation.

[Signature]
Notary Signature

Seal



State of Colorado)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025
by Chris Ceretto as Mayor for the City of Fort Lupton, Colorado.

Notary Signature

Seal

EXHIBIT A

Legal Description of Property Owned by Annexor

PROPERTY DESCRIPTION

Fort Lupton NE Annexation

(ON THE FOLLOWING PAGES)

PROPERTY DESCRIPTION
Fort Lupton NE Annexation

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.

EXHIBIT B

Signed Petition for Annexation

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

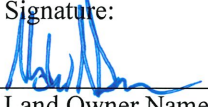
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, 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.

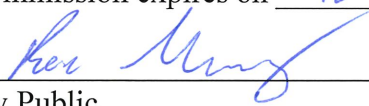
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: <u>5-21-25</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

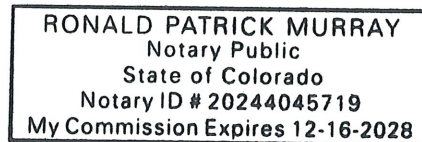


Exhibit A

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;

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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

EXHIBIT C

~~{IF APPLICABLE — SEE PARAGRAPH 15}~~

~~Water Rights Appurtenant to Property~~

<u>Water rights</u>	<u>Number of Shares</u>	<u>Certificate Number(s)</u>
TBD	TBD	TBD

Fort Lupton NE Annexation – Plat Maps

Plat Map 1 – Annexation Map

Plat Map 2 – Utilities & Landscape

Lot Line Adjustments

Fort Lupton North Subdivision Plat Map
(Lot Consolidation)

RESOLUTION NO. 2025R042

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE LG EVERIST NE ANNEXATION AND SETTING THE PUBLIC HEARING FOR DECEMBER 2, 2025

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Lynn Mayer Shults with L.G. Everist, Inc. for 150.022 acres, more or less, and known as the LG Everist NE Annexation; and

WHEREAS, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the LG Everist NE Annexation and sets the hearing date for December 2, 2025, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

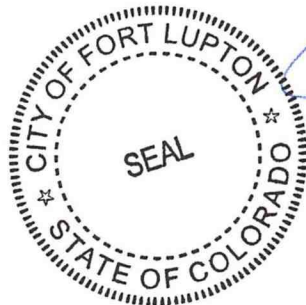
APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF OCTOBER 2025.

City of Fort Lupton, Colorado



Zo Hubbard, Mayor

Attest:



Maricela Peña, City Clerk

Approved as to form:



Andy Ausmus, City Attorney



Planning & Building Department

1200 Dexter Unit W13
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

October 14, 2025

LG EVERIST NE ANNEXATION IMPACT REPORT

Statement of Purpose

This Annexation Impact Report, which has been prepared pursuant to Section 31-12-108.5 of the Colorado Revised Statutes, is based on the Annexation Petition for an annexation known as the LG Everist NE Annexation, submitted by the Applicant, Lynn Mayer Shults with L. G. Everist, Inc. It is being reviewed and evaluated by the City of Fort Lupton staff, and is scheduled for review by the City of Fort Lupton Planning Commission on November 13th, 2025 at 6:00 PM and City Council on December 2nd, 2025 at 6:00 PM. Please contact Todd Hodges or Zachary Mettler in the Planning Department at the address on the header of this report, or at telephone number 720-928-4003, with any comments and/or questions.

Project Description

The property proposed for annexation is located in a portion of Section 19, Township 2 North, Range 66 West of the Sixth Principal Meridian, County of Weld, State of Colorado. The property is situated generally east along County Road 25, starting approximately 1,283 feet north of County Road 18, more or less. The total acreage of the LG Everist NE Annexation is 150.022 acres, more or less. The annexation meets the 1/6th or 16.67% contiguity requirements set by State Statutes. The annexation map is attached along with the vicinity map.

Requested zoning for the properties proposed for annexation is 'A' Agriculture and is substantially compliant with City of Fort Lupton Zoning Regulations. The land is currently zoned Agricultural in Weld County.

This report is divided into six elements, which correspond to C.R.S. 31-12-108.5(1)(a) through (f) and are set forth as follows:

- (a) a map or maps of the municipality and adjacent territory to show the following:
 - (I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - (II) The present streets, major trunk water lines, sewer interceptors, and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation and;
 - (III) The existing and proposed land use pattern in the areas to be annexed.

- (b) a copy of any draft of the annexation agreement, if available;
- (c) a statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;
- (d) a statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;
- (e) a statement identifying existing districts within the area to be annexed;
- (f) a statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.

The following maps* have been attached as required in subparagraph (a) of C.R.S. Section 31-12-108.5:

- The present and proposed boundaries of the City of Fort Lupton in the immediate vicinity of the proposed annexation;
- The present streets, major water transmission mains, primary sanitary sewer outfalls, storm drainage infrastructure, ancillary utility mainlines, irrigation canals and ditches, and the proposed extension of such streets and utility services in the vicinity of the proposed annexation;
- The existing and proposed land use pattern in the area. The existing land use pattern is agricultural and residential.

In addition, pursuant to the requirements of subparagraphs (b) through (f), inclusive of said section, the following items have been addressed or presented:

- (a) A final Annexation Agreement and Annexation Ordinance shall be submitted to the Weld County Clerk and Recorder for recording and to the Weld County Attorney, upon request.
- (b) The plans of the City of Fort Lupton for extending municipal services to, or otherwise providing for, municipal services to the subject property to be annexed as follows:
 1. **On-Site / Off-Street Improvements:** The annexation agreement will address any future improvements. This will be specifically reviewed at time of development and will require development agreements.
 2. **Dry Utilities to Service Property:** Electrical, telephone, cable television and natural gas facilities are located in the vicinity of the property or already serving the property to be annexed.
 3. **Water Transmission and Sanitary Sewer Interceptors:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required water and sewer lines in accordance with the City's Standards or agreements.
 4. **Police, Fire, and Other City Services:** Police protection will be provided by the City of Fort Lupton. Fire protection will be provided by the Fort Lupton Fire Protection District.
 5. **Water Distribution and Sewer Collection:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required water and sanitary sewer systems in accordance with the City's Standards or agreements

with other service providers and Specifications for on-site services. This item will be addressed in the annexation agreement.

6. **Storm Drainage:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required storm drainage in accordance with the City's Standards or agreements.
 7. **Public Lands / Open Space:** The dedication of public lands and open space will be addressed in the annexation agreement.
 8. **Public Facility Extension:** The City does not anticipate that there will be a need for the Applicants to extend or construct any offsite public facilities, i.e. recreation centers, etc., for the annexation and initial zoning.
- (c) In the event that property is developed further and the extension of municipal services to the annexed property is required, the development of future water, sewer, and storm water infrastructure shall be accomplished by one or more of the following Financing Methods:
1. Development Fees and Surcharges collected by the City of Fort Lupton;
 2. Direct Developer Financing;
 3. Metropolitan Districts;
 4. Special Improvement Districts; and/or
 5. Otherwise by agreement between City and the Developer as deemed appropriate.
- (d) Consistent with C.R.S. 31-12-108.5, the Districts and all taxing entities are identified with the current 2024 property tax mill levy attached hereto.
- (f) This current annexation and zoning should not have any negative impact on the Weld County RE-8 Fort Lupton School District. Any future development proposals will be sent to the School District for review and comments. The School District has received a referral request for their review and comment.

****Please contact Zachary Mettler at zmettler@fortluptonco.gov or 720-928-4003 to request any of the provided maps in a larger format or in electronic format.***

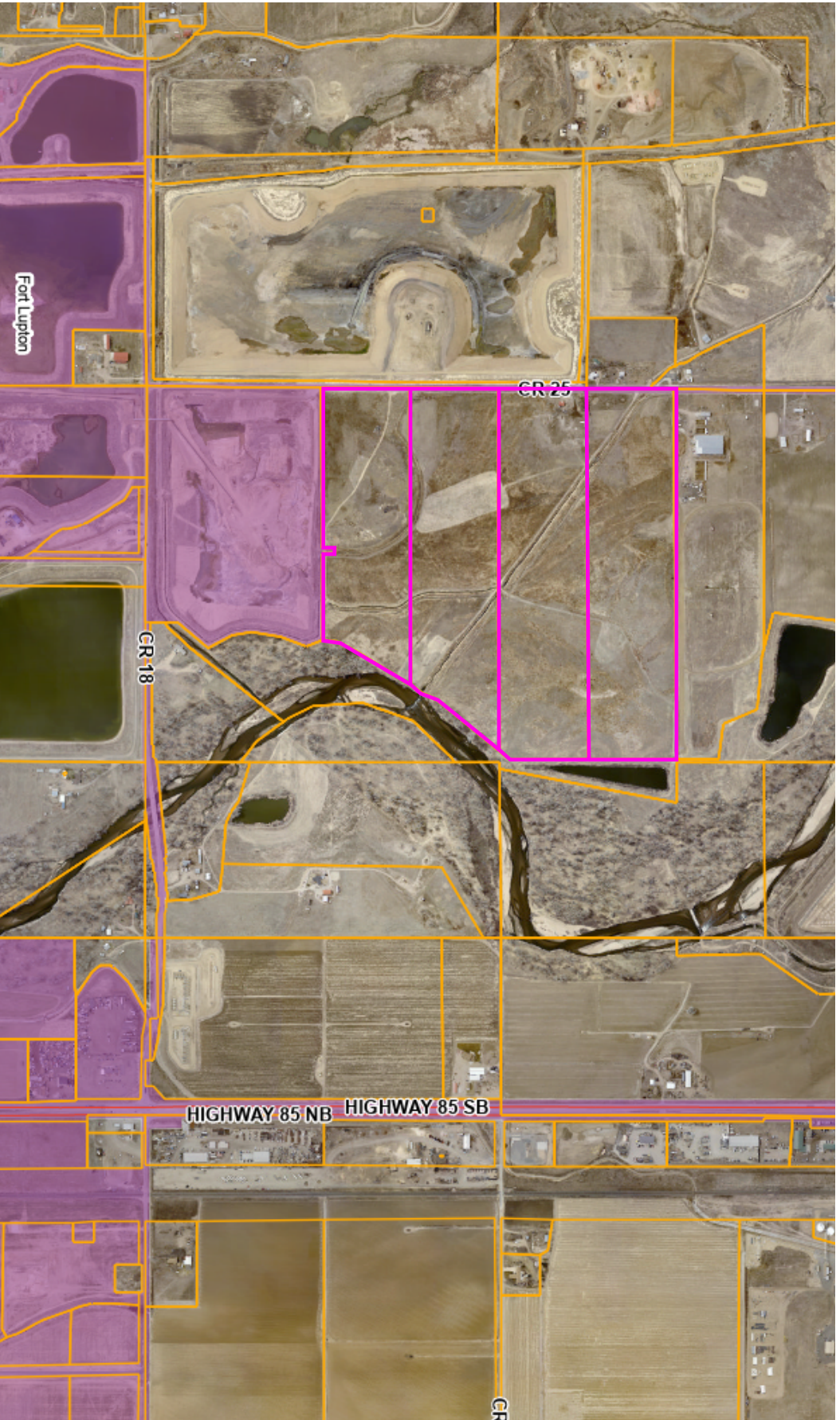
Attachments:

1. Annexation map and vicinity map with Fort Lupton boundary
2. Comprehensive Plan Land Use Map
3. Zoning map
4. Water maps
5. Wastewater maps
6. Storm drainage study area maps
7. Storm sewer map
8. Irrigation canals and ditches map
9. Ultimate Roadway Network Map
10. 2024 Tax Levies Weld County, Colorado



Vicinity Map

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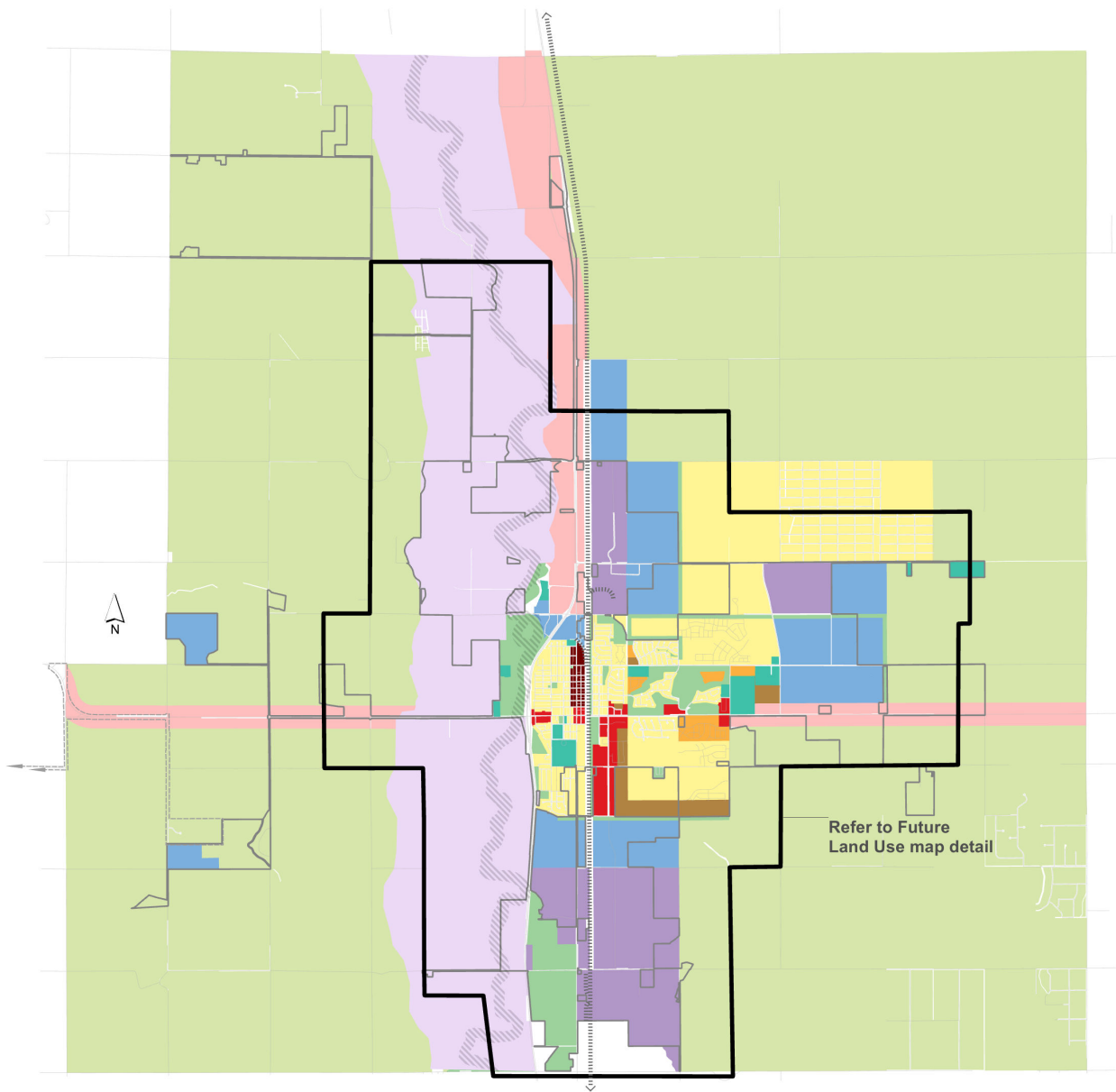
Scale: 1:12,000 (1" = 1,000')

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Notes:

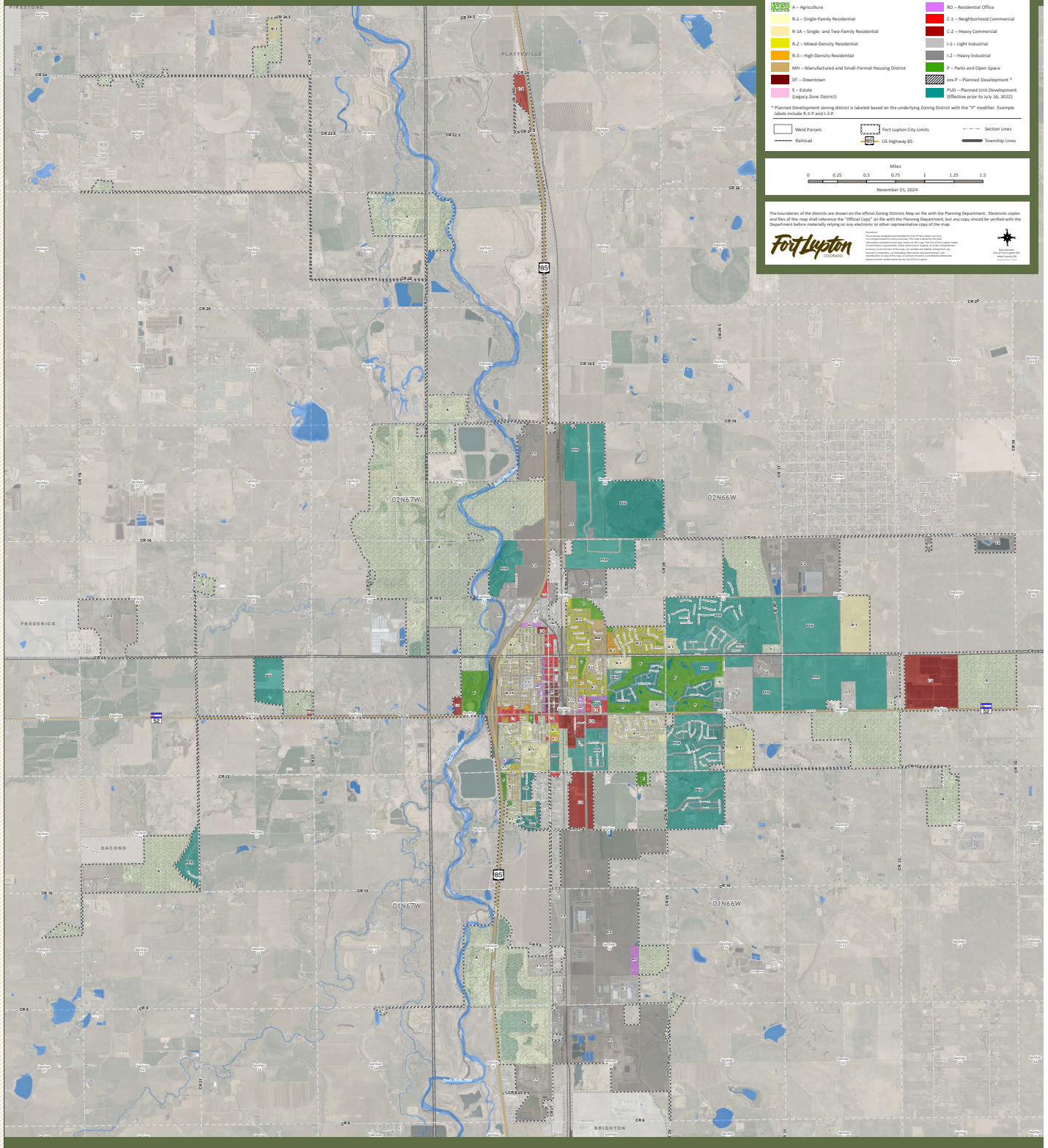
DISCLAIMER: This product has been developed solely for internal use only by Weld County. The GIS database, applications, and data in the product is subject to constant change and the accuracy and completeness cannot be and is not guaranteed. The designation of lots or parcels or land uses in the database does not imply that the lots or parcels were legally created or that the land uses comply with applicable State or local law. UNDER NO CIRCUMSTANCE SHALL ANY PART THE PRODUCT BE USED FOR FINAL DESIGN PURPOSES. WELD COUNTY MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, ACCURACY, OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY, ARISING FROM ANY INCORRECT, INCOMPLETE OR MISLEADING INFORMATION CONTAINED THEREIN.

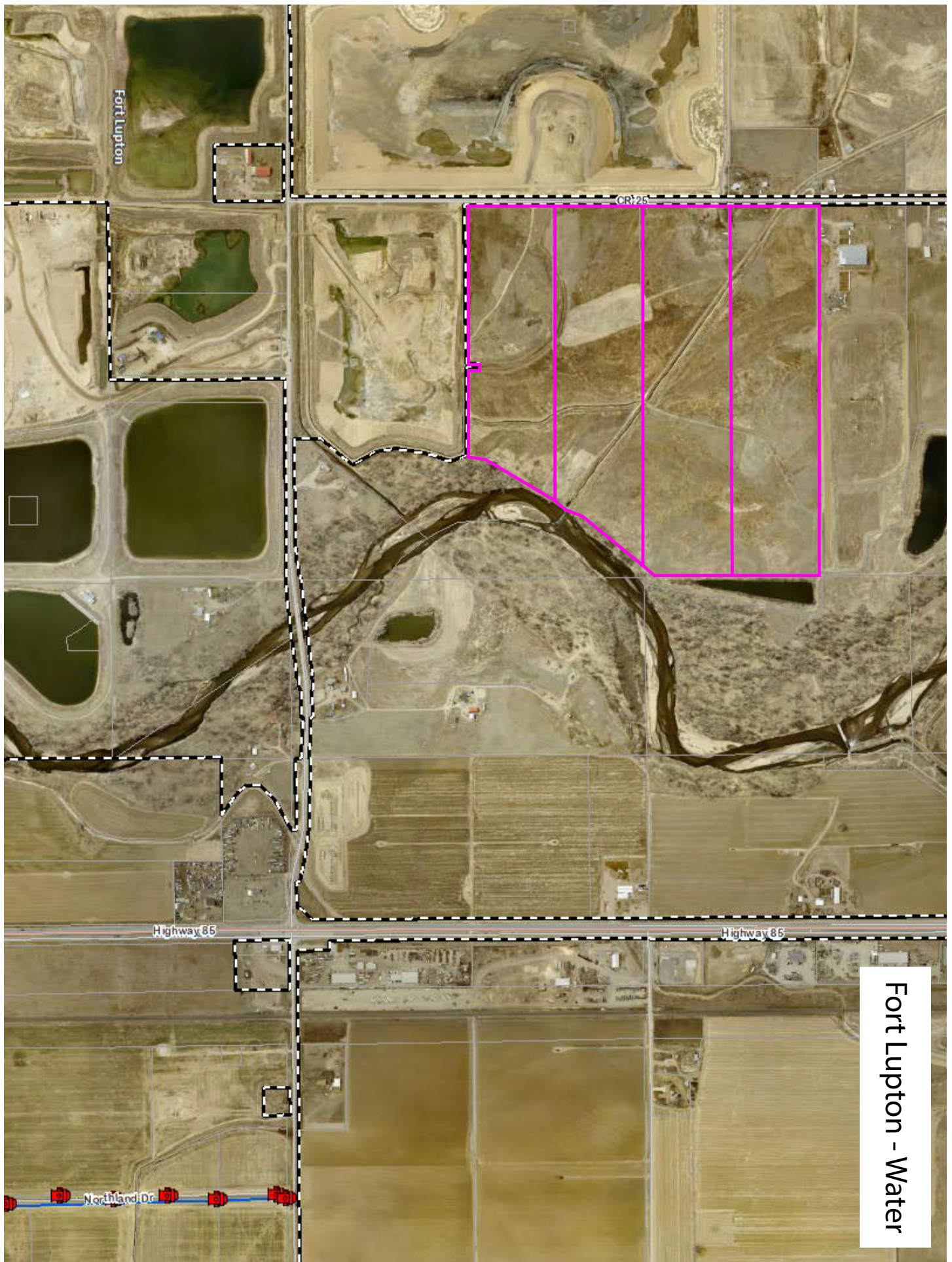


Future Land Use Updated August 1, 2024 Planning Area

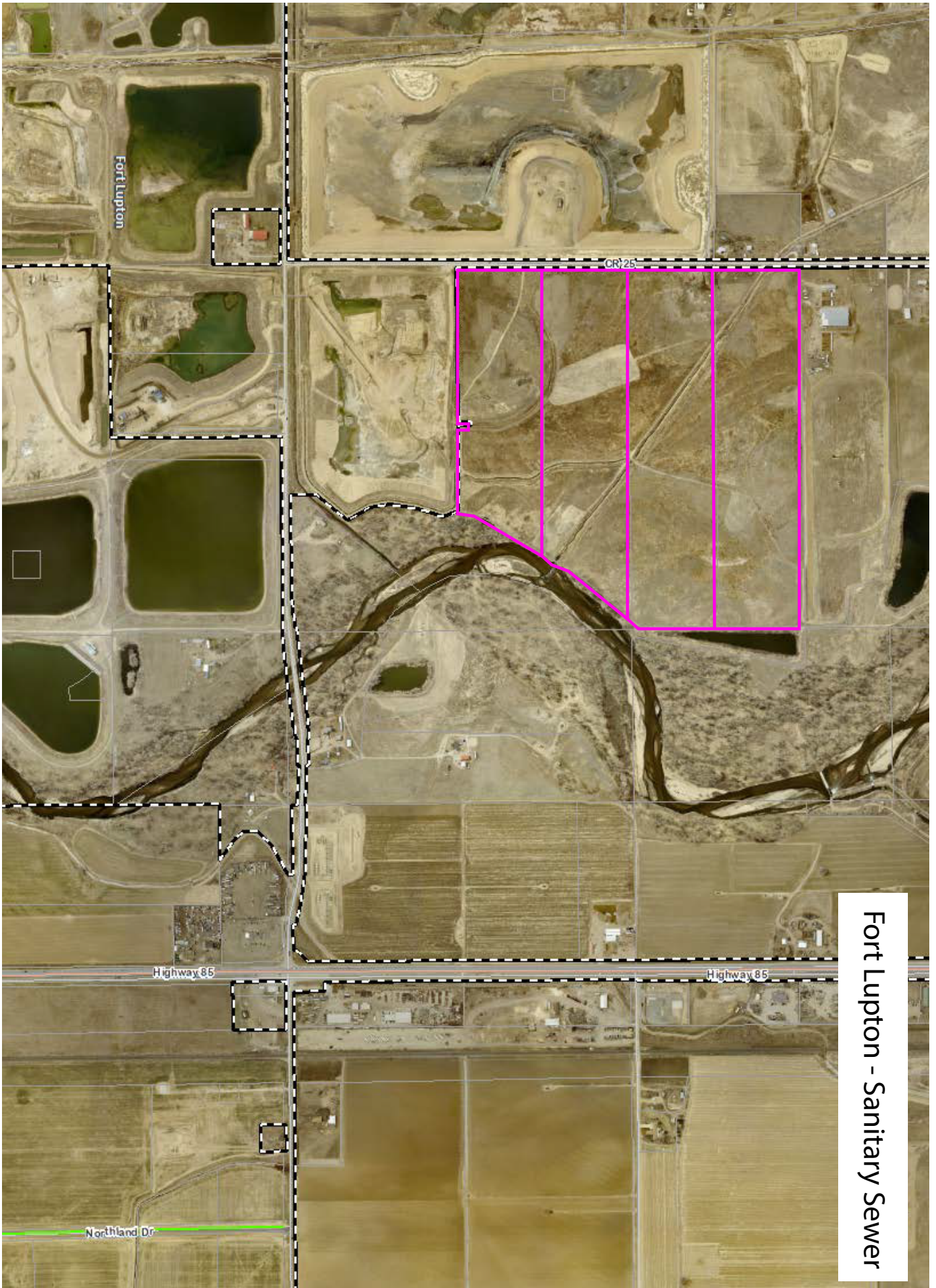
Riparian	Agricultural & Rural Residential	Commercial General	Light Industrial & Office
Dacono City	Single-Family Detached	Commercial Transition	Mineral Zone
Existing Corporate	Single-Family Attached	Downtown Mixed-Use	Parks & Open Space
	Multifamily	Industrial	Public / Semi-Public

Zoning Districts

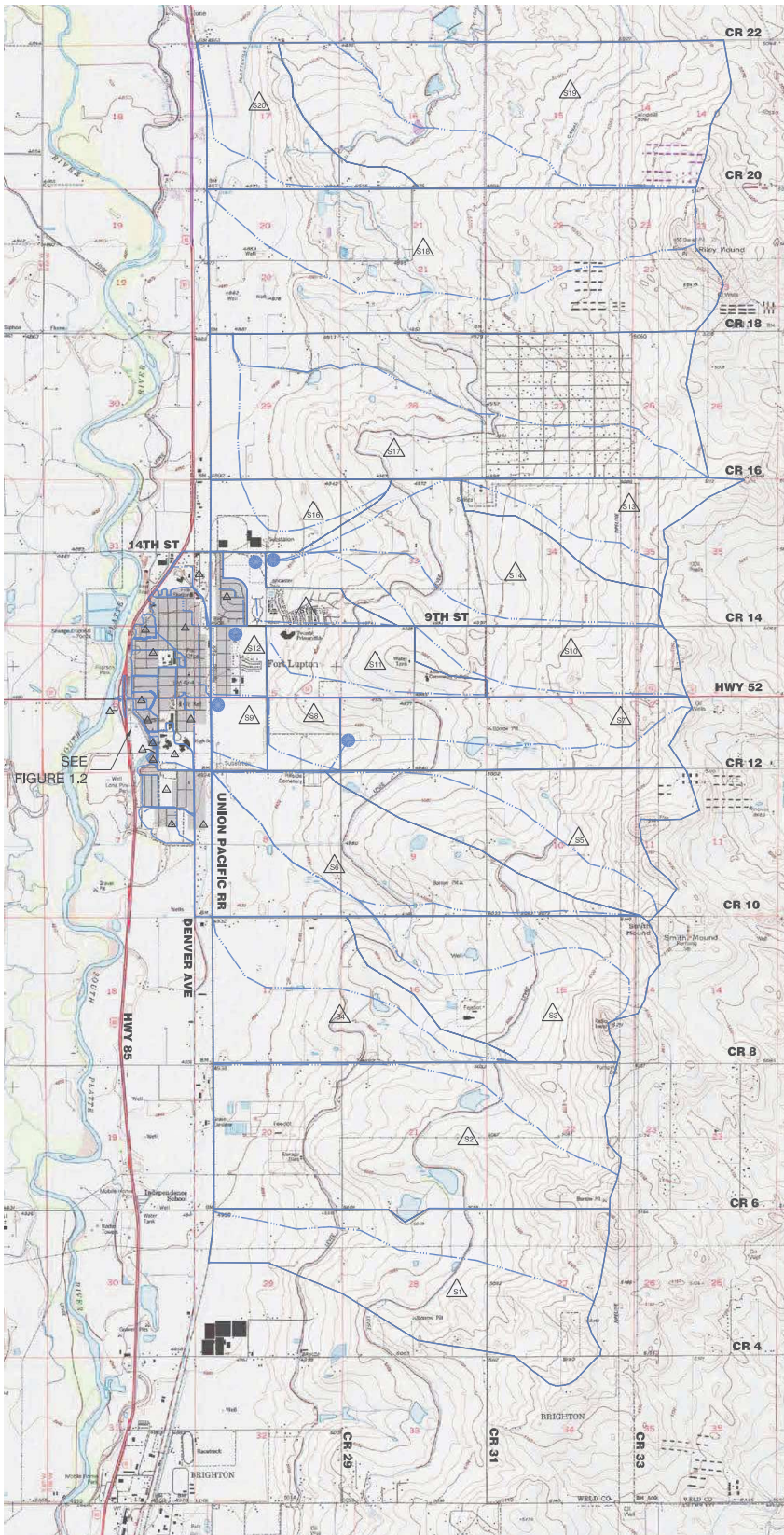




Fort Lupton - Water



Fort Lupton - Sanitary Sewer



Basin ID	Basin Area (ac)	5 Year Historic Flow	2 Year Developed Flow	5 Year Developed Flow	10 Year Developed Flow	50 Year Developed Flow	100 Year Developed Flow
1	1303.36	547.76	1510.50	1545.54	1556.06	1572.14	1577.02
2	1741.55	734.06	2036.29	2071.20	2085.29	2106.85	2113.38
3	1004.46	506.03	982.81	1012.69	1025.54	1046.01	1052.37
4	858.21	406.14	1042.54	1053.73	1058.20	1065.02	1067.09
5	807.16	380.79	751.49	772.86	781.92	796.15	800.54
6	1108.86	442.02	1526.16	1542.64	1549.26	1555.35	1562.40
7	731.31	352.15	1424.20	1433.90	1437.78	1443.09	1445.48
8	199.81	114.68	318.95	324.41	326.62	330.00	331.02
9	1322.28	533.07	1411.39	1412.80	1412.80	1413.44	1413.63
10	1507.48	535.97	1525.47	1525.47	1525.47	1525.47	1525.47
11	367.74	235.38	416.62	426.46	428.35	433.52	434.52
12	119.33	63.07	127.20	128.58	128.58	128.58	128.58
13	448.97	281.08	427.20	428.58	428.58	428.58	428.58
14	1016.07	456.36	1237.30	1248.06	1248.06	1248.06	1248.06
15	170.75	102.12	338.14	356.11	368.80	404.53	406.28
16	307.67	234.82	1163.86	1166.71	1167.87	1169.67	1170.21
17	2103.33	734.09	1748.46	1758.07	1805.70	1831.72	1839.67
18	2137.04	767.86	940.77	962.62	972.20	987.84	992.87
19	1730.16	823.06	1008.28	1031.68	1042.04	1054.82	1064.10
20	503.84	220.00	269.50	275.76	278.53	283.02	284.43

LEGEND:

DEVELOPED BASIN DELINEATION
 DEVELOPED BASIN TOWEL PATH
 BASIN DESIGNATION
 PERMANENT DRAIN

Sheet: **1**

City of Fort Lupton

Storm Drainage Study Area
East Basins

J&T Consulting, Inc.
 305 Denver Avenue • Suite D
 Fort Lupton, CO 80621
 Ph: 303-857-6222 Fax: 303-857-6224
 www.j-tconsulting.com

Figure 1.1

REVISIONS

No	Date	By	Chk	Description

DATE: 12-08-14
 DRAWN BY: JTC
 CHECKED BY: JTC
 DESIGNED BY: JTC
 PROJECT: 303-857-6222

Fort Lupton - Storm Sewer





Irrigation, Ditches, and Canals

10/7/2025 3:27:13 PM

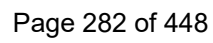


Scale: 1:16019

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes:

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TAX DISTRICT: 2228

AUTHORITY #	AUTHORITY NAME	MILL LEVY
0100	WELD COUNTY	15.956
0208	SCHOOL DIST RE8-FORT LUPTON	18.508
0301	NORTHERN COLORADO WATER (NCW)	1.000
0302	CENTRAL COLORADO WATER (CCW)	1.017
0309	CENTRAL COLORADO WATER SUBDISTRICT (CCS)	1.507
0506	FORT LUPTON FIRE	9.446
0700	AIMS JUNIOR COLLEGE	6.305
1050	HIGH PLAINS LIBRARY	3.179
1201	PLATTE VALLEY CONSERVATION	0.000
LEVY TOTAL:		56.918

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.

Erin Adams

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

JEAN SCHAFFER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20134029363
MY COMMISSION EXPIRES JAN 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 Half (W 1/2) 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 (SW 1/4) 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 SW 1/4 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. 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 116.81 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.

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.

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Published: Greeley Tribune October 10, 17, 24, 31, 2025-2138011

Prairie Mountain Media, LLC

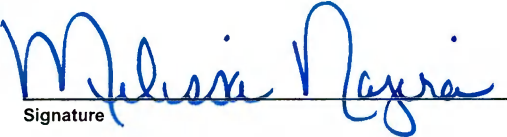
PUBLISHER'S AFFIDAVIT

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

(SEAL)

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

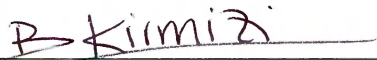
Account: 1102365
Ad Number: 2138011
Fee: \$271.04



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	



City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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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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

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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

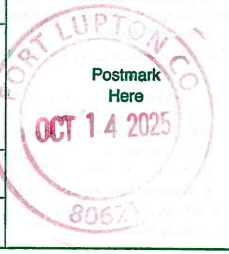
7019 2970 0001 1465 8990

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☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Weld County</u>	
Street and Apt. No., or PO Box No. <u>1150 O Street</u>	
City, State, ZIP+4® <u>Greeley, CO 80631</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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☐ Return Receipt (electronic) \$	
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☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>School District RE-8</u>	
Street and Apt. No., or PO Box No. <u>301 Reynolds Street</u>	
City, State, ZIP+4® <u>Fort Lupton, CO 80621</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

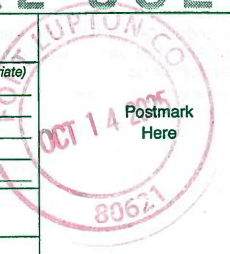
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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Northern Colorado Water</u>	
Street and Apt. No., or PO Box No. <u>220 Water Avenue</u>	
City, State, ZIP+4® <u>Berthoud, CO 80513</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

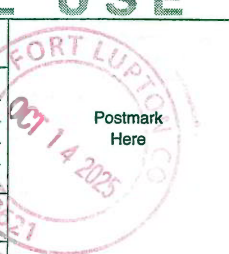
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☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Fort Lupton Fire Protection District</u>	
Street and Apt. No., or PO Box No. <u>1121 Denver Avenue</u>	
City, State, ZIP+4® <u>Fort Lupton, CO 80621</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9034

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 \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Aims Junior College</u>	
Street and Apt. No., or PO Box No. <u>PO Box 69</u>	
City, State, ZIP+4® <u>Greeley, CO 80632</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

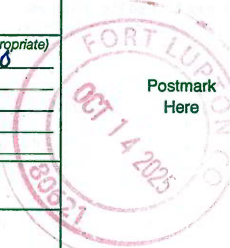
7019 2970 0001 1465 9041

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 \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>High Plains Library</u>	
Street and Apt. No., or PO Box No. <u>2650 West 29th Street</u>	
City, State, ZIP+4® <u>Greeley, CO 80631</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9065

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 \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Platte Valley Conservation District</u>	
Street and Apt. No., or PO Box No. <u>57 Bromley Lane</u>	
City, State, ZIP+4® <u>Brighton, CO 80601</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 1465 9065

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 \$ <u>5.30</u>	
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Central Colorado Water</u>	
Street and Apt. No., or PO Box No. <u>3209 West 28th St</u>	
City, State, ZIP+4® <u>Greeley, CO 80634</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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 **L. G. Everist NE Annexation** located **east and immediately adjacent to County Road 25 and 1,313 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 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: **L. G. Everist NE Annexation**

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 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.

FORT LUPTON NORTH ANNEXATION NO. 3
TO THE CITY OF FORT LUPTON

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

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:

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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 _____)
ss)
COUNTY OF _____)

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

My commission expires _____ Notary Public (SEAL)

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)

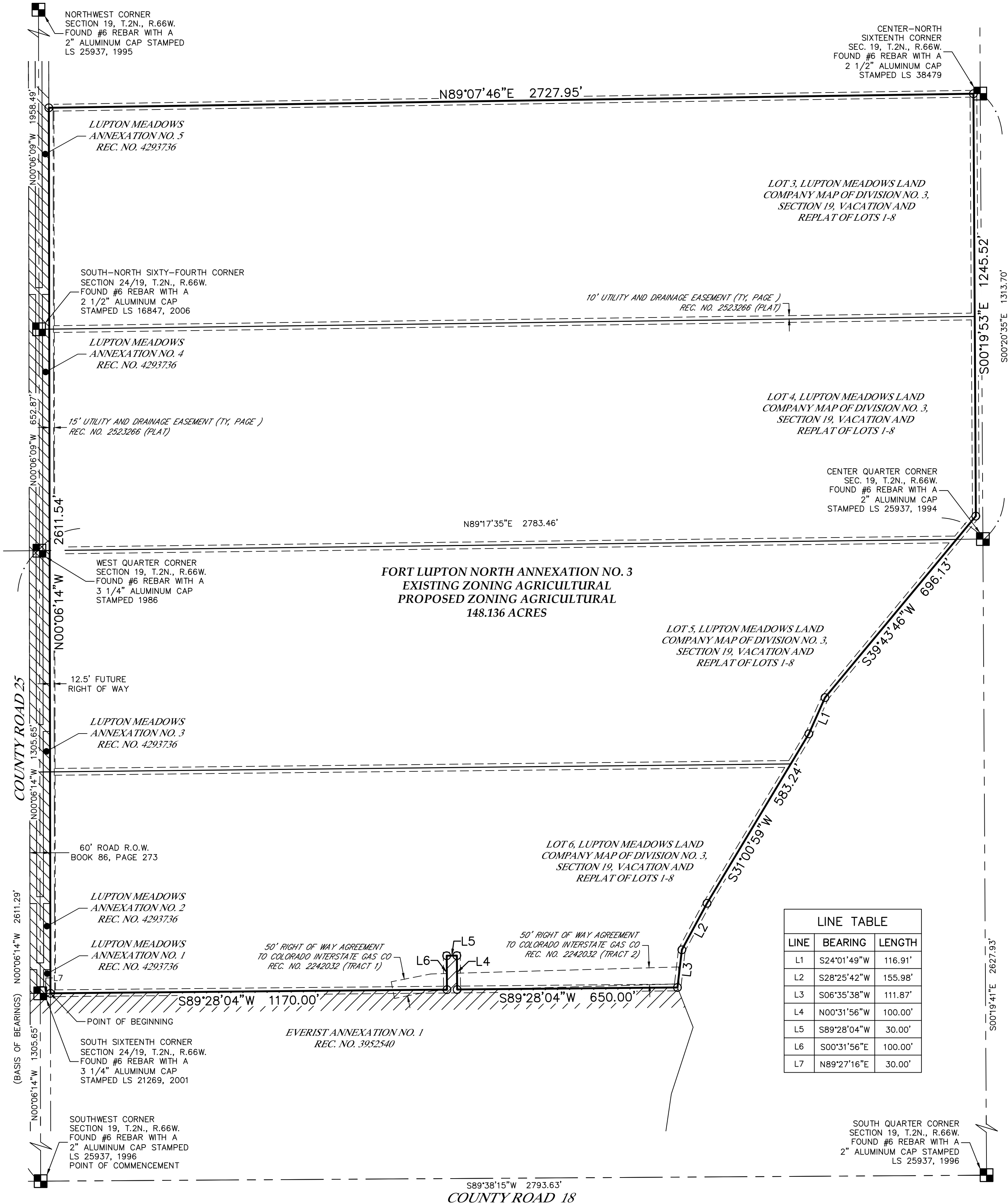
NOTICE

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)

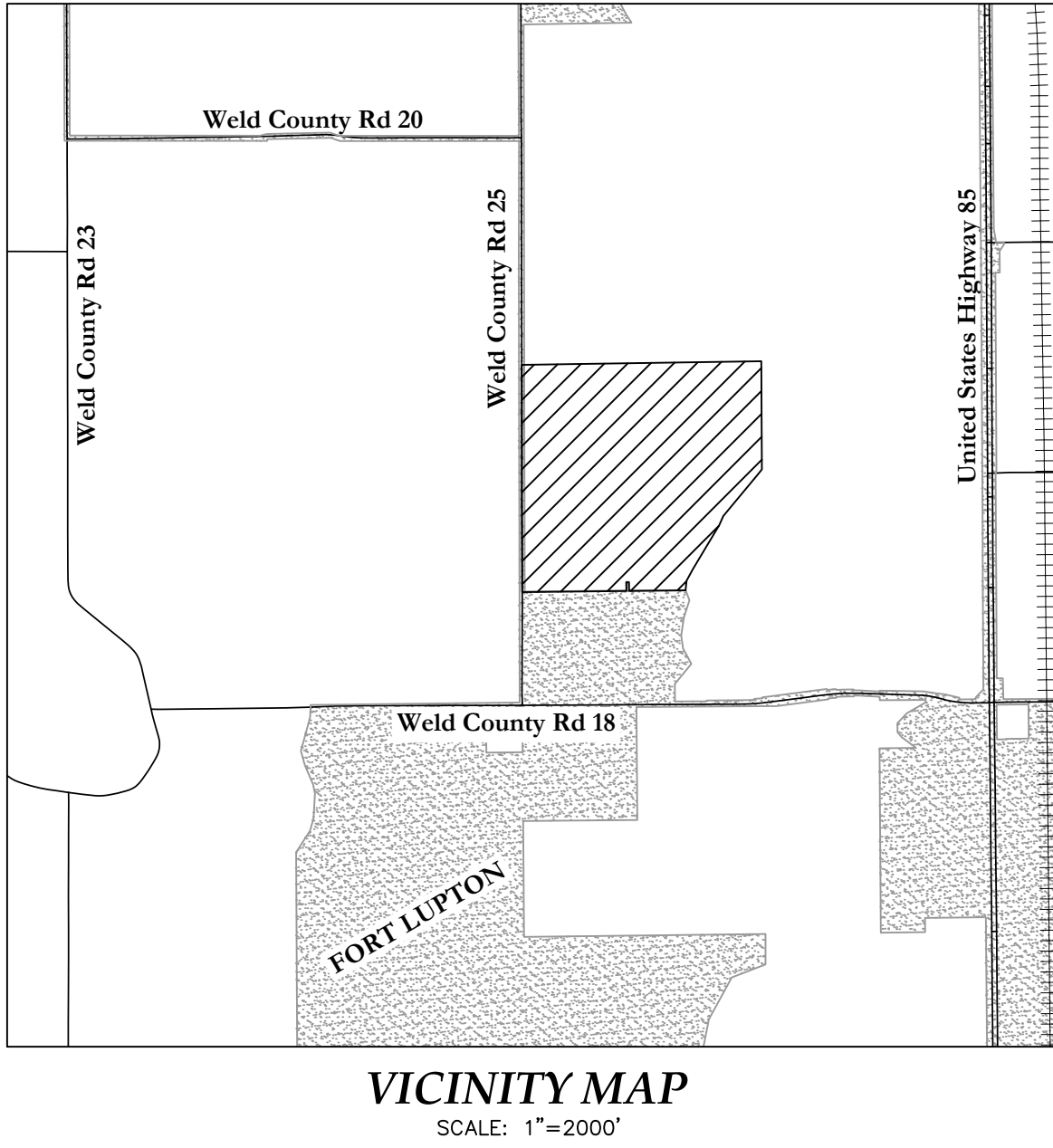
LEGEND

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

200 100 0 200 400 600
SCALE IN FEET
SCALE: 1"=200'



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'



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

ANNEXATION NO. 3 TABLE

TOTAL BOUNDARY: 10299.14 L.F.
CONTIGUOUS BOUNDARY: 4661.54 L.F.
1/6 OF TOTAL BOUNDARY: 27969.24 L.F.
RATIO: 1:2.209

////// DENOTES CONTIGUOUS BOUNDARY

DATE:	10/17/2024
FILE NAME:	20240524ANX-3
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. 3
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

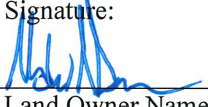
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Fort Lupton North Annexation No. 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.

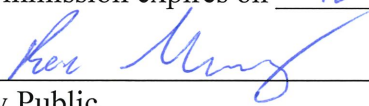
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: <u>5-21-25</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

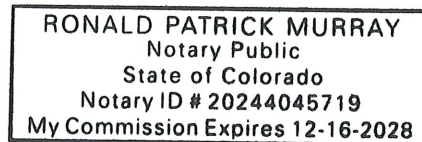


Exhibit A

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:

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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;

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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 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

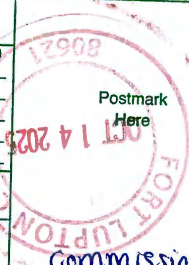
I, the undersigned, hereby certify that on the **14th day of October 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L. G. Everist NE Annexation** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

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

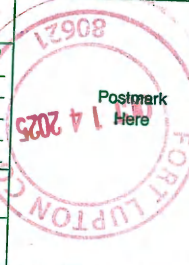


City Official

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 \$ <u>5.30</u>	 Postmark Here Commissioners
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
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☐ Adult Signature Restricted Delivery \$	
Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
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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.

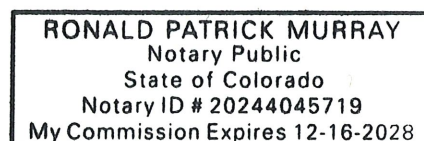
Signature of Owner or Owner's Representative

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)





Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

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

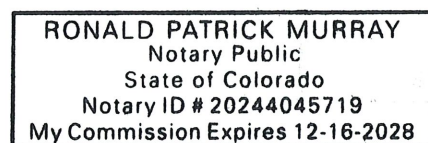
Signature of Owner or Owner's Representative

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 Patrick Murray

Notary Public





SUBJECT FOR DISCUSSION

Adopting an Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the L.G. Everist NE Initial Zoning, to the 'A' Agriculture Zone District

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Lynn Shults with L.G. Everist, Inc. has submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agriculture Zone District. The parcels are generally located immediately east along County Road 25 AND approximately 1280 feet north of County Road 18 (Parcel Nos. 130919303006, 130919303005, 130919303004, and 130919303003).

FINANCIAL CONSIDERATIONS

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

LEGAL/POLITICAL CONSIDERATIONS

All notification requirements were met, details can be found in the packet.

ALTERNATIVES/OPTIONS

The City Council has the following options for this request:

- a) Adopt the Ordinance.
- b) Do not adopt the Ordinance.

STAFF RECOMMENDATIONS

Staff recommends conditional approval of the proposed Ordinance annexing land legally described in Exhibit A of the proposed Ordinance and approving the annexation agreement.

Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution
- c. Planning Commission Minutes
- d. Project Narrative
- e. Annexation Map
- f. Legal Notifications

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

ADOPT ORDINANCE 2025-XXXX INITIALLY ZONING LAND KNOWN AS THE L.G. EVERIST NE INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURE ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, under the procedures detailed in Section 16-9 of the Fort Lupton Municipal Code, the Applicant, L.G. Everist, Inc. represented by Lynn Shults, submitted a request to initially zone 149.995± acres of land more particularly described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on the zone request on November 13, 2025, and recommended approval to City Council of the initial zoning of land described in Exhibit A to the 'A' Agriculture Zone District, with all the uses-by-right allowed in said district; and

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the official zoning map be amended to reflect the initial zone on the property described in Exhibit A of this Ordinance to the 'A' Agriculture Zone District, and that the Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December 2025.

PUBLISHED in the Fort Lupton Press for four consecutive weeks starting October 16, 2025 and in the Greeley Tribune for four consecutive weeks starting October 10, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this X day of MONTH 2025.

PUBLISHED BY TITLE ONLY the X day of MONTH 2025.

EFFECTIVE (after publication) the X day of MONTH 2025.

CITY OF FORT LUPTON, COLORADO

Chris Ceretto, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
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 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.

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:

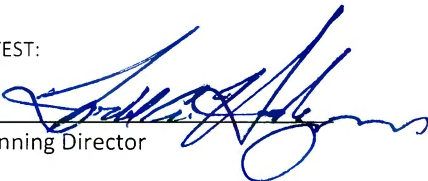

Planning Director

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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.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair



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.

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

JEAN SCHAFFER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20134029363
MY COMMISSION EXPIRES JAN 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 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. 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 116.61 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.

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.
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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;
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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;
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THENCE South 89°28'04" West a distance of 650.00 feet;
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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.
Published: Greeley Tribune October 10, 17, 24, 31, 2025-2138011

Prairie Mountain Media, LLC

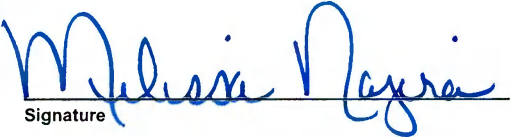
PUBLISHER'S AFFIDAVIT

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

(SEAL)

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

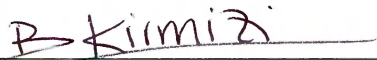
Account: 1102365
Ad Number: 2138011
Fee: \$271.04



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	



City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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.

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.

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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 NE Annexation**

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 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:

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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 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.



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

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

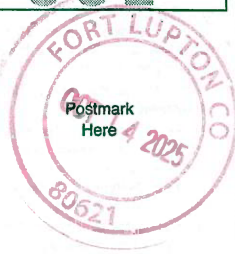
Street and Apt. No., or PO Box No.

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 9003

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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

School District RE-8

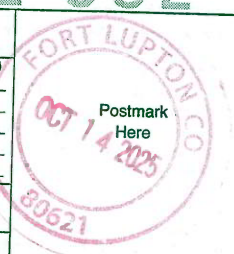
Street and Apt. No., or PO Box No.

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



7019 2970 0001 1465 9010

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\$ 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

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



7019 2970 0001 1465 9027

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

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

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



7019 2970 0001 1465 9034

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

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

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Total Postage and Fees

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Sent To

Aims Junior College

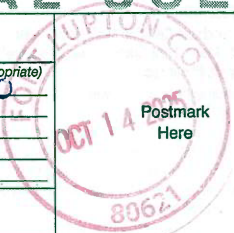
Street and Apt. No., or PO Box No.

PO Box 69

City, State, ZIP+4®
Greeley, CO 80632

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

See Reverse for Instructions



7019 2970 0001 1465 9041

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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

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☒ 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

High Plains Library

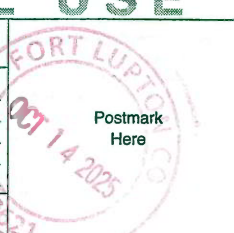
Street and Apt. No., or PO Box No.

2650 West 29th Street

City, State, ZIP+4®
Greeley, CO 80631

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

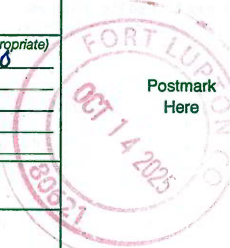
See Reverse for Instructions



7019 2970 0001 1465 9065

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
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Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Platte Valley Conservation District</u> Street and Apt. No., or PO Box No. <u>57 Bromley Lane</u> City, State, ZIP+4® <u>Brighton, CO 80601</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
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Postage \$ <u>0.74</u>	
Total Postage and Fees \$ <u>10.44</u>	
Sent To <u>Central Colorado Water</u> Street and Apt. No., or PO Box No. <u>3209 West 28th St</u> City, State, ZIP+4® <u>Greeley, CO 80634</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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 **L. G. Everist NE Annexation** located **east and immediately adjacent to County Road 25 and 1,313 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 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: **L. G. Everist NE Annexation**

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 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.

FORT LUPTON NORTH ANNEXATION NO. 3
TO THE CITY OF FORT LUPTON

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

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:

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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 _____)
ss _____)
COUNTY OF _____)

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

My commission expires _____ Notary Public (SEAL)

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)

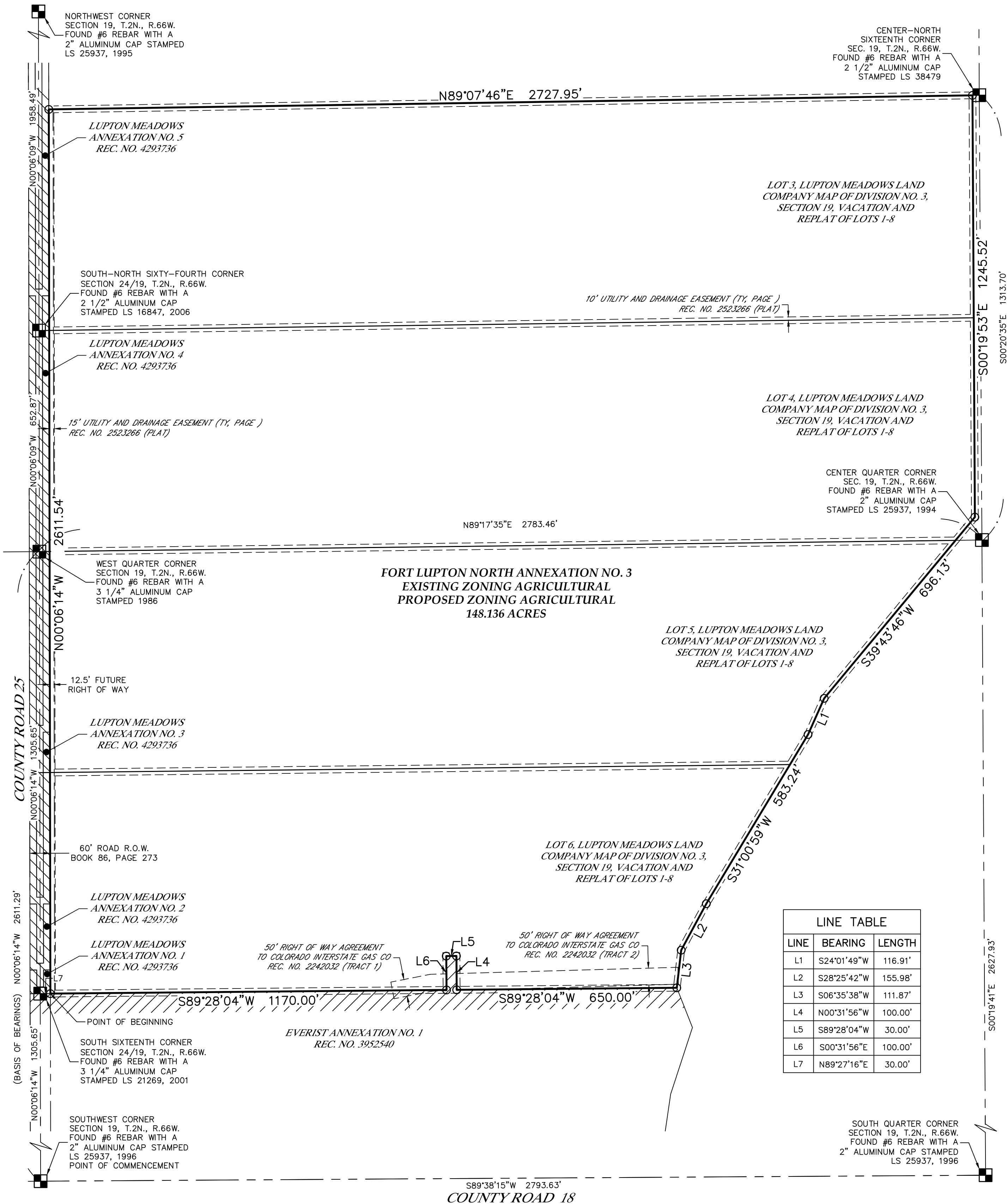
NOTICE

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)

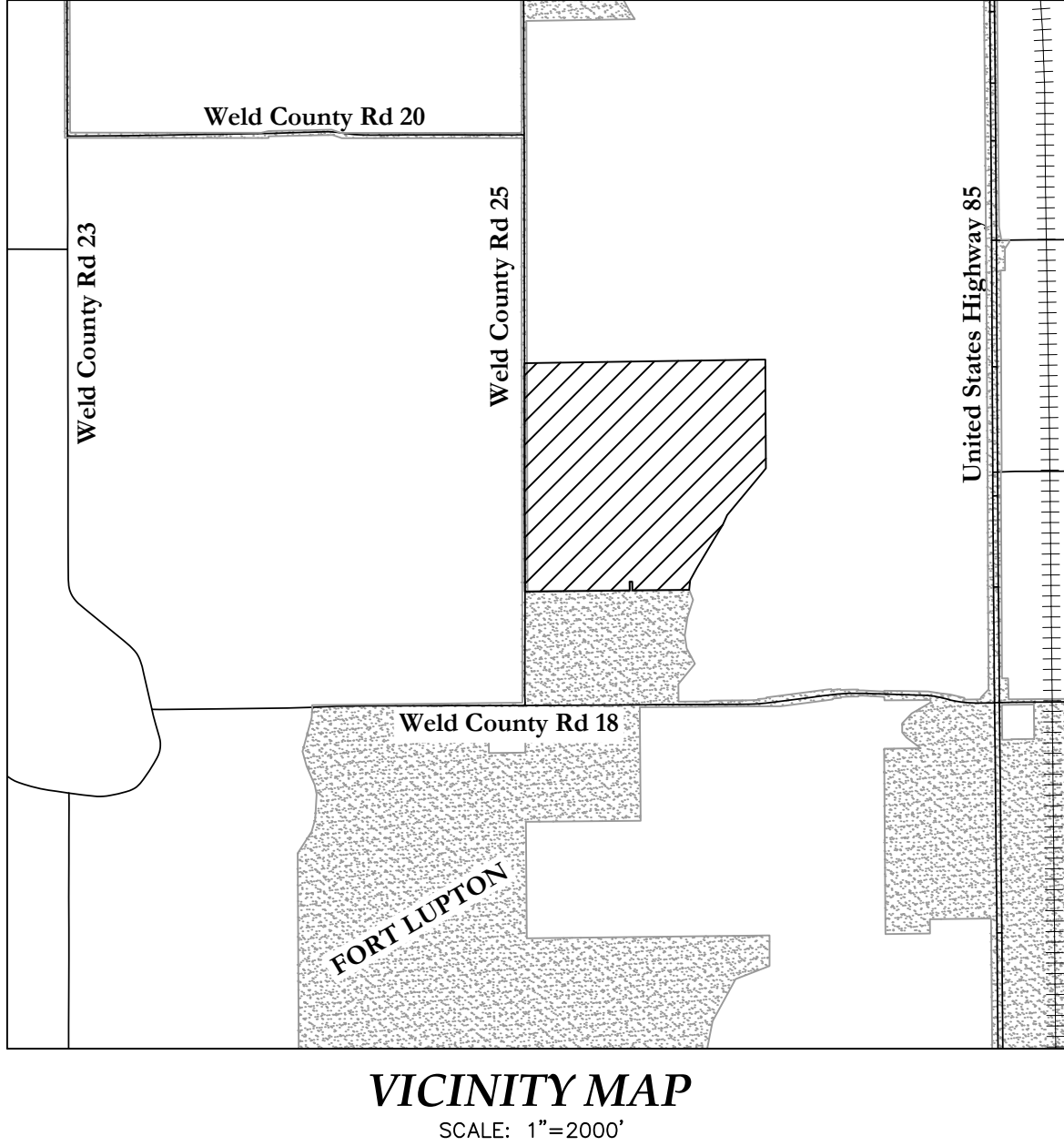
LEGEND

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

200 100 0 200 400 600
SCALE IN FEET
SCALE: 1"=200'



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'



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

ANNEXATION NO. 3 TABLE

TOTAL BOUNDARY: 10299.14 L.F.
CONTIGUOUS BOUNDARY: 4661.54 L.F.
1/6 OF TOTAL BOUNDARY: 27969.24 L.F.
RATIO: 1:2.209

////// DENOTES CONTIGUOUS BOUNDARY

DATE:	10/17/2024
FILE NAME:	20240524ANX-3
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. 3
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

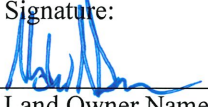
We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Fort Lupton North Annexation No. 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.

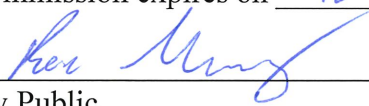
1	Land Owner Name: L.G. Everist, Inc. Matthew Noteboom, VP – Mountain Division Signature: 	Mailing Address (street, city, state, ZIP): 7321 E 88 th Avenue, Suite 200 Henderson, CO 80640 Date of signing: <u>5-21-25</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing: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

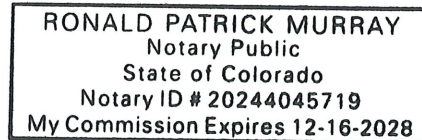


Exhibit A

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

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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

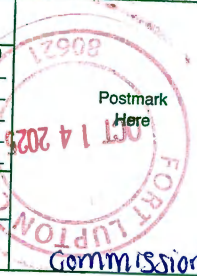
I, the undersigned, hereby certify that on the **14th day of October 2025**, a true and correct copy of the foregoing Notice of Public Hearings for the **L. G. Everist NE Annexation** was sent via United States Mail, postage pre-paid with return receipt requested, to the following addresses:

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

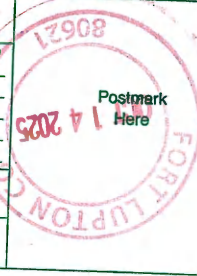


City Official

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Street and Apt. No., or PO Box No. <u>1150 O Street</u>	
City, State, ZIP+4® <u>Greeley, CO 80631</u>	
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☒ Return Receipt (hardcopy) \$ <u>4.40</u>	
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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.

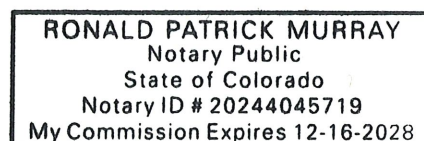
Signature of Owner or Owner's Representative

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)





Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

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 Patrick Murray

Notary Public

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



SUBJECT FOR DISCUSSION

A Resolution Approving a Request for a Special Use Permit by L.G. Everist, Inc. Amending an Existing Special Use Permit to Remove Certain Parcels and Include New Ones for a Sand & Gravel Mining Operation.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

The Applicant has submitted a request to amend the existing Special Use Permit in order to remove six currently included parcels which have been released from the DRMS permit, and add five parcels related to the two most recent L.G. Everist Annexations.

Mining and Resource Extraction requires a Special Use Permit and is only allowed through that process within the 'A' Agriculture Zone District. A Special Use Permit requires a public hearing before Planning Commission and City Council.

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 300 feet of the site, and publishing notice of the hearing at least 15 days prior to the hearing.

FINANCIAL CONSIDERATIONS

LEGAL/POLITICAL CONSIDERATIONS

ALTERNATIVES/OPTIONS

The City Council has the following four options for each request:

- a) Approve the proposed resolution.
- b) Approve the proposed resolution with conditions.
- c) Continue the hearing for additional information or further study.
- d) Deny the proposed resolution.

STAFF RECOMMENDATIONS

Planning Commission and Staff recommend conditional approval of the L.G. Everist Special Use Permit. The conditions are listed in the proposed resolution provided to Council.

Attachments:

- a. Proposed Resolution
- b. Planning Commission Resolution P2025-016
- c. Planning Commission Minutes
- d. Staff Report
- e. Project Narrative
- f. Special Use Permit Sheets
- g. Legal Notifications

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025RXXX

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT FOR MINERAL AND RESOURCE EXTRACTION , ON TWENTY ONE PARCELS LOCATED 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 to amend a special use permit for a sand and gravel mining operation; and

WHEREAS, after review of the application and supporting information, and consideration of staff comments, applicant's presentation and any public input, the Planning Commission recommended approval, with conditions, of the special use permit application; and

WHEREAS, the City Council held a public hearing to consider and review the request for the special use permit on December 2, 2025; and

WHEREAS, after review of the application and supporting information, the City Council 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 300 feet, and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the plans and supporting documentation, referral comments, as well as any citizen input in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Zoning Regulations, and analysis of referral comments and the facts presented on this date, the City Council hereby approves the Western Midstream Special Use Permit for a gathering pipeline with the following conditions:

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.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2nd DAY OF DECEMBER, 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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

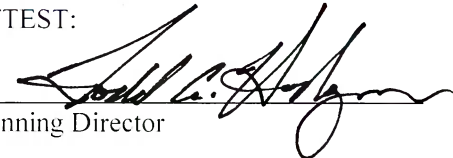
NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the Western Midstream Pipeline for a portion 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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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FORT LUPTON PLANNING COMMISSION
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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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025**

There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair



**L.G. EVERIST SAND & GRAVEL MINE
SPECIAL USE PERMIT
STAFF REPORT
PLAN NO. SUP25-003**

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 remove six parcels related to release from the DRMS permit and 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.

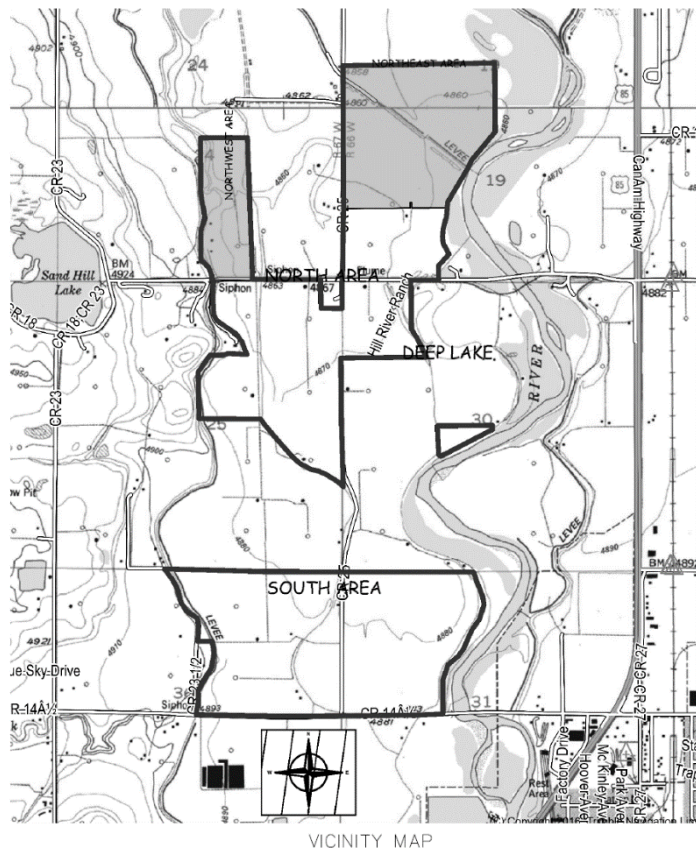
Hearing Dates:

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 16, 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 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 one thousand 300 feet of the Property on October 14, 2024.

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, outstanding requirements and negotiations are being made between the applicant and staff, namely regarding a trail corridor along the river.*

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/974>.

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

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/974>.



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.

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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 and 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) 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.
- 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

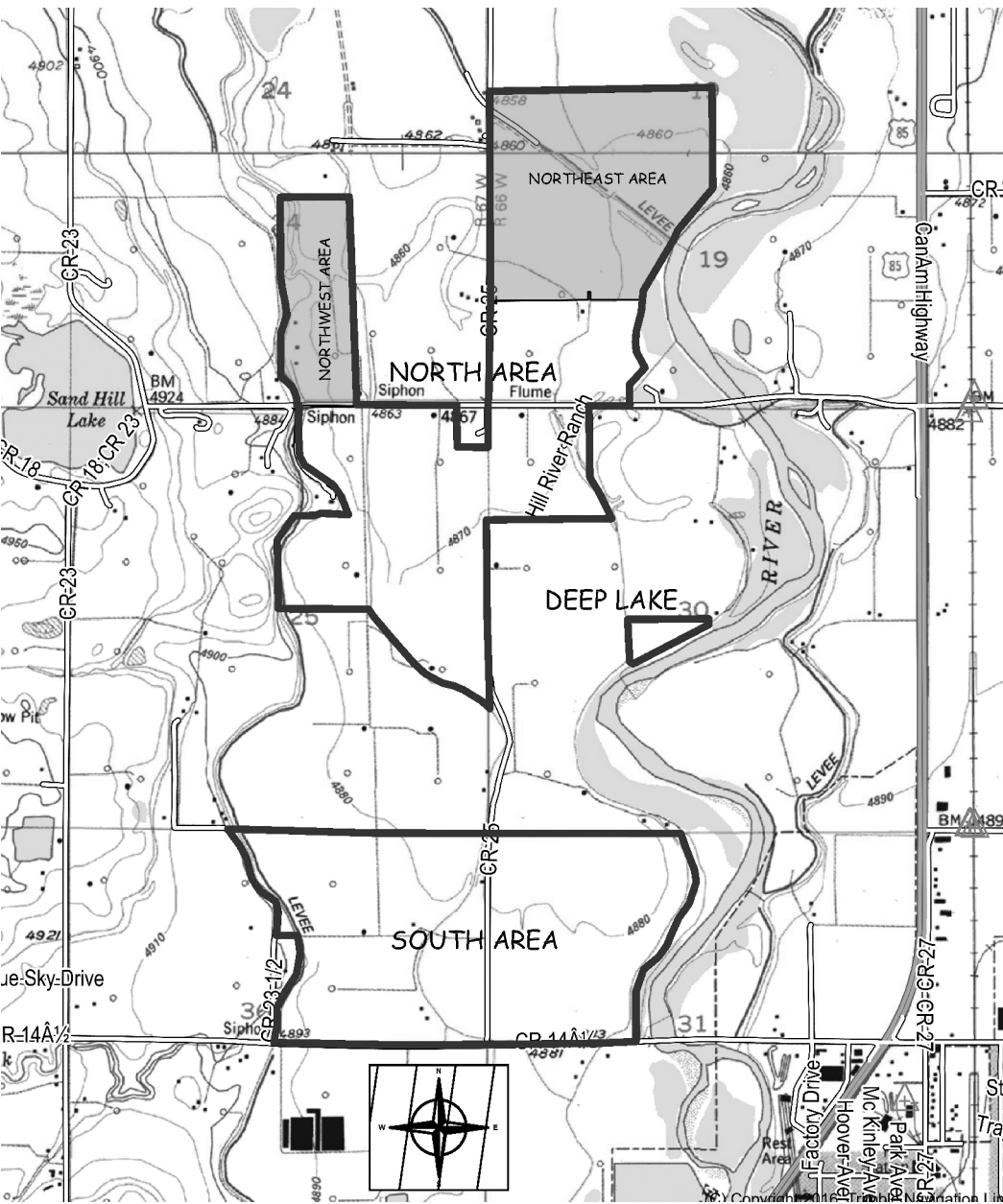
A parcel of land, being part of the Southeast Quarter (SE1/4) of Section Twenty-four (24), and the East Half (E1/2) of Section Twenty-five (25), Township Two North (T.2N.), Range Sixty-seven West (R.67W.) and part of the West Half (W1/2) of Section Nineteen (19), and the Northwest Quarter (NW1/4) of 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°41'19" 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 115.29 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°39'21" 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 1248.62 feet; THENCE South 39°44'45" 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 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°41'59" 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°40'19" West a distance of 10.23 feet; THENCE North 89°18'50" 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 570.00 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__, Witness my hand and seal.

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. _____.

Chairperson, Fort Lupton Planning Commission

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

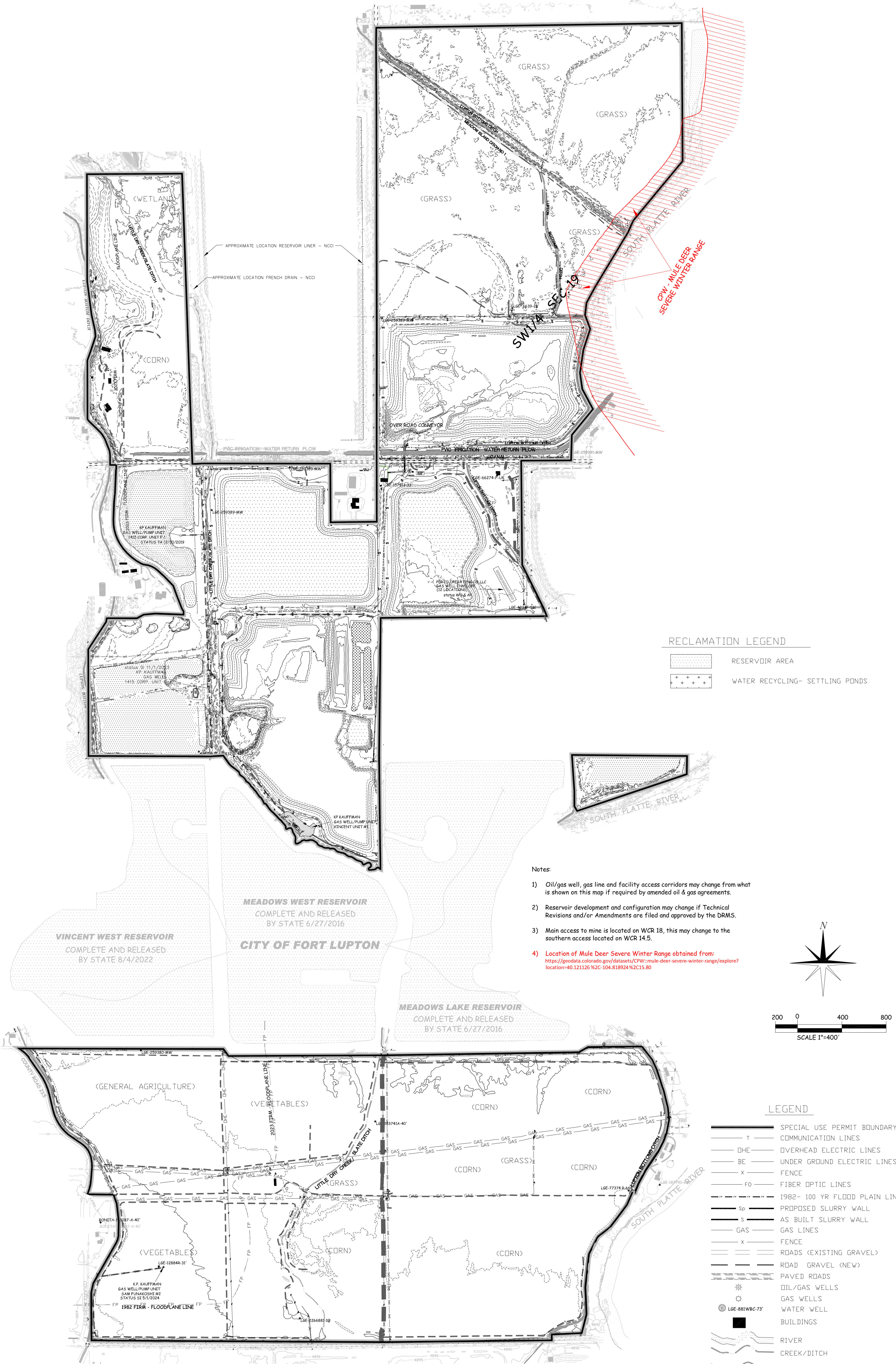
(Seal)

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) 287-4556 FAX: (303) 289-1348	
REVISIONS:	DATE: 05/20/23 ORIGINAL PERMIT - AMENDMENT OF NEW PROPERTY Amendment to add north areas
SPECIAL USE PERMIT FOR FORT LUPTON SAND AND GRAVEL	
PREPARED BY: ENVIRONMENT, INC. 7985 VANCE DR., # 205A DENVER, CO 80231 (303) 423-7293 environment-inc@earthlink.com	
SHEET NO. 1 OF 3	

FORT LUPTON SAND AND GRAVEL - CITY OF FORT LUPTON

SPECIAL USE PERMIT # 25-002



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
2 OF 3

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:		DATE:
ORIGINAL PERMIT		05/2013
Amendment to add north areas		08/2025

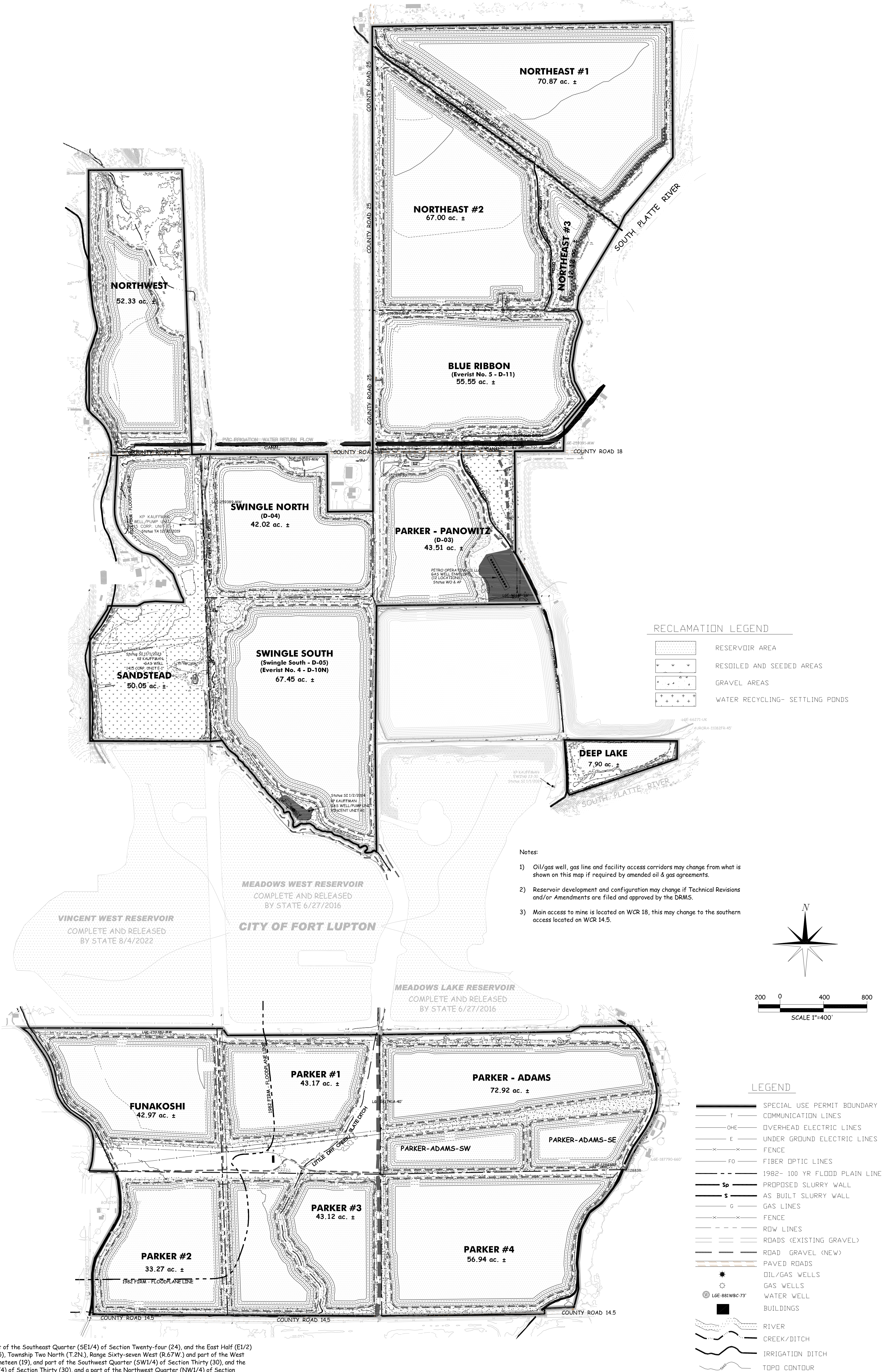


L.G. Everist, Inc.
7321 EAST 88TH AVENUE | HENDERSON, COLORADO 80640
PHONE: (303) 287-4656 | FAX: (303) 289-1348

CHECKED BY: LMS	DRAWN BY: ENV/SLO	SCALE: 1"=400'	FILE NAME: FLSG-SUP-MAP	DATE: 08/06/2025
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FORT LUPTON SAND AND GRAVEL - CITY OF FORT LUPTON

SPECIAL USE PERMIT # 25-002



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

3 OF 3

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:

ENV/SLO

SCALE:

1"=400'

FILE NAME:

FLSG-SUP-MAP

DATE:

08/06/2025

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

State of Colorado }
County of Weld } ss

Trin Adams

State of Colorado }
County of Arapahoe } ss

20134029363-004554

JEAN SCHAFFER
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20134029363
MY COMMISSION EXPIRES JAN 16, 2028

Page 371 of 448



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
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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.

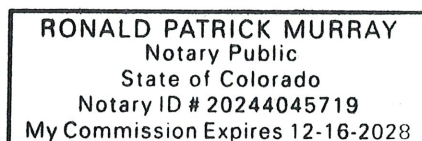
Signature of Owner or Owner's Representative

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)





Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 720.928.4003
Fax: 303.857.0351

www.fortluptonco.gov

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 Patrick Murray

Notary Public

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



SUBJECT FOR DISCUSSION

Adopting an Ordinance of the City of Fort Lupton, Amending Portions of Chapter 16 – Development Code.

SUMMARY STATEMENT/BACKGROUND DISCUSSION

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 identified during its implementation. The most recently adopted amendment to the Fort Lupton Development Code was on February 4th, 2025.

These proposed code amendments include updating sections relevant to Accessory Dwelling Units and in-home daycares, along with updates to the landscape code to incorporate waterwise policies. Other minor-typo and formatting clean-ups are also included.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

City Attorney has reviewed the proposed ordinance.

ALTERNATIVES/OPTIONS

The City Council, by ordinance shall:

1. Approve the Development Code amendments; or
2. Deny the Development Code amendments; or
3. Refer the Development Code amendments back to staff and/or Planning Commission for further study.

The City Council's action shall be based on the evidence presented, compliance with the adopted standards, regulations and policies and other guidelines.

STAFF RECOMMENDATIONS

Staff and Planning Commission via Resolution P2025-017 recommends approval of the amendments as proposed to Chapter 16 – Fort Lupton Development Code.

- Attachments:
- a. Proposed Ordinance
 - b. Planning Commission Resolution No. P2025-017
 - c. Planning Commission Minutes
 - d. Summary of Changes
 - e. Exhibit A – Development Code Update Redlines

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

ORDINANCE NO. 2025-XXXX

INTRODUCED BY:

AN ORDINANCE OF THE CITY OF FORT LUPTON, AMENDING PORTIONS OF CHAPTER 16 – DEVELOPMENT CODE.

WHEREAS, the Fort Lupton Development Code (‘the Development Code’) was adopted on July 16, 2022;

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; 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 application and unanimously recommended adoption of the Amendments to the Development Code; and

WHEREAS, after review of the proposed amendments to the Code, the City Council finds that the proposed changes generally conform with the Comprehensive Plan adopted by the City and are in the best interest of the health, safety and welfare of the citizens of Fort Lupton; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1. Chapter 16, Article IV, Section 16-4.02 Table 4-2 Allowed Uses, Residential Uses is hereby revised to read as follows:

Table 4-2: Allowed Uses													
Uses	Zoning Districts												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
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.)	■	■	■	■	■	■		■					
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	■			

Section 2. Chapter 16, Article IV, Section 16-4.02 Table 4-2 Allowed Uses, Commercial Uses is hereby revised to read as follows:

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	■	■	■	■	■	■		■	■	■	■		
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										■		■	■
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)										■		■	■

Section 3. Chapter 16, Article IV, Section 16-4.03.(2) Accessory Dwelling is hereby revised to read as follows:

(2) **Accessory Dwelling Unit (ADU).** ADUs shall be accessory to a principal dwelling unit on the lot and subject to the following additional standards:

a. Process and General Guidelines

1. Prior to the submittal of a building permit application to construct an ADU, a Pre-Application Meeting is required, unless waived by the Director.
2. One ADU may be permitted per lot only when associated with either a proposed or existing detached house or duplex/multi-unit house.
3. ADUs 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).
4. 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.
5. For a detached or attached ADU where the lot size is under 40,000 square feet, the ADU shall not exceed 100 percent of the livable square feet of the principal dwelling. Where the principal dwelling is less than 750 square feet, the ADU may be up to 750 square feet.
6. For a detached or attached ADU where the lot is between 40,000 square feet and 5 acres, the ADU shall not exceed 100 percent of the livable square feet of the principal dwelling. Where the principal dwelling is less than 750 square feet, the ADU may be up to 750 square feet.
7. For a detached or attached ADU where the lot size is 5 acres or more in size, the ADU shall have no limitation on square footage.

b. Development Standards

1. The height of an ADU shall not exceed 35'.
2. The setbacks for an ADU shall be defined as below:
 - (a) 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.
 - (b) Side Setback: 5 feet.
 - (c) 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.
 - (d) Rear Setback: 5 feet; 0 feet if above an alley-loaded garage except where easements prohibit.
3. 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.
 - (a) Match the primary color palette of the principal dwelling unit.
 - (b) Match the roof pitch of the principal dwelling unit.
 - (c) Match the roof material of the principal dwelling unit.
 - (d) Match the façade materials of the principal dwelling unit.
 - (e) Be no taller than the principal dwelling unit.
 - (f) Match the dimensions and height of exterior windows of the principal dwelling unit.

c. Access and Addressing

1. A three-foot minimum delineated pedestrian connection must connect the ADU entrance to either the adjacent public sidewalk or to the alley.
2. 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).

3. 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.
4. Both the principal dwelling unit and the ADU must have individual, visible, city assigned addresses.
5. 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.
6. 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.
7. 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.

Section 4. Chapter 16, Article IV, Section 16-4.03.(3) Home Occupation is hereby revised to read as follows:

- (3) **Home Occupation.** Home occupations may be accessory to a primary residential use on the lot and shall meet all of the following additional standards:
- a. 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.
 - b. No more than 30% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
 - c. All activity shall be conducted within an enclosed living area, permitted accessory building, or the garage.
 - d. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
 - e. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
 - f. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. 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.

Section 5. Chapter 16, Article V, Section 16-5.02 Table 5-1 Residential Building & Lot Standards is hereby revised to read as follows:

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	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.L.

[5] An Accessory Dwelling Unit is also allowed in the RO Zone District associated with a Principal Dwelling Unit.

Section 6. Chapter 16, Article VIII. Section 16-8.01. – Intent and applicability is hereby revised to read as follows:

- (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 regionally appropriate 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.
 - (14) Promote fire safe landscaping practices.
- (b) **Applicability.** The standards of this Section shall apply to all new development and redevelopment except:
 - (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, the following standards apply to front and corner side yards for new individual residential lots at time of platting and building permit:
 - a. No artificial turf.
 - b. At least 50% of the landscape must consist of living plant material.
 - c. No more than 50% of the landscape area may consist of high water use turfgrass.
 - (2) Additions to existing buildings or sites that do not result in an increase in building footprint or impervious surfaces by more than 10%;
 - (3) Redevelopment projects that result in a disturbance of less than 50 percent of the aggregate landscape area; or
 - (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.

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.

Section 7. Chapter 16, Article VIII. Section 16-8.02. – Landscape design is hereby revised to read as follows:

- (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.
 - (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. At least 50% of any landscape area must consist of living plant material (at maturity). 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.		

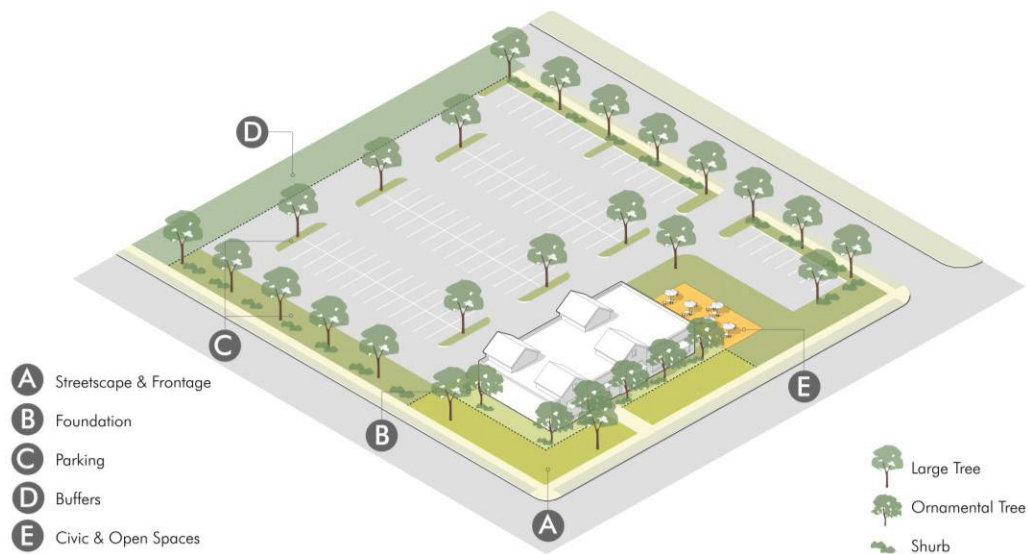


Figure 8-1 Landscape Design

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 3 cubic yards of organic matter soil amendment per 1,000 square feet of landscaped area, tilled into the soil to a depth of not less than 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 1 cubic yard per 80 square feet at a depth of 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 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.**

- (1) 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.
- (2) 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.
- (3) Each shrub indicated for preservation shall be protected by installing temporary fencing around that shrub.

(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 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 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 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.
 - 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.
- (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.
- (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.
- (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;
 - (2) The alternative results in a better allocation of plants in relation to adjacent streetscapes or other public spaces; or
 - (3) The alternative is necessary to improve the longevity or survival of plant materials.
 - (4) 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.

Section 8. Chapter 16, Article VIII. Section 16-8.03. – Buffer and screening is hereby revised to read as follows:

- (a) **Design Objectives.** Intense land uses or site elements shall be buffered and screened from

streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2, Buffer Planting Requirements and Table 8-3, Buffer Application.

- (1) Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.
- (2) Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.
- (3) Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
- (4) Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limit visibility or noise.
- (5) Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
- (6) Utilize berms, vertical landscape elements, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.
- (7) Address three layers of landscape, including: large trees (high-level – 30'+); evergreen or ornamental trees (mid-level – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low-level – under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

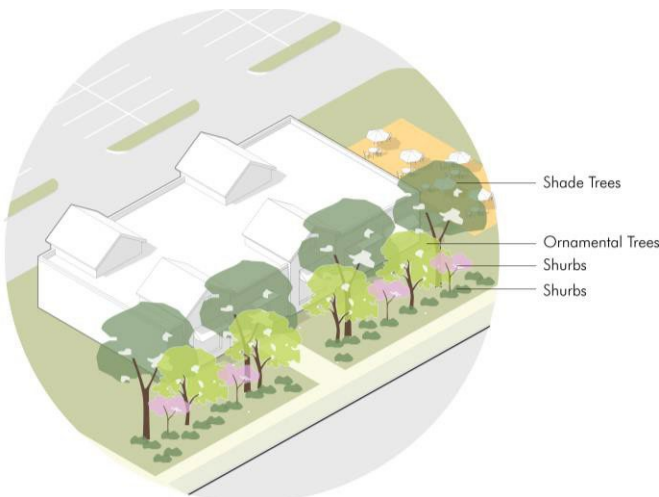


Figure 8-2 Buffer Layers

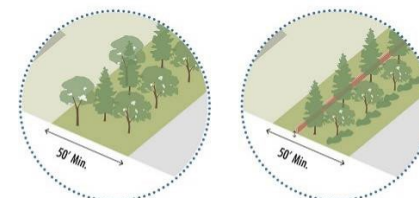
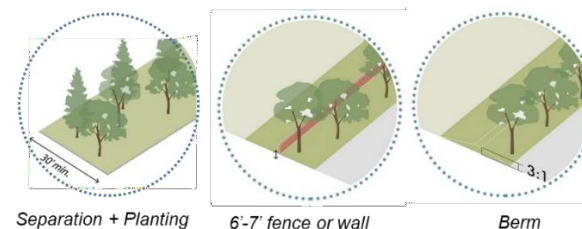
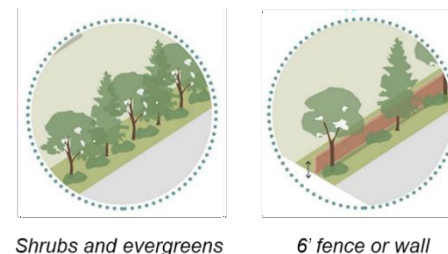
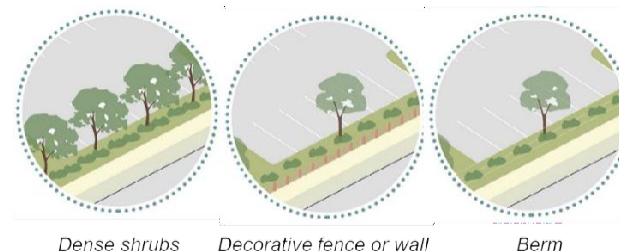
Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Shade trees provide separation and mitigation at upper levels, evergreen and ornamental trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels.

Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.

- (b) **Buffer Planting.** The planting requirements in Table 8-2: Buffer Planting Requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer, or other open space requirement such that the larger requirement will control.

Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement
Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian-oriented streetscapes.	Width: 6' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 3' Variation: the shrub rate may be reduced by 50% in combination with the following: ▪ 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.
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.	Width: 15' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 5'; and 1 evergreen tree per 25' 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.).
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.	Width: 30' min. Planting: 1 large tree per 50'; and 1 ornamental per 25'; and 1 evergreen tree per 25' 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.
Type IV – A densely planted area intended to separate incompatible situations or high-intensity uses.	Width: 50' min. Planting: 1 large tree per 30'; and 1 ornamental tree per 25'; and 1 evergreen per 15' Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide solid barrier and separation.



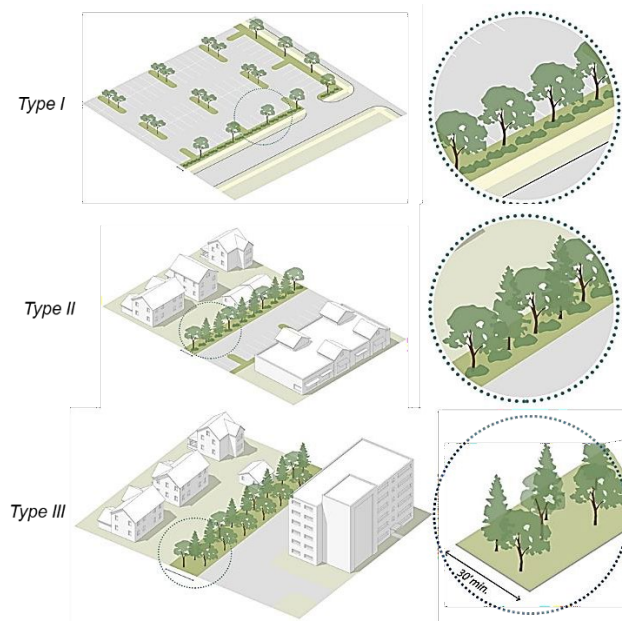


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

- (c) **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3, Buffer Application.

Table 8-3: Buffer Application		Intensity of Proposed Development			
Intensity of Adjacent Site		Intensity of Proposed Development			
		Low	Medium	High	Very High
Low		--	Type II	Type III	Type IV
Medium		Type II	--	Type II	Type III
High		Type III	Type II	--	Type II
Very High		Type IV	Type III	--	--
Use Intensity	Low	<i>Residential:</i> detached house, multi-unit house, row house, and small-lot apartment types <i>Nonresidential:</i> churches, schools, public and recreation, and similar community facilities			
	Medium	<i>Residential:</i> medium- and large-lot apartment or apartment complexes <i>Nonresidential:</i> neighborhood retail (under 3K s.f.), or office uses (under 2 stories), artisan or small manufacturing (under 10K), or similar uses that do not operate between 10PM and 7AM			
	High	<i>Nonresidential:</i> general commercial uses that may be larger scale (over 3K), light manufacturing or other higher intensity uses that operate beyond 10PM			
	Very High	<i>Nonresidential:</i> heavy commercial uses (over 100K s.f.) or uses with significant outside activity or storage, or heavy industrial and manufacturing uses			
Other Applications		Parking areas within 20 feet of any public street or through access drive shall have a Type I buffer Any lots adjacent to a collector or arterial street shall require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with street networks and open spaces.) Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential			

- (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.

Section 9. Chapter 16, Article VIII. Section 16-8.04. – Plant specifications is hereby revised to read as follows:

- (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 List 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:

- a. 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
- b. 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.

(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) 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:

Table 8-4: Plant Specifications	
Type	Specification
Large Tree	2" DBH; Mature height of at least 30'
Ornamental Tree	2" DBH ; 8' to 10' minimum planting height for multi-stemmed; Mature height of 15' – 30'
Evergreen Tree	6' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as large trees.
Shrub	24" or 5-gallon minimum container
Perennials	1-gallon container
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
General	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

(f) **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-5: Tree Diversity	
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.

- (h) **Hydrozones.** Incorporate a “zoned planting scheme” to reduce water demand by grouping plants with similar water requirements together in the same hydrozone. For example, plants of a very low hydrozone are not to be planted in a moderate to high hydrozone.
- (i) **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.
 - (1) New landscaped areas shall be watered by a permanent automatic irrigation system. Exemptions may be provided for:
 - a. Edible plants that are hand watered.
 - b. 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.
 - c. Very low and low hydrozone plants that are hand watered.
 - (2) Use of nontreated water for irrigation is encouraged if a permanent, legal, suitable supply is available.
 - (3) 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.
 - (4) 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.
 - a. Master shut-off valves and flow sensors, integrated with the automatic irrigation controller, are required.
 - b. 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.
 - (5) 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.
 - (6) The irrigation system shall be designed in accordance with the following requirements:
 - a. Provide peak season irrigation during night hours.
 - b. 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.
 - c. Ensure that the operating pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
 - (7) Turfgrass irrigation shall be designed in accordance with the following requirements:
 - a. In order to reduce runoff, and maximize sprinkler effectiveness, maximum application rate shall be one and a quarter inches per hour.
 - b. Six-inch minimum pop-up height is required for all spray heads and rotors.
 - c. Check valves or anti-drain valves are required on all sprinkler heads.
 - d. 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.
 - e. Turf and non-turf areas shall be irrigated on separate valves.
 - (8) Irrigation of specific hydrozones shall be designed in accordance with the following requirements:

- a. The design of the irrigation system shall conform to the hydrozones of the landscape plan.
 - b. Each remote-control valve shall irrigate a hydrozone with similar microclimate, soil conditions, slope, and plant materials with similar water demand.
 - c. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plants and soil type within that hydrozone.
 - d. In mulched planting areas, the use of low flow irrigation is required for any vegetation that will exceed 12 inches mature height.
 - e. 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.
- (9) **Irrigation Installation**
 - a. Installation of irrigation systems shall be in accordance with an approved final irrigation plan.
 - b. Property owner shall keep a set of "as-built" drawings of irrigation system with dimensions shown for irrigation components.
 - c. Property owners shall operate their irrigation system in accordance with the approved final landscape plan.
 - d. Backflow prevention required.
 - e. Non-potable service lines are required to be installed outside of foundations.
- (j) **Firescaping Standards.**
 - (1) Wood mulches and living plant material with high fuel volume shall not be installed within the first five 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 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.
- (k) **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.
- (l) **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.

- (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.
- (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.

(m) **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.

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.

Section 10. Chapter 16, Article XI, Section 16-11.01 Definitions is hereby revised to read the definition of “Building Line, Required Front” as follows:

Building Line, Required Front. The portion of the lot frontage required to be occupied by the front facade of a principal structure, or other permitted accessory structures or landscape associated with the frontage design.

Section 11. Chapter 16, Article XI, Section 16-11.01 Definitions is hereby revised to add the definition of “Dwelling Unit” as follows:

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.

Section 12. Chapter 16, Article XI, Section 16-11.01. The word “Household” and its definition is hereby deleted.

Section 13. Chapter 16, Article XI, Section 16-11.02 Description of Uses is hereby revised to read the definition of “Accessory Dwelling” as follows:

Accessory Dwelling Unit (ADU). An 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.

Section 14. Chapter 16, Appendix C. Fort Lupton recommended plant list is hereby deleted and remaining Appendices re-lettered.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of December, 2025.

PUBLISHED in the Fort Lupton Press this 11th day of December, 2025.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this X day of MONTH 2025.

PUBLISHED in the Fort Lupton Press the X day of MONTH 2025.

EFFECTIVE (after publication) the X day of MONTH 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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;

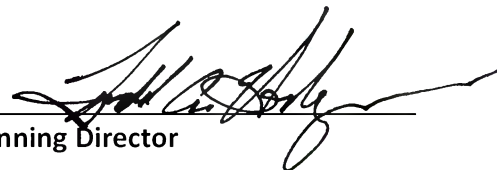
NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends approval of the proposed amendments to Chapter 16 – Fort Lupton Development Code as set forth in Exhibit A, attached hereto and fully incorporated by reference.

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



Chairperson

ATTEST:



Planning Director

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 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, November 13, 2025.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

There were no public comments

ACTION ITEM

P2025-013 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

Planner Sean McDermott presented the item for the Northland Business Park change of zone. The site is located south and adjacent to CR 18, adjacent to CR 16, and Northland Drive and is owned by seven different owners. Mr. McDermott explained that the purpose of the project is to change the zoning from PUD to I-2. The current PUD allows for a mix of industrial and commercial uses and applies design standards and review processes that differ from the current code. He provided an overview of previous applications, including three projects, two site plans and one special use permit, that have already been approved. The comprehensive plan designates this area as industrial, which aligns with the proposed change of zone. All notification requirements have been met.

Chair Simone asked whether projects previously approved under the existing PUD would continue to be reviewed under the PUD guidelines or under the industrial standards if any changes or amendments were proposed.

Mr. McDermott explained that site plans approved under the old code would retain the flexibility to comply with the old code and the new code guidelines.

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Daniel Allen with the Henry Group joined the meeting online via GoTo to give a presentation. He reviewed the site location and the proposed change of zone. He explained that the goals of the COZ are to make it easier for businesses to come to Fort Lupton by offering greater flexibility and reducing costs, as the strict design requirements of the PUD would no longer apply. He also provided a brief comparison of the existing PUD and the proposed I-2 zone processes, highlighting the advantages of the COZ.

Chair Simone opened up for public comments at 6:09pm.

There were no public comments.

Chair Simone closed the public comments at 6:09pm.

Chair Simone opened up the hearing for commissioner comments.

Commissioners discussed:

- Whether already approved projects would be negatively affected by the COZ
- What guidelines previously approved projects would need to follow if changes were proposed
- Surrounding properties and their use

After discussion Commissioner Kvsanicka moved to approve 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). Commissioner Wiens seconded.

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

Resolutions P2025-014, P2025-015, and P2025-016 were presented simultaneously but voted on individually.

The site for the NW Annexation Nos. 1–2 is located north along County Road 18 between County Roads 23 and 25 and is proposed to be annexed into the City with an initial Agriculture zoning. This zoning would allow mining operations with a special use permit. The comprehensive plan designates this area as a mineral zone. The site for the NW Annexation is located north of County Road 18 and east along County Road 24, and it is also designated as a mineral zone in the comprehensive plan. Mr. Mettler provided visuals showing the locations of the mining operations and the ponds that will eventually be created. He explained that the existing ditch along the property will be accommodated and that ponds will be constructed around it, which will be reviewed through an administrative lot consolidation at the staff level. The entire area where mining will occur is designated as a mineral zone.

Matt Hengel and Lynn Shults attended the meeting to give a presentation. They began by introducing the company and providing an overview of its history. Mr. Hengel discussed examples of how aggregates extracted from mining operations are used in everyday life. Once the extraction phase is complete, the

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
November 13, 2025

company proposes converting the excavation areas into water storage reservoirs. An overview of the site's history was also provided. With the annexation, roughly 200 acres would be added to the City, contributing to approximately 766 acres of mining operations. Maps of the location and special use permit area were presented, along with the mining and reclamation plans and an overall project summary. Mr. Hengel noted that the company has already received approval from Colorado DRMS and will be seeking approval from the Division of Wildlife, as well as other required permits.

Chair Simone opened up for public comments at 6:30pm.

There were no comments.

Chair Simone closed the public comments at 6:30pm.

Commissioners discussed:

- The current condition and use of the portion removed from the special use permit
- The current owners of the properties
- The contract with the City of Aurora for water storage as the final use, and whether some properties would be leased or sold to Fort Lupton
- Whether the final use could be defined as park and open space as indicated in the staff report
- Dedication of a trail easement to the City
- The estimated timeline for completing the mining operation
- Concerns about Fort Lupton's future ownership rights
- Whether water storage ponds have ever run dry
- Whether the water reservoir could be used for recreational purposes
- The negotiation process for the open area

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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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

No additional comments were made. All Notification Requirements have been met.

After discussion Commissioner Wiens moved to approve 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). Commissioner Kvasnicka seconded.

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

Planner Zachary Mettler started the presentation by providing 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 distinctions based on lot size. The proposed changes aim to shift from zoning-based standards to lot-size-based standards, while maintaining essential life, safety, and access requirements. The intent of the update is to right-size the impacts and review of ADUs, which would be reviewed administratively at staff level. Pre-application meetings and required building permits will ensure that all relevant departments participate in the review process. He noted that one of the major changes includes increasing the allowable size from 50% of the primary dwelling's square footage to 100%, providing more flexibility while continuing to regulate development through setbacks, lot coverage limits, and other site standards.

Mr. Mettler continued the presentation by reviewing the updated Allowed Uses Table, showing that ADUs would be a use by right in residential zone districts. He then provided a brief overview of how the current code limits ADUs to no more than 50 percent of the principal dwelling's living area or 1,200 square feet, whichever is less. He followed with the proposed code language and an overview of the ADU process and general guidelines, including submittal requirements, location standards, and development standards. He discussed the character requirements, explaining that applicants must meet at least three out of the six standards. He also provided further explanation of access and addressing requirements, which include providing a pedestrian connection to a public sidewalk, alley, or access point, and ensuring that both residences receive individual City-assigned addresses.

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

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mitigated. Following up on discussion from the previous Planning Commission meeting, Mr. McDermott noted that, based on staff's research, notifying neighbors prior to opening an in-home daycare is not allowed because such uses cannot be treated differently from other home occupations.

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 on applicable property. He 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. 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:

- Whether existing unapproved ADUs will be required to comply with the proposed code
- Potential subjectivity in the character requirements
- HOA compliance with ADU requirements and design standards
- Whether HOA or City requirements take precedence
- Clarification regarding the allowance for two on-street parking spaces per dwelling
- When additional space can be classified as an ADU
- When the added home occupation requirement would take effect
- Where artificial turf may be installed on residential properties
- Requirements for living plant material
- Applicability of the new landscaping code
- Planting considerations related to utility line locations
- The process for short-term rentals

Chair Simone opened up for public comments at 8:05pm

There were no comments.

Chair Simone closed the public comments at 8:05pm.

After discussion Commissioner Kvasnicka made a motion to approve 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). Commissioner Gonzalez seconded.

DISCUSSION ITEMS

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
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There were no discussion items.

FUTURE BUSINESS

The next Planning Commission meeting is scheduled for December 11th, 2025.

ADJOURNMENT

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

Chair Simone moved to adjourn the meeting at 8:07 PM.
Submitted by

Beyza Kirmizi
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair



Planning & Building Department

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SUMMARY OF CHANGES – DEVELOPMENT CODE UPDATE NOV-DEC 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 15, 2023, August 20, 2024, and February 4, 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
- f) Encouraging swales and other creative design
- g) Landscape standards related to firescaping, utilities, and irrigation, along with plant list flexibility

Exhibit A

Chapter 16 Development Code Update Redlines 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												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
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										■		■	■

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 limitation on square footage.
 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

- (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>	▪ 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.	▪ 6' max. off a roof or building wall
<i>Ground Mounted</i>	▪ 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.	▪ Greater than 6' high
Wind		
<i>Building Mounted</i>	▪ 4' max. above roof (residential buildings) ▪ 8' max. above roof (non-residential buildings)	▪ 12' max. above roof (residential buildings) ▪ 20' max. above roof (non-residential buildings)
<i>Ground Mounted</i>	▪ 30' max. height (residential districts) ▪ 45' max. height (non-residential districts)	▪ 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~~ 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, the 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; or-

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.

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.		

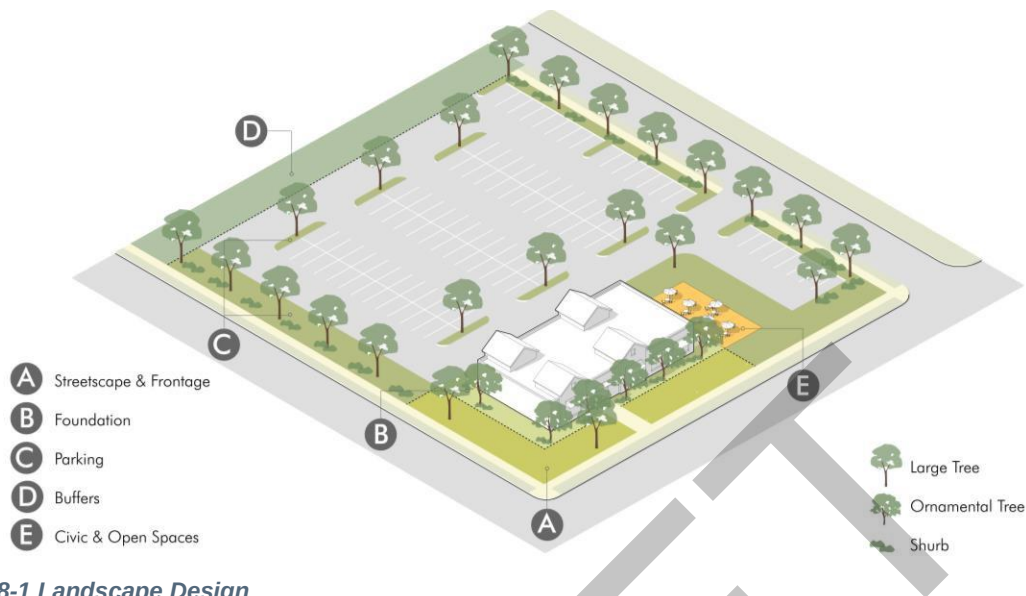


Figure 8-1 Landscape Design

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 3 cubic yards of organic matter soil amendment per 1,000 square feet of landscaped area, tilled into the soil to a depth of not less than 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 1 cubic yard per 80 square feet at a depth of 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 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 six (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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2. The alternative results in a better allocation of plants in relation to adjacent streetscapes or other public spaces; or
3. The alternative is necessary to improve the longevity or survival of plant materials.
4. 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.

8.03 Buffer & Screening

- A. **Design Objectives.** Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2, Buffer Planting Requirements and Table 8-3, Buffer Application.
1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.
 2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.
 3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
 4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limit visibility or noise.
 5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
 6. Utilize berms, vertical landscape elements, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.
 7. Address three layers of landscape, including: large trees (high-level – 30'+); evergreen or ornamental trees (mid-level – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low-level – under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

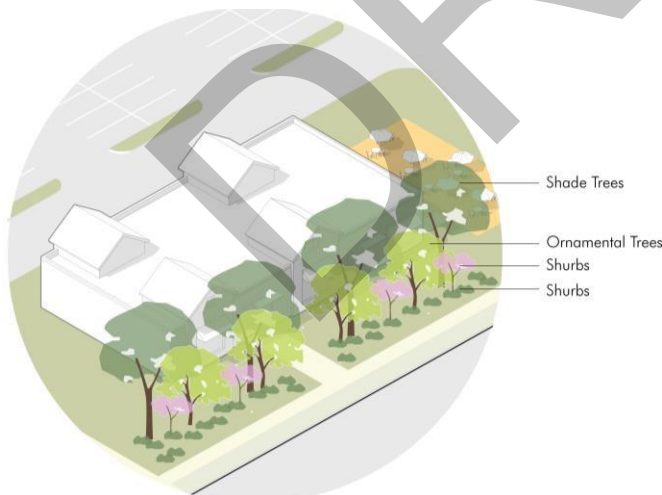
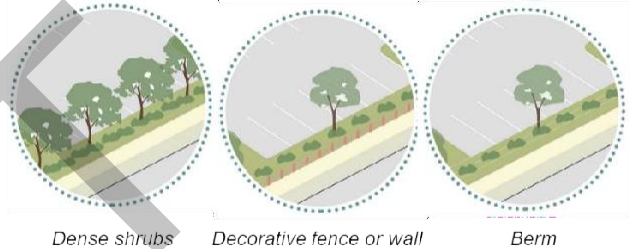
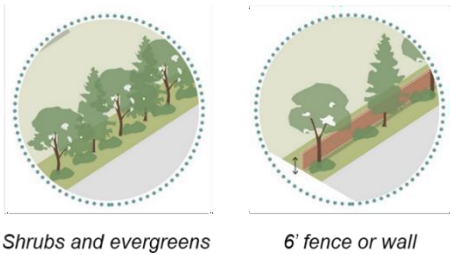
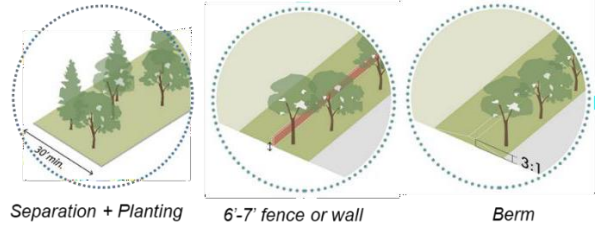


Figure 8-2 Buffer Layers

Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Shade trees provide separation and mitigation at upper levels, evergreen and ornamental trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels. Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.

- B. **Buffer Planting.** The planting requirements in Table 8-2: Buffer Planting Requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer, or other open space requirement such that the larger requirement will control.

Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement	
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.	Width: 6' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 3' Variation: the shrub rate may be reduced by 50% in combination with the following: ▪ 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.	 Dense shrubs Decorative fence or wall Berm
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.	Width: 15' min. Planting: 1 large tree per 35' or 1 ornamental per 20'; and 1 shrub per 5'; and 1 evergreen tree per 25' 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.).	 Shrubs and evergreens 6' fence or wall
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.	Width: 30' min. Planting: 1 large tree per 50'; and 1 ornamental per 25'; and 1 evergreen tree per 25' 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.	 Separation + Planting 6'-7' fence or wall Berm
Type IV – A densely planted area intended to separate incompatible situations or high-intensity uses.	Width: 50' min. Planting: 1 large tree per 30'; and 1 ornamental tree per 25'; and 1 evergreen per 15' Variation: Other combinations of shrubs, evergreens, understory plantings, with a 3' – 4' berms or with fences or walls that provide solid barrier and separation.	 50' Min. 50' Min.

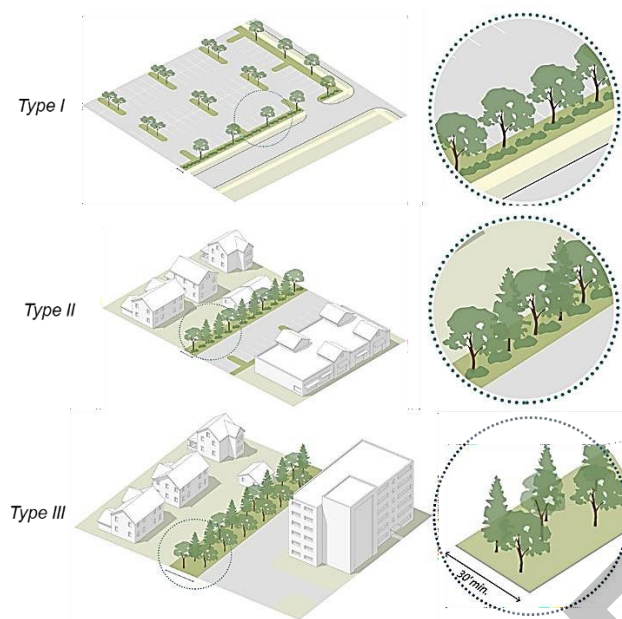


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

- C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3, Buffer Application.

Table 8-3: Buffer Application				
Intensity of Adjacent Site	Intensity of Proposed Development			
	Low	Medium	High	Very High
Low	--	Type II	Type III	Type IV
Medium	Type II	--	Type II	Type III
High	Type III	Type II	--	Type II
Very High	Type IV	Type III	--	--
Use Intensity	Low	<i>Residential:</i> detached house, multi-unit house, row house, and small-lot apartment types <i>Nonresidential:</i> churches, schools, public and recreation, and similar community facilities		
	Medium	<i>Residential:</i> medium- and large-lot apartment or apartment complexes <i>Nonresidential:</i> neighborhood retail (under 3K s.f.), or office uses (under 2 stories), artisan or small manufacturing (under 10K), or similar uses that do not operate between 10PM and 7AM		
	High	<i>Nonresidential:</i> general commercial uses that may be larger scale (over 3K), light manufacturing or other higher intensity uses that operate beyond 10PM		
	Very High	<i>Nonresidential:</i> heavy commercial uses (over 100K s.f.) or uses with significant outside activity or storage, or heavy industrial and manufacturing uses		
Other Applications		Parking areas within 20 feet of any public street or through access drive shall have a Type I buffer Any lots adjacent to a collector or arterial street shall require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with street networks and open spaces.) Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential		

- 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:

Table 8-4: Plant Specifications	
<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.

Table 8-5: Tree Diversity	
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. Incorporate a “zoned planting scheme” to reduce water demand by grouping plants with similar water requirements together in the same hydrozone. For example, plants of a very low hydrozone are not to be planted in a moderate to high hydrozone.

I. 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.

1. 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.
2. 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.

- 2-3. 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.
4. 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.
 - 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.
5. 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.
6. 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.
7. 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.
 - 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.
 - v. Turf and non-turf areas shall be irrigated on separate valves.
8. 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.
 - 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.
9. 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.

- ~~1.10. 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.~~

J. 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.K. 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.L. 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.M. 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:

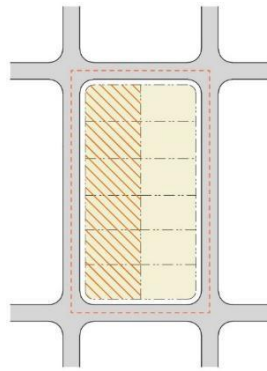
1. The alternative is necessary to improve the longevity or survival of plant materials.
2. The alternative improves the health or general species mix specific to the context and vicinity of the site.
3. In all cases the deviation is the minimum necessary to address the circumstance, the alternative 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.



Block Face

Buffer. An area of a site used to promote separation and enhance compatibility between land uses of different intensities, by the use of space, the design of landscape or the arrangement of buildings and structures, or any combination of these.

Building. Any structure built for the shelter or enclosure of persons, animals, chattels, property or substance of any kind, excluding fences. The word *building* includes the word *structure*.

Building Floor Area. The maximum horizontal area within the outer perimeter of the building walls.

Building Footprint (building coverage). That area or portion of a lot which is occupied or covered by all buildings on that lot.

Building, Detached. Any single building or building separated from another building on the same lot.

Building, Enclosed. A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with opening only for windows and doors, and covered by a permanent roof.

Building Frontage. The area of the lot along the front building line, and when referring to design standards it may include relationship between this area, the streetscape, and the primary facade of the building.

Building Frontage, Principal. The horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

Building Height. (See Section 1.02.D. Interpretation, Building & Structure Measurements.)

Building Line. The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

Building Line, Required Front. The portion of the lot frontage required to be occupied by the front facade of a ~~principle-principal~~ structure, or other permitted accessory structures or landscape associated with the frontage design.

Building, Principal. One building housing the principal (primary or most important) uses permitted for the lot upon which it is located.

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.

Appendix C – Fort Lupton Recommended Plant List

Table C-1: Fort Lupton Recommended Plant List * Water Demand Symbols: M – Moderate L – Low X – Xeriscape ** Most Pine Trees & Junipers – L			
Latin Name	Common Name	Height X Width	Water Demand*
Shade Trees			
Acer negundo "Sensation"	Sensation Box Elder	40' 50' X 30' 40'	L
Acer platanoides	Norway Maple	40' 50' X 40" 50"	M
Aesculus glabra	Ohio Buckeye	25' 30' X 25'	M
American (Tilia Americana), Littleleaf (Tilia cordata)	Linden varieties	50' 70' X 30' 50'	M
Catalpa speciosa	Western Catalpa	50' 60' X 30' 40'	L
Celtis occidentalis	Hackberry	40' 60' X 40' 60'	L
Celtis reticulata	Native Hackberry	30' X 30'	X
English (Quercus robur), Northern Red (Quercus rubra), Swamp White (Quercus bicolor)	Oak varieties	45' 60' X 50' 70'	M
Gleditsia triacanthos inermis	Thornless Honeylocust varieties	40' 50' X 35' 45'	L
Gymnocladus dioica	Kentucky Coffeetree	50' 60' X 40' 50'	X
Quercus macrocarpa	Bur Oak	50' 60' X 45' 60'	L
Small Trees			
Acer ginnala	Maple, Ginnala	15' 20' X 12' 20'	L
Acer grandidentatum	Wasatch Maple	25' 30' X 20' 25'	L
Acer tataricum	Maple, Tartarian	12' 15' X 8' 10'	L
Alnus glutinosa	Alder	25' X 25'	
Amelanchier grandiflora, Amelanchier Canadensis, Amelanchier leavis	Serviceberry varieties	12' 15' X 10' 15'	M
Cercis canadensis	Redbud	20' X 20'	M
Crataegus ambigua	Russian Hawthorn	15' 25' X 20' 25'	L
Crataegus erythropoda	Native Hawthorn	20' X 20'	X
Crataegus viridis	Winter King Hawthorn	20' X 25'	L
Crataegus phaenopyrum	Washington Hawthorn	15' 25' X 12' 20'	L
Koeleria paniculata	Goldenrain Tree	20' 30' X 20' 25'	L
Malus spp. (choose CSU fireblight resistant)	Crabapples	18' 25' X 18' 25'	M
Prunus	Cherry, sour	20' X 25'	M
Prunus ceracifera	Newport Plum	20' X 25'	M
Prunus nigra	Princess Kay Plum	15' X 10'	M
Quercus gambelii	Gamble Oak	8' 20' X 6' 8' (spreading)	X
Syringa reticulata	Japanese Lilac Tree	20' 25' X 15'	M
Washington (Crataegus phaenopyrum), Thornless Cockspur (Crataegus crusgalli "Inermis) and others	Hawthorn varieties	40' 15' X 10' 15'	M
Evergreens**			
Dwarf Evergreens	many varieties	Varies	M
Juniper horizontalis, Juniperus Sabina, Juniperus chinensis	Spreading Juniper	Varies — minimum 4' wide	L
Juniperus monosperma	Native Upright Juniper	25' 30' X 16' 20'	X

Table C-1: Fort Lupton Recommended Plant List Water Demand Symbols: M – Moderate L – Low X – Xeriscape * Most Pine Trees & Junipers – L			
Latin Name	Common Name	Height X Width	Water Demand*
Juniperus scopulorum, Juniperus virginiana, Juniperus chinensis	Upright Juniper	Varies – minimum 6' wide	L
Mahonia fremontii	Freemont Mahonia	5'–8' X 5'–8'	X
Picea pungens	Colorado Spruce	50' X 20'	M
Picea spp.	Black Hills Spruce and other varieties	Varies, including dwarf varieties	M
Pinus aristata	Bristlecone Pine	20'–30' X 10'–20'	X
Pinus cembroides edulis	Pinon Pine	15'–20' X 15'–20'	X
Pinus contorta latifolia	Lodgepole Pine	50'–70' X 10'–15'	X
Pinus mugo	Mugo Pine	Varies	L
Pinus nigra	Austrian Pine	40'–60' X 30'–40'	L
Pinus ponderosa	Ponderosa Pine	50'–60' X 20'–30'	X
Pinus sylvestris	Scotch Pine	30'–50' X 20'–30'	L
Pseudotsuga menziesii	Douglas Fir	50' X 20'	M
Shrubs Over Six (6) Feet Tall			
Acer glabrum	Maple, Rocky Mountain	15'–20' X 15'	M
Amelanchier alnifolia, Amelanchier alnifolia 'Regent'	Saskatoon or Mountain Serviceberry	8'–12' X 8'–12' Regent 6' X 6'	L
Aronia arbutifolia "Brilliantissima"	Brilliant Red Chokeberry	6' X 5'	M
Artemisia tridentatum	Sagebrush, Tall Western	6' X 6'	X
Buddleia davidii	Butterfly Bush varieties	6'–10' X 4'–8'	L
Buddleia alternifolia "Argentia" A	Alternate Leaf Butterfly Bush	8'–10' X 8'–10'	L
Caragana arborescens	Peashrub, Siberian	12'–15' X 8'–10'	L
Cercocarpus ledifolius	Mountain Mahogany, Curleaf	15' X 10'	X
Cercocarpus montanus	Common Mountain Mahogany	8'–10' X 6'–8'	X
Chaenomele speciosa	Quince, Tall Flowering	12' X 10'	M
Chrysothamnus sp.	Rabbitbrush, Tall	4'–6' X 4'–6' (spreading)	X
Cotoneaster lucidus	Peking Cotoneaster	8'–10' X 8'–10'	L
Cytisus x varieties	Scotch Broom	6' X 6'	L
Forestiera neomexicana	Privet, New Mexico	8'–15' X 8'–12'	L
Forsythia x intermedia Northern Sun, Meadowlark, etc.	Forsythia, cold hardy varieties	8'–10' X 10'–12'	M
Hibiscus syriacus	Rose of Sharon	8'–10' X 8'–10'	L
Kolkwitzia amabilis	Beauty Bush	8'–10' X 8'–10'	L
Ligustrum vulgare	"Cheyenne" Privet, Common Cheyenne	12'–15' X 12'–15'	L
Mahonia aquifolium	Evergreen Oregon Grape Holly	6'–10' X 6'–10' (slow growing)	L
Phamnus smithii	Smith's Buckthorn	8' X 8'	L
Philadelphus coronarius	Mockorange, Sweet	10'–12' X 10'–12'	L
Physocarpus opulifolius	Ninebark, Common	8'–10' X 10'–12'	L
Prunus americana	American Wild Plum	10' X 15' (spreading)	X
Prunus cistina	Purpleleaf Plum	8'–12' X 8'–12'	M
Prunus tomentosa	Nanking Cherry	10' X 15'	L
Prunus triloba	Rose Tree of China	8' X 8'	M
Rhamnus frangula	"Colimnaris" Tall Hedge-Buckthorn	12'–15' X 4'–6'	L
Rhus glabra	Sumac, Smooth	12'–15' X 12'–15' (spreading)	X

Table C-1: Fort Lupton Recommended Plant List			
* Water Demand Symbols: M=Moderate L=Low X=Xeriscape ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Rhus trilobata	Sumac, Three-leaf	6'-8' X 8' (spreading)	X
Rhus typhina	Sumac, Staghorn	15' X 10'	X
Ribes aureum	Currant, Yellow Flowering	5' X 6'	X
Rosa	Rose, Harrison's, Austrian Copper, Persian	Varies	L
Rosa glauca	Rose, Red-leaf shrub	8' X 8'	L
Sorbaria sorbifolia	Ural False-Spirea	4'-8' X 6'-8' (spreading)	L
Spiraea x vanhouttei	Spiraea, Vanhoutte	6' X 8'	M
Syringa meyeri or Syringa patula	Lilac, Dwarf Korean	6' X 8'	M
Syringa vulgaris	Lilac, Common Purple	10'-12' X 10'-12'	L
American Highbush Wayfaring Tree (Viburnum lantana), Blackhaw (Viburnum prunifolium), Burkwood (Viburnum burkwoodii), Cranberry (Viburnum varieties) and other varieties	Viburnum varieties	6'-15' X 6'-15'	M
Shrubs Under Six (6) Feet Tall			
Amorpha nana	Leadplant, Dwarf	2'-3' X 2'-3'	X
Aronia melanocarpa elata	Black Chokeberry	4'-5' X 4'	L
Atriplex canescens	Four Wing Saltbush	3'-5' X 3'-4'	X
Berberis spp.	Barberry varieties	Varies from 2' X 2' to 5' X 5'	L
Caryopteris incana	Blue Mist Spirea	3'-4' X 4'-5'	L
Ceratoides or Krascheninnikovia lanata	Winerfat	2'-4' X 2'-4'	X
Cercocarpus ledifolius intricatus	Littleleaf Mountain Mahogany	3'-5' X 3'-5'	X
Chaenomeles japonica	Quince, Dwarf Flowering	4' X 8'	M
Chamaebatiaria millefolium	Fernbrush	5' X 5'	X
Chrysothamnus sp.	Rabbitbrush, Dwarf	1'-4' X 2'-4' (spreading)	X
Cotoneaster apiculatus	Cotoneaster, Cranberry	2' X 4'	M
Cotoneaster divaricatus	Cotoneaster, Spreading	4' X 4'-6' (spreading)	L
Cowania mexicana	Cliffrose	4' X 6'	X
Cytisus purgans	"Spanish Gold" Spanish Gold Scotch Broom	4' X 6'	L
Daphne burkwoodii "Carol Mackie"	Carol Mackie Daphne	4' X 4'	M
Ephedra viridis	Mormon Tea	2'-3' X 2'-3'	X
Euonymus fortunei	Euonymus	Coloratus 2' X 8' Sarcocoe 4' X 4'	M
Fallugia paradoxa	Apache Plum	3'-5' X 3'-5'	X
Genista varieties	Woadwaxen Varies	1' X 3' X 2' X 4'	L
Holodiscus dumosus	Rock Spirea	3' X 6'	X
Hypericum patulum	"Hidecote" Hidecote St John's Wart	3' X 4'	M
Jamesia americana	Waxflower	4' X 4'	X
Ligustrum vulgare	"Lodense Privet, Lodense	4' X 4'	M
Mahonia aquilifolium "Compacta"	Compact Evergreen Oregon Grape Holly	3' X 3'	L
Perovskia atriplicifolia	Russian Sage	3'-5' X 3'-5'	L
Philadelphus	Mockorange, Dwarf	6' X 6'	L
Physocarpus monogynus	Ninebark, Native	4' X 4'	X

Table C-1: Fort Lupton Recommended Plant List			
* Water Demand Symbols: M = Moderate L = Low X = Xeriscape ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Physocarpus-epulifolius-nana	Ninebark, Dwarf	6' X 6'	L
Potentilla-fruticosa-garden-varieties	Potentilla-varieties	2' X 2' up to 4' X 4'	L
Potentilla-fruticosa	Potentilla, Native	3' X 3'	X
Prunus-Besseyi	Western Sandcherry	4' X 4'	X
Prunus-besseyi "Pawnee Buttes"	Sandcherry, Pawnee Buttes	2'-3' X 6'-10'	L
Rhus-aromatica "Gro-low"	Sumac, Gro-low	2'-3' X 6'-8'	L
Rhus-glabra-cis-montana-S	umac, Rocky Mountain	3' X 8' (spreading)	X
Ribes-alpinum	Currant, Alpine	5' X 5'	L
Ribes-cereum	Currant, Squaw or Wax	2'-4' X 2'-4'	X
Rosa-Rugosa	Rose, Rugosa Shrub	2' X 2' to 5' X 5'	L
Rosa-Woodsii	Rose, Native	4'-5' X 4'-5' (spreading)	X
Rubus-deliciosus	Boulder Raspberry	6'-8' X 6'-8' (arching)	X
Spiraea-varieties	Spiraea-varieties	Varies, 2'-6' X 2'-6'	M
Symphoricarpos-albus	Coralberry, White	4'-5' X 4'-6'	L
Symphoricarpos-orbiculatus	Coralberry, Red	4'-5' X 4'-6'	L
Symphoricarpos-oreophilus	Coralberry, Mountain Snowberry	4' X 4' (spreading)	X
Symphoricarpos-x-chenaultii "Hancock"	Coralberry, Hancock	2' X 12'	L
Viburnum-varieties	Viburnum-varieties	Varies, 5'-12' X 5'-12'	M
Yucca	Yucca-varieties	3' X 3'	X
Grasses — ornamental			
Arundo-donax	Bamboo Grass	12' X 6' (spreading)	L
Bouteloua-gracilis	Blue Gramma Grass	4" tall 15" with seed heads	X
Buchloe-dactyloides	Buffalo Grass	4" 6"	X
Calamagrostis-acutiflora-varieties	Feather Reed Grass-varieties	4' X 2'	L
Carex-spp-	Sedge-varieties	12" X 12"	M
Chasmanthium-latifolium	Northern Sea Oats	2'-3' X 2'	M
Erianthus-ravannae	Plume Grass	12' X 4"	L
Festuca-ovina-glauca	Blue Fescue Grass	4' X 4'	L
Festuca-varieties	Turf type Tall Fescue-Grasses		L
Helictotrichon-sempervirens	Blue Avena Grass	2' X 2'-3'	L
Imerata-cylindrical "Red Baron" J	apanese Blood Grass	4' 2' X 4' 2'	M
Miscanthus	Maiden Grass-varieties	Varies 3'-8' X 3'-6'	L
Panicum-virgatum	Switchgrass	3'-4' X 2'-3'	X
Phalaris-arundinacea "Picta"	Ribbon Grass	2' X 4'-6' (spreading)	M
Schizachyrium-coparium	Little Bluestem	3' X 18"	X
Sorghastrum-nutans	Indian Grass	3'-4' X 2'	L
Grasses — Sod			
Festuca-glauca	Fescue		L
Distichlis-spicata-var.-stricta-	Saltgrass		X
Perennials & Groundcovers			
Achillea "Moonshine"	Moonshine Yarrow	24"-30" X 24"-30"	L
Achillea-serbica	Serbian Yarrow	6" X 12"	L
Agastache-cana	Double Bubble Mint	24" 36" X 24"	X

Table C-1: Fort Lupton Recommended Plant List			
* Water Demand Symbols: M = Moderate L = Low X = Xeriscape ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Agastache rupestris	Sunset Hyssop	24" X 24"	X
Aquilegia	Columbine	12" - 36" X 12" - 36"	M
Alchemilla mollis	Lady's Mantle	2" X 2'	L
Alyssum montanum	Mountain of Basket Gold	6" - 10" X 1' - 2'	L
Anemone pulsatilla or Pulsatilla vulgaris	Pasque Flower	8" X 12"	L
Anemone sylvestris	Spring Wildflower	10" X 24"	M
Anemone vitifolia "Robustissima"	Fall Grape-leaf Anemone	36" X 45"	M
Antennaria rosea	Pink Pusseytoes	2" X 6" (spreading)	L
Arctostaphylos uva-ursi	Kinnikinnick	6" X 6"	X
Armeria maritima	Sea Pink	12" X 12"	M
Artemisia frigida	Fringed Sage	12" - 24" X 12" - 24"	X
Artemisia versicolor	Seafoam Sage	12" - 18" X 2' - 3'	X
Aster Frikarti	Summer Aster	24" - 30" X 24"	M
Aster novae-angliae varieties	New England Aster	2' X 2' (spreading)	L
Aster novi-belgii varieties	Dwarf Fall Asters	12" - 15" X 2' - 3'	L
Aubrieta or Arabis varieties	Rockcress	6" X 2' (spreading)	L
Baptisia australis	False Indigo	24" X 36"	L
Boltonia asteroides "Snowbank"	Boltonia, Snowbank	48" - 60" X 48"	M
Brunnera macrophylla	False Forget-me-not	12" - 18" X 18" (spreading)	L
Callirhoe involucrata	Poppy Mallow/Wine Cups	5" X 30"	X
Campanula	Bellflower varieties	3" X 12" to 30" X 30"	M
Centranthus ruber	Red Valerian	3' X 3'	L
Cerastium tomentosum	Snow in Summer	6" - 12" X 24"	L
Ceratostigma plumbaginoides	Plumbago	1' X 1' (spreading)	L
Coreopsis lanceolata	Coreopsis	1' - 2' X 1' - 2'	L
Coreopsis verticillata varieties	Moonbeam Coreopsis	24" X 24"	M
Delosperma nubigenum (Yellow), Delosperma cooperia (Purple)	Iceplant varieties	2" - 3" X 2"	L
Digitalis lanata	Grecian Foxglove	18" - 24" X 18" - 24"	L
Duchesnea indica	Flae Strawberry	3" - 6" X 24" (spreading)	L
Echinacea purpurea	Purple Coneflower	2' - 3' X 2' - 3'	M
Echinops ritro	Globe Thistle	3" X 3"	L
Eriogonum umbellatum	Sulphur Flower	15" X 24"	X
Gaillardia varieties	Blanket Flower	2' - 3' X 2' - 3'	L
Galium odoratum	Sweet Woodruff	4" X 24" (spreading)	M
Geranium sanguineum	Bloody Cranesbill	1' X 2'	L
Geranium varieties	Hardy Cranesbill	8" - 36" X 12" - 36"	M
Geum triflorum	Prairie Smoke Avens	1' X 1'	L
Helianthemum nummularium	Sunrose	6" X 18" - 24"	L
Helianthus maximiliana	Maximilian Sunflower	6' - 8' X 4'	X
Hemerocallis varieties	Daylily varieties	18" - 36" X 18" - 36"	M
Iberis sempervirens	Candytuff	8" X 24"	M
Iris siberica	Iris, Siberian	24" X 24"	M
Iris varieties	Dwarf and Bearded varieties	Varies, 3' - 4' X 3' - 4'	L

Table C-1: Fort Lupton Recommended Plant List

¹ Water Demand Symbols: M – Moderate
L – Low
X – Xeriscape
^{**} Most Pine Trees & Junipers – L

Latin Name	Common Name	Height X Width	Water Demand [*]
<i>Knautia Macedonica</i>	Maroon Pincushion Flower	3' X 3'	L
<i>Kniphofia</i>	Red Hot Poker varieties	Varies, 3'-4' X 3'-4'	L
<i>Lamium maculatum</i> "White Nancy"	White Nancy Nettle	4"-6" X 2' (spreading)	L
<i>Lavandula angustifolia</i>	Lavender varieties	12"-24" X 12"-24"	L
<i>Leucanthemum</i> spp.	Daisy, Shasta	24"-36" X 24"-36"	M
<i>Liatris punctata</i>	Native Gayfeather	18" X 18"	X
<i>Liatris spicata</i> , garden varieties	Gayfeather	1'-2' X 1'	L
<i>Lilium</i>	Lily	24"-36" 12"	M
<i>Linum perenne</i> , <i>Linum lewisii</i>	Blue Flax	18" X 18"	X
<i>Lupinus</i>	Lupine varieties	12" 24" X 12" 24"	L
<i>Lychnis coronaria</i>	Rose-Campion	12"-30" X 18"-30" (spreading)	L
<i>Mahonia repens</i>	Creeping Mahonia	12"-24" (spreading)	X
<i>Malva alcea</i>	Hollyhock Mallow	3' X 3' (seeds)	L
<i>Mirabilis multiflora</i>	Four-O'-Clock, wild	24"-48" X 24"-48"	X
<i>Monarda</i> varieties	Bee Balm varieties	2'-3' X 2'-3'	L
<i>Nepera x faassenii</i>	Catmint	1'-3' X 1'-3' depends on variety	L
<i>Oenothera macrocarpa</i>	Evening Primrose, Missouri	12" 15" X 24"	X
<i>Oenothera speciosa</i>	Showy Pink Evening Primrose	10" X 18"	L
<i>Paeonia</i>	Peony varieties	Varies, 36" X 36"	M
<i>Papaver orientalis</i>	Oriental Poppy	2'-3' X 2'-3'	L
<i>Penstemon</i>	Penstemon garden varieties	Varies 1'-3' X 1'-3'	L
<i>Penstemon</i> varieties	Penstemon varieties	Varies	X
<i>Persicaria affinis</i>	Himalayan Border Jewell	1' X 2'	L
<i>Phlomis russeliana</i>	Hardy Jerusalem sage	36" X 20"	L
<i>Phlox divaricata</i>	Sweet William	8"-12" X 12"-15"	M
<i>Phlox paniculata</i>	Tall Summer Garden Phlox	32"-48" X 30"-40"	M
<i>Phlox subulata</i>	Phlox creeping	3"-4" X 12"-24"	M
<i>Physostegia virginiana</i>	Obedient Plant	2' X 2'	M
<i>Platycodon grandiflora</i>	Balloon Flower-2	4" X 24"	M
<i>Primula denticulata</i>	Himalayan or Drumstick Primrose	6"-12" X 8"-12"	M
<i>Ratibida columnifera</i>	Coneflower, 3-leaf yellow	15"-24" X 18"	X
<i>Rudbeckia fulgida</i>	"Goldstrum" Black-eyed Susan	24"-28" X 24"	M
<i>Salvia nemerosa</i>	Perennial Salvia	Varies, 24" X 24"	L
<i>Salvia</i> spp.	Sage varieties, ornamental and cooking	1'-2' X 1'-2'	L
<i>Saponaria ocymoides</i>	Rock Soapwort	6" X 2' (spreading)	L
<i>Scabiosa caucasica</i>	Pincushion Flower	24" X 24"	M
<i>Scabiosa luncida</i>	Dwarf Pincushion Flower	6"-8" X 12"	L
<i>Sedum spectabile</i>	Tall Sedum varieties	18"-24" X 18"-24"	L
<i>Sedum spurium</i>	Low Sedum varieties	3" X 24" (spreading)	L
<i>Sempervirens</i> sp.	Hens & Chicks	2'-4" X 2'-4" (spreading)	X
<i>Sidalcea malviflora</i>	Prairie Hillyhock	3' X 3'	L
<i>Solidago</i>	Goldenrod varieties	Varies, 12"-24" X 12"-24"	L
<i>Sphaeralcea muhroans</i>	Orange Globe Mallow	36" 24" X 18"-24"	X

Table C-1: Fort Lupton Recommended Plant List			
* Water Demand Symbols: M = Moderate L = Low X = Xeriscapable ** Most Pine Trees & Junipers = L			
Latin Name	Common Name	Height X Width	Water Demand*
Stachys byzantina	Lamb's Ear	40" 12" X 24" (spreading)	L
Tanacetum densum amani	Partridge Feather	8" 10" X 2' (spreading)	L
Tanacetum niveum	Snow Daisy	18" 24" X 18" 24"	L
Toucrium Canadensis	American Germander	4' X 4'	L
Thermopsis divaricarpa	Golden Banner	18" 24" X 18" 24" (spreading)	X
Veronica pectinata	Woolly Veronica	3" X 24" (spreading)	L
Veronica prostrata	Turkish Veronica	3" X 24" (spreading)	L
Veronica spicata	Tall Veronica varieties	24" 36" X 24" 36"	M
Vinea Minor	Evergreen Periwinkle	8" 10" X 2' (spreading)	L
Viola Corsica	Corseian Violet	4" X 4" reseeds	L
Waldsteinia fragaroides	Barren Strawberry	4" 6" X 24" (spreading)	L
Zauschneria	Hummingbird Palnt varieties	2' 3' X 2'	L
Vines			
Campsis radicans	Trumpet Vine		L
Clematis tangutica	Yellow Lantern Clematis	(climbing or scrambling)	X
Clematis terniflora, Sweet Autumn	Clematis varieties including large hybrid flowers		M
Hedera helix	English Ivy		M
Humulus lupulus	Hop Vine		M
Lonicera spp.	Honeysuckle varieties		M
Parthenocissus cuspidate	Virginia Creeper		L
Parthenocissus tricuspidata	Boston Ivy		M
Polygonum aubertii	Silverlace Vine		L
Vitis spp.	Grapes		M
Bulbs			
Allium sp.	Ornamental Onion		L
Crocus biflorus, Crocus sieberi, Crocus ancyriensis, Crocus chysanthus, Crocus tomasinianus	Species Crocus		L
Iris reticulata	Botanical Iris		L
Muscari spp.	Grape Hyacinth		L
Scilla spp.	Scilla		L
Tulipa linifolia, Tulipa batalinii, tulipa humilis, Tulipa vvedenskyi	Species Tulip		L



SUBJECT FOR DISCUSSION

Approving a Resolution Expressing the City of Fort Lupton's Commitment to Expedited Review Policies for Affordable Housing Projects as Identified in Proposition 123

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Proposition 123 was approved by Colorado voters in 2022 to create the State Affordable Housing Fund to make certain funds available to local governments as defined by C.R.S. 29-32-104. The City of Fort Lupton opted into Proposition 123 in 2023 to become eligible for funding if an applicable affordable housing project opportunity arises. To opt in, the City made a three-year commitment (through the end of 2026) to increase affordable housing units by 77. To remain eligible for Proposition 123 funding after 2026, the City must meet its affordable unit goal and establish a 90-day "Fast Track" expedited review project for new qualified affordable housing projects. By establishing this Fast Track review process by the end of 2025, the City is also eligible to receive \$50,000 in incentive funding. Staff has indicated that existing review procedures for applicable projects meet this 90-day process, meaning the proposed resolution is the City's way of documenting its commitment to the Fast Track process to receive the \$50,000 in incentive funding. DOLA has reviewed the proposed resolution to ensure it meets their criteria.

FINANCIAL CONSIDERATIONS

DOLA is offering \$50,000 to local municipalities that demonstrate their Fast Track expedited review process. The City desires to use these funds for Housing Needs Assessment, Housing Action Plan, and Comprehensive Plan items.

LEGAL/POLITICAL CONSIDERATIONS

The City Attorney has reviewed the proposed resolution and finds no issues with the proposed language.

ALTERNATIVES/OPTIONS

The City Council has the following options for each request:

- a) Adopt the Resolution.
- b) Continue the item for additional information or further study.
- c) Do not adopt the Resolution.

STAFF RECOMMENDATIONS

Staff recommends approval of the proposed Resolution. The City's current review procedures meet the Fast Track review process, meaning this resolution simply documents compliance with the Proposition 123 Fast Track criteria and makes the City eligible to receive \$50,000 in incentive funding, which would be valuable for staff's Housing Needs Assessment, Housing Action Plan, and Comprehensive Plan work.

Attachments:

- a. Proposed Resolution

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

RESOLUTION NO. 2025Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON TO EXPRESS ITS COMMITMENT TO EXPEDITED REVIEW POLICIES FOR AFFORDABLE HOUSING PROJECTS.

WHEREAS, the voters of Colorado approved Proposition 123 in 2022 creating the State Affordable Housing Fund to make certain funds available to local governments as defined by C.R.S. 29-32-104; and

WHEREAS, the City of Fort Lupton is a statutory municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado and is eligible for Proposition 123 funding and programing; and

WHEREAS, the City of Fort Lupton has set a baseline and commitment to increase affordable housing as defined in C.R.S. 29-32-105; and

WHEREAS, the City of Fort Lupton recognizes that an affordable housing development project that designates at least 50% of the units as affordable, as defined in statute (C.R.S. 29-32-101 and C.R.S. 29-32-105(2)), must be eligible for a 90-day fast-track approval process in order for the City of Fort Lupton to remain eligible for future Proposition 123 funding beginning in 2027; and

WHEREAS, the City of Fort Lupton's current processes for reviewing proposed housing projects that fall into the required application types under C.R.S. 29-32-105(2) already meet this requirement for a 90-day review process; and

WHEREAS, the City of Fort Lupton recognizes the following application types require expedited review under C.R.S. 29-32-105(2): Administrative Site Plan, Site Plan, Special Use Permit, Variance, and Building Permit and that all other application types, including subdivisions, do not require expedited review; and

WHEREAS, to align with the requirements of C.R.S. 29-32-105(2) et seq., the City of Fort Lupton also creates this policy to express its commitment to expedited review to ensure that affordable housing projects are reviewed and a decision rendered within 90 days of a complete application; and

WHEREAS, the expedited review timeline begins when the applicant has received notice that their formal application for a required application type has been deemed complete by the Planning Department after the typical 14-day completeness review period; and

WHEREAS, the City of Fort Lupton's expedited review process for affordable housing projects does not apply if an applicant chooses to opt-out of the process; and

WHEREAS, the City of Fort Lupton recognizes the allowable extensions in C.R.S. 29-32-105(2), both for applicants and for the City, and recognizes the circumstances under which the expedited review timeline may be extended or the application may be removed from the expedited review process; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Lupton City Council establishes a formal policy that any complete application received by the City for an affordable housing development will be reviewed with a decision rendered on the application within 90 days to ensure an expedited and timely review of the affordable housing project, with the intent to comply with the requirements in C.R.S. 29-32-105(2) et seq.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2nd DAY OF DECEMBER, 2025.

City of Fort Lupton, Colorado

Chris Ceretto, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney